

Legislative Journal

WEDNESDAY, NOVEMBER 14, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 81

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE THOMAS A. MICHLOVIC, member of the House of Representatives and guest chaplain, offered the following prayer:

Almighty Father, as we gather again on this somber occasion, we pause to ask Thy guidance and blessing.

We praise Thee as the source of all good and we thank Thee for bestowing Your munificent gifts upon us.

We especially seek Your help today as we take up the weighty task of judgment of the right of membership to this House of Representatives.

Grant us the understanding of our constitutional obligations balanced against the frailties of the human condition. Give us the wisdom and compassion to find the just course and the courage to take it without malice or acrimony and grant special strength to member, Matthew Cianciulli, whose future rests with our decision.

We ask this in Your name and pray that we may never forget that our duty to Thee transcends all mortal obligation, and that ultimately You are the judge of all of us. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

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

HOUSE BILLS INTRODUCED AND REFERRED

HB 1946 By Representatives LIVENGOOD, PETRARCA and D. R. WRIGHT.

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, deleting a route in Armstrong County.

Referred to Transportation, Nov. 14, 1979.

HB 1947 By Representatives LETTERMAN, BITTLE, W. W. FOSTER, B. D. CLARK, YAHNER,

C. GEORGE, FEE, GRIECO, CIMINI, PETERSON, HASAY and CUNNINGHAM.

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), establishing a procedure for the protection of wild plant species, imposing powers and duties on the Department of Environmental Resources, providing for a permit system and imposing penalties.

Referred to Conservation, Nov. 14, 1979.

HB 1948 By Representatives VROON, SCHEAFFER, DeMEDIO, BURNS, W. W. FOSTER, BRANDT, LEVI, E. R. LYNCH, ZELLER, TELEK and POTT.

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), providing for a cash reimbursement in lieu of a grave marker.

Referred to Military and Veterans Affairs, Nov. 14, 1979.

HB 1949 By Representatives MANMILLER, SCHEAFFER, DeMEDIO, PICCOLA, DININNI, REED, ZELLER, LEVI, FISCHER and WILT.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special license plates for recipients of the Medal of Honor.

Referred to Military and Veterans Affairs, Nov. 14, 1979.

HB 1950 By Representatives BURNS, GALLAGHER, MILANOVICH, PITTS, J. L. WRIGHT, JR., D. M. O'BRIEN, DAVIES, M. H. GEORGE, RODGERS, WEIDNER, SIEMINSKI, VROON, NAHILL, E. Z. TAYLOR and D. R. WRIGHT.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for payments to school districts to cover a portion of the costs to control or eliminate the health problems posed by the presence of asbestos in public schools.

Referred to Appropriations, Nov. 14, 1979.

HB 1951 By Representatives COSLETT, SHUPNIK, HASAY, B. F. O'BRIEN, MUSTO and GATSKI.

An Act changing the name of the "North Street Bridge" in Luzerne County to the "Veterans' Memorial Bridge."

Referred to Transportation, Nov. 14, 1979.

HB 1952 By Representatives RHODES, SCIRICA, WACHOB, ALDEN, KUKOVICH, W. D.

HUTCHINSON, LEVIN, SWEET and
WHITE.

An Act providing a program for the payment of correctional subsidies to counties and providing for the establishment of county corrections advisory board and making certain repeals.

Referred to Judiciary, Nov. 14, 1979.

HB 1953 By Representative NOYE.

An Act amending the act of May 18, 1945 (P. L. 809, No. 323), entitled "An act removing certain roads or sections of road from the State highway system; and providing for their future maintenance and construction," removing a route in Perry County.

Referred to Transportation, Nov. 14, 1979.

HB 1954 By Representatives BITTLE, SIRIANNI,
PICCOLA, FEE, E. R. LYNCH,
CAPPABIANCA, KERNICK and
STEIGHNER.

An Act amending "The Clean Streams Law," approved June 22, 1937 (P. L. 1987, No. 394), further providing for approval of sewage systems and sewage treatment works.

Referred to Conservation, Nov. 14, 1979.

HB 1955 By Representatives BITTLE, PUNT, GEIST,
COLE, KERNICK and LETTERMAN.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a mandatory jail sentence in certain speeding cases.

Referred to Transportation, Nov. 14, 1979.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

Serial No. 146 By Representatives DAWIDA and
SEVENTY.

General Assembly memorialize Department, Transportation to award the contract for photographs for driver's licenses to the Blind Industries of Pennsylvania.

In the House, Nov. 13, 1979

Referred to Rules, Nov. 14, 1979.

Serial No. 147 By Representatives BROWN,
COCHRAN, POTT, CALTAGIRONE,
GANNON, McMONAGLE, GRAY,
McCALL, JONES and COHEN.

Iranian students who demonstrate against our government be expelled from Pennsylvania institutions.

In the House, Nov. 13, 1979

Referred to Rules, Nov. 14, 1979.

Serial No. 148 By Representatives RYAN, ZORD, E. Z.
TAYLOR, SALVATORE, M. R.
CLARK, POTT, GRUPPO, BURD,
GANNON, J. L. WRIGHT, JR.,
KOWALYSHYN, BROWN and
JONES.

General Assembly memorialize the President and Congress include pharmaceutical needs of Senior Citizens in the Medicare Program.

In the House, Nov. 13, 1979

Referred to Federal-State-Relations, Nov. 14, 1979.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SB 579, PN 1157

Referred to Committee on Health and Welfare.

SB 581, PN 1277

Referred to Committee on Health and Welfare.

SB 587, PN 619

Referred to Committee on Health and Welfare.

SB 588, PN 620

Referred to Committee on Health and Welfare.

SB 589, PN 1159

Referred to Committee on Health and Welfare.

SB 915, PN 1274

Referred to Committee on Finance.

SB 999, PN 1295

Referred to Committee on Appropriations.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leave of absence for Mr. CORNELL for today's session.

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

Mr. GREENFIELD. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

YEAS—198

Alden	Foster, W.	Livengood	Ryan
Anderson	Freind	Lynch, E. R.	Salvatore
Armstrong	Fryer	Lynch, F.	Scheaffer
Arty	Gallagher	Mackowski	Schweder
Austin	Gallen	Madigan	Scirica
Barber	Gamble	Manderino	Serafini
Belardi	Gannon	Manmiller	Seventy

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

NAYS—0

NOT VOTING—5

Cianciulli	Hayes, D. S.	Rieger	Schmitt
Cornell			

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 425, PN 2449 (Amended) By Mr. MICOZZIE

An Act amending Titles 75 (Vehicles) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding and changing provisions relating to vehicles and pedestrians.

Transportation.

HB 1873, PN 2317 By Mr. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs in civil and criminal cases.

Judiciary.

CONDOLENCE RESOLUTION

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I offer the following resolution in the memory of the Honorable Louis L. Manderino and ask that it be immediately considered.

The SPEAKER. The gentleman will send the resolution to the desk.

The clerk will read the resolution.

The following resolution was read:

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

Resolution

WHEREAS, Our beloved member of the Pennsylvania Supreme Court and good friend, the Honorable Louis L. Manderino of Madison, Pennsylvania, passed away on November 8, 1979, at the age of forty-nine; and

WHEREAS, The Honorable Louis L. Manderino, born November 16, 1929, in Monessen, Pennsylvania, attended Monessen High School, graduated from St. Vincent College, cum laude, and Harvard Law School. His distinguished and varied legal career began with a clerkship with a judge on the United States Court of Appeals. He later entered private law practice; served as solicitor for the City of Monessen; served as Professor of Law and Dean of the Duquesne University School of Law. He was commissioned a judge of the Commonwealth Court and was elected to the Pennsylvania Supreme Court where he served until his untimely death. He was a member of the American, Pennsylvania, Westmoreland and Allegheny County Bar Associations. He was a delegate to the 1967-68 Pennsylvania Constitutional Convention where he was a member of the Executive Committee and co-chairman of the Local Government Committee. He was a member of the Monessen Board of School Directors; Mon Valley Sewage Authority; Monessen Library Board; Monessen Parking Authority; Monessen Civic Center Authority; Board of Directors of Monessen Chamber of Commerce; Monessen Knights of Columbus Council and Chairman of the Master Plan Conference and Mon Valley Sewage Study Committee. He also served as director of the American Judicature Society; St. Vincent Alumni Council; Pennsylvania Guild for Infant Survival; and Pennsylvania Program for Women and Girl Offenders. On October 11, 1979, the Louis L. Manderino Library was dedicated at California State College; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of the Honorable Louis L. Manderino, a man full of generosity, humor and affection as well as a dedicated public servant; and extends its heartfelt condolences to his daughters, Susan, Laurie and Amy; and be it further

RESOLVED, That a copy of this resolution be delivered to Susan, Laurie and Amy Manderino, 1944 Grand Boulevard, Monessen, Pennsylvania 15062.

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable K. Leroy Irvis, and adopted by the House of Representatives on the 13th day of November 1979.

H. JACK SELTZER
Speaker

ATTEST:

CHARLES F. MEBUS
Chief Clerk

The SPEAKER. The question is on the adoption of the resolution. All those in favor will please rise and remain standing as a mark of respect.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would request that the House be in recess for 15 minutes.

The SPEAKER. Without objection, this House now stands in recess until 5 minutes of 12.

AFTER RECESS

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to inform the membership of the House that the majority leader, Mr. Ryan, and myself met with Mr. Cianciulli and his attorney. They have asked that they be granted another half hour before they appear. The Chair has granted that request. At a quarter of 1, the Chair and the majority leader and the minority leader will again meet with Mr. Cianciulli, and at 1 o'clock the proceedings will take place.

With those remarks completed, the Chair asks the press to turn off their lights in the well of the House. It is the intention of the Chair to take up today's calendar and consider legislation for the next 30 minutes.

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 80, PN 1910, entitled:

An Act providing for the regulation for energy conservation purposes of the construction of buildings, the establishment of a Building Energy Conservation Committee and a Board on Variances, appeals and for penalties.

On the question recurring,

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

Miss SIRIANNI offered the following amendments:

Amend Sec. 205, page 15, line 4, by striking out all of said line, and inserting

(c) Different requirements.—

(1) A building that is designed to

Amend Sec. 205, page 15, by inserting between lines 7 and 8

(2) A building which is not cooled whose primary purpose is storage and has an indoor design temperature of 50 degrees F. or less, the building is exempt from the requirements of this subchapter.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, my amendment would exempt a building which is not cooled, whose primary purpose is storage, and has an indoor design temperature of 50 degrees Fahrenheit or less. This building would be exempt from the re-

quirements of this subchapter. I would appreciate your support.

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

Mr. ITKIN. I have no objection to the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—14

Cianciulli	Lashingner	Rhodes	Schmitt
Cornell	Mowery	Richardson	Street
DeWeese	Mullen, M. P.	Rieger	Zeller
Hayes, D. S.	Polite		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—144

Alden	Gallagher	McCall	Schweder
Armstrong	Gamble	McClatchy	Scirica
Arty	Gannon	McIntyre	Seventy
Austin	Gatski	McKelvey	Shadding
Barber	George, M.	McMonagle	Shupnik
Bennett	Giammarco	McVerry	Sieminski
Berson	Goebel	Michlovic	Sirianni
Borski	Goodman	Micozzie	Smith, E.
Brandt	Grabowski	Milanovich	Spencer
Brown	Gray	Miller	Spitz
Brunner	Greenfield	Mrkonic	Stairs
Burd	Grieco	Murphy	Steighner
Burns	Gruppo	Musto	Stewart
Caltagirone	Harper	Nahill	Stuban
Cappabianca	Hoefel	Novak	Sweet
Cessar	Hutchinson, A.	O'Brien, B.	Swift
Chess	Hutchinson, W.	O'Brien, D.	Taddonio
Clark, B.	Irvis	O'Donnell	Taylor, E.
Clark, R.	Itkin	Oliver	Taylor, F.
Cochran	Johnson, J.	Perzel	Telek
Cohen	Jones	Petrarca	Trello
Cole	Kernick	Piccola	Wachob
Cowell	Klingaman	Pievsky	Wargo
Cunningham	Knepfer	Pistella	Wass
Davies	Knight	Pitts	White
Dawida	Kolter	Polite	Williams
DeMedio	Kowalshyn	Pott	Wilson
DiCarlo	Kukovich	Pratt	Wilt
Dombrowski	Laughlin	Pucciarelli	Wright, J. L.
Donatucci	Letterman	Rappaport	Yohn
Duffy	Levin	Reed	Zitterman
Dumas	Livengood	Ritter	Zord
Earley	Lynch, E. R.	Rocks	Zwinkl
Fee	Lynch, F.	Rodgers	
Fischer, R. R.	Mackowski	Ryan	Seltzer,
Fisher, D. M.	Manderino	Salvatore	Speaker
Freind	Manmiller		

NAYS—44

Anderson	Foster, A.	Helfrick	Punt
Belardi	Foster, W.	Honaman	Pyles
Bittle	Fryer	Johnson, E.	Scheaffer
Bowser	Gallen	Kanuck	Serafini
Cimini	Geesey	Lehr	Smith, L.
Coslett	Geist	Levi	Thomas
DeVerter	George, C.	Lewis	Vroon
Dietz	Gladeck	Madigan	Weidner
Dininni	Halverson	Moehlmann	Wenger
Dorr	Hasay	Noye	Wright, D.
Durham	Hayes, S. E.	Peterson	Yahner

NOT VOTING—15

Beloff	Hayes, D. S.	Rhodes	Street
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Cianciulli	Lashinger	Richardson	Wagner
Cornell	Mowery	Rieger	Zeller
DeWeese	Mullen, M. P.	Schmitt	

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 Cumberland, Mr. Mowery. For what purpose does the gentleman rise?

Mr. MOWERY. Mr. Speaker, I was out of my seat when the vote was taken on HB 80. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Montgomery, Mr. Lashinger. For what purpose does the gentleman rise?

Mr. LASHINGER. Mr. Speaker, I was away from my desk when the vote was taken on HB 80 and the amendments, and I would like to be recorded in the negative.

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

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 1904, PN 2361; HB 1905, PN 2391; SB 861, PN 1088; HB 1805, PN 2390; HB 1231, PN 2385; HB 1663, PN 2389; HB 1729, PN 2115; HB 1815, PN 2230; and SB 882, PN 1314.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 176, PN 188**, entitled:

An Act authorizing the Secretary of Environmental Resources, with the approval of the Governor, to release certain Project 70 lands in Allegheny County to the Borough of Brentwood and to accept other lands for Project 70 from the Borough of Brentwood.

On the question,

Will the House agree to the bill on third consideration?

HB 176 TABLED

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

Mr. ZORD. Mr. Speaker, I move that HB 176 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 1222, PN 1375**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for eligibility for and amount of State blind pensions.

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—190

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

NAYS—0

NOT VOTING—13

Cianciulli	Johnson, E.	Rhodes	Schmitt
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Cornell	Lashinger	Richardson	Street
DeWeese	Mullen, M. P.	Rieger	Zeller
Hayes, D. S.			

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 Blair, Mr. Johnson. For what purpose does the gentleman rise?

Mr. E. G. JOHNSON. Mr. Speaker, on HB 1222, my switch malfunctioned and I was not recorded. I would like to be recorded in the affirmative, please.

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

The Chair recognizes the gentleman from Montgomery, Mr. Lashinger. For what purpose does the gentleman rise?

Mr. LASHINGER. Mr. Speaker, while the House considered HB 1222, I was away from my desk. I would like to be recorded in the affirmative. Thank you, Mr. Speaker.

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

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

Mr. ZELLER. Mr. Speaker, due to car trouble, I was late and could not get on the master roll. So had I been in my seat, on page 9, HB 1222, I would have voted in the affirmative.

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

The House proceeded to third consideration of **HB 1611, PN 1936**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing reimbursements for certain services for children affected with muscular dystrophy.

On the question,

Will the House agree to the bill on third consideration?

Mr. IRVIS offered the following amendments:

Amend Title, page 1, line 5, by inserting after "thereto," "authorizing school districts to offer rewards for information leading to the conviction of persons violating the Crimes Code on school property.

Amend Sec. 1, page 1, line 9, by striking out "1373.1" and inserting 777

Amend Sec. 1, page 1, line 11, by striking out "December 6, 1967 (P. L. 699, No. 325)," and inserting August 24, 1977 (P. L. 199, No. 59).

Amend Bill, page 1, by inserting between lines 11 and 12

Section 777. Defacing, Injuring or Destroying Property Used for School Purposes; Penalty.—(a) If any person shall willfully or maliciously break into, enter, deface, or write, mark, or place any obscene or improper matter upon, any public school building, or other building used for school purposes, or other purposes provided for in this act, or any out-house used in connection therewith; or shall deface, injure, damage, or destroy any school furniture, books, paper, maps, charts, apparatus, or other property contained in any public school building, or other

building used and occupied for school purposes, or other purposes provided for in this act; or shall injure, damage, or destroy any shade-trees, shrubbery, fences, or any other property of any kind, upon any public school grounds, or upon any public school playground, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars (\$50) and not more than one thousand dollars (\$1,000), or undergo an imprisonment in the county jail for a period not exceeding six months, either or both, at the discretion of the court. In addition to any other penalty prescribed by this subsection, the court, upon conviction of a defendant for a violation of this subsection, may order the defendant to compensate the school district for any damages it sustained as a result of the defendant's unlawful conduct.

(b) The board of school directors of a school district is authorized to adopt regulations and procedures providing for rewards of up to one thousand dollars (\$1,000) to any person who provides information which aids in the conviction of any person for violating the provisions of subsection (a) and rewards of up to five thousand dollars (\$5,000) to any person who provides information which aids in the conviction of any person for violating any provision of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, if the violation occurs on school property or property utilized for school purposes.

Section 2. Section 1373.1 of the act, amended December 6, 1967 (P. L. 699, No. 325), is amended to read:

Amend Sec. 2, page 2, line 26, by striking out "2." and inserting 3.

Amend Sec. 2, page 2, line 26, by striking out "in 60 days." and inserting immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, for the information of the House, currently school districts may offer awards up to \$1,000 for any person who provides information which aids in the conviction of any person for committing certain acts of vandalism on school property. There have been several acts of vandalism in western Pennsylvania on school property, which acts of vandalism have been done by the placement of explosive devices, hand grenades, specifically on school property. The school boards do not currently have the authority to offer a substantial reward for information and conviction in such a case.

This amendment will make it possible for a school board to offer up to \$5,000 to any person who provides aid in the conviction of one who violates the provision of the Crimes Code which would be the forbiddance of placing an explosive device on school property, and that is all the amendment does, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Alden	Freind	Livengood	Salvatore
Anderson	Fryer	Lynch, E. R.	Scheaffer
Armstrong	Gallagher	Lynch, F.	Schweder
Arty	Gallen	Mackowski	Scirica
Austin	Gamble	Madigan	Serafini
Barber	Gannon	Manderino	Seventy
Belardi	Gatski	Manmiller	Shadding
Bennett	Geesey	McCall	Shupnik

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

NAYS—0

NOT VOTING—12

Beloff	DeWeese	Mullen, M. P.	Rieger
Cianciulli	Hayes, D. S.	Rhodes	Schmitt
Cornell	Lashingner	Richardson	Street

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

On the question,

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

Bill as amended was agreed to.

REMARKS ON VOTE

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

Mr. ZELLER. Mr. Speaker, on HB 1611, the Irvis amendment, had I been in my seat, I would have voted in the affirmative and final passage in the affirmative.

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

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

The question is, shall the bill pass finally?

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

YEAS—190

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

NAYS—0

NOT VOTING—13

Beloff	Harper	Mullen, M. P.	Rieger
Cianciulli	Hayes, D. S.	Rhodes	Schmitt
Cornell	Lashinger	Richardson	Street
DeWeese			

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 Lehigh, Mr. Zeller. For what purpose does the gentleman rise?

Mr. ZELLER. Mr. Speaker, on page 12, HB 80, had I been here, I would have voted for the Sirianni amendment and also for final passage in the positive.

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

The Chair recognizes the gentleman from Montgomery, Mr. Lashinger. For what purpose does the gentleman rise?

Mr. LASHINGER. Mr. Speaker, I was out of my seat when the vote was taken on HB 1611, and amendments and 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 minority leader.

Mr. IRVIS. Mr. Speaker, I, in explaining the amendment to HB 1611, said that the amendment was limited to the placing of explosive devices. In more careful reading of the amendment, I would like to inform the members that it is not limited to merely explosive devices, but it would be any serious offense on a school board property, which would mean the spray painting of property, breaking of windows or anything more serious than simply calling names. So my explanation was too limited. The amendment is broader than I explained, but I assume the members would still keep their vote as it was.

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

An Act amending Title 66 (Public Utilities) of the Pennsylvania 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?

Bill was agreed to.

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

The question is, shall the bill pass finally?

(A rollcall vote was taken)

REQUEST TO REVOTE

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Wilt.

Mr. WILT. Mr. Speaker, is there any chance that we could run that roll call again on the last vote on HB 672, another roll-call vote? I am requesting that we again vote HB 672.

VOTE STRICKEN

The SPEAKER. Will the gentleman, Mr. Wilt, come to the desk, please?

At the request of Mr. Wilt and various other members of the House that the vote by which HB 672 be stricken, without objection, the clerk will strike the vote, and the question before the House is the final passage of HB 672.

HB 672 RECOMMITTED

The SPEAKER. The Chair recognizes the gentleman from

Lancaster, Mr. Brandt.

Mr. BRANDT. As I remember, we were just about in the middle of debate on HB 672 the last time that it was before the Assembly. And although I think that the maker of this bill and the proposal of this bill has good intentions, we look to the extent of what this bill covers. I think we are putting an undue requirement onto our public utilities and also onto the issue of can they actually keep that much coal in reserve for that time frame that is in the bill.

This bill was in Consumer Affairs Committee—and I feel that was a good place for it at the time—but after reviewing that bill, I feel that the Committee on Mines and Energy Management should take a better look at this bill and its implications on the public utilities and I move that the bill be recommitted to the Mines and Energy Committee.

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

Mr. LAUGHLIN. Mr. Speaker, the gentleman has asked to have this bill recommitted. Mr. Speaker, this bill received a considerable amount of conversation and discussion in the Consumer Affairs Committee earlier this year. Mr. Speaker, in case the members are not familiar with some of the problems that we faced in western Pennsylvania regarding the utility bills and the problem of the work stoppage in 1977, I would like to refresh their memories.

Mr. Speaker, Duquesne Light and West Penn Power in western Pennsylvania applied for approximately \$41-million worth of surcharges against consumers in western Pennsylvania because they did not have adequate supplies of coal on hand during the work stoppage of 1977. As a result they had to go out and purchase off-service utility from other companies at a tremendous increase in cost.

What this legislation does is it permits the Public Utility Commission to tell the local utilities that they should have on hand a given supply of coal during that period of time.

Mr. Speaker, the last time the requirement was there but the local utilities did not need it. They did not take the opportunity to stockpile sufficient supplies and, as a result, they lost the opportunity to supply their people with consumer electricity at a reasonable price. We ended up paying \$41 million in additional cost because of it.

Mr. Speaker, in no way does this bill obligate those utilities all over the state that did not have the problem, because most of our utilities all over the state use other forms of energy than coal, but in western Pennsylvania for those two suppliers, their main source is fossil fuel or coal. For that reason, Mr. Speaker, it directly affects western Pennsylvania in a gross manner whereas it merely applies normal regulation to the rest of the state.

It also provides that those people who have this supply area are not obligated to store or stockpile coal beyond which is available for that particular utility station. In other words, Mr. Speaker, we are not putting any additional problem to them. And as far as cost is concerned, Mr. Speaker, we are all familiar that if you buy the coal a few months in advance and you stockpile it, thereafter whenever that rate goes up because of the set-

tlement of the contract, the equal cost will apply and there is no extra cost to the company.

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

Mr. BURNS. Mr. Speaker, I was a member of the Mines and Energy Committee and still am. But in 1976—I guess it was 1976—in that session of the legislature, under the direction of the then chairman, Representative O'Brien, we looked into that whole utility, Public Utility Commission, coal-shortage question. And as I recall—and I may be just a little vague on some of the facts after this period of time—but one of the real problems that the utilities had trying to do what Mr. Laughlin would like them to do is the storage problem, especially in western Pennsylvania, where in the winter months the storage problem becomes a real problem because the coal freezes and they cannot keep that frozen coal for too long. They have to keep moving it around, I believe, because of some internal combustion problem, and storage becomes a real question in this point. I might point out, too, that it is my understanding that the Public Utility Commission does have the power right today to tell the utilities to do what Mr. Laughlin in this bill would want them to tell them. But the real problem with this is the storage of the coal. It is not something that you can just put in a pile and forget. You have a freezing problem and you have a combustion problem where the coal must be moved in order to stop an internal combustion possibility.

For that reason, I would like to take another look at this bill and would ask that it be recommitted to the Mines and Energy Committee.

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

Mr. GEIST. Mr. Speaker, would the gentleman, Mr. Laughlin, stand for interrogation?

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

Mr. GEIST. Mr. Speaker, when you were discussing the amount of coal stockpiled and the cost to the utility, did you ever consider the price in the stock market 2 months before a strike?

Mr. LAUGHLIN. Yes, sir.

Mr. GEIST. What does the purchasing of coal in the stock market do right previous to a United Mine Workers' strike?

Mr. LAUGHLIN. Mr. Speaker, on many occasions that price is escalated depending on the amount and the supply of coal that is available for stockpiling purposes.

Mr. GEIST. For that reason then, why would you want the utilities to go out into the market and buy coal at an inflated price to stockpile that coal that they can turn around later and buy at a much cheaper price? Do you think that this is just a case where government forces the price up for the consumer?

Mr. LAUGHLIN. Mr. Speaker, if you had checked on the utilities that I am speaking of, which is Duquesne Light and West Penn Power, you will find out that they own the source of the coal supply themselves and mine it themselves. So you would see that that would not apply.

Mr. GEIST. Also, that these companies, if it is proven that their costs in-house are more expensive than the market on the outside, they have got to buy their coal on the outside. So do you really feel that this piece of legislation is a cost-escalating piece of legislation rather than a cost-saving piece of legislation to the consumer whom we represent?

Mr. LAUGHLIN. Mr. Speaker, if you believe that, then you certainly are not aware of \$41 million that the consumers of western Pennsylvania paid because they did not have the sufficiency on hand.

Mr. GEIST. Does this bill only pertain to western Pennsylvania utilities?

Mr. LAUGHLIN. No, Mr. Speaker, but I explained to you that western Pennsylvania has the two major suppliers of energy that are very solidly in the areas of fossil fuels. You will find out that your center part of the area, the northeast, that receives the hydroelectric energy from the Buffalo area, and the energy produced in the east is produced by oil and atomic energy, Mr. Speaker.

The SPEAKER. The Chair would caution the gentleman to please confine the debate to the recommittal motion.

Mr. GEIST. A brief comment on the motion, Mr. Speaker.

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

Mr. GEIST. I agree with Mr. Burns and would urge that the members vote this bill back to committee.

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

Mr. ZELLER. Mr. Speaker, I think this bill is something that really, in effect, is not needed. It is like a resolution. I feel that we should vote for it; not to recommit it. We should vote against recommitting but we should vote for it for the simple reason that, in effect, it is a resolution letting them know that we agree that they should be stockpiling, because what do you do, as some of the members here around me have mentioned, about, especially, your senior citizens? You get in an area where you are not going to have fuel and it is not going to be there to continue these plants during a strike. You people are going to have to answer to your senior citizens and other people as to why there is no electricity, why there is no power. So that is something that you had better think about before you recommit this. We are in dangerous times right now. Therefore, this, in effect, is a resolution telling the power companies we want you to continue to stockpile. Do you want to wait until there is an emergency and a strike? Do you want to play into their hands? If that is what you want to do, then recommit it. So I feel that this, in effect, is like a resolution and you are letting them know what we feel they should continue doing.

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

Mr. LAUGHLIN. Mr. Speaker, one of the gentlemen earlier said that there was a problem of combustion in coal supplies. Mr. Speaker, I specifically contacted the Duquesne Light Company and asked them of any probability of combustion in the storage of coal. They assured me, Mr. Speaker, with their rotation and with the system they have that there is no danger of any combustible situation.

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

Mr. BRANDT. I think that, just in the past, several members who spoke on this bill give more reasons that it should be re-committed to the Mines and Energy Management Committee.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—127

Alden	Gallagher	McCall	Shupnik
Anderson	Gallen	McClatchy	Sieminski
Armstrong	Gannon	McKelvey	Sirianni
Arty	Gatski	McVerry	Smith, E.
Belardi	Geesey	Michlovic	Smith, L.
Berson	Geist	Micozzie	Spencer
Bittle	George, M.	Miller	Spitz
Bowser	Gladeck	Moehlmann	Stairs
Brandt	Goebel	Mowery	Steighner
Burd	Goodman	Musto	Stewart
Burns	Grieco	Nahill	Stuban
Cappabianca	Gruppo	Noye	Swift
Cessar	Harper	O'Brien, B.	Taddonio
Cimini	Hasay	O'Brien, D.	Taylor, E.
Clark, R.	Hayes, S. E.	O'Donnell	Taylor, F.
Cochran	Hoeffel	Perzel	Telek
Cole	Honaman	Peterson	Thomas
Coslett	Johnson, E.	Petrarca	Vroon
Cowell	Kanuck	Piccola	Wachob
Davies	Klingaman	Pistella	Wass
DeVerter	Knepper	Pitts	Weidner
DeWeese	Kukovich	Polite	Wenger
DiCarlo	Lashinger	Pott	White
Dininni	Lehr	Pratt	Williams
Dombrowski	Levi	Rocks	Wilson
Dorr	Lewis	Rodgers	Wilt
Durham	Lynch, E. R.	Ryan	Wright, D.
Earley	Lynch, F.	Salvatore	Yahner
Fischer, R. R.	Mackowski	Scheaffer	Yohn
Fisher, D. M.	Madigan	Schweder	
Foster, A.	Manderino	Scirica	Seltzer,
Foster, W.	Manmiller	Serafini	Speaker
Freind			

NAYS—65

Austin	Fee	Knight	Pyles
Barber	Fryer	Kolter	Rappaport
Bennett	Gamble	Kowalshyn	Reed
Borski	George, C.	Laughlin	Richardson
Brown	Giammarco	Letterman	Ritter
Brunner	Grabowski	Levin	Seventy
Caltagirone	Gray	Livengood	Street
Chess	Greenfield	McMonagle	Sweet
Clark, B.	Halverson	Milanovich	Trello
Cohen	Helfrick	Mrkonic	Wagner
Cunningham	Hutchinson, A.	Murphy	Wargo
Dawida	Irvis	Novak	Wright, J. L.
DeMedio	Itkin	Oliver	Zeller
Dietz	Johnson, J.	Pievsky	Zitterman
Donatucci	Jones	Pucciarelli	Zord
Duffy	Kernick	Punt	Zwick
Dumas			

NOT VOTING—11

Beloff	Hayes, D. S.	Mullen, M. P.	Schmitt
Cianciulli	Hutchinson, W.	Rhodes	Shadding
Cornell	McIntyre	Rieger	

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

The SPEAKER. The bill is so recommitted.

REMARKS ON VOTE

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

Mr. DeVERTER. Mr. Speaker, on HB 672, I inadvertently voted in the affirmative. I would like to be recorded in the negative, please.

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

RECESS

The SPEAKER. The Chair is about to declare a 15-minute recess. Without objection, this House will stand in recess until 5 minutes after 1.

AFTER RECESS

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

RESIGNATION OF MEMBER

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, would you invite the members to the floor? What I have to say I think they should hear.

The SPEAKER. Will the members please report to the floor as quickly as possible? Members will please take their seats. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, as a young man, there was a President whom I admired very greatly, Harry Truman. I remember when one of his friends got in trouble and the question was asked of the President of the United States whether or not he intended to stand by that friend, and his answer was, "He stood by me when I needed it."

A friend of mine, Matt Cianciulli, is in trouble, and I regret very much that he is in that difficulty. In a series of private conversations which we have had with Mr. Cianciulli and which I have had with him personally, he has reached the final conclusion that he will resign from the House of Representatives effective immediately.

I have his resignation in my pocket and I offer it to the Chair at this time and request that the Chair, after reading the resignation, recognize the gentleman from Philadelphia, Mr. Beloff, who wishes to read into the record a statement prepared by Mr. Cianciulli.

Mr. Speaker, I offer the following resignation.

The SPEAKER. The gentleman will send the resignation to the desk.

The clerk will read the resignation.

The following resignation was read:

To the Speaker, House of Representatives,
I hereby resign.

Matthew Cianciulli, Jr.

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

Mr. BELOFF. It is with a great sense of personal loss that I would read this statement on behalf of my good friend, Matt Cianciulli: (Reading:)

John Kennedy taught us in his "Profiles in Courage" that it is more important to do what is right than to do what is popular. Unfortunately, it has been made clear to me that many members of this House have no intention of considering my case to determine whether my position is correct but instead will disregard the law and find me guilty before the courts have reviewed the record.

Although there have been a few notable exceptions, this House today has shown a contempt for our Judicial system. I am absolutely convinced that I will be vindicated. How this House can explain an expulsion after my conviction has been reversed, I do not know.

I cannot allow this House to make such a mockery of American justice. Therefore, I have submitted my resignation.

The House of Representatives today has made a serious mistake. Justice has not been well served. The House has denied the voters of the 183rd District the services of their chosen Representatives without waiting to see if the Appellate Courts determined if he was guilty of anything.

The American way is a system of the checks and balances. The Constitution recognizes that it is possible that courts will err and therefore provides higher tribunals to check for such errors. A final judgment of conviction can come only after the Constitutional process has been completed. This matter is presently before the Third Circuit Court of Appeals and this House should have taken no irreversible steps until that court has spoken.

I want to thank my family and friends and especially and literally thousands of people of the 183rd District who have expressed support of me. They asked me to fight on and I can promise them that I shall continue the battle.

With complete confidence that I shall be granted a new trial and ultimately will be found innocent, I must look to the future. Today's mistakes by this House must be corrected. At the request of the overwhelming majority of my voters to allow them to decide this issue, I will allow democracy to take its course. Therefore, I will ask the good people of the 183rd District to decide who they want to represent them in Harrisburg. They shall have a choice. I shall be a candidate for re-election in the Spring Primary.

Thank you, Mr. Speaker.

RESIGNATION ACCEPTED

The SPEAKER. Without objection, on behalf of the House of Representatives, the Chair accepts the immediate resignation of Matthew Cianciulli.

The Chair hears none, and the immediate resignation is accepted.

RECESS

The SPEAKER. Without objection, the Chair will now declare a recess until 2 o'clock for lunch.

Does the majority leader have any announcements he would like to make?

Mr. RYAN. Yes, Mr. Speaker. I think the members should be aware of the distinct possibility of being in session tomorrow. We will have more to say about it when we return from the lunch break.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. McCLATCHY. Mr. Speaker, I wanted to call a meeting of the Appropriations Committee off the floor immediately upon recess.

The SPEAKER. The Chairman of the Appropriations Committee has called for an immediate meeting of the Committee on Appropriations at the call of the recess.

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

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1921, PN 2455 (Amended) By Mr. McCLATCHY

An Act authorizing and directing the Department of Justice, with the approval of the Governor, to accept as partial payment, upon maturity, of a certain Series D Serial Note of the Penn Central Corporation, certain historic railroad engines, railroad cars and associated railroad equipment of historical interest and value, having an appraised value of \$1,200,000 presently located at the Railroad Museum of Pennsylvania in Strasburg, Pennsylvania, and providing for the custody of such engines, cars and equipment.

Appropriations.

SB 290, PN 293 (Unanimous) By Mr. GALLEN

An Act authorizing the Department of Transportation with the approval of the Governor and the Department of Justice to acquire title to a certain parcel of land in Millstone Township, Elk County.

State Government.

SB 546, PN 749 (Unanimous) By Mr. GALLEN

An Act amending the act of May 11, 1972 (P. L. 286, No. 70), entitled "Industrialized Housing Act," creating a special fund for the deposit of fees collected under the act.

State Government.

SB 921, PN 1055 (Unanimous) By Mr. GALLEN

An Act authorizing the Department of General Services, with the approval of the Governor and the Executive Director of the Historical and Museum Commission to grant an easement on a tract of land in Lancaster County to the City of Lancaster Authority for the erection and use of a booster pumping station for a water system.

State Government.

BILLS REREPORTED FROM COMMITTEES

HB 383, PN 2453 (Amended) By Mr. GALLEN

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for the activities of certain organizations.

Rereported from Committee on State Government.

HB 1623, PN 2454 (Amended) By Mr. McCLATCHY

An Act providing additional funds to several agencies of the Executive Department for bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1979.

Rereported from Committee on Appropriations.

HB 1713, PN 2096 By Mr. McCLATCHY

An act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), authorizing school districts to be provided certain personal income tax data.

Rereported from Committee on Appropriations.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, initially I would like to advise the members that we will work long today and we will not be in session tomorrow, so if there are those of you who have to make arrangements at your respective hotels or motels to check out, I suggest you do that through your offices sometime soon.

STATEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, immediately before the luncheon recess, the Speaker on behalf of the House accepted the resignation of Matthew Cianciulli as a member of this House.

I sat here with the other members of the House and listened to Mr. Cianciulli's words spoken through the mouth of Mr. Leland Beloff. At that time, at the time of those remarks, I had what might be considered an irresistible impulse to take issue with the statements spoken by Mr. Beloff on behalf of Mr. Cianciulli. I quickly conferred with others, and it was thought best that the matter should rest.

I have since had an opportunity to read those remarks, and I think I would be remiss, as would other members of this House be remiss, if some short reply were not made to that statement. I have prepared no rebuttal or response. I just now have read over the statement, so I am going to ask you to bear with me a little bit.

The statement of Mr. Cianciulli boldly asserts that many members of this House have no intention of considering his case to determine whether or not his position is correct or incorrect, but rather we will disregard the law and find him guilty before the courts have had an opportunity to review the record. I would remind the House and the press, should they report the Beloff statement, that we did not pass on the guilt or innocence of Mr. Cianciulli. Twelve members of a jury in Philadelphia in the United States Eastern District Court passed on his guilt or innocence. We did nothing today except accept the resignation of Mr. Cianciulli. We did not have an opportunity

to review his statements. He had every opportunity given to him, every courtesy extended, to prepare and to present his version of the facts to this body so that the question of expulsion or suspension could be met head-on on the floor of this House and finally determined.

He advises us that the House today has made a serious mistake, and that justice will not be well served, and that we, the members of this House, have denied the voters of the 183d district the service of their chosen representative without waiting to see if the appellate courts determined if he was guilty of anything. I suggest to Mr. Cianciulli that this House has made no mistakes, let alone a serious mistake. Whether justice has been well served or not, I do not know. No one of us here today knows. I know a letter of resignation was presented and a letter of resignation was accepted. This House did nothing to deny the voters of the 183d district their representative. Their representative submitted a resignation. Their representative did not come to the well of the House as anticipated to present his case.

He states that the American way is a system of checks and balances, which indeed it is. He goes on and says that the matter is presently before the Third Circuit Court of Appeals, which it is, and that this House should have taken no irreversible steps until that court has spoken. I say to you, we have taken no irreversible steps. That chance was precluded by the tender of a resignation.

I like Matt Cianciulli, and I admire him for that portion of this statement where he thanks his friends and family for supporting him. That is as it should be. My quarrel with the statement as presented is that I think it reflects a troubled person, troubled in the sense that he is frustrated with what would have happened here today, or would not have happened, and took a course that I happen to think was the right course — submitting a letter of resignation to this House. That is not to say that I am prejudging him. But having made that decision to submit his resignation to this House, I do not believe that it was proper to then stand up and condemn us for actions that we did not take, and I would hope that the press, who were in full attendance at 1 o'clock and who are notably absent at 2:30, hear these remarks and do not permit to go to the people of Pennsylvania through their media the remarks of Mr. Cianciulli as enunciated by Mr. Beloff without reference to the feelings of this House, which I believe I express right now. I would hope that they do not report our silence or construe our silence at the time they were given as an admission, in any sense of the word, of that statement that was presented.

I have no further remarks at this time, Mr. Speaker.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I submit for the record the following list of additions and deletions of sponsorship of bills:

Additions:

HB 265, Brown, H. L.; HB 265, Caltagirone, T. R.; HB 1083, Taylor, E. Z.; HB 1840, Klingaman, W. K.; HB 1870, Johnson, E. G.; HB 1878, McIntyre, J.; HB 1938, Taylor, E. Z.; HB 1914, Taylor, E. Z.; HR 129, Letterman, R.; HR 136, Arty, M. A.; and HB 1407, Salvatore.

Deletions:

HB 211, Brown, H. L.; HB 1715, Murphy, T. J.; HB 1850, Wachob, W.; HB 1909, Vroon, P. R.; and HB 1727, Goebel, R. P.

The SPEAKER. The Chair turns to page 8 of today's calendar.

STATEMENT BY MR. WILLIAMS

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

Mr. WILLIAMS. Mr. Speaker, I rise to make comment on the subject at hand.

The SPEAKER. The subject at hand is today's calendar.

Mr. WILLIAMS. Mr. Speaker, the subject at hand, when the majority leader spoke—

The SPEAKER. Will the gentleman yield?

The gentleman from Philadelphia, Mr. Williams, asks unanimous consent to make a statement. Without objection, permission will be granted. The Chair hears none. The gentleman is in order and may proceed.

Mr. WILLIAMS. Mr. Speaker, I do not rise to defend or attack anyone on this subject. I do rise to call attention to what I think is probably the most critical aspect of this subject, and that is, Mr. Speaker, that in Article II, section 11, in regard to the expulsion of members, it seems to me that the House has no standards. It also seems to me that the Constitution calls for us to adopt some standards. Indeed, it does say that we have power to expel someone. It also puts on us a charge to establish a process.

My concern, Mr. Speaker, is that before anything of this nature comes before us, there ought to be some standards by which all of us would know that they would be subject to some kind of punishment. That is only fair and historically due process in this country and just plain common sense.

I have spoken about it in the Democratic caucus in this fashion. Let us just say that I wrote a letter to support Mr. Johnson's observation to the clerk with regard to cutting people's hair. Apparently they could not cut the hair of minority members. Anyway, I had a discussion after I sent the letter with Charles Mebus, a rather amusing conversation, but I did tell him that the barber was not qualified. That whole thing appeared in my newspaper in Philadelphia as a joke, and I was trying to call serious attention to the fact that if you are going to hire somebody, they should be qualified to do every member's hair.

Obviously, because I made that very simple, calm observation, there are people who did not like it. There may be people who do not even like the way I wear my hair, and so I am suggesting that one of these days in the heat of irrationality, for whatever political reason or whatever event takes place, this very House could tyrannically rush to expel someone just because they say they have the absolute power. The Constitution, in my opinion, does not give us absolute power. It says that we establish a process. We have not done that. A process is not a procedure.

I am suggesting, Mr. Speaker, that if a conviction for an election violation is a fundamental subject, then fine. If a felony is a standard, then fine. If some other nontechnically criminal conduct is relevant, then fine, but we come nakedly at a juncture in time and we do not have a handle on which to deliberate. I think that that is not very responsible, and I am suggesting that in the wake of this situation, we correct that.

I did prepare—because I thought we were going to get into the subject—an amendment to the resolution to do just that, and I would hope, Mr. Speaker, that the leadership of the House would support our taking some time to delineate those standards so we would all know them, the public would all know them, and so we would have a more appropriate basis on which to take action and, in my judgment, to conform to what is already a constitutional mandate. Thank you.

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 960, PN 2060**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding additional judges to courts of common pleas in Lycoming, Butler, Montgomery, Carbon, Lebanon, Bucks, York, Mercer, Chester, Westmoreland and Delaware counties.

On the question,

Will the House agree to the bill on third consideration?

Mr. RITTER offered the following amendments:

Amend Title, page 1, line 4, by inserting after "WESTMORELAND", Lehigh

Amend Sec. 1 (Sec. 911), page 2, line 30, by inserting brackets before and after "5" and inserting immediately thereafter 6

On the question,

Will the House agree to the amendments?

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

Mr. RITTER. Mr. Speaker, what my amendment seeks to do is to add an additional judge to the court of common pleas in Lehigh County. We had met some months ago with our president judge, and he prepared a series of documents with information indicating that our caseload is substantial—in fact, much more so than some of the counties that are applying for an additional judge.

Without going into all the details, I am convinced, as he is and the other judges in Lehigh County, that we do in fact need an additional judge in Lehigh County. I would ask for your support for the amendment.

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

Mr. SCIRICA. Mr. Speaker, I would join Mr. Ritter in Mr. Ritter's request and ask for an affirmative vote for his amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—168

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

NAYS—22

Austin	Kernick	Mrkonic	Stuban
Belardi	Knight	Novak	Telek
Dietz	Kukovich	Scheaffer	Wachob
George, C.	Levin	Serafini	Zeller
Grabowski	Lewis	Spencer	Zitterman
Hasay	Livengood		

NOT VOTING—13

Beloff	Gray	McIntyre	Rieger
Brunner	Hayes, D. S.	Rhodes	Schmitt
Cianciulli	Kowalyshyn	Richardson	Street
Cornell			

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

REMARKS ON VOTE

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

Mr. RICHARDSON. Mr. Speaker, I would like to be recorded on the Ritter amendment to HB 960. I was locked out. I would like to be recorded in the affirmative.

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

THIRD CONSIDERATION OF HB 960 CONTINUED

On the question,

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

Mr. BENNETT offered the following amendment:

Amend Sec. 3, page 4, line 3, by removing the period after "days" and inserting but any judges appointed under this act shall not take office until July 1, 1980.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, after a consultation with the majority leader, I withdraw the amendment.

The SPEAKER. Without objection, the amendment will be withdrawn. The Chair hears none.

On the question recurring,

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

Mr. McCALL offered the following amendments:

Amend Title, page 1, line 4, by striking out "Carbon,"

Amend Sec. 1 (Sec. 911), page 3, line 25, by striking out the brackets before and after "1"

Amend Sec. 1 (Sec. 911), page 3, line 25, by striking out "2"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Mr. Speaker, I probably am taking a somewhat unique position on this bill and this amendment. I am asking for the deletion of Carbon for the additional judge.

I have spoken with the president judge of the county, and he feels that he is capable of handling the present caseload, and in addition to that, it will be a savings to the county of \$100,000. I ask for the support of this amendment.

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

Mr. SCIRICA. Mr. Speaker, I support Mr. McCall's amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—186

Alden	Fryer	Lynch, E. R.	Salvatore
Armstrong	Gallagher	Lynch, F.	Scheaffer
Arty	Gallen	Mackowski	Schweder
Austin	Gamble	Madigan	Scirica
Barber	Gannon	Manderino	Serafini
Belardi	Gatski	Manmiller	Seventy

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

NAYS—1

Anderson

NOT VOTING—15

Beloff	Dumas	McIntyre	Schmitt
Brunner	Giammarco	Rhodes	Shadding
Cornell	Hayes, D. S.	Richardson	Street
Donatucci	Kowalyshyn	Rieger	

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

On the question recurring,

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

Bill as amended was agreed to.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Shadding, rise?

Mr. SHADDING. Mr. Speaker, I want to be recorded in the affirmative on the McCall amendment to HB 960, please.

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

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

The question is, shall the bill pass finally?

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

YEAS—143

Alden	Fisher, D. M.	Lynch, F.	Salvatore
Anderson	Foster, A.	Mackowski	Schweder
Armstrong	Foster, W.	Madigan	Scirica
Arty	Freind	Manderino	Seventy
Barber	Gallagher	McCall	Shadding
Bennett	Gallen	McClatchy	Shupnik
Berson	Gamble	McKelvey	Sieminski
Bittle	Gannon	McVerry	Sirianni
Borski	Geesey	Michlovic	Smith, E.
Bowser	Geist	Micozzie	Smith, L.
Brandt	George, M.	Milanovich	Spencer
Burd	Giammarco	Miller	Spitz
Burns	Gladeck	Moehlmann	Stairs
Caltagirone	Goebel	Mullen, M. P.	Steighner
Cappabianca	Goodman	Musto	Stewart
Cessar	Greenfield	Nahill	Sweet
Chess	Grieco	Noye	Taylor, E.
Cimini	Gruppo	O'Brien, B.	Thomas
Clark, B.	Harper	O'Donnell	Vroon
Clark, R.	Hasay	Oliver	Wagner
Cochran	Hayes, S. E.	Perzel	Wargo
Cohen	Helfrick	Petrarca	Wass
Cole	Hoefel	Piccola	Weidner
Coslett	Honaman	Pievsky	Wenger
Cowell	Hutchinson, W.	Pistella	White
Cunningham	Irviss	Pitts	Williams
Davies	Itkin	Polite	Wilson
DeMedio	Johnson, E.	Pott	Wilt
DeVerter	Johnson, J.	Pucciarelli	Wright, J. L.
DiCarlo	Jones	Punt	Yohn
Dininni	Kanuck	Pyles	Zitterman
Dombrowski	Klingaman	Rhodes	Zord
Donatucci	Lashingier	Ritter	Zwikl
Dorr	Lehr	Rocks	
Duffy	Levi	Rodgers	Seltzer,
Durham	Lynch, E. R.	Ryan	Speaker
Earley			

NAYS—46

Austin	Gray	Livengood	Serafini
Belardi	Halverson	Manmiller	Stuban
Brown	Hutchinson, A.	McMonagle	Swift
Dawida	Kernick	Mowery	Taddonio
DeWeese	Knepper	Mrkonc	Taylor, F.
Dietz	Knight	Murphy	Telek
Fee	Kolter	Novak	Trello
Fischer, R. R.	Kukovich	Peterson	Wachob
Fryer	Laughlin	Pratt	Wright, D.
Gatski	Letterman	Reed	Yahner
George, C.	Levin	Scheaffer	Zeller
Grabowski	Lewis		

NOT VOTING—13

Beloff	Hayes, D. S.	O'Brien, D.	Rieger
Brunner	Kowalshyn	Rappaport	Schmitt
Cornell	McIntyre	Richardson	Street
Dumas			

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 Westmoreland, Mr. Petrarca. For what purpose does the gentleman rise?

Mr. PETRARCA. Mr. Speaker, earlier on HB 960, I inadvertently voted in the affirmative. I would like to be recorded in the negative. Thank you.

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

STATEMENT BY MR. LETTERMAN

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

Mr. LETTERMAN. Mr. Speaker, I would like to make a statement, please.

The SPEAKER. The gentleman from Centre, Mr. Letterman, asks unanimous consent of the House to make a brief statement. The Chair hears no objection. The gentleman may proceed. The Chair must caution that he hopes the gentleman will not speak about deer hunting.

Mr. LETTERMAN. No. It is very brief. We just wanted you to know that we keep voting for more judges hoping we can get rid of more of the lawyers in the House of Representatives. Thank you.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. WILLIAMS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, my point is that the characterization by Mr. Letterman over there is an improper remark, and I want to speak on that very briefly but certainly.

I want to say, Mr. Speaker, that privately those jokes are fine, but I do not think that they are in order on a legislative floor. The history of this country has partly and significantly been built by lawyers, and every group has some good and bad people in it.

The SPEAKER. Would the gentleman like to take a vote on that?

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 395, PN 1107, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for certain notification responsibilities of local law enforcement agencies, providing for an exception to the minimum allowable claim and changing an effective date.

On the question,

Will the House agree to the bill on third consideration?

Mr. RYAN offered the following amendment:

Amend Sec. 3 (Sec. 477.17), page 2, line 28 by inserting after

“act.” The term “victim” as used in this subsection shall be a victim as defined by this act.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, this amendment is in the nature of a technical amendment to the bill, defining as follows: “The term ‘victim’ as used in this subsection shall be a victim as defined by this act.”

The possible inconsistency we are trying to avoid is that all victims might be subject to the bill rather than only those victims who qualify under the Crime Victims Compensation Act.

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—13

Beloff	Donatucci	McIntyre	Rieger
Bowser	Hayes, D. S.	O'Brien, D.	Schmitt
Brunner	Kowalyszyn	Richardson	Street
Cornell			

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?

Mrs. ARTY offered the following amendments:

Amend Title, page 1, line 22, by inserting after “to” credits against claims and to

Amend Sec. 2, page 2, line 9, by inserting after “477.5” and subsection (e) of section 477.9

Amend Sec. 2, page 2, line 9, by striking out “amended” and inserting added

Amend Sec. 2, page 2, line 10, by striking out “is” and inserting are

Amend Sec. 2, page 2, by inserting between lines 17 and 18

Section 477.9. Awards.—* * *

(e) [Any] Except for claims involving dismemberment or loss of an eye, any award made pursuant to this act shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury (i) from or on behalf of the person who committed the crime, (ii) under any insurance programs including those mandated by law, (iii) under any contract of insurance wherein the claimant is the insured beneficiary, (iv) from public funds, or (v) as an emergency award pursuant to section 477.8 of this act.

* * *

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

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

Mr. ARTY. This is an amendment to SB 395, amendment A3892.

Mr. Speaker, in the Crime Victims Compensation Act, it allows for awards to be made to the victim of those acts. This amendment would exempt from the amount the amounts of money from other sources in cases where the victim has been deprived, by reason of that violent act, of a limb or of an eye.

I ask the members of the House, Mr. Speaker, to consider the fact that there can be no price tag, no dollar sign on having lost a limb or an eye as the victim of a criminal act.

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

The following roll call was recorded:

YEAS—189

Alden	Foster, W.	Lynch, E. R.	Scheaffer
Anderson	Freind	Lynch, F.	Schweder
Armstrong	Fryer	Mackowski	Scirica
Arty	Gallagher	Madigan	Serafini
Austin	Gamble	Manderino	Seventy
Barber	Gannon	Manmiller	Shadding
Belardi	Gatski	McCall	Shupnik
Bennett	Geesey	McClatchy	Sieminski
Berson	Geist	McKelvey	Sirianni
Bittle	George, C.	McMonagle	Smith, E.
Bowser	George, M.	McVerry	Smith, L.

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

NAYS—1

Hutchinson, W.

NOT VOTING—12

Beloff	Gallen	McIntyre	Rieger
Borski	Hayes, D. S.	O'Brien, D.	Schmitt
Cornell	Lewis	Richardson	Street

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

Alden	Foster, W.	Livengood	Salvatore
Anderson	Freind	Lynch, E. R.	Scheaffer
Armstrong	Fryer	Lynch, F.	Schweder
Arty	Gallagher	Mackowski	Scirica
Austin	Gamble	Madigan	Serafini
Barber	Gannon	Manderino	Seventy
Belardi	Gatski	Manmiller	Shadding
Bennett	Geesey	McCall	Shupnik
Berson	Geist	McClatchy	Sieminski

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

NAYS—0

NOT VOTING—13

Beloff	Hayes, D. S.	O'Brien, D.	Schmitt
Cornell	Johnson, E.	Richardson	Street
Donatucci	McIntyre	Rieger	Wagner
Gallen			

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

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

REMARKS ON VOTE

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

Mr. GALLEN. Mr. Speaker, I was out of my seat. I was across the aisle when the last two votes were taken. I would like to be recorded in the affirmative on the Arty amendment No. A3892 to SB 395 and also in the affirmative on the final passage of SB 395.

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

The House proceeded to third consideration of **HB 1407, PN 2386**, entitled:

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act," approved March 11, 1971 (P. L. 104, No. 3), providing for inflation dividends; redefining certain terms; providing for anticipation of revenues and changing certain procedures.

On the question,

Will the House agree to the bill on third consideration?

Mr. ZORD offered the following amendment:

Amend Sec. 2 (Sec. 4), page 7, line 30, by striking out "energy" and inserting inflation

On the question,

Will the House agree to the amendment?

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

Mr. ZORD. Mr. Speaker, this is just merely a technical amendment. On page 7, line 30, it strikes out the word "energy", which is the only place this word appears, and substitutes "inflation".

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

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

Durham	Lashinger	Pyles	Zitterman
Earley	Laughlin	Rappaport	Zord
Fee	Lehr	Reed	Zwikl
Fischer, R. R.	Letterman	Ritter	
Fisher, D. M.	Levi	Rocks	Seltzer,
Foster, A.	Levin	Rodgers	Speaker
Foster, W.			

NAYS—0

NOT VOTING—11

Beloff	Hayes, D. S.	Richardson	Street
Cornell	McIntyre	Rieger	Yohn
Donatucci	Rhodes	Schmitt	

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. FREIND offered the following amendments:

Amend Sec. 1 (Sec. 3), page 4, line 19, by striking out the brackets before and after "gross"

Amend Sec. 1 (Sec. 3), page 4, line 21, by striking out the bracket before "irrespective"

Amend Sec. 1 (Sec. 3), page 4, lines 23 and 24, by striking out "[] excluding actual estimated home hearing costs."

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. This is an amendment that was requested by the Department of Revenue.

What the bill in its present form does is to change the method by which the rent rebate is calculated. In its present form the bill would require the Department of Revenue, for those individuals who pay rent, who are tenants and do not directly pay fuel and utility bills, to estimate what percentage of his or her rent—it is not for rent per se, but in fact it is for the cost of utilities. That amount, whatever the percentage is—would be deducted from the amount of rent that the tenant would be credited with in computing his rent rebate.

The effect of this would be that even with this bill, which increases by an inflation add-on the amount of money available under this program, a number of senior citizens would end up getting less. For example, if they are paying \$200 a month rent and the estimate was that 30 percent of that was for fuel and utilities, only \$140, rather than the full \$200, would be credited and would be calculated in providing them with a rebate.

The second problem is that the department has no mechanical way and can think of no way to estimate how much a particular individual in paying rent is actually paying for the cost of his fuel and utilities.

The third reason for this amendment is the bill now, in its present form, is not an energy-rebate bill. It is merely a bill which adds on existing benefits to the rent-rebate program because of inflation.

For these three reasons, Mr. Speaker, I would appreciate consideration of this amendment.

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—10

Beloff	Gamble	Rhodes	Schmitt
Cornell	Hayes, D. S.	Rieger	Street
Donatucci	McIntyre		

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

PART OF AMENDMENT WITHDRAWN

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

Mr. SWEET. Mr. Speaker, I would like to move that my amendment be divided, and on page 3, underneath the figures

that are listed and underneath A3830 where it begins "Amend Sec. 2 (Sec. 4)," to delete that line and the next line that says ", or an energy discount".

The SPEAKER. The Chair would suggest that the gentleman request that that line of the amendment be withdrawn.

Mr. SWEET. Yes, I would like to withdraw that.

The SPEAKER. The Chair thanks the gentleman.

The clerk will read the remaining parts, sections, of the amendment.

On the question recurring,

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

Mr. SWEET offered the following amendments:

Amend Title, page 1, line 7, by striking out "providing for inflation dividends" and inserting changing the rebate schedule

Amend Sec. 1, page 1, line 12, by striking out "The title and sections 1, 2 and" and inserting Section

Amend Sec. 1, page 1, line 15, by striking out "are" and inserting is

Amend Bill, page 1, lines 16 through 18; page 2, lines 1 through 22, by striking out all of said lines

Amend Sec. 1 (Sec. 3), page 3, line 12, by striking out "or inflation dividend"

Amend Sec. 1 (Sec. 3), page 3, line 22, by striking out "and dividend are" and inserting is

Amend Sec. 1 (Sec. 3), page 4, line 21, by striking out the bracket before "irrespective"

Amend Sec. 1 (Sec. 3), page 4, lines 23 through 27, by striking out "]" excluding actual or estimated home" in line 23, all of lines 24 through 27

Amend Sec. 1 (Sec. 3), page 4, line 28, by striking out the bracket before "(6)"

Amend Sec. 1 (Sec. 3), page 4, line 28, by striking out "]" (7)"

Amend Sec. 1 (Sec. 3), page 4, lines 29 and 30, by striking out "and inflation dividend"

Amend Sec. 1 (Sec. 3), page 5, line 3, by striking out the brackets before and after "or"

Amend Sec. 1 (Sec. 3), page 5, line 3, by striking out "and inflation costs"

Amend Sec. 1 (Sec. 3), page 5, line 5, by striking out the brackets before and after "or"

Amend Sec. 1 (Sec. 3), page 5, line 6, by striking out "and inflation costs"

Amend Sec. 1 (Sec. 3), page 5, line 8, by striking out the brackets before and after "or"

Amend Sec. 1 (Sec. 3), page 5, lines 8 and 9, by striking out "and inflation costs"

Amend Sec. 1 (Sec. 3), page 5, line 20, by striking out the bracket before "(7)"

Amend Sec. 1 (Sec. 3), page 5, line 20, by striking out "]" (8)"

Amend Sec. 1 (Sec. 3), page 5, lines 21 through 25, by striking out all of said lines

Amend Sec. 2 (Sec. 4), page 5, line 28, by striking out the bracket before "or"

Amend Sec. 2 (Sec. 4), page 5, line 28, by striking out the bracket and removing the semicolon after "or"

Amend Sec. 2 (Sec. 4), page 5, lines 28 and 29, by striking out "and Inflation Cost"

Amend Sec. 2 (Sec. 4), page 5, line 30, by striking out the bracket before "(a.1)"

Amend Sec. 2 (Sec. 4), page 6, line 15, by striking out "]" (a.1)"

Amend Sec. 2 (Sec. 4), page 6, line 17, by inserting brackets before and after "and thereafter"

Amend Sec. 2 (Sec. 4), page 7, lines 2 through 10, by striking

out all of said lines and inserting
 (a.3) The amount of any claim for property tax rebate or rent
 rebate in lieu of property taxes for real property taxes or rent
 due and payable during calendar year 1979 and thereafter shall
 be determined in accordance with the following schedule:

Household Income	Percentage of Real Property Taxes or Rent Rebate in Lieu of Property Taxes Allowed as Rebate
\$ 0 - \$5,499	100%
5,500 - 5,999	90
6,000 - 6,499	80
6,500 - 6,999	70
7,000 - 7,499	60
7,500 - 7,999	50
8,000 - 8,499	40
8,500 - 8,999	30
9,000 - 9,499	20
9,500 - 9,999	10

Amend Sec. 3 (Sec. 5), page 8, line 8, by striking out “and
inflation dividend”

Amend Sec. 3 (Sec. 5), page 8, line 23, by striking out “and
inflation dividend”

Amend Sec. 3 (Sec. 5), page 8, line 26, by striking out the
bracket before “a”

Amend Sec. 3 (Sec. 5), page 8, line 26, by striking out “] the”

Amend Sec. 3 (Sec. 5), page 8, lines 26 and 27, by striking out
“and dividend”

Amend Sec. 4 (Sec. 6), page 9, line 12, by striking out “or
dividend”

Amend Bill, page 9, lines 23 through 29, by striking out all of
said lines

Amend Sec. 6, page 9, line 30, by striking out “6.” and
inserting 5.

Amend Sec. 6 (Sec. 8), page 10, lines 9 and 10, by striking out
“and inflation dividends”

Amend Sec. 7, page 10, line 21, by striking out “7.” and
inserting 6.

Amend Sec. 7, page 10, line 21, by striking out “, 11.1, 11.2,
11.3 and 12” and inserting and 11.1

Amend Bill, page 12, lines 11 through 30; page 13, lines 1
through 18, by striking out all of said lines

Amend Sec. 8, page 13, line 19, by striking out “8.” and in-
serting 7.

On the question,

Will the House agree to the amendments?

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

Mr. SWEET. Mr. Speaker, this amendment rather funda-
mentally changes the bill, and so I believe that the members
would be somewhat interested in what they are going to vote
on.

The amendment that I am offering changes this bill rather
substantially. Instead of adding a new grant program onto the
lottery fund, what my amendment is going to do is merely place
the additional \$20-or-some million, which is being discussed
here, into the old rebate system. In other words, instead of
setting up these special grants of \$95, \$65, and other certain
amounts throughout the rebate system, my amendment will
merely plug the money into the current formula and also will

increase the maximum income for eligibility in the program
from \$9,000 to \$10,000, or, to be more precise, from \$8,999 to
\$9,999. I think this is an important matter because the bill as
presented is really doing something very different from the
original intent of the property-tax and rent-rebate program. Up
until this point it has been a rebate on taxes. Now it is being
changed, and there are going to be specific grants allocated.
Many of the people who will receive grants are going to be eli-
gible for new Federal funds under programs that Congress has
passed. And I really believe that we ought to maintain the in-
tegrity of the lottery fund and the original intent of the pro-
gram, that being to rebate taxes rather than making a rather
substantial change.

Secondly, I believe that there are a large number of people
who at one time would have qualified for this program, but
given inflation and given the rise in social security payments,
pensions and the like, those who formerly were in the \$6,000,
\$7,000, \$7,500 bracket are now up in the \$9,000, \$9,500,
\$9,800 bracket and do not qualify for the current rebate, nor
would they qualify for this new program. And I believe that it
is altogether fair and fitting that we add an additional \$1,000
to the maximum eligibility. This would add probably 37,000
people who would receive the benefits of this program at a cost
of about \$2.5 million. The rest of the money is to be redistrib-
uted within existing categories in the property-tax and rent-re-
bate program, and I would ask an affirmative vote on the
amendment.

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

Mr. MILLER. Mr. Speaker, I rise to oppose the Sweet amend-
ment for one very direct reason. In proposing the inflation divi-
dend as embodied in the base piece of legislation before you, we
are hoping to get additional dollars into the hands of senior
citizens who need it most under the existing scale. If you will
look carefully at the proposed scale, you will see that those on
lower-income amounts, while still eligible, receive the larger
percentage of payout under this program. Under Mr. Sweet’s
amendment, those in the higher categories and those with addi-
tional income categories on the high end would receive the ad-
ditional dollars.

Let me say it another way. Under the bill before you, without
the Sweet amendment, the additional dollars would be distrib-
uted more evenly among the lowest-income recipients of the
program. Under the Sweet amendment, the dollars would be
spread out among the higher-income eligibility recipients. The
bill as it currently stands is fair to those who need it most,
those on the lower end of the scale. Thank you, Mr. Speaker.

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

Mr. GREENFIELD. Mr. Speaker, I rise in support of the
Sweet amendment. As Mr. Sweet has demonstrated, this
amendment would cover a much greater spectrum of the needy
in the senior citizen category. Mr. Speaker, with the rising of
costs and in the spiraling economy that we have today, many of
our senior citizens are finding themselves in a very difficult
position at all levels of income. Senior citizens are living in

many cases on fixed income, and as inflation keeps increasing, their income decreases. Especially, Mr. Speaker, I am speaking particularly about increased assessments and increased rents which are occurring each month and during the year. Mr. Speaker, this amendment would cover that additional cost to the senior citizens by increasing the categories and the percentages received in each category and by increasing the maximum allowed income. I think this is the way to go. As has been stated, the present bill would cover a more limited, more select group of individuals. I think if we were to ask the various senior citizen groups that appeared during the investigations conducted here which way they would want to go, I think that they would tell you that they would rather see this kind of a bill and this kind of an amendment than the one proposed in the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I do not believe that there is any doubt that all of those issues which are being touched upon here today are real needs as far as the senior citizens of Pennsylvania. Rent is skyrocketing, property taxes are becoming more and more difficult to pay by those we refer to as senior citizens, but there are other things that are also escalating, some of them escalating at a rate greater than rent and property taxes. We all know very well that the winter of 1980 in all prospects is going to be very difficult for the senior citizens of this Commonwealth. For reasons completely out of the control of this General Assembly, beyond our means to solve by state law, problems with Organization of Petroleum Exporting Countries in the troubled Middle East, the regulation of national oil companies, those things are beyond the reach of this General Assembly.

This General Assembly can react in a compassionate way to some of these things that go beyond property taxes and rent, but there are senior citizens who would like to have more flexibility than is presently available to them in the property-tax and rent-rebate program. They would like the opportunity to have a program available to them that will help defray this winter's utility bills; that will help defray the cost of their medicines. The bill which is presently before this House of Representatives, HB 1407, is an effort to aid those elderly citizens of Pennsylvania in a way that provides more flexibility than is currently embodied in the property-tax and rent-rebate program. This General Assembly just a few months ago did increase the maximum allowable rebate levels, and we were proper in our action at that time, and it may become possible for us to do something like that again in the future. And I do not believe anybody, if the moneys are available, would stand in opposition to that. But we have a very, very, very serious winter facing our senior citizens. They are going to be cold in their homes, and they are going to be subject to respiratory problems because of that chill. And this bill as is presently constituted, will enable in a small way, in a compassionate way, for this General Assembly to provide money that can be used to help defray the costs of utility bills, to help the senior citizens pay for their medical bills. Both of those things go together. A home that is not properly heated will bring respiratory ills to

senior citizens. This bill will help them pay their bills, their utility bills, and it can also help them pay for their medical bills. I think that this House of Representatives should try to do what it can do in a monetary way and in a compassionate way, in a way that is flexible, and HB 1407 in its present form is more flexible than what the gentleman, Mr. Sweet, is recommending to us today. Thank you, Mr. Speaker.

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

Mr. MILLER. Mr. Speaker, would the gentleman, Mr. Sweet, agree to a brief point of interrogation?

The SPEAKER. The gentleman, Mr. Sweet, indicates that he will stand for interrogation. The gentleman, Mr. Miller, may proceed.

Mr. MILLER. Mr. Speaker, let us take an example of a senior citizen living on an income of \$4,000. Could you tell me, sir, how much additional, over and above what he would receive under existing law, he would receive on your amendment? He is in the 100-percent category.

Mr. SWEET. I cannot tell for any specific individual, Mr. Speaker, because that depends on the amount of property tax or the amount of rent that that individual pays under my amendment and under current law.

Mr. MILLER. May I expand the example for the purpose of making my point, Mr. Speaker? Let us assume that he is a 100-percent eligible claimant.

Mr. SWEET. Okay.

Mr. MILLER. Okay. That individual would then receive a \$400 rebate. That is the same rebate he would receive under existing law. However, under the bill as it stands before us without your amendment, he would receive an additional \$95. What the Health and Welfare Committee, with the extensive cooperation and ideas from your side of the aisle, has done it has targeted the lowest-income groups in an attempt to get additional dollars into those income households that need it most. Under your amendment you merely expand the high end. I think it is very clear, if someone would just turn to page 7 of the proposed bill and look at your amendment and compare the scales. Thank you.

Mr. SWEET. Mr. Speaker?

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

Mr. SWEET. A couple of brief responses.

One, it was difficult to answer Mr. Miller's questions because 100 percent means 100 percent of one's property tax payment. It may be \$400; it may be less. It depends upon the taxes that one is paying.

Mr. Miller was correct in that the \$95 payment at the lowest-income levels would not be available.

I knew in offering this amendment that someone would suggest that I was a Scrooge and trying to hurt the poor.

I would suggest several things:

One, that what is being done here is changing the lottery program and making a sort of cash-grant program out of it. I supported increases in cash grants in the general assistance pro-

gram and would hope that many on that side of the aisle who may choose to oppose this amendment will do that. I think that these low-income people do need aid. I do not think that totally revamping the lottery system is the way to do it.

I also might add that at the income levels between 4,500 and 5,500—admittedly not people of great wealth—my amendment would increase their eligibility to 100 percent. So those individuals would get 100-percent rebates rather than the rebates they now receive. That will be permanent law and would exist until this General Assembly tried to change it. So perhaps 2 to 3 years down the road, with property taxes increasing, those individuals would actually do better under this amendment than under the limited cash grants that the bill provides for.

In very brief response to Mr. Hayes' comments, I would like to point out that there will be no additional claimants under HB 1407 than there are under the current property-tax and rent-rebate program. So there is no greater flexibility in this. The people get cash from the Commonwealth as they rebate on their taxes or their rent. Under the program outlined in HB 1407, they will merely get an additional check that will be an inflation dividend. There will be no one who will qualify under this program who does not already qualify under current law.

My amendment would add an additional 37,000 claimants, admittedly, at the higher-income levels of \$9,000 to \$10,000. But these are senior citizens who are paying their taxes to their school districts and to their local communities and who before inflationary times would probably have been included under the original property-tax and rent-rebate program.

Finally, I would add this: I think it is tragic but none of this money will be available and paid out until July anyway. So the talk about helping people pay their utility bills this winter under the current structure of the bill is merely talk. This is not an energy program in any way, shape or form. This is an extra cash-grant program added on to the existing property-tax and rent-rebate program, almost as an afterthought. Thank you, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, I regret very much that we are forced to choose between helping the very poor and helping the people who are lower-middle class and who also need help. But since we are forced to make this decision, I think we would be better off giving it to the very poor. The fact that the people who benefit from Mr. Sweet's amendment have incomes of \$4,000 to \$5,000 more than the people who benefit from the bill as it now stands, it means that they have an awfully lot greater resources and \$100 or so means a lot less to somebody who is earning \$9,000 to \$10,000 a year than it does to somebody earning less than \$4,000 a year. I think the benefits really mean much more to the people who are affected in the original bill. Therefore, I would urge a "no" vote on the Sweet amendment.

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Sweet, consent to an interrogation?

The SPEAKER. The gentleman, Mr. Sweet, indicates that he will stand for interrogation. The gentleman, Mr. Ritter, may proceed.

Mr. RITTER. Mr. Speaker, while it appears that your amendment does increase the income and therefore gives some money to those with higher income, does it also not increase the maximum rebate for the lower-income people? Under the present law, I believe it is zero to \$4,499 to get a 100-percent rebate, and your amendment increases that from zero to \$5,499. Is that not correct?

Mr. SWEET. That is correct, Mr. Speaker. I mentioned that before.

This bill is not totally aimed at helping higher-income people. That fact is true. And it also might be remembered that those who are on public assistance and getting rent rebates will not qualify for this anyway.

Mr. RITTER. So that, basically, the lower-income scales, which now go, for instance, from \$5,500 to \$6,000, are 70 percent in the present law. Yours, for that same amount, would be a 90-percent rebate?

Mr. SWEET. That is correct.

Mr. RITTER. I think the amendment is good. But I agree with Mr. Sweet and Mr. Greenfield, I think that we are taking care of the poor people, people who do need that extra money. At the same time we are recognizing that there are some people up to as high as \$9,999 who do require some assistance. I think it is a good idea and I support the amendment and would ask for its adoption.

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

The following roll call was recorded:

YEAS—79

Alden	George, C.	Livengood	Scheaffer
Austin	George, M.	Manderino	Schweder
Bennett	Goebel	McCall	Seventy
Berson	Goodman	McIntyre	Shupnik
Borski	Grabowski	Michlovic	Steighner
Brown	Gray	Mullen, M. P.	Stewart
Brunner	Greenfield	Murphy	Sweet
Burns	Hasay	Musto	Taddonio
Cappabianca	Hoeffel	Novak	Taylor, F.
Chess	Hutchinson, A.	O'Brien, B.	Trello
Clark, B.	Irvis	O'Donnell	Wachob
Cochran	Itkin	Petrarca	Wargo
Cole	Kanuck	Pievsky	Wilson
Cowell	Kernick	Pistella	Wright, D.
Dawida	Knight	Pratt	Wright, J. L.
Fee	Kolter	Pucciarelli	Yahner
Fischer, R. R.	Kukovich	Pyles	Zeller
Fisher, D. M.	Laughlin	Rappaport	Zitterman
Gamble	Letterman	Rhodes	Zwikel
Gatski	Lewis	Ritter	

NAYS—117

Anderson	Foster, A.	Lynch, F.	Salvatore
Armstrong	Foster, W.	Mackowski	Scirica
Arty	Freind	Madigan	Serafini
Barber	Fryer	Manmiller	Shadding

Belardi	Gallagher	McClatchy	Sieminski
Bittle	Gallen	McKelvey	Sirianni
Bowser	Gannon	McMonagle	Smith, E.
Brandt	Geesey	McVerry	Smith, L.
Burd	Geist	Micozzie	Spencer
Caltagirone	Giammarco	Milanovich	Spitz
Cessar	Gladeck	Miller	Stairs
Cimini	Grieco	Moehlmann	Street
Clark, R.	Gruppo	Mowery	Stuban
Cohen	Halverson	Mrkonic	Swift
Coslett	Harper	Nahill	Taylor, E.
Cunningham	Hayes, S. E.	Noye	Telek
Davies	Helfrick	O'Brien, D.	Thomas
DeMedio	Honaman	Oliver	Vroon
DeVerter	Hutchinson, W.	Perzel	Wass
DeWeese	Johnson, E.	Peterson	Weidner
DiCarlo	Johnson, J.	Piccola	Wenger
Dietz	Jones	Pitts	White
Dininni	Klingaman	Polite	Williams
Dombrowski	Knepper	Pott	Wilt
Donatucci	Kowalyshyn	Punt	Yohn
Dorr	Lashinger	Reed	Zord
Duffy	Lehr	Richardson	
Dumas	Levi	Rocks	Seltzer,
Durham	Levin	Rodgers	Speaker
Earley	Lynch, E. R.	Ryan	

NOT VOTING—6

Beloff	Hayes, D. S.	Schmitt	Wagner
Cornell	Rieger		

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?

Mr. LAUGHLIN offered the following amendment:

Amend Sec. 8, page 13, line 21, by removing the period after "thereafter" and inserting and the inflation dividends provided for in this act shall be paid by the department on January 1, 1980 for all persons who received rent rebates or property tax assistance for the calendar year 1978.

On the question,

Will the House agree to the amendment?

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

Mr. LAUGHLIN. Mr. Speaker, Mr. Hayes pretty much set my case for me in his earlier statement about the difficulty that the people are going to have in Pennsylvania through this winter.

What this bill does is it is effectively making that inflation guideline available January 1, whereas under normal circumstances the people would not be able to collect this money until after July.

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

Mr. MILLER. Mr. Speaker, the Republican side of the aisle is in agreement with the Laughlin amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—

Cornell	Hayes, D. S.	Rieger	Schmitt
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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?

Mr. PIEVSKY offered the following amendments:

Amend Title, page 1, line 8, by inserting after "terms;" further providing for administrative expenses;

Amend Sec. 6 (Sec. 8), page 10, line 2, by inserting brackets

before and after "Administrative Expenses and"

Amend Sec. 6 (Sec. 8), page 10, line 3, by inserting a bracket before "Expenses"

Amend Sec. 6 (Sec. 8), page 10, line 6, by inserting a bracket after "Law."

Amend Sec. 6 (Sec. 8), page 10, line 7, by inserting brackets before and after "administrative expenses and"

Amend Sec. 6 (Sec. 8), page 10, line 19, by striking out "after lottery fund administrative expenses"

Amend Bill, page 13, by inserting between lines 18 and 19 Section 8. Subclause (ii) of clause (11) of subsection (a) of section 6 and clause (2) of subsection (b) of section 12 of the act of August 26, 1971 (P. L. 351, No. 91), known as the "State Lottery Law," are repealed.

Amend Sec. 8, page 13, line 19, by striking out "8. This" and inserting 9. Sections 1, 2, 3, 4, 5, and 7 of this

Amend Sec. 8, page 13, line 21, by inserting after "thereafter." Sections 6 and 8 shall take effect July 1, 1980.

On the question,

Will the House agree to the amendments?

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

Mr. PIEVSKY. Mr. Speaker, the amendment that I am proposing today will make funds available for an improved senior citizen program without sacrificing the fiscal integrity of the lottery fund.

My amendment, Mr. Speaker, removes the language in the Lottery Act which allowed the administrative expenses of the lottery fund to be taken directly out of lottery proceeds.

Now, under this amendment, administrative expenses will have to be appropriated from the general fund like other Department of Revenue administrative expenses. This will give the General Assembly better control over lottery expenses which have been dramatically rising in recent years, and at the same time make funds available for senior citizens in a way that does not endanger the fiscal stability of our senior citizen program.

Administrative expenses of the lottery bureau were first paid out of the lottery fund in 1973 and 1974 when Secretary Kane requested and got legislation allowing him to pay administrative expenses from the lottery fund directly without going through the appropriations process.

Since then administrative expenses paid from the lottery fund have jumped 125 percent, while administrative expenses for other Department of Revenue functions increased only 50 percent during the same 6-year period.

Expenses charged to the lottery fund have reached \$24 million this fiscal year. The time has come to free these lottery funds for better senior citizen programs and gain more control over these skyrocketing expenses by direct general fund appropriation of lottery expenses.

Mr. Speaker, I urge an affirmative vote on my amendment and free \$24 million to the senior citizens of the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, this is an attempt, again, to start to pay costs out of the lottery fund from the general fund. I think it is a dangerous precedent, whether the administrative

costs are too high or for whatever reason the lottery fund may need money from the general fund. I think that this is a dangerous approach. It is the beginning step, and I think it should be defeated. I oppose the amendment, Mr. Speaker.

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

Mr. PIEVSKY. Mr. Speaker, it is a very simple process. The Governor has not presented his budget yet for 1980. All he has to do is to put in \$24 million for administrative expenses to the Department of Revenue and free this money for the senior citizens who rightfully deserve it out of that lottery fund.

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

Mr. AUSTIN. Mr. Speaker, I support the gentleman's amendment. I do not think that any senior citizen in Pennsylvania wants his lottery proceeds to go to bureaucracy and administrative costs. And I think this is a good amendment to straighten the whole lottery situation here in Pennsylvania. I think it is a move in the right direction. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Mr. Speaker, I am sure that all of the members here have heard the old story about robbing Peter to pay Paul. And I, like everyone else, would like very much to see \$24 million freed up for the senior citizens, but I think it is totally unrealistic.

The people out there know, the people who purchase the lottery tickets, who participate in the daily lottery number game, all of those people understand that it takes money to run that operation. What you are asking this House to do is to completely reverse an act that has stood us in good stead, I think, with our senior citizens. And I think if they were here today—I saw a group of them earlier—they would acknowledge the fact that they understand that it takes money to run a program such as this. But to ask all of the people, all of your taxpayers to pay and foot the bill for the lottery fund, which is a gambling device, I think is totally unconscionable. And if you are all going to be a party to that, I really do not know what direction we are going to be headed in in the future. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, I have a fiscal note that was circulated by Mr. Pievsky. I do not know who originally authored that fiscal note, whether it was the majority or the minority, but I would like to ask a couple of questions of the appropriate person because I think the fund-balance issue is relevant to this issue of whether we are going to need another \$24 million or not.

The SPEAKER. Is the gentleman, Mr. Pievsky, willing to stand for interrogation? The gentleman, Mr. Cowell, is in order and may proceed.

Mr. COWELL. Mr. Speaker, I have a fiscal note that was circulated following the release of this bill from committee on October 30. And I was uncertain about just what some of the

numbers mean. Do you have a copy of it handy? It might be easier if you have it in front of you.

Mr. PIEVSKY. The one I have here is for the previous printer's number. I do not know which one you are referring to, Mr. Speaker.

Mr. COWELL. Well, it starts with a beginning balance for 1979-80 of \$85,129.

Mr. PIEVSKY. Is that printer's number 2253?

Mr. COWELL. That is not identified on here. I am sorry, it is 2253.

First question: Can you distinguish between that item that is—it is really on the third line—called "Ending Balance" and down below you have got another what would appear to be "Ending Balance". It is something called "Difference". Can you tell me what those numbers mean?

Mr. PIEVSKY. The difference is between expenditures and the money coming in.

Mr. COWELL. Do I understand correctly that if we accept the bill as currently before us, we are quickly going to get into a situation where revenues start to fall behind expenditures?

Mr. PIEVSKY. Yes.

Mr. COWELL. And that although we propose to give some additional benefits to senior citizens today, within the next couple of years it is going to become unrealistic to continue to give those same kinds of benefits because revenues will not be adequate?

Mr. PIEVSKY. That is exactly right.

Mr. COWELL. Okay, thank you, Mr. Speaker. Mr. Speaker, I would like to make a comment then, please.

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

Mr. COWELL. Mr. Speaker, I urge that we adopt the Pievsky amendment today if we are serious about passing this bill today. If we fail to adopt the Pievsky amendment, I think that we are playing games with senior citizens in this Commonwealth.

Basically what we would be doing is promising to give them additional benefits, promising an expanded rebate program, while at the same time allowing the lottery fund to fall into a condition where within the next couple of years revenues are not going to be adequate to meet the expenses that we are deciding upon today. And I do not think that it is appropriate for us to make a short-term decision today by giving more money away, or promising to give more money away, when within a short period of 2 or 3 years we are going to find ourselves in a position of probably telling folks that we can no longer give you the benefits that we promised you during the fall of 1979.

There is no particular reason for us to believe that lottery proceeds will dramatically increase in the next couple of years. And as I look at the figures in this particular fiscal note, the only other alternative then is to shortly go into the hole and shortly confront the question of reducing benefits. So to those who are serious about passing this bill today, to those who honestly want to expand the benefits that we are going to provide the senior citizens from lottery proceeds, I think it is incumbent upon us to ensure that the dollars will be there. And we can best assure that today by adopting the Pievsky amendment that will free up a substantial number of dollars that are

currently being used for administrative expenses. I would urge the adoption of the Pievsky amendment.

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

Mr. DeVERTER. Mr. Speaker, in response to the prior speaker, I would inform him that over the past 4 years we have permitted the lottery fund to borrow on anticipated revenues to pay the tax and rent rebate and the mass transit refund, so the lottery is not all that solvent right now. That is not a legitimate argument for taking administrative costs, placing them into the general fund and telling all of the taxpayers of the Commonwealth that they must share in this particular proceeding.

If those who wish to participate in the lottery program want to do so, they have the freedom to do so, but I do not think it ought to be jammed down the taxpayers' throats in this Commonwealth that they are now forced to help subsidize a gambling situation in this Commonwealth. I just think it is wrong.

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

Mr. ZELLER. Mr. Speaker, when we voted on the lottery back in, I believe it was, 1972, I voted against it. And the reason I voted against it was the fact that I felt that we had an obligation as taxpayers to take care of our elderly without going into a gambling device.

The story was at that time by those who proposed it that it would be self sustaining. They wanted it to be self sustaining and they wanted to keep it separate so that it would rise and fall on its own. Now I hear the story that we are supposed to be in so much trouble, and here we had so many assets in the fund that last year we elected to raise it from \$200 to \$400. If they are doing that well, I cannot understand why they want to take it into the general fund, because of the fact that, as Mr. DeVerter has said, we would wind up in the possible chance of having a problem year to go to all of the taxpayers in this state to fund something that many people were absolutely against.

Has anyone ever contacted the Commission on Aging to find out—when they created the Commission on Aging—to sort of give us a monitoring device? Has anyone gone to them? It seems as though they are just taking it upon themselves now to get this all into the general fund, the same as a Senator tried to do last session to get the Game Commission into the general fund, the Fishing Commission into the general fund, and they have to be kept separate. They have to rise and fall on their own. And I, for one, am going to fight this because of the fact that I do not think it is right.

As much as I respect Mr. Pievsky and the other speakers, I think it is wrong. I was against it at that time and I have never voted for anything involved in that gambling. I have never done it and I am not going to for the simple reason that my constituents, at the time when I polled them, did not want it. And here now we are going to put it into the general fund and we are going to allow them a bad year, take it out of your taxes to pay for it out of the general fund, and I think it is wrong. It has to rise and fall on its own. And the senior citizens know this. And, therefore, if it is going to be good and it is going to be

wholesome, they are going to take care of it and, if not, it is going to go down the tube. And that is the way it has to be unless we, as a legislative body, elect to get rid of the gambling and we are going to stand up and be counted and take care of our senior citizens directly. And that is what I wanted to see originally, not to go into a gambling operation to take care of the senior citizens who paid the price in this country, did a job in paying their taxes, raising their families, the grassroots of this nation, and then we had to go to a gambling device to take care of them.

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

Mr. STEWART. There have been many good arguments to vote against this particular amendment, and I would just like to add one of a political nature. Looking down the road and looking back and knowing what has happened in this General Assembly before during budget fights when they are long and delayed and the administration holds things over this House's and Senate's heads, like cutting or closing state parks and cutting services, and I would hate to see shutting down the daily number machines and quit selling tickets as a weapon by this or any administration to get us to pass a particular budget. I see that as a possibility of happening and, for that reason, I am voting against it.

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

Mr. LETTERMAN. Mr. Speaker, I have a question I would like to ask somebody who might know. The last time that we raised—

The SPEAKER. Will the gentleman indicate whom he wishes to interrogate?

Mr. LETTERMAN. Anybody who knows what the rent-rebate law is under the lottery system.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller. Will the gentleman stand for interrogation?

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

Mr. LETTERMAN. Mr. Speaker, is it correct that when we raised the maximum the last time, did we not also say that if the funds went dry, that we must decrease the rent-rebate program to zero before we could go to the general fund?

Mr. MILLER. I do not have that full statute in front of me. I do not personally recall it. Give me a minute and I will check it for you, Mr. Speaker. Is Joe Murphy here?

Mr. LETTERMAN. I am talking about the prorating.

Mr. MILLER. What we did put in was requiring that the lottery program retain 20 percent of its surplus to carry over from year to year to make sure it would not go broke, and I do not recall who the maker of that amendment was last session. The language does specifically say, and I do not recall from reading the statute but we are checking it right now.

Was that Joe Zeller's amendment? We are checking it, Mr. Speaker.

The SPEAKER. For the information of Mr. Letterman, the

gentleman from Huntingdon, Mr. Hayes, will respond to his prior question.

Mr. S. E. HAYES. If I understand the gentleman's question, I believe the answer to that question can be found on page 10 of HB 1407, which has there in section 8 which pertains to the "Funds for Payment of Administrative Expenses and Claims." And I will read in part, beginning on line 6, Mr. Speaker: "In the event that the total amount of administrative expenses and claims exceeds the amount in such fund, in any one year, then the amounts allowed as tax or rent rebates and inflation dividends", which is the purpose of HB 1407, "shall be reduced in the proportion that the amount of such funds bears to the total amount of claims in such year."

Mr. LETTERMAN. Well, then, Mr. Speaker, do you take it from that that we cannot do what we are trying to do right now? I would read it that we cannot do it this way.

Mr. S. E. HAYES. I did not hear the Speaker's question.

Mr. LETTERMAN. I understand that what we are trying to do is already overspending what we have in the fund now.

Mr. S. E. HAYES. Mr. Speaker, as I understand the previous General Assembly's intent and what I believe to be our intent in HB 1407 is, if there arises a situation where the administrative expenses and the claims which are being promised by law exceeds the revenues being generated by the lottery fund, if that circumstance occurs, then the claims would be reduced proportionately in accord with whatever moneys are in fact actually available. I believe that to be the previous General Assembly's intent and I believe that to be the intent of those who have drafted HB 1407.

Mr. LETTERMAN. Mr. Speaker, would you—

Mr. S. E. HAYES. At this time, Mr. Speaker—and all we can do is work with revenue estimates—revenue estimates, the estimates of those moneys being currently generated by the lottery program in this Commonwealth, indicate to us that there will be sufficient revenues available to not only satisfy the property-tax and rent-rebate programs but also the provisions of HB 1407. Estimates tell us that there will be sufficient funds to provide what has been established by law, and there will not be the necessity to prorate in a lesser way that which we are promising by law. There would not be a necessity at this time, in accord with our estimates, to proportionately reduce the claims which are in current law and prospectively will be in law if HB 1407 is passed.

Mr. LETTERMAN. Mr. Speaker, did we just pass the law to expand the rule in the transportation system, and is that being considered in that estimate?

Mr. S. E. HAYES. There are certain payments made out of this program for senior citizens who travel on public transportation during nonpeak hours; that is another part of the program. When Mr. Sweet was offering his amendment, he did not recall attention to that, but there is also that provision in law.

As far as there being a further expansion of that, there have only been conversations as to that being another possibility. But this General Assembly has not, the House and the Senate have not yet passed legislation which would expand beyond the transportation provisions for those senior citizens using public transportation during nonpeak hours.

Mr. LETTERMAN. Okay, thank you.

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

The following roll call was recorded:

YEAS—76

Austin	Fee	Kukovich	Pucciarelli
Barber	Gallagher	Laughlin	Rappaport
Beloff	Gamble	Letterman	Reed
Berson	George, C.	Levin	Ritter
Borski	Giammarco	Livengood	Rodgers
Brown	Goodman	Manderino	Seventy
Brunner	Grabowski	McIntyre	Shadding
Cappabianca	Gray	McMonagle	Shupnik
Chess	Greenfield	Milanovich	Sweet
Clark, B.	Harper	Mullen, M. P.	Taylor, F.
Cochran	Hoeffel	Musto	Trello
Cohen	Hutchinson, A.	Novak	Wachob
Cole	Irvic	O'Brien, B.	Wargo
Cowell	Itkin	O'Donnell	White
DeMedio	Johnson, J.	Oliver	Williams
DiCarlo	Jones	Petrarca	Wright, D.
Dombrowski	Knights	Pievsky	Yahner
Donatucci	Kolter	Pistella	Zeller
Dumas	Kowalyszyn	Pratt	Zitterman

NAYS—121

Alden	Freind	Manmiller	Sieminski
Anderson	Fryer	McCall	Sirianni
Armstrong	Gallen	McClatchy	Smith, E.
Arty	Gannon	McKelvey	Smith, L.
Belardi	Gatski	McVerry	Spencer
Bennett	Geesey	Michlovic	Spitz
Bittle	Geist	Micozzie	Stairs
Bowser	George, M.	Miller	Steighner
Brandt	Gladeck	Moehlmann	Stewart
Burd	Goebel	Mowery	Street
Burns	Grieco	Mrkonic	Stuban
Caltagirone	Gruppo	Murphy	Swift
Cessar	Halverson	Nahill	Taddonio
Cimini	Hasay	Noye	Taylor, E.
Clark, R.	Hayes, S. E.	O'Brien, D.	Telek
Coslett	Helfrick	Perzel	Thomas
Cunningham	Honaman	Peterson	Vroon
Davies	Hutchinson, W.	Piccola	Wagner
Dawida	Johnson, E.	Pitts	Wass
DeVerter	Kanuck	Polite	Weidner
DeWeese	Kernick	Pott	Wenger
Dietz	Klingaman	Punt	Wilson
Dininni	Knepper	Pyles	Wilt
Dorr	Lashinger	Richardson	Wright, J. L.
Duffy	Lehr	Rocks	Yohn
Durham	Levi	Ryan	Zord
Earley	Lewis	Salvatore	Zwikl
Fischer, R. R.	Lynch, F. R.	Scheaffer	
Fisher, D. M.	Lynch, F.	Schweder	Seltzer,
Foster, A.	Mackowski	Scirica	Speaker
Foster, W.	Madigan	Serafini	

NOT VOTING—5

Cornell	Rhodes	Rieger	Schmitt
Hayes, D. S.			

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?

Mr. AUSTIN offered the following amendments:

Amend Sec. 2 (Sec. 4), page 7, line 6, by striking out "\$95" and inserting \$160

Amend Sec. 2, (Sec. 4), page 7, line 7, by striking out "70" and inserting 115

Amend Sec. 2, (Sec. 4), page 7, line 8, by striking out "40" and inserting 65

Amend Sec. 2 (Sec. 4), page 7, line 9, by striking out "20" and inserting 35

Amend Sec. 2 (Sec. 4), page 7, line 10, by striking out "15" and inserting 25

On the question,

Will the House agree to the amendments?

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

Mr. AUSTIN. Mr. Speaker, basically what this amendment does is provide more relief in the different categories for our senior citizens under this inflationary program. I support very much the program that has been offered. My one concern with it was, frankly, are we doing enough?, and I do not feel that we are. I think we can do more, and so I have offered this amendment which basically will have an impact of \$18.6 million. It may mean that some of our agencies throughout the Commonwealth will have to tighten their belts. It will mean that this General Assembly will have to have a firm commitment to do more for our senior citizens, for those who are disabled.

I know there are many concerns about the lottery fund, as was expressed in the Pievsky amendment. What I am simply asking for is more of a commitment from the General Assembly for this program which I support, and I urge the adoption of the amendment, Mr. Speaker.

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

Mr. MILLER. I rise to oppose the gentleman's amendment in the form that it is written. The additional dollars he would seek to add to the program are simply not available in the current lottery fund. If the gentleman would wish to draft a bill which would draw additional dollars from the general fund or through a tax issue, I would be delighted to join him in that effort, because I know that the money is needed just as he does. The difficulty is these dollars are not there in the current lottery fund, and that is the point of general agreement among those of us who have been looking at the issue. I thank you, Mr. Speaker.

REMARKS ON VOTE

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

Mr. ZELLER. Mr. Speaker, in my haste to vote on the last amendment to HB 1407, running back to my seat, I inadvertently threw the switch the wrong way. I want to be voted in the negative. Sorry.

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

The following roll call was recorded:

YEAS—50

Austin	Grabowski	Manderino	Rodgers
Beloff	Gray	McCall	Seventy
Borski	Greenfield	McIntyre	Shadding
Brunner	Harper	McMonagle	Shupnik
Chess	Irvis	Milanovich	Stewart
Cohen	Itkin	Mrkonic	Taylor, F.
Cowell	Kernick	Musto	Telek
DeMedio	Knight	Novak	Trello
Donatucci	Kolter	Pistella	Wargo
Gallagher	Kowalyszyn	Rappaport	White
Gamble	Kukovich	Reed	Yahner
Gatski	Laughlin	Richardson	Zitterman
Giammarco	Levin		

NAYS—145

Alden	Fee	Livengood	Scheaffer
Anderson	Fischer, R. R.	Lynch, E. R.	Schweder
Armstrong	Fisher, D. M.	Lynch, F.	Scirica
Arty	Foster, A.	Mackowski	Serafini
Barber	Foster, W.	Madigan	Sieminski
Belardi	Freind	Manmiller	Sirianni
Bennett	Fryer	McClatchy	Smith, E.
Berson	Gallen	McKelvey	Smith, L.
Bittle	Gannon	McVerry	Spencer
Bowser	Geesey	Michlovic	Spitz
Brandt	Geist	Micozzie	Stairs
Brown	George, C.	Miller	Steighner
Burd	George, M.	Moehlmann	Stuban
Burns	Gladeck	Mowery	Sweet
Caltagirone	Goebel	Mullen, M. P.	Swift
Cappabianca	Goodman	Murphy	Taddonio
Cessar	Grieco	Nahill	Taylor, E.
Cimini	Gruppo	Noye	Thomas
Clark, B.	Halverson	O'Brien, B.	Vroon
Clark, R.	Hasay	O'Brien, D.	Wachob
Cochran	Hayes, S. E.	O'Donnell	Wagner
Cole	Helfrick	Oliver	Wass
Coslett	Hoeffel	Perzel	Weidner
Cunningham	Honaman	Peterson	Wenger
Davies	Hutchinson, A.	Petrarca	Williams
Dawida	Hutchinson, W.	Piccola	Wilson
DeVerter	Johnson, E.	Pievsky	Wilt
DeWeese	Johnson, J.	Pitts	Wright, D.
DiCarlo	Jones	Polite	Wright, J. L.
Dietz	Kanuck	Pott	Yohn
Dininni	Klingaman	Pucciarelli	Zeller
Dombrowski	Knepper	Punt	Zord
Dorr	Lashinger	Pyles	Zwikel
Duffy	Lehr	Ritter	
Dumas	Letterman	Rocks	Seltzer,
Durham	Levi	Ryan	Speaker
Earley	Lewis	Salvatore	

NOT VOTING—7

Cornell	Pratt	Rieger	Street
Hayes, D. S.	Rhodes	Schmitt	

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?
(A rollcall vote was taken)

REMARKS ON VOTE

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

Mr. MANDERINO. Mr. Speaker, I am authorized to report that there was a malfunction in the switch of Mr. Irvis and he should be recorded in the affirmative on HB 1407.

The SPEAKER. The Chair instructs the chief clerk to fix the malfunction.

VOTE STRICKEN

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, on a vote that important, I think it should be run again.

The SPEAKER. The clerk will strike the vote.

On the question recurring,

Shall the bill pass finally?

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

YEAS—198

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

Dumas	Lashinger	Rappaport	Zeller
Durham	Laughlin	Reed	Zitterman
Earley	Lehr	Rhodes	Zord
Fee	Letterman	Richardson	Zwinkl
Fischer, R. R.	Levi	Ritter	
Fisher, D. M.	Levin	Rocks	Seltzer,
Poster, A.	Lewis	Rodgers	Speaker

NAYS—0

NOT VOTING—4

Cornell	Hayes, D. S.	Rieger	Schmitt
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

The SPEAKER. The Chair has been asked to read rule 9A: "No smoking of cigarettes, cigars, pipes and other tobacco products shall be allowed in the hall of the House."

QUESTION OF PERSONAL PRIVILEGE

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

Mr. A. K. HUTCHINSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. A. K. HUTCHINSON. What is the penalty if I get caught smoking here? Will I get thrown out?

The SPEAKER. As an old Navy man, I would hang you from the yardarm.

Mr. A. K. HUTCHINSON. That does not answer my question. You are not a Navy man now; you are an old one.

Mr. SPEAKER. For the information of the gentleman, the penalty for a violation of the rule of this House will be what the majority of the members of this House will determine. It could run from a slap on the wrist to expulsion.

Mr. A. K. HUTCHINSON. Thank you.

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?

Mr. VROON offered the following amendment:

Amend Sec. 1 (Sec. 1103), page 2, line 27 by inserting after "CONVENIENCE" previously granted or

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Mr. Speaker, my amendment relates to the application of certain rules and regulations governing how taxi-

cab service is to be applied in the city of Philadelphia.

Mr. Speaker, HB 1799 provides for up to 2,000 additional certificates for taxicab operators, and as it is now written, all of the new certificates issued will have a condition imposed upon them, and that is that a substantial number of trips made by the new taxicab operators will have to be away from the center of the city of Philadelphia. I do believe that this is a fair qualification to be put on the new taxicab drivers and to leave old taxicab drivers in complete control of the current most lucrative areas of taxicab service. This amendment, therefore, puts the same kind of requirement on all taxicab drivers operating in the city of Philadelphia. All of them then would be required to take care of a substantial number of customers going outside of center city Philadelphia; all of them, not just the new certificates, the new taxicab drivers who are licensed.

I think this is a fair procedure. I think this eliminates an unfair discriminatory act on our part and I urge your adoption of this amendment.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

Fee	Levi	Rocks	Zwikel
Fischer, R. R.	Levin	Rodgers	
Fisher, D. M.	Lewis	Ryan	Seltzer,
Foster, A.	Livengood	Salvatore	Speaker
Foster, W.	Lynch, E. R.		

NAYS—1

Polite

NOT VOTING—9

Cohen	Giammarco	Hayes, D. S.	Rieger
Cornell	Greenfield	Mullen, M. P.	Schmitt
Earley			

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?

Mrs. HARPER offered the following amendment:

Amend Sec. 1 (Sec. 1103), page 3, by inserting between lines 11 and 12

(6) A minimum of five percent of all certificates of public convenience issued under this subsection shall be issued to members of minority groups, or to corporations substantially owned or controlled by members of minority groups.

On the question,

Will the House agree to the amendment?

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

Mrs. HARPER. Mr. Speaker, this is an agreed-to amendment. During the hearing in Philadelphia, I accused the Yellow Cab Company of not giving service in certain neighborhoods, especially the North Philadelphia train station, and they said to me that they do not give service simply because they had a problem there, and they no longer give service in certain neighborhoods. And for that reason, I am asking that minorities be allowed to purchase certificates so that they can give service in their own neighborhoods. Thank you.

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

Mr. CUNNINGHAM. Mr. Speaker, there is a question in my judgment on the constitutionality of this in light of a recent Supreme Court decision that ruled that quotas in affirmative-action programs were unconstitutional, and I would like to request a very brief recess to make an inquiry in that regard.

The SPEAKER. Under the rules of the House, the question of constitutionality of an amendment or of a bill is decided by a vote of the House. So if the gentleman questions the constitutionality of the amendment, the Chair will put the question to the House.

Mr. CUNNINGHAM. May I ask, Mr. Speaker, if there are other amendments to this bill and if those amendments could be considered, with a return to this amendment to give me a few moments?

The SPEAKER. The Chair cannot postpone the amendment. The Chair would suggest to the gentleman he determine the constitutionality of this amendment as speedily as possible.

The Chair will await his return.

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

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

Mr. FREIND. Well, since Mr. Cunningham is going to be going off the floor for a couple of minutes to check out the constitutionality, maybe this would be a good time to consider the repeal of that damned rule 9A.

The SPEAKER. Will the gentleman, Mr. Freind, come to the desk?

REMARKS SUBMITTED FOR THE RECORD

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

Mr. WAGNER. I would like to submit comments for the record on the passage of HB 1611.

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

Mr. WAGNER presented the following remarks for the Legislative Journal:

COMMENTS ON HOUSE BILL NO. 1611

Dear Mr. Speaker, I today rise concerning House bill No. 1611 which is presently on the calendar for consideration. This would seek to offer more educational assistance to certain handicapped individuals. I know that it is going to be appreciated by both the school districts and the individual students receiving the help.

The present School Code provides for reimbursement for many types of disabilities. Somehow, the section dealing with this type of educational reimbursement did not provide for this type of educational disability.

The reason that I rise is to point out that this particular problem would not have been brought to our attention and corrected if it had not been for an individual constituent contacting me to point out this problem. The individual was Mr. Gene Shipe, the director of pupil services of the Danville High School.

I think that it points out the need for constituents not to give up in trying to provide suggestions to their legislators on improving the system and correcting deficiencies. Sometimes constituents feel that since they are not legislators, it is not their place to offer suggestions.

I think we all realize that as a legislator we must be a "generalist;" that is, we must try to know something about everything. We must rely on others for specifics. I think we all recognize that some of us in the House are specialists in one particular area. The rest of us seem to recognize this and give a great deal of credence to what that particular legislator says.

The same thing is to be said for our constituents. They deal with the day-to-day matters and complexities of our society. They also deal with the day-to-day administration of our laws and regulations.

Had it not been for Mr. Shipe taking the time to investigate the inequity in the reimbursement system and deciding how

the inequity could have been corrected, and writing to me, this problem would not have been corrected today.

I do think it is important for constituents to become involved in the governmental legislative process. I think that the legislators recognize that we need their comments, and that I hope will continue. Thank you, Mr. Speaker.

Thank you, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER RAISED

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

Mr. CUNNINGHAM. Mr. Speaker, I have been advised by counsel that my recollection was indeed accurate that the United States Supreme Court within the last few months handed down the Weber decision which upheld the constitutionality of affirmative-action programs generally, but held that specific quotas are constitutionally impermissible, and, as a consequence of that, without any regard to a policy statement on the advisability of the notion of affirmative action generally, I would like to challenge the constitutionality of the fixing of a specific quota, which was expressly held in the Weber decision to be constitutionally impermissible.

The SPEAKER. The question of constitutionality of the amendment offered by the lady from Philadelphia, Mrs. Harper, has been raised. Under the rules of the House, the decision on constitutionality will be determined by this House.

On the question of the constitutionality, does the lady, Mrs. Harper, wish to speak? The lady is in order and may proceed.

Mrs. HARPER. Mr. Speaker, I am only asking for a small percentage, 5 percent, so that people in Philadelphia can be served, and I am asking the House to go along with me. Thank you.

The SPEAKER. The question recurs. Those who believe that the amendment is constitutional will vote "aye"; opposed "no." The members will proceed to vote.

On the question,

Will the House agree to the constitutionality of the amendment?

The following roll call was recorded:

YEAS—128

Table listing names of members who voted 'YEAS' (128 total). Includes Anderson, Armstrong, Austin, Barber, Beloff, Bennett, Berson, Borski, Brandt, Brown, Brunner, Burns, Caltagirone, Cappabianca, Chess, Clark, B., Cochran, Cohen, Cole, Cowell, Dawida, DeWeese, Foster, W., Fryer, Gallagher, Gamble, Gatski, Geesey, George, C., George, M., Giammarco, Goodman, Grabowski, Gray, Greenfield, Halverson, Harper, Hoeffel, Honaman, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, J., Levi, Ritter, Rodgers, Schweder, Seventy, Shupnik, Sieminski, Smith, E., Stairs, Steighner, Stewart, Street, Stuban, Sweet, Taylor, F., Telek, Trello, Wachob, Wagner, Wargo, Wenger.

Table listing names of members who voted 'NAYS' (64 total). Includes DiCarlo, Dininni, Dombrowski, Donatucci, Duffy, Dumas, Durham, Earley, Fischer, R. R., Foster, A., Jones, Kanuck, Kernick, Knight, Kolter, Kowalyshyn, Kukovich, Laughlin, Lehr, Letterman, Pistella, Pitts, Polite, Pratt, Pucciarelli, Pyles, Rappaport, Reed, Rhodes, Richardson, White, Williams, Wilson, Wilt, Wright, D., Wright, J. L., Yahner, Zeller, Zitterman, Zwilk.

NAYS—64

Table listing names of members who voted 'NAYS' (64 total). Includes Alden, Arty, Belardi, Bittle, Bowser, Burd, Cessar, Cimini, Clark, R., Coslett, Cunningham, Davies, DeVerter, Ditz, Dorr, Fisher, D. M., Freind, Gallen, Gannon, Geist, Gladeck, Grieco, Gruppo, Hasay, Hayes, S. E., Helfrick, Johnson, E., Klingaman, Knepper, Lashinger, Lewis, Lynch, F., Mackowski, Madigan, McClatchy, McKelvey, McVerry, Moehlmann, Mowery, Nahill, Noye, O'Brien, D., Perzel, Piccola, Pott, Punt, Rocks, Ryan, Salvatore, Scheaffer, Serafini, Sirianni, Smith, L., Spencer, Spitz, Swift, Taddonio, Taylor, E., Thomas, Vroon, Wass, Yohn, Zord, Seltzer, Speaker.

NOT VOTING—10

Table listing names of members who did not vote (10 total). Includes Cornell, DeMedio, Fee, Goebel, Hayes, D. S., Micozzie, O'Donnell, Rieger, Schmitt, Scirica.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was declared constitutional.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—128

Table listing names of members who voted 'YEAS' (128 total). Includes Armstrong, Arty, Austin, Barber, Beloff, Bennett, Berson, Borski, Brandt, Brown, Brunner, Burns, Caltagirone, Cappabianca, Chess, Clark, B., Cochran, Cohen, Cole, Cowell, Dawida, DeMedio, DeWeese, DiCarlo, Dininni, Fee, Fischer, R. R., Foster, A., Foster, W., Fryer, Gallagher, Gamble, Gatski, George, C., George, M., Giammarco, Goodman, Grabowski, Greenfield, Gruppo, Halverson, Harper, Honaman, Hutchinson, A., Irvis, Itkin, Johnson, J., Jones, Kanuck, Kernick, Letterman, Levi, Levin, Livengood, Manderino, McCall, McIntyre, McMonagle, McVerry, Michlovic, Milanovich, Miller, Mrkonc, Mullen, M. P., Murphy, Musto, Nahill, Novak, O'Brien, B., Oliver, Peterson, Petrarca, Pievsky, Pistella, Polite, Pott, Richardson, Ritter, Rocks, Rodgers, Salvatore, Schweder, Shadding, Shupnik, Sieminski, Stairs, Steighner, Stewart, Street, Stuban, Sweet, Taylor, F., Telek, Trello, Vroon, Wachob, Wagner, Wargo, Wenger, Williams, Wilson.

Dombrowski	Knepper	Pratt	Wright, D.
Donatucci	Knight	Pucciarelli	Wright, J. L.
Duffy	Kolter	Pyles	Yahner
Dumas	Kowalyszyn	Rappaport	Zeller
Durham	Kukovich	Reed	Zitterman
Earley	Laughlin	Rhodes	Zwilk

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

NAYS—66

Alden	Geesey	Madigan	Sirianni
Anderson	Geist	Manmiller	Smith, E.
Belardi	Gladeck	McClatchy	Smith, L.
Bittle	Grieco	McKelvey	Spencer
Bowser	Hasay	Micozzie	Spitz
Burd	Hayes, S. E.	Moehlmann	Swift
Cimini	Helfrick	Mowery	Taddonio
Coslett	Hoefel	Noye	Taylor, E.
Cunningham	Hutchinson, W.	O'Brien, D.	Thomas
Davies	Johnson, E.	Perzel	Wass
DeVerter	Klingaman	Piccola	Weidner
Dietz	Lashingner	Pitts	Wilt
Dorr	Lehr	Punt	Yohn
Fisher, D. M.	Lewis	Ryan	Zord
Freind	Lynch E. R.	Scheaffer	
Gallen	Lynch, F.	Scirica	Seltzer,
Gannon	Mackowski	Serafini	Speaker

NOT VOTING—8

Cessar	Gray	O'Donnell	Schmitt
Cornell	Hayes, D. S.	Rieger	Seventy

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?

Mr. WILSON offered the following amendments:

Amend Sec 1 (Sec. 1103), page 3, line 10, by inserting a period after "RADIO"

Amend Sec. 1 (Sec. 1103), page 3, lines 10 and 11, by striking out "IN CITIES OF THE FIRST CLASS."

On the question,

Will the House agree to the amendments?

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

Mr. WILSON. This is just a clarifying amendment to page 3, line 10, in removing "in cities of the first class." In other words, it simply says that any taxicab operator may utilize the services of a centralized dispatch system.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Alden	Fryer	Lynch, E. R.	Salvatore
Anderson	Gallagher	Lynch, F.	Scheaffer
Armstrong	Gallen	Mackowski	Schweder
Arty	Gamble	Madigan	Scirica
Austin	Gannon	Manderino	Serafini
Barber	Gatski	Manmiller	Seventy
Belardi	Geesey	McCall	Shadding
Beloff	Geist	McClatchy	Shupnik
Bennett	George, C.	McIntyre	Sieminski

NAYS—0

NOT VOTING—8

Borski	Earley	Hayes, D. S.	Rieger
Cornell	Fisher, D. M.	O'Donnell	Schmitt

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

On the question recurring,

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

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for final passage.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 631, PN 2293**, 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. 683 Printer's No. 2293

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 631

Session of 1979

INTRODUCED BY MESSRS. L. E. SMITH, SPENCER,
DeVERTER AND WASS, MARCH 12, 1979.AS AMENDED ON THIRD CONSIDERATION, IN SENATE,
OCTOBER 17, 1979.

An Act

amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting trading in motor vehicles and trailers and making ~~certain repeals~~ A REPEAL.

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

Section 1. ~~Sections 7361, 7362, 7363 and 7364~~ SECTION 7362 of Title 18, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, ~~are~~ IS repealed.

Section 2. Title 18 of the act is amended by adding a section to read:

§ 7365. Trading in motor vehicles and trailers.

(a) Offense defined.—A person is guilty of a summary offense if he engages in the business of buying, selling, exchanging, trading, or otherwise dealing in new or used motor vehicles or trailers, on Sunday.

(b) Repeated offense penalty.—A person who commits a second or any subsequent offense within one year after conviction for the first offense, shall be sentenced to pay a fine not exceeding \$200.

(c) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Motor vehicle.” Every self-propelled device in, upon or by which any person or property is or may be transported or drawn on a public highway.

“Trailer.” Every vehicle, without motor power, designed to carry property or passengers or designed and used exclusively for living quarters wholly on its own structure, and to be drawn by a motor vehicle.

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

On the question,

Will the House concur in Senate amendments?

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

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

Mr. Speaker, this is a bill that would ban automobile sales in Pennsylvania on Sunday. We passed the bill here and sent it to the Senate, and when we passed the bill, we also repealed the blue law section of our statutes, and the Senate did not care for that and they put that back in. That is the the only change they made.

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

Mr. RITTER. Mr. Speaker, what the gentleman, Mr. Smith, said is correct, but what this House did was also correct in that we repealed those sections of the Crimes Code dealing with

Sunday sales that the court had said was unconstitutional. What the Senate in their wisdom did was to repeal, in effect wipe out, our repealers, so that we are going to have in the Crimes Code three sections dealing with Sunday sales that the courts have already declared to be unconstitutional. I really do not think we ought to be doing that, and we should take them out of the Crimes Code. They are unconstitutional. To have something in the code which the courts have already declared unconstitutional seems to me to be indicating to the public that we do not really care whether they are unconstitutional or not and we will leave them in there anyway. There is no sense in them being in. I do not understand the logic of the Senate. I think we should nonconcur in the amendments, send it back to the Senate, and tell them to do the job that this House had started out to do and which needs to be done in order to correct the Crimes Code. I would ask for a vote to nonconcur.

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

Mr. L. E. SMITH. Mr. Speaker, I cannot help but agree with the gentleman except for the fact that this bill has been passed by the House and Senate and is ready to go to the Governor if we concur. If he is really concerned about those unconstitutional portions of the blue laws being put back on the books, I think we should have a bill drafted that will do that and let it fly on its own. I would ask for concurrence in the Senate amendments.

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

Mr. S. E. HAYES. I yield to the gentleman from Lehigh, Mr. Ritter.

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

Mr. RITTER. Mr. Speaker, there is no need for me or anyone else to draft legislation to repeal those unconstitutional sections. We already have that in this bill. We had it in this bill when it passed the House. All I am saying to you is we ought to send the message back to the Senate that by nonconcurring this House does want to take out of the Crimes Code those three sections of the Sunday sales law which the court declared unconstitutional. Why waste time in preparing legislation, going through the rigamarole again, when we have an opportunity today to do the job that ought to be done. We simply nonconcur in the Senate amendments and tell them that we want those unconstitutional provisions removed from the Crimes Code. I again ask for a vote to nonconcur.

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

Mr. S. E. HAYES. Mr. Speaker, we can all recall that this House of Representatives debated at great length as to whether or not those provisions relating to Sunday sales, even though they were declared unconstitutional by the court, should be stricken from the Crimes Code. Probably this bill, when it was originally drafted, should have directed its attention only to its basic provision, that being the sale of motor vehicles on Sunday. But those who drafted the bill made it more compre-

hensive on that, and this House debated at great length. Even though we ultimately passed the bill, this House debated at great length, and there was serious division here in this House as to whether or not the provisions of this bill, which intended to address itself only to motor vehicle sales, should also extend into all those other areas governed by the Sunday sales statutes of this Commonwealth. Whether they are unconstitutional or not aside, it seems to me that the Senate did what this legislation should have done in the first instance. It narrowed the provisions of the bill, addresses itself now only to the question of automobile sales, and if this House and the Senate on another day want to do something with those other provisions, let us do that. But on this day we can at least accomplish something that this House and the Senate agreed upon, and I urge concurrence, Mr. Speaker.

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

Mr. POTT. The Senate of Pennsylvania is taking a very irresponsible and blatant slap at the judiciary of this Commonwealth, and I do not think this House of Representatives should be a party to this action on their part. There is absolutely no sense in keeping unconstitutional laws on our books. We have a bad enough situation in Pennsylvania with Sunday sales and it makes absolutely no sense whatsoever to continue to confuse the issue by keeping unconstitutional statutes on our books. I urge a nonconcurrence so that this bill can go to a conference committee and this provision be put back in. Thank you.

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

Mr. VROON. Mr. Speaker, in response to the speaker who just finished, although it may be true that the courts have decided that these laws are unconstitutional, there are many, many citizens of this Commonwealth who seriously contest the validity of those decisions and they want very badly to have the opportunity to see these decisions overruled and reversed. There is considerable amount of doubt as to whether or not this was good court ruling in the first place. These laws have been on the books for over 100 years. During all that time nobody contested their constitutionality and all of a sudden because they say these laws were not being uniformly enforced, they say they are unconstitutional.

I do not think it is taking a slap at all at the courts to say at this time that this is important enough to consider separately in a separate bill, and let us get right back to the basic intent of the bill that is under question right now and decide that and that only. So I strongly urge concurrence in Senate amendments.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, would the gentleman, Mr. Eugene Smith, consent to interrogation?

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

Mr. BENNETT. Mr. Speaker, is my understanding correct in

that if we concur in the amendments inserted by the Senate, in effect what we are saying is that everybody can stay open except car dealers?

Mr. L. E. SMITH. Yes.

Mr. BENNETT. Thank you, Mr. Speaker. I urge concurrence.

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—140

Alden	Fisher, D. M.	Madigan	Scirica
Anderson	Foster, A.	Manmiller	Serafini
Armstrong	Foster, W.	McCall	Shadding
Arty	Gallen	McClatchy	Sieminski
Austin	Gamble	McIntyre	Sirianni
Barber	Gannon	McKelvey	Smith, E.
Belardi	Geesey	McMonagle	Smith, J.
Bennett	Geist	McVerry	Spencer
Bittle	Gladeck	Micozzie	Spitz
Borski	Goebel	Miller	Stairs
Brandt	Gray	Moehlmann	Steighner
Brown	Greenfield	Mowery	Stewart
Burd	Grieco	Mrkonic	Street
Burns	Gruppo	Murphy	Swift
Caltagirone	Halverson	Nahill	Taddonio
Cappabianca	Hasay	Noye	Taylor, E.
Cessar	Hayes, S. E.	O'Brien, B.	Taylor, F.
Chess	Helfrick	O'Brien, D.	Telek
Cimini	Honaman	Perzel	Thomas
Clark, R.	Hutchinson, A.	Peterson	Vroon
Cochran	Hutchinson, W.	Piccola	Wagner
Coslett	Itkin	Pievsky	Wass
Cowell	Johnson, E.	Pistella	Weidner
Davies	Kanuck	Pitts	Wenger
Dawida	Kernick	Polite	Williams
DeVerter	Klingaman	Punt	Wilson
DiCarlo	Knepper	Pyles	Wilt
Dietz	Kowalyszyn	Reed	Wright, D.
Dininni	Lehr	Richardson	Wright, J. L.
Dombrowski	Levi	Rocks	Yahner
Donatucci	Levin	Rodgers	Yohn
Dorr	Lewis	Ryan	Zord
Duffy	Livengood	Salvatore	
Dumas	Lynch, E. R.	Scheaffer	Seltzer,
Durham	Lynch, F.	Schweder	Speaker
Fischer, R. R.	Mackowski		

NAYS—51

Berson	Gatski	Kukovich	Ritter
Brunner	George, C.	Lashingier	Seventy
Clark, B.	George, M.	Laughlin	Shupnik
Cohen	Giammarco	Letterman	Stuban
Cole	Goodman	Manderino	Sweet
Cunningham	Grabowski	Michlovic	Trello
DeMedio	Harper	Milanovich	Wachob
DeWeese	Hoeffel	Musto	Wargo
Earley	Irvis	Novak	White
Fee	Johnson, J.	O'Donnell	Zeller
Freind	Jones	Oliver	Zitterman
Fryer	Knight	Petrarca	Zwilk
Gallagher	Kolter	Pott	

NOT VOTING—11

Beloff	Hayes, D. S.	Pucciarelli	Rieger
Bowser	Mullen, M. P.	Rappaport	Schmitt
Cornell	Pratt	Rhodes	

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

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 1262, PN 2106, 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. 1423, 1575, 2044 Printer's No. 2106

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1262

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, SEPTEMBER 24, 1979.

An Act

providing for adoption of capital projects to be financed from current revenues of the General Fund and making appropriations.

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

Section 1. Itemization and Authorization of Projects.

The 1979-1980 capital budget projects in the categories of public improvement projects and transportation assistance projects, to be financed from current revenues of the Genral Fund, are hereby itemized together with their respective estimated costs, as follows:

Table with 2 columns: Item description and Amount. Includes categories like Department of Agriculture, Department of Education, Department of General Services, Department of Military Affairs, and Department of Public Welfare.

Table with 2 columns: Item description and Amount. Includes items like State General Hospital, Installation of Automatic Sprinklers, Handicapped Standards Improvements, etc.

Section 2. Appropriations.

The following sums of moneys, or as much thereof as may be necessary, are hereby specifically appropriated for completion of the above itemized capital improvement projects:

- (1) The sum of \$55,000 to the Department of Agriculture.
(2) The sum of \$346,000 \$249,000 to the Department of Education.
(3) The sum of \$97,000 to the Department of General Services.
(3) THE SUM OF \$97,000 TO THE DEPARTMENT OF GENERAL SERVICES.
(4) (3) (4) The sum of \$78,000 to the Historical and Museum Commission.
(5) The sum of \$90,000 to the Department of Military Affairs.
(6) (4) (5) The sum of \$678,000 to the Department of Public Welfare.
(7) (5) (6) The sum of \$32,000 to the Department of Transportation.

Section 3. Federal and other funds. In addition to those funds appropriated in section 2, all moneys received from the Federal Government or any other source for the construction of the capital projects specifically

itemized herein are also hereby appropriated for those projects.
Section 4. Lapse of funds.

Whatsoever of the amounts herein appropriated are unexpended or unencumbered as of June 30, 1981, shall lapse.

Section 5. Effective date.

This act shall take effect July 1, 1979, or if enacted subsequent to this date, immediately.

On the question,

Will the House concur in Senate amendments?

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

Mr. McCLATCHY. For an explanation, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, the Senate deleted from the bill as it left the House and went over to the Senate, the California State College project because it was included in Act 25, which was HB 46, which was signed into law. The emergency lighting project is being done from previously approved funds so we can use that money for the south office wing. And the emergency repairs for the Soldiers' and Sailors' Home in Erie can be done from the \$1,472,000 appropriation approved in HB 1207, Act 62. That money is available to them. The \$90,000 would not be any more available than \$1,472,000, and I think that the things that should be done or had to be done with the \$90,000 can be done with that fund. That is all, Mr. Speaker.

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

Mr. DOMBROWSKI. I rise to ask nonconcurrency in the Senate amendments.

On May 24 of this year, we added an amendment to this bill that provided \$90,000 in emergency repairs for the Soldiers' and Sailors' Home in Erie. At that time we discussed the capital project that did pass this House and the Senate and was signed into law. Regardless of what would happen in the meantime, that roof is still leaking, damage is being done to several pieces of machinery in the kitchen, and I would at this time ask for a nonconcurrency. Thank you.

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—87

Alden	Foster, W.	Mackowski	Salvatore
Anderson	Freind	Madigan	Scirica
Armstrong	Gallen	Manmiller	Sirianni
Arty	Geesey	McClatchy	Smith, E.
Belardi	Geist	McKelvey	Smith, L.
Bittle	George, C.	McVerry	Spencer
Brandt	Goebel	Micozzie	Stairs
Burd	Grieco	Miller	Taddonio
Burns	Gruppo	Moehlmann	Taylor, E.
Cessar	Halverson	Mowery	Thomas
Cimini	Hasay	Nahill	Vroon
Clark, R.	Hayes, S. E.	Noye	Wagner
Coslett	Helfrick	O'Brien, D.	Wass
Cunningham	Honaman	Perzel	Weidner
Davies	Hutchinson, W.	Piccola	Wenger
DeVerter	Johnson, E.	Pitts	Wilson
Dietz	Klingaman	Polite	Wright, J. L.

Dininni	Knepper	Pott	Yohn
Dorr	Lehr	Punt	Zord
Earley	Levi	Pyles	
Fischer, R. R.	Lynch, E. R.	Rocks	Seltzer,
Fisher, D. M.	Lynch, F.	Ryan	Speaker
Foster, A.			

NAYS—110

Austin	Gallagher	Lewis	Rodgers
Barber	Gamble	Livengood	Scheaffer
Beloff	Gannon	Manderino	Schweder
Bennett	Gatski	McCall	Serafini
Berson	George, M.	McIntyre	Seventy
Borski	Giammarco	McMonagle	Shadding
Bowser	Gladeck	Michlovic	Shupnik
Brown	Goodman	Milanovich	Sieminski
Brunner	Grabowski	Mrkonic	Spitz
Caltagirone	Gray	Mullen, M. P.	Steighner
Cappabianca	Greenfield	Murphy	Stewart
Chess	Harper	Musto	Stuban
Clark, B.	Hoeffel	Novak	Sweet
Cochran	Hutchinson, A.	O'Brien, B.	Swift
Cohen	Irvis	O'Donnell	Taylor, F.
Cole	Itkin	Oliver	Telek
Cowell	Johnson, J.	Peterson	Trello
Dawida	Jones	Petrarca	Wachob
DeMedio	Kanuck	Pievsky	Wargo
DeWeese	Kernick	Pistella	Williams
DiCarlo	Knight	Pratt	Wilt
Dombrowski	Kolter	Pucciarelli	Wright, D.
Donatucci	Kowalyszyn	Rappaport	Yahner
Duffy	Kukovich	Reed	Zeller
Dumas	Lashinger	Rhodes	Zitterman
Durham	Laughlin	Richardson	Zwilk
Fee	Letterman	Ritter	
Fryer	Levin		

NOT VOTING—5

Cornell	Rieger	Schmitt	White
Hayes, D. S.			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

RESOLUTION ADOPTED

Mr. PERZEL called up **HR 126, PN 2132**, entitled:

General Assembly memorialize Congress and the President of the United States, that the economical and political system of the people of Taiwan continue.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—174

Alden	Fryer	Lynch, E. R.	Salvatore
Anderson	Gallagher	Lynch, F.	Scheaffer
Armstrong	Gallen	Mackowski	Schweder
Arty	Gamble	Madigan	Scirica
Belardi	Gannon	Manmiller	Seventy
Bennett	Gatski	McCall	Shadding
Bittle	Geesey	McClatchy	Shupnik
Bowser	Geist	McIntyre	Sieminski
Brandt	George, C.	McKelvey	Sirianni
Brown	George, M.	McMonagle	Smith, E.
Brunner	Giammarco	McVerry	Smith, L.
Burd	Gladeck	Michlovic	Spitz
Burns	Goebel	Micozzie	Stairs
Caltagirone	Goodman	Milanovich	Steighner

Cessar	Gray	Miller	Stewart
Chess	Greenfield	Moehlmann	Street
Cimini	Grieco	Mowery	Stuban
Clark, B.	Gruppo	Murphy	Swift
Clark, R.	Halverson	Musto	Taddonio
Cochran	Harper	Nahill	Taylor, E.
Cohen	Hasay	Novak	Taylor, F.
Cole	Hayes, S. E.	Noye	Telek
Coslett	Helfrick	O'Brien, B.	Thomas
Cowell	Hoeffel	O'Brien, D.	Trello
Davies	Honaman	Perzel	Vroon
Dawida	Hutchinson, A.	Peterson	Wagner
DeMedio	Hutchinson, W.	Petrarca	Wass
DeVerter	Itkin	Piccola	Weidner
DiCarlo	Johnson, E.	Pievsky	Wenger
Dietz	Johnson, J.	Pistella	White
Dininni	Jones	Pitts	Williams
Dombrowski	Kanuck	Polite	Wilson
Donatucci	Klingaman	Pott	Wilt
Dorr	Knepper	Pratt	Wright, D.
Duffy	Knight	Pucciarelli	Wright, J. L.
Dumas	Kolter	Punt	Yahner
Durham	Kowalyshyn	Pyles	Yohn
Earley	Lashinger	Rappaport	Zeller
Fee	Laughlin	Reed	Zitterman
Fischer, R. R.	Lehr	Rhodes	Zord
Fisher, D. M.	Levi	Ritter	Zwinkl
Foster, A.	Levin	Rocks	
Foster, W.	Lewis	Rodgers	Seltzer,
Freind	Livengood	Ryan	Speaker

NAYS—9

Cappabianca	Grabowski	Kukovich	Richardson
Cunningham	Irvis	Manderino	Wachob
DeWeese			

NOT VOTING—19

Austin	Cornell	Mullen, M. P.	Serafini
Barber	Hayes, D. S.	O'Donnell	Spencer
Beloff	Kernick	Oliver	Sweet
Berson	Letterman	Rieger	Wargo
Borski	Mrkonc	Schmitt	

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

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

REMARKS ON VOTE

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

Mr. WHITE. Mr. Speaker, that was HR 126, was it not, relating to the Taiwanese, the Taiwan situation in the Republic of China? I would like to be recorded in the negative on that vote, please, Mr. Speaker.

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

RESOLUTION ADOPTED

Mr. SCHWEDER called up HR 141, PN 2375, entitled:

House of Representatives commend Bethlehem Steel Corporation for its contribution to the Commonwealth's economy and extends best wishes on its 75th anniversary.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

NAYS—1

Laughlin

NOT VOTING—10

Beloff	Levin	O'Donnell	Rieger
Cornell	McIntyre	Rhodes	Schmitt
Hayes, D. S.	Mullen, M. P.		

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

CALENDAR BILLS ON THIRD CONSIDERATION

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

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

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

Amend Sec. 3 (Sec. 607), page 7, lines 15 through 19, by striking out "UNITED STATES" in line 15, all of lines 16 through 18, and "(30) DAYS THEREAFTER" in line 19, and inserting personalized service through the sheriff of the county or his designee within thirty (30) days

Amend Sec. 3 (Sec. 607), page 7, line 20, by striking out "MAILING" and inserting service

Amend Sec. 3 (Sec. 607), page 7, line 25, by striking out "MAILING" and inserting service

Amend Sec. 3 (Sec. 607), page 7, line 30, by striking out "AND PAY TO SAID PURCHASER THE TEN" and inserting .
The ten

Amend Sec. 3 (Sec. 607), page 8, line 1, by removing the period after "penalty"

Amend Sec. 3 (Sec. 607), page 8, line 5, by inserting after ~~shown~~ shall be forwarded by the bureau to the county treasurer for the use of the county. If personal service cannot be made as required herein, the bureau may petition the court of common pleas to waive the requirement of personal service for good cause shown.

Amend Sec. 3 (Sec. 607), page 8, line 13, by striking out "MAILING" and inserting SERVICE

Amend Sec. 3 (Sec. 607), page 9, line 5, by inserting after ~~subsection.~~

(3) If service of the notice cannot be made in this Commonwealth, then the notice shall be served on the person named in the notice by the sheriff or his designee, by sending him, by certified mail, return receipt requested, postage prepaid, at least thirty (30) days after the sale day, a true and attested copy thereof, addressed to such person's last known post office address. The sheriff shall attach to his return, the return receipts, and if the person named in the notice has refused to accept the certified mail or cannot be found at his last known address, shall attach evidence thereof. This shall constitute sufficient service under this subsection.

Amend Sec. 3 (Sec. 607), page 9, line 6, by striking out "(3)" and inserting (4)

On the question,

Will the House agree to the amendments?

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

Mr. BURNS. Mr. Speaker, if I may ask the Chair, my first motion was to be to revert to the prior printer's number rather than just offer the amendment at this time. So I would like, Mr. Speaker, if I could, to withdraw the amendment momentarily and revert to the prior printer's number.

The SPEAKER. The Chair's calendar is marked for additional amendments. If the Chair did what the gentleman suggests, it would then prohibit the other members from offering their amendments.

Mr. BURNS. Mr. Speaker, I do not think that is correct. I believe the only other amendment is by Mr. Spitz and I believe Mr. Spitz has his amendment drawn to either the revised—

The SPEAKER. The Chair's calendar is marked Pitts and Kuvovich.

Mr. BURNS. All right, Mr. Speaker. I will simply go along with the thinking of the Chair and offer the amendment rather than asking for a reversal.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns. Would the gentleman, Mr. Burns, like to explain his amendment?

Mr. BURNS. Yes, I would, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, this amendment does basically what reverting to the prior printer's number would have done. It returns the bill to the shape it was in when it passed the Senate. By the way, it passed the Senate by about 47 to 1.

The thing that the amendment will do is provide for personal service. If a person is having his or her home sold, it is my feeling that they should be notified by personal service rather than by certified mail, and if I might for just a moment, I would ask you to listen to why certified mail, in my opinion, does not do the job. Certified mail, first of all, cannot be forwarded. If a person has moved from a given address and he is sent a copy of the proceedings by certified mail, that certified mail cannot be forwarded even if there is a forwarding order in existence by the postal authorities. The second thing that it does is really strike fear into the hearts of poor people. Most poor and uneducated people really do not want to pick up and get a piece of mail that they have to go to the post office for. They are afraid of it for some unknown reason, but the fact is they are afraid of it, and many of them just ignore the mail that is there, thinking it contains some bad news but really not knowing what that bad news is, and they simply think that by ignoring it, it can be allowed to go away.

All I am asking for with this amendment is to do what every court has made to be done at the time of a court proceeding. There are no court proceedings that take place, to my knowledge, that do not require personal service, and when you see a \$70,000 home in Bucks County being sold for \$12 because people had no idea, due to an interim assessment and so forth, that the home was even being sold, and because people were too ignorant of the law or because they were poor, uneducated people who really did not understand what a registered letter meant and were afraid that it might be a traffic ticket or something like that, and to have a house sold out from under them, a house that was on the market for \$70,000, a house that was sold for \$12 because we did not have personal service as we require in all other legal cases, is, to me, criminal. Mr. Speaker, that is why I ask the adoption of this amendment.

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

Mr. BRANDT. Mr. Speaker, what the mover of this amendment is attempting to do is to delay the collection of taxes through our tax claim bureaus in our counties. The purpose of this whole act is to collect taxes. If we put the personal service in as Mr. Burns suggests, it will be a further move, one more time that properties will not be sold, and they will never get back onto the tax rolls. It is important that we have a final time when our taxes are collected in our counties.

We made several changes in this bill from the Senate in the Local Government Committee, and we acknowledge there are changes. The county people who operate the tax claim bureaus whom I met with several weeks ago also acknowledge changes,

but they have told me in several meetings and several messages that the idea of personal service is unworkable, because they have to get into the sheriff's department to go through with this proceeding, and if the sheriff's department says it cannot find these people, then that can go on, but what we do most importantly is delay the time of properties getting back on the rolls and producing taxes for our counties and for our school districts. I oppose the amendment, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, I contend that personal service would not delay but in fact would probably speed up the collection of taxes, because a property owner who was personally served with a notice of delinquent taxes, I think, would very quickly, if he cared anything or if she cared anything about the property, get in their automobile or get to their bank and send a check off immediately to the county treasurer so that those taxes would be paid. In fact, I think it would be a lot quicker than waiting until the end of the year for a tax sale.

The second thing is that the fact that the person, the sheriff's department, may not be able to locate the person does not delay it any longer than the tax sale now does. There is a time period, I believe, in the bill whereby with personal service, if they cannot be served after a certain period of time, then the only other thing that is required is regular, not registered, but regular mail, because regular mail can be forwarded, and if the sheriff's department and the regular mail cannot locate those people, then I think the county has a right to sell that particular piece of property.

I would like to point out, too, that the personal service does not go outside the Commonwealth. It is only personal service within the Commonwealth. So if anybody would be living in Hawaii, the sheriff's deputy would not go to Hawaii to serve it. They would simply be, under the provisions of this bill, bound to serve it if the person could be located within a reasonable time, which is spelled out in the bill, in the Commonwealth.

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

The following roll call was recorded:

YEAS—106

Alden	Fischer, R. R.	McCall	Rodgers
Austin	Fisher, D. M.	McIntyre	Schweder
Barber	Fryer	McKelvey	Serafini
Beloff	Gallagher	McMonagle	Seventy
Bennett	Gamble	McVerry	Shupnik
Berson	George, C.	Michlovic	Stairs
Borski	George, M.	Milanovich	Steighner
Brown	Goodman	Mrkonic	Stewart
Brunner	Gray	Murphy	Street
Burns	Greenfield	Musto	Stuban
Caltagirone	Harper	Novak	Sweet
Cappabianca	Helfrick	O'Brien, B.	Taddonio
Cessar	Hoeffel	O'Brien, D.	Taylor, F.
Chess	Hutchinson, A.	O'Donnell	Telek
Clark, B.	Irvic	Perzel	Trello
Clark, R.	Itkin	Petrarca	Wachob
Cochran	Johnson, J.	Pievsky	Wargo
Cohen	Jones	Pistella	Williams
Cole	Kernick	Pott	Wilson

Cowell	Knepper	Pratt	Wright, D.
DeMedio	Knight	Pucciarelli	Wright, J. L.
DeWeese	Kolter	Punt	Yahner
DiCarlo	Kowalshyn	Rappaport	Yohn
Dombrowski	Kukovich	Reed	Zeller
Dumas	Laughlin	Rhodes	Zitterman
Durham	Levin	Ritter	Zwikl
Fee	Manderino		

NAYS—88

Anderson	Gallen	Lynch, E. R.	Scirica
Armstrong	Gannon	Lynch, F.	Shadding
Arty	Geesey	Mackowski	Sieminski
Belardi	Geist	Madigan	Sirianni
Bittle	Giammarco	Manmiller	Smith, E.
Bowser	Gladeck	McClatchy	Smith, L.
Brandt	Goebel	Micozzie	Spencer
Burd	Grabowski	Miller	Spitz
Cimini	Grieco	Moehlmann	Swift
Coslett	Gruppo	Mowery	Taylor, E.
Cunningham	Halverson	Nahill	Thomas
Davies	Hasay	Noye	Vroon
Dawida	Hayes, S. E.	Oliver	Wagner
DeVerter	Honaman	Peterson	Wass
Dietz	Hutchinson, W.	Piccola	Weidner
Dininni	Johnson, E.	Pitts	Wenger
Donatucci	Kanuck	Polite	White
Dorr	Klingaman	Pyles	Wilt
Duffy	Lashingier	Rocks	Zord
Earley	Lehr	Ryan	
Foster, A.	Levi	Salvatore	Seltzer,
Foster, W.	Lewis	Scheaffer	Speaker
Freind	Livengood		

NOT VOTING—8

Cornell	Hayes, D. S.	Mullen, M. P.	Rieger
Gatski	Letterman	Richardson	Schmitt

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. SPITZ offered the following amendments:

Amend Title, page 1, line 27, by inserting after "further" providing for returns by collectors in certain cases;

Amend Bill, page 2, by inserting between lines 1 and 2

Section 1. The act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," is amended by adding a section to read:

Section 306.1. Taxes as a Result of an Interim Assessment.—

Notwithstanding the provisions of section 306, taxes due and payable as a result of an interim assessment shall not be returned to the county bureau until such taxes shall remain unpaid for at least one calendar year from the date on which such taxes first became delinquent. For purposes of this section the term "interim assessment" shall mean a notice of an increase in assessed value made after improvements, alterations, repairs or like work have been done to an existing structure used primarily as a residence.

Amend Sec. 1, page 2, line 2, by striking out "1." and inserting 2.

Amend Sec. 1, page 2, lines 2 and 3, by striking out " , act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," and inserting of the act,

Amend Sec. 2, page 4, line 18, by striking out "2." and inserting 3.

Amend Sec. 3, page 7, line 8, by striking out "3." and inserting 4.

Amend Sec. 4, page 9, line 11, by striking out "4." and inserting 5.

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 amendment addresses the question of interim assessments on residential property. Mr. Speaker, all of the headline, tragic-type cases—

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. ZELLER. I think this bill is a very important bill and the amendments are very important, and I think we ought to have a little quiet. I cannot even hear the man—I am that close—I cannot even hear the man speak over there. So if we could quiet this place down—I know you would like to have it quieted down—whatever you have to do, maybe I can help you.

The SPEAKER. The gentleman, Mr. Spitz, may proceed.

Mr. SPITZ. Mr. Speaker, while I have been waiting, I have had three requests for the number. The number of the amendment is A3042, to answer those requests.

Mr. Speaker, the tragic cases where people's homes have been sold for a minimal amount of taxes in Lancaster County and in Bucks County and elsewhere in the Commonwealth in the past few years have invariably arisen from a tax sale for an interim tax bill where the homeowner has made an improvement, added a garage or a porch or some improvement to their home, that has resulted in a small interim bill. In some instances the individual homeowner does not pay his own taxes, but rather his mortgage company pays them, and he makes a tax payment with his mortgage payment in an escrow account. In those instances frequently the bill on the interim assessment is sent directly to the taxpayer, and some individuals have not paid that either from ignorance or in reliance on their mortgage company, which never got the bill in the first place. In other instances, including a case in Bucks County, the homeowner simply ignored the interim tax, feeling that the tax claim bureau in fact would not sell his home for such a small bill.

Mr. Speaker, these are the tragic cases and the cases that we should be seeking to rectify, and I am not sure whether if there is personal service or nonpersonal service these cases would be rectified. My amendment merely precludes a sale for such an interim tax bill, but rather requires that the tax collector hold the bill through a one-tax cycle so that at least 1 full year's taxes would be due and owing. I have spoken to the tax claims bureau chief in my county, a large county, and he has no objection—in fact, in part suggested this—and I have spoken to others. I think this addresses the primary problem, and I ask for support.

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

Mr. VROON. Mr. Speaker, may I interrogate Mr. Spitz, please?

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

Mr. VROON. Mr. Speaker, are not interim taxes already included in the broad definition of taxes that we are dealing with here?

Mr. SPITZ. Yes.

Mr. VROON. Then why should we need to have an amendment like this to single out interim taxes for special treatment? Are they not taxes that are unpaid, if they are not paid, the same as any other taxes?

Mr. SPITZ. Mr. Speaker, the reason that we should single them out, in my judgment, is the reason that Senator Lewis and Mr. Brandt and Mr. Burns and others have brought this bill before us. We have situations in this Commonwealth where people who are paying on their homes and own their homes have their homes sold for an \$8 or \$10 or \$13 tax bill to a speculator. The courts will bend over backwards to aid those people if they can find some fault in the procedures that the tax people have gone through so that they do not lose their homes on such an interim tax bill. I do not find any fault with either provision, either the bill that Mr. Burns sought to bring before us or the bill that Mr. Brandt sought to bring before us, but it will not cure the problem.

The answer to the question, Mr. Speaker, is, yes, an interim tax bill is considered a tax bill, so either under the old notice provisions or under the new notice provisions that we adopt, a house can still be sold for an interim tax bill. So if you are paying your taxes every year, but if you add an addition and you get an \$8 or \$10 or \$20 bill and that is not paid by oversight, your home can be sold for the taxes. That has been the problem in every case. They are the tragic cases that I think we have a real obligation to see to, and I do not think that all of the other business that we have in front of us is necessarily going to cure the problem. Maybe it will help the pathetic case; maybe it will tie the hands of the tax claims bureaus, but it is not going to cure that one tragic problem. I frankly think my amendment will.

There is no great inconvenience to any tax collector to hold a couple of interims, and there is absolutely no reason that any tax claim bureau should be going through all the mechanics of a sale for an interim tax bill. We are after people who do not pay their taxes, not somebody who misses a slight bill. The people who do not pay their taxes will be caught the next year, and they will be 1 year plus that interim bill behind, and I think that this is exactly what is needed to cure the problem.

Mr. WILSON. Mr. Speaker?

Mr. VROON. I am not finished yet.

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

Mr. WILSON. Mr. Speaker, would the gentleman yield for a moment?

Mr. VROON. I will yield.

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

Mr. WILSON. Perhaps I can help the gentleman on interim taxes. The title companies refuse to insure interim taxes because of the risk that is involved. Therefore, if the person does not pay it or their bank does not pay it, they are assessed for it, and that is what happens on interim taxes, Mr. Speaker. I just thought I would point that out, that there is no insurance that a title insurance company will carry on interim taxes.

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

Mr. VROON. Mr. Speaker, continuing my interrogation, recognizing what Mr. Wilson just said, is there any reason to believe that an interim tax bill is not sent to the property owner in the first place?

Mr. SPITZ. Mr. Speaker, no. I am not questioning the good faith of the tax collectors in sending out the bills, and I am not questioning the good faith of the tax claim bureaus in sending out the notices for sale. What I am suggesting is that the cases that we have read about where the homes have been sold for a few dollars—and there was one in Folcroft in my county, there was at least one in Lancaster County, and there were more than one in Bucks County—are cases where the bills, even though they had been sent, were not paid.

In one instance to my knowledge, the homeowners did not think they had to pay this bill for a few dollars. They thought their bank was paying the taxes because they made their mortgage payments every month. In another instance to my knowledge, the homeowner did not pay the bill and said that she had not received it. I do not know whether she had or not. In another instance in Bucks County, the homeowner did not pay the bill, simply thinking that nobody would ever dare sell his house for a small bill.

What I am suggesting is that there is some problem out there that we are trying to address, and the problem is, should a house be sold out from under somebody for such a nominal amount of money, and how do we gain equity into the system? The sponsors of various bills think the system becomes more equitable by perfecting the notice that goes out to the taxpayer, and that may well be so. I am suggesting that we cure the problem of these tragic cases by not allowing a sale on the interim.

We will get the people who do not pay their taxes. The very first year they do not pay their taxes, their house will come up. I think that is whom we should be after. We should not be after the people who do pay their taxes every year but do not pay this one interim, regardless of their reason or regardless of the notice that they get. If they are not going to pay their taxes, they will be caught the first year they do not pay their taxes.

Mr. VROON. Mr. Speaker, may I comment?

The SPEAKER. The Chair recognizes Mr. Vroon.

Mr. VROON. Mr. Speaker, I recognize what you want to do here, and I really cannot find a lot of fault in your intent, but I cannot for the life of me understand why any property can be sold without proper notice being given for all taxes, regardless of whether they are regular or interim or whatever. Every person who is billed an interim tax bill gets the bill directly from

the tax collector, and if it is in delinquency for a year, then there is a notice that goes out that your property is being liened, just the same as any other taxes. This is the procedure. Your property is now being liened, and if you do not comply, you are liable to lose your home through a tax sale. I really cannot see the difference between the procedure between interim taxes and the other taxes. If interim taxes are billed, it will automatically be a year from the date that they are due that a lien notice will be sent to the owner of the property.

I really cannot see any point in putting this in here, although I really cannot say I have an objection either. If this is considered to be necessary, I fail to see it.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, as I understand Mr. Spitz and reading his amendment, I think it does precisely what is needed to correct the evil that is involved here. If we had this and nothing more, we would have a workable system that nobody could complain about, and we would not be fouling up tax titles as we are with requiring personal service and all of that other stuff, and we would not impede the tax collector.

This is a good amendment. It should be supported. It corrects the problem which is the interim assessment where somebody gets the assessment, does not properly forward it, and the new homeowner does not know that he owes the bill. This will do the job. I urge support of this amendment.

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

Mr. FRYER. Mr. Speaker, the amendment offered by Mr. Spitz is a meritorious one and is deserving of our support. I urge a "yes" vote on the amendment.

On the question recurring,

Will House agree to the amendments?

The following roll call was recorded:

YEAS—193

Alden	Foster, W.	Lewis	Salvatore
Anderson	Freind	Livengood	Scheaffer
Armstrong	Fryer	Lynch, E. R.	Schweder
Arty	Gallagher	Lynch, F.	Scirica
Austin	Gallen	Mackowski	Serafini
Barber	Gamble	Madigan	Seventy
Belardi	Gannon	Manderino	Shadding
Beloff	Gatski	Manmiller	Shupnik
Bennett	Geesey	McCall	Sieminski
Berson	Geist	McClatchy	Sirianni
Biittle	George, C.	McIntyre	Smith, E.
Borski	George, M.	McKelvey	Smith, L.
Bowser	Giammarco	McMonagle	Spencer
Brandt	Gladeck	McVerry	Spitz
Brown	Goebel	Michlovic	Stairs
Brunner	Goodman	Micozzie	Steighner
Burd	Grabowski	Milanovich	Stewart
Burns	Gray	Miller	Street
Caltagirone	Greenfield	Moehlmann	Stuban
Cappabianca	Grieco	Mowery	Sweet
Cessar	Gruppo	Mrkonic	Swift
Chess	Halverson	Mullen, M. P.	Taddonio
Cimini	Harper	Murphy	Taylor, E.
Clark, B.	Hasay	Musto	Taylor, F.
Clark, R.	Hayes, S. E.	Nahill	Telek

Cochran	Helfrick	Novak	Thomas
Cohen	Hoeffel	Noye	Trello
Cole	Honaman	O'Brien, B.	Vroon
Coslett	Hutchinson, A.	O'Brien, D.	Wachob
Cowell	Hutchinson, W.	Oliver	Wagner
Cunningham	Irvis	Perzel	Wargo
Dawida	Itkin	Peterson	Wass
DeMedio	Johnson, E.	Petrarca	Weidner
DeVerter	Johnson, J.	Piccola	Wenger
DeWeese	Jones	Pistella	White
DiCarlo	Kanuck	Pitts	Wilson
Dietz	Kernick	Polite	Wilt
Dininni	Klingaman	Pott	Wright, D.
Dombrowski	Knepper	Pratt	Wright, J. L.
Donatucci	Knight	Pucciarelli	Yahner
Dorr	Kolter	Punt	Yohn
Duffy	Kowalyszyn	Pyles	Zeller
Dumas	Kukovich	Rappaport	Zitterman
Durham	Lashinger	Reed	Zord
Earley	Laughlin	Rhodes	Zwilk
Fee	Lehr	Ritter	
Fischer, R. R.	Letterman	Rocks	Seltzer,
Fisher, D. M.	Levi	Rodgers	Speaker
Foster, A.	Levin	Ryan	

NAYS—0

NOT VOTING—9

Cornell	O'Donnell	Richardson	Schmitt
Davies	Pievsky	Rieger	Williams
Hayes, D. S.			

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

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 Spitz amendment to SB 316. I would like to be recorded in the affirmative.

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

AMENDMENT WITHDRAWN

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

Mr. FRYER. Mr. Speaker, the amendment that was adopted, the Burns amendment, has taken care of the amendment that I was proposing. Therefore, I am withdrawing the amendment at this time.

On the question recurring,

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

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for final passage.

The House proceeded to third consideration of **HB 182, PN 194**, entitled:

An Act repealing section 3732 of Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, relating to homicide by vehicle.

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

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain revocations and repealing provisions relating to homicide by vehicle.

Amend Bill, page 1, by inserting between lines 5 and 6

Section 1. Subsection (a) of section 1532 of Title 75, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 1532. Revocation or suspension of operating privilege.

(a) Revocation.—The department shall revoke the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of any of the following offenses:

(1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

(2) Any subsequent violation of section 3731 (relating to driving under influence of alcohol or controlled substance) within three years of a prior violation.

(2.1) Any violation of 18 Pa. C. S. § 2504 (relating to involuntary manslaughter) where the reckless or grossly negligent operation of a vehicle by the driver was the direct cause of death of the victim.

(3) Any violation of the following provisions:

[Section 3732 (relating to homicide by vehicle).]

Section 3742 (relating to accidents involving death or personal injury).

Section 7102(b) (relating to removal or falsification of identification number).

Section 7103(b) (relating to dealing in vehicles with removed or falsified numbers).

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

* * *

Amend Sec. 1, page 1, line 6, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, lines 6 through 8, by striking out "act of November 25," in line 6, all of line 7 and "Statutes," in line 8

Amend Sec. 2, page 1, line 9, by striking out "2." and inserting 3.

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

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Scirica, to explain his amendment.

Mr. SCIRICA. Mr. Speaker, the amendment is to a bill that would delete from the Vehicle Code the crime of homicide by vehicle. The amendment, I believe, is noncontroversial in that we should not pass HB 182 without inserting this amendment, which simply provides that in the event an individual is convicted of the crime of involuntary manslaughter, they would automatically lose their license for a period of 1 year. The present law does not now provide for the mandatory revocation of a license upon the conviction of involuntary manslaughter. If we pass HB 182, we will have deleted the crime of homicide by vehicle and will have left as our main sanction the crime of involuntary manslaughter, and so it ought to be inserted into the revocation provision.

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

Mr. RICHARDSON. Could I interrogate Mr. Scirica, please?

Mr. SCIRICA. Yes, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, on this bill I have some concern in relationship to the changing of the words "homicide by vehicle" to "involuntary manslaughter." I want to know whether or not there is already a provision. I heard you say there is not in terms of taking away the license of an individual who is now presently convicted of homicide by vehicle. Could you tell us now what the present law is in relationship to a person being convicted and the status of a person's license? Does the court have the right to take a person's license now in the event that they are convicted of a crime?

Mr. SCIRICA. I will try to answer your question, Mr. Speaker, but it was hard for me to hear over the din.

Under existing law, section 1532 and the section dealing with revocation or suspension of operating privileges in the Vehicle Code, it provides that under certain circumstances there shall be a mandatory revocation of the license, and one of those is a violation of the section relating to homicide by vehicle. For some reason, when we passed the Vehicle Code, we did not specifically include as one of those conditions that would cause the mandatory revocation a conviction of the crime of involuntary manslaughter.

It has not been a problem, because in most cases the district attorneys charge involuntary manslaughter and homicide by vehicle, and if a person is convicted of involuntary manslaughter, in virtually every case they are also convicted of homicide by vehicle, and so the person has lost his license for that 1-year mandatory term. But if—and I say "if"—we pass HB 182, we will be striking out the crime of homicide by vehicle, and, therefore, it would be essential, in my opinion, to make sure that upon conviction of the crime of involuntary manslaughter, there would be a mandatory revocation of your operating privileges for 1 year.

Mr. RICHARDSON. Okay. The reason I raised that is because I think that one of the first cases that was probably tried under the new Vehicle Code with this language in it before it was changed today was that a man was convicted in my district of the particular crime of homicide by vehicle, and his license was also suspended, and I am just wondering whether or not they had the right then to suspend the license of the individual at the time without having any information. I do not think Mr. Scirica got it at all; I really do not.

The SPEAKER. The Chair has been requested to pass over this bill for today. Is it all right with the sponsor of the bill?

Without objection, HB 182—

Mr. RICHARDSON. Mr. Speaker, I do not think it is fair that in the middle of my interrogation on this particular information, you would pass over the bill. I think that I have a right to have the question answered to what I have raised thus far on this particular issue.

The SPEAKER. For the information of the gentleman, Mr. Richardson, a member of Mr. Richardson's caucus asked that the bill be passed over. The sponsor of the bill is willing to hon-

or the request. Does the gentleman, Mr. Richardson, insist that the bill be voted on?

Mr. RICHARDSON. No. I did not ask that it be voted on, Mr. Speaker. I said I was raising a question at the time when we paused for a moment, and I would like an answer to the question I have raised—

The SPEAKER. Does the gentleman, Mr. Scirica, indicate that he has an answer to the gentleman, Mr. Richardson's question? Mr. Scirica may proceed.

Mr. SCIRICA. Mr. Speaker, it is my opinion that under the Vehicle Code as it is presently written, there is no language in there that provides for the mandatory suspension of operating privileges upon the sole conviction of involuntary manslaughter, that you would also have to have a conviction of homicide by vehicle. That is the reason for this particular amendment.

Mr. RICHARDSON. Thank you very much, Mr. Speaker. I am finished interrogating, Mr. Speaker, and I appreciate the fact that the House has given me an opportunity to at least get that on the record.

AMENDMENTS WITHDRAWN

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

Mr. SCIRICA. Mr. Speaker, I withdraw my amendments.

HB 182 PASSED OVER

The SPEAKER. Without objection, the bill will be passed over. The Chair hears none.

RECONSIDERATION OF VOTE ON HB 1799

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

Mrs. HARPER. Mr. Speaker, I move that the vote by which HB 1799, PN 2344, was agreed to as amended on third consideration on Wednesday, November 14, 1979, be reconsidered.

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

Mr. WILSON. I second the motion.

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

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

RECONSIDERATION OF VOTE ON AMENDMENT TO HB 1799

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

Mrs. HARPER. I move that the vote by which my amendment to HB 1799 was passed on the 14th day of November be reconsidered.

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

Mr. WILSON. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—186

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

NAYS—6

Helfrick	Michlovic	Richardson	Scheaffer
Johnson, E.	Mowery		

NOT VOTING—10

Berson	Hayes, D. S.	Pucciarelli	Rieger
Cornell	Lynch, F.	Rappaport	Schmitt
Greenfield	Pievsky		

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

On the question recurring,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mrs. HARPER. Mr. Speaker, I am withdrawing amendment A3963.

The SPEAKER. The Chair thanks the lady.

HB 1799 PLACED ON THIRD CONSIDERATION
POSTPONED CALENDAR

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

Mr. WILSON. Mr. Speaker, I move that HB 1799 be placed on the third consideration postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RESOLUTION RECOMMITTED

Mr. RYAN called up HR 143, PN 2433, entitled:

House of Representatives expel Matthew J. Cianciulli as a member of the House of Representatives.

On the question,

Will the House adopt the resolution?

HR 143 RECOMMITTED TO RULES COMMITTEE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HR 143 be recommitted to the Committee on Rules.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. The resolution is so recommitted.

RESOLUTION RECOMMITTED

Mr. RYAN called up HR 145, PN 2420, entitled:

House of Representatives suspends the rights and privileges of Matthew J. Cianciulli, a member of the House of Representatives.

On the question,

Will the House adopt the resolution?

HR 145 RECOMMITTED TO RULES COMMITTEE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HR 145 be recommitted to the Committee on Rules.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. The resolution is so recommitted.

HB 1496 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from

Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I move that the vote by which HB 1496 was defeated on the 30th day of October be reconsidered.

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

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

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—179

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

NAYS—10

Austin	Dawida	Kukovich	Mowery
Brown	Duffy	Milanovich	Scheaffer
Cowell	Knight		

NOT VOTING—13

Beloff	Hayes, D. S.	Michlovic	Rieger
Berson	Levin	Pievsky	Schmitt
Cornell	Lynch, F.	Rhodes	Taylor, E.
Foster, A.			

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

On the question recurring,

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

HB 1496 PLACED ON FINAL PASSAGE
POSTPONED CALENDAR

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

Mr. SERAFINI. Mr. Speaker, I move that HB 1496 be placed on the final passage postponed calendar.

The SPEAKER. It has been moved by the gentleman, Mr. Serafini, that HB 1496 be placed on the final passage postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

COMMUNICATION FROM SECRETARY
FOR LEGISLATIVE AFFAIRS

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

November 1, 1979.

The Honorable H. Jack Seltzer
Speaker
House of Representatives
139 Main Capitol
Harrisburg, Pennsylvania 17120

Dear Jack:

Attached is a copy of the cost reduction report called for in the General Appropriations Act of 1979.

Secretary Baran is having the report reproduced in a format similar to the annual "Budget in Brief" booklet for members of the General Assembly, staff, media, etc. Those copies will be delivered shortly for distribution.

Please call if you have any concerns.

Sincerely yours,

RICHARD A. STAFFORD
Secretary for Legislative Affairs

cc: Martin Murray

(For report, see Appendix.)

BILL SIGNED BY SPEAKER

The following bill, having been prepared for presentation to the Governor, was signed by the Speaker:

HB 631, PN 2293

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting trading in motor vehicles and trailers and making a repeal.

CONDOLENCE RESOLUTION

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

Mr. NOYE. Mr. Speaker, I offer the following condolence resolution.

The SPEAKER. The clerk will read the resolution.
The following resolution was read:

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

Resolution

WHEREAS, Mrs. Mamie Doud Eisenhower, former First Lady and wife of the late President Dwight D. Eisenhower, passed away on November 1, 1979 at the age of eighty-two; and

WHEREAS, Mrs. Eisenhower was born Mamie Geneva Doud on November 14, 1896, in Boone, Iowa. She married Dwight D. Eisenhower, a West Point graduate from Abilene, Kansas, on July 1, 1916. She was blessed with two sons, Doud Dwight, deceased, and John; four grandchildren; and four great-grandchildren. Mrs. Eisenhower, affectionately called Mamie by everyone, was the guiding force and loving companion of her husband during his outstanding Army career and years as the President of the United States. In 1949 the Eisenhowers purchased a farm in Gettysburg, Pennsylvania. Mrs. Eisenhower, an active member of the Gettysburg Chapter of the Daughters of the American Revolution, was a member of numerous organizations including the Board of Trustees of the Pennsylvania Medical College, Philadelphia; the Gettysburg Soroptimist Club; the Board of Associates of Gettysburg College; and the Gettysburg Womens Club. A member of the Gettysburg Presbyterian Church, she was honorary chairman of the Board of Trustees of Eisenhower College at Seneca Falls, New York, and honorary chairman of the Historic Gettysburg-Adams County, Incorporated; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of Mamie Doud Eisenhower, a gracious person of tremendous spiritual innerbeing and strength; and extends heartfelt condolences to her son, John; her grandchildren and her many friends and associates who came to love and respect her; and be it further

RESOLVED, That a copy of this resolution be transmitted to her son, John Eisenhower.

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable H. Jack Seltzer, and adopted by the House of Representatives on the 14th day of November 1979.

H. JACK SELTZER
Speaker

ATTEST:

CHARLES F. MEBUS
Chief Clerk

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

STATEMENT BY MR. ZELLER

The SPEAKER. The gentleman from Lehigh, Mr. Zeller, asks unanimous consent to make a brief statement. The Chair hears no objection. The gentleman may proceed.

Mr. ZELLER. Mr. Speaker and members, I talked yesterday briefly about a resolution and I would like to call your attention to the necessity of the resolution.

Mr. Paul Volcker, the chairman of the Federal Reserve Commission, holds the power as to the raising of interest rates and he also holds the power to lower them, and we fail to realize how fragile the advancement of our nation has been and how easy it is for a person to lose what so many people have died and suffered for. If we do not read history and pay attention to

it and understand what happened, we are then doomed to relive it.

Messrs. Franklin, Washington, Hamilton and others in our great colonies, years ago, fought the British Empire and what was high embargoes; what was, in effect, high interest rates. They stood up and they fought the fact that Britain was raping our nation of its resources and wanting us to be in, what you would call, complete bondage to that empire.

We feel strongly that the international money changers are at it again in their bid to have America brought to its knees, while those with money can maneuver it into an area of interest. Rising interest rates will stop growth economically and socially. Those industries and businesses who are hit with legislation whereby they can barely survive today, and the higher interest rates will finish them off, allowing the powerful money changers to gobble them up.

Think about the thirties following the depression. Seven years after the crash, living through one of the worst depressions one could even dream of—and I lived through it—the government found that they had better get this country moving again, since they saw the Nazis moving in a war program in Europe, and so what they came out with was the Blue Sky Laws, which allowed people to get their money out of their coffee cans and from under their rugs and get it back into circulation. They gave them a deal which said that on your return on your investment you only pay on 25 percent of your return. This was a carrot out there to get the money moving and that is what this country needs today. We do not need a hold on the money; we need it to be moving so that we can have the little tool and die maker be able to invest in his plant, the farmer to buy tractors, and other people to get their businesses going, and you cannot do it with high interest rates.

They predicted that we are going to have, in 1980, less than one million homes being built. In 1978 there were over two million. And if this is the kind of economy we are going to have, I do not call it, in other words, a movement just to get us back on an even keel; I call it a depression. This is exactly what they are leading us into, and these are the money changers, the Wall Street brokers. The people who have the money are playing games with the people. They see the various businesses out there, those that they can deal with, those that they cannot deal with, and the high interest rates are going to stop them and starve them and therefore they can gobble them up.

I have talked with members of the House, many members who do not see it this way, but I say that we have been institutionalized by government because right now, today, the gross national product is depending upon the Federal Government up to 62 percent, and any time you go over 50 percent, you can ask any economist, such as Milton Friedman and others, that any-time the government takes over the gross national product over 50 percent, we are in trouble and that is what is happening today in our nation.

What we are going to do is to say, how are you going to pay for the services of this nation that you ask for by government if the people do not have the taxes to pay for it? It is going to be more government, more government, more government, and we are in a state of chaos, and that is why I say I have this

resolution. I thank you, Mr. Speaker, for letting me say my two cents.

I have a resolution that is going to inform the President of the United States and the Federal Reserve Commission that if Mr. Volcker does not want to stand up and say that the interest rates must come down, he shall resign. That is what my resolution says.

I would like to see survive those people, hearty souls, who want to see America back on its feet, to see it moving; not to see us in the bread lines and not to see us having to go on—and I say it sincerely with respect—welfare or unemployment compensation. Where is the money going to come from when we are out of work? When there is no work, nothing moves, and that is what I say we are heading ourselves into, one awful mess.

Thank you, Mr. Speaker, and I am going to present this today. I have several signers and I would like to have cosponsors who would like to get with me on this, and let us straighten this country back out again and get it moving economically and socially, and not walk us into a depression such as I feel the money changers are doing. Thank you.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 769, PN 835 (Unanimous) By Mr. F. J. LYNCH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), revising the definition of "taxable income" for purposes of the corporate net income tax.

Finance.

HB1252, PN 2459 (Amended) By Mr. F. J. LYNCH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), exempting certain fish feed and related items from the sales tax.

Finance.

HB 1608, PN 2460 (Amended) By Mr. F. J. LYNCH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for exemptions from capital stock tax.

Finance.

SB 1011, PN 1242 (Unanimous) By Mr. F. J. LYNCH

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," exempting the manufacture of denatured ethyl alcohol for use in farm machinery from licensing requirements.

Finance.

BILLS PASSED OVER

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

The Chair hears no objection.

WELCOMES

The SPEAKER. The Chair welcomes to the balcony, 125 members of the Pennsylvania Recreation and Parks Society, who represent areas all over this Commonwealth. They are here today as the guests of the gentleman from Mercer, Mr. Bennett.

The Chair also welcomes in the balcony, Dr. Hopkirk and the political science class from Villanova University, who are here today as the guests of Mr. John Alden.

The Chair also welcomes to the balcony, Mrs. Happ, who is here today as the guest of Messrs. Laughlin, Milanovich and Kolter.

The Chair welcomes to the balcony a group of Senior Citizens of Action Alliance who are the guests of Messrs. McIntyre and Jones.

The Chair also welcomes a group of senior and junior high students who are members of the political science class from Schuylkill Valley High School, and their teacher, Mr. Jones, who are here today as the guests of Messrs. Davies and Fryer of Berks County.

The Chair welcomes to the balcony Mr. Thomas Finnerty, who is here today as the guest of Mr. McIntyre.

The Chair welcomes to the House, Scotty Moore, Stella Urbanski, Alma Blank, Gus Blank and William Jacoby, who are members of the Bensalem senior citizen group from Bucks County. They are here as the guests of the delegation from Bucks County and the gentlemen from that district.

ADJOURNMENT

Mrs. CLARK moved that this House of Representatives do now adjourn until Tuesday, November 27, 1979, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:36 p.m., e.s.t., the House adjourned.