

# Legislative Journal

TUESDAY, NOVEMBER 27, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 82

## HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

### PRAYER

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

In the spirit of this Thanksgiving season, let us, as the representatives of the people of this Commonwealth, give thanks to God for the opportunity that is ours to lead and to guide.

Let us thank God for the opposition we have had to meet, the resistance that has forced us to put forth our best effort, the disputes that have compelled us to reexamine our arguments and eliminate the flaws.

Let us thank God for the struggles that have caused us to grow; the defeats that have kept us humble; the losses that have made us cautious; and the dangers that have kept us alert.

Let us thank God for the risks we have had to take, that have brought out our hidden strengths, that have benefitted the people we serve.

Let us thank God for some of the enemies we have made, for to have no enemies means that we have not taken issue with wrong, defied any evil, or rallied to the defense of the oppressed.

Let us thank God for our critics who tell us the truth about ourselves.

Above all, let us thank God, that through our efforts, good has often come out of evil, that struggles we would have preferred to avoid have turned into blessings, that confident in His love and goodness, we have found courage to face whatever comes—"To run the race that is set before 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 Wednesday, November 14, 1979, will be postponed until printed.

### JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of

July 10 and 11, 1979, September 17, 18, 19, 24 and 25, 1979?

If not, and without objection, the Journals are approved.

### HOUSE BILLS INTRODUCED AND REFERRED

**HB 1956** By Representatives SERAFINI, ALDEN, CAPPABIANCA and BELARDI.

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), further providing for the removal and disqualification of officers and employees.

Referred to State Government, Nov. 14, 1979.

**HB 1957** By Representatives ITKIN, BRANDT, NOVAK, MUSTO, GAMBLE, CALTAGIRONE, GRIECO, SHUPNIK, GIAMMARCO, McCALL, CHESSE, STEIGHNER, STAIRS, RODGERS, PETRARCA, OLIVER, BURNS, GRABOWSKI, WHITE, WILLIAMS, HELFRICK, PISTELLA, BORSKI, SCHWEDER, SERAFINI, FISCHER, REED, E. G. JOHNSON, McINTYRE, LEHR, MRKONIC, SEVENTY, KNIGHT, AUSTIN, PUCCIARELLI, COWELL, KOLTER, D. S. HAYES, ALDEN, KANUCK, DAWIDA, MURPHY, B. D. CLARK, PERZEL, SALVATORE, KNEPPER, McVERRY, KERNICK and ZELLER.

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act," approved March 11, 1971 (P. L. 104, No. 3), authorizing the filing of claims for previous years.

Referred to Finance, Nov. 14, 1979.

**HB 1958** By Representatives ITKIN, IRVIS, DAWIDA, KNEPPER, KERNICK, COWELL, KUKOVICH and PISTELLA.

An Act amending the "Hearing Aid Sales Registration Law," approved November 24, 1976 (P. L. 1182, No. 262), changing membership on the advisory council.

Referred to Professional Licensure, Nov. 14, 1979.

**HB 1959** By Representatives ITKIN, KERNICK, KLINGAMAN, MOEHLMANN, E. G. JOHNSON and M. H. GEORGE.

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), exempting motorized pedalcycles from insurance requirements.

Referred to Insurance, Nov. 14, 1979.

- HB 1960** By Representatives BURNS, ANDERSON, GALLAGHER and LEHR.  
An Act amending the act of July 20, 1979 (No. 51), referred to as the Public Officers and Employees Uniform Mileage Fees, further providing for the rate per mile.  
Referred to Appropriations, Nov. 14, 1979.
- HB 1961** By Representative GALLEN.  
An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), repealing the prohibition of sales on election days.  
Referred to Liquor Control, Nov. 14, 1979.
- HB 1962** By Representatives M. H. GEORGE, WILSON, GAMBLE, GALLAGHER, BURNS, RODGERS, WEIDNER and J. L. WRIGHT, JR.  
An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), providing for the pro-ration of occupation taxes.  
Referred to Local Government, Nov. 14, 1979.
- HB 1963** By Representatives BERSON, SPENCER, SCIRICA and IRVIS.  
An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to names and marks and making conforming and related amendments to Title 15 (Corporations and Unincorporated Associations) and Title 18 (Crimes and Offenses) and separately enacting certain related provisions of law.  
Referred to Judiciary, Nov. 14, 1979.
- HB 1964** By Representatives SCHWEDER, ZWIKL, RITTER, ZELLER and KOWALYSHYN.  
An Act making an appropriation to the Department of Public Welfare for the Office of the Visually Handicapped.  
Referred to Appropriations, Nov. 14, 1979.
- HB 1965** By Representatives LEHR, E. H. SMITH, D. M. O'BRIEN, PERZEL, F. TAYLOR and CALTAGIRONE.  
An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), abolishing subwarehouses for the storage and distribution of liquor and alcohol.  
Referred to Liquor Control, Nov. 14, 1979.
- HB 1966** By Representatives LEHR, CALTAGIRONE, E. H. SMITH, F. TAYLOR and COSLETT.  
An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), increasing the salaries of the chairman and members of the Pennsylvania Liquor Control Board.  
Referred to Liquor Control, Nov. 14, 1979.
- HB 1967** By Representatives LEHR, F. TAYLOR, HASAY, ALDEN, SERAFINI and GATSKI.  
An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the removal of corrugated boxes from Pennsylvania Liquor Stores.  
Referred to Liquor Control, Nov. 14, 1979.
- HB 1968** By Representatives F. TAYLOR, LEHR, HASAY, E. H. SMITH, COSLETT, CALTAGIRONE, COCHRAN, D. R. WRIGHT, McCALL, PRATT and CAPPABIANCA.  
A Supplement to the act of April 12, 1951 (P. L. 90, No. 21), entitled "An act relating to alcoholic liquors, \*\*\* and repealing existing laws," providing for the leasing of property for State stores and appointments for such stores.  
Referred to Liquor Control, Nov. 14, 1979.
- HB 1969** By Representatives BELOFF, WILLIAMS and RYAN.  
An Act amending the act of October 25, 1979 (No. 75), entitled "An act amending the act of June 1, 1956 (1955 P. L. 1959, No. 657), entitled, as amended, 'An act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court, the President Judge and judges of the Superior Court, \*\*\*,' changing the effective date for justices and judges.  
Referred to Appropriations, Nov. 14, 1979.
- HB 1970** By Representatives WENGER, THOMAS, YAHNER, MADIGAN, HONAMAN, STUBAN, CALTAGIRONE, WILT, D. R. WRIGHT, COLE, E. R. LYNCH and BRANDT.  
An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, eliminating any implied warranty of freedom from sickness or disease from arising on the sale of cattle, hogs and sheep.  
Referred to Agriculture and Rural Affairs, Nov. 14, 1979.
- HB 1971** By Representatives VROON, YOHN, MADIGAN, BURD, PICCOLA, ALDEN, LIVENGOOD and A. K. HUTCHINSON.  
An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, requiring the disclosure to law enforcement officers of the true owners of property subject to arson.  
Referred to Judiciary, Nov. 14, 1979.
- HB 1972** By Representatives ZWIKL, GLADECK, M. H. GEORGE, RITTER, SCHWEDER, KOWALYSHYN and KANUCK.  
An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the issuance of special certificate of identification for the use of handicapped persons.  
Referred to Transportation, Nov. 14, 1979.
- HB 1973** By Representatives ZWIKL, GALDECK, M. H. GEORGE, RITTER, SCHWEDER, KOWALYSHYN and KANUCK.  
An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring certain municipalities to designate parking spaces at shopping centers to be reserved for handicapped and providing penalties.

- Referred to Transportation, Nov. 14, 1979.
- HB 1974** By Representatives WAGNER and W. D. HUTCHINSON.
- An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the payment of money into court for certain civil action purposes.
- Referred to Judiciary, Nov. 14, 1979.
- HB 1975** By Representatives HELFRICK, WAGNER, L. E. SMITH, NOYE, ZELLER, SPENCER, GRIECO, MADIGAN, FREIND, GOEBEL, PRATT and COLE.
- An Act requiring the Department of Environmental Resources to grant or maintain certain lease for forest camps.
- Referred to Conservation, Nov. 14, 1979.
- HB 1976** By Representatives IRVIS, GREENFIELD, A. K. HUTCHINSON and BRUNNER.
- An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, changing the compensation of senior judges.
- Referred to Appropriations, Nov. 14, 1979.
- HB 1977** By Representatives GRIECO, TRELLO, BRUNNER, CESSAR, HONAMAN, CIMINI, MADIGAN, B. F. O'BRIEN, BURD, NOVAK, KNIGHT, GAMBLE, SEVENTY, HALVERSON, KOLTER, PISTELLA, PICCOLA, WILT, SCHEAFFER, DININNI, MACKOWSKI and A. K. HUTCHINSON.
- An Act providing for the licensing of funeral directors.
- Referred to Professional Licensure, Nov. 14, 1979.
- HB 1978** By Representatives STEWART, D. R. WRIGHT, MOEHLMANN, FEE, KUKOVICH, STUBAN, SCHWEDER, FRYER, ZITTEMAN, KERNICK, POTT, C. GEORGE and WACHOB.
- An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for refunds of overpayment of the personal income tax.
- Referred to Finance, Nov. 14, 1979.
- HB 1979** By Representative FREIND.
- An Act authorizing increased real estate taxes by municipalities to fund certain State mandated programs and costs.
- Referred to Local Government, Nov. 14, 1979.
- HB 1980** By Representatives FREIND, EARLEY, F. J. LYNCH, SPITZ, GANNON, ARTY and RYAN.
- An Act amending the act of October 25, 1979 (No. 75), entitled "An act amending the act of June 1, 1956 (1955 P. L. 1959, No. 657), \*\*\* Commonwealth Compensation Commission," further providing for the effective date of the salary increase for members of the judiciary.
- Referred to Appropriations, Nov. 14, 1979.
- HB 1981** By Representative FREIND.
- An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for penalties and causes of actions for violations of Chapter 57 and further providing for training.
- Referred to Judiciary, Nov. 14, 1979.
- HB 1982** By Representatives FREIND, RYAN, F. J. LYNCH, ARTY, DAVIES, MICOZZIE, GANNON, SPITZ and KLINGAMAN.
- An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the limited disclosure of information recorded on certain police, fire or county emergency communications systems.
- Referred to Judiciary, Nov. 14, 1979.
- HB 1983** By Representatives ARMSTRONG, BRANDT, HONAMAN, STUBAN, MOEHLMANN, WENGER, YAHNER, MILLER, PYLES, PITTS, E. H. SMITH and VROON.
- An Act relating to the preservation of prime agricultural land.
- Referred to Agriculture and Rural Affairs, Nov. 14, 1979.
- HB 1984** By Representatives E. D. CLARK, DUFFY, PETRARCA, KOLTER, TADDONIO, IRVIS, MANDERINO, D. R. WRIGHT, LIVENGOOD, COWELL, KERNICK, GRABOWSKI, AUSTIN, CHESS, GAMBLE, PISTELLA, SEVENTY, DAWIDA, CESSAR, FISHER, MICHLOVIC and ITKIN.
- An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for penalties for weight related violations.
- Referred to Transportation, Nov. 14, 1979.
- HB 1985** By Representatives ZWIKL and BROWN.
- An Act providing for reduced fees to senior citizens for activities related to State parks.
- Referred to Health and Welfare, Nov. 14, 1979.
- HB 1986** By Representatives FISHER, RHODES and McVERRY.
- An Act amending the act of July 11, 1923 (P. L. 1044, No. 425), referred to as the Prisoner Transfer Law, further providing for transfers.
- Referred to Judiciary, Nov. 14, 1979.
- HB 1987** By Representatives A. C. FOSTER, JR., WEIDNER, LEVI, DeMEDIO and FRYER.
- An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), increasing the maximum compensation of auditors.

Referred to Local Government, Nov. 14, 1979.

**HB 1988** By Representatives WEIDNER, A. C. FOSTER, JR., LEVI, DeMEDIO and FRYER.

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for audits.

Referred to Local Government, Nov. 14, 1979.

**HB 1989** By Representatives LEVI, DeMEDIO, WEIDNER, FRYER and A. C. FOSTER, JR.

An Act amending the act of June 1, 1945 (P. L. 1232, No. 427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; \*\*," granting additional powers to the civil service commission relating to the scheduling of applicants' physical examinations.

Referred to Local Government, Nov. 14, 1979.

**HB 1990** By Representatives DeMEDIO, FRYER, WEIDNER, LEVI and A. C. FOSTER, JR.

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), granting additional powers to the civil service commission relating to the scheduling of applicants' physical examinations.

Referred to Local Government, Nov. 14, 1979.

**HB 1991** By Representatives WEIDNER, LEVI, A. C. FOSTER, JR., DeMEDIO and FRYER.

An Act amending the act of June 5, 1941 (P. L. 84, No. 45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; \*\*," granting additional powers to the commission relating to the scheduling of applicants' physical examinations.

Referred to Local Government, Nov. 14, 1979.

**HB 1992** By Representatives DeMEDIO, WEIDNER, FRYER, LEVI and A. C. FOSTER, JR.

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), granting additional powers to the civil service commission relating to the scheduling of applicants' physical examinations.

Referred to Local Government, Nov. 14, 1979.

**HB 1993** By Representative WILSON.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for arrests on boundary roads.

Referred to Judiciary, Nov. 14, 1979.

**HB 1994** By Representative WILSON.

An Act providing for the transfer of certain State highways to municipalities and allocating certain funds to municipalities for highway maintenance.

Referred to Transportation, Nov. 14, 1979.

**HB 1995** By Representatives E. Z. TAYLOR, RYAN, GALLAGHER, BURNS, D. R. WRIGHT and COWELL.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), establishing the State System of Higher Education and designating its institutions; \*\* and making certain repeals.

Referred to Education, Nov. 14, 1979.

**HB 1996** By Representative McCLATCHY.

An Act amending the "Federal Revenue Sharing Trust Fund Supplement to the General Appropriation Act of 1979," approved July 16, 1979 (No. 13A), adding an appropriation for replacement checks.

Referred to Appropriations, Nov. 16, 1979.

**HB 1997** By Representatives J. L. WRIGHT, JR. and ZWIKL.

An Act authorizing and directing the Department of Justice, with the approval of the Governor, to accept as partial payment, \*\* and providing for the custody of such engines, cars and equipment.

Referred to Appropriations, Nov. 19, 1979.

**HB 1998** By Representatives GRAY, BORSKI, McMONAGLE, McINTYRE and JONES.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for letters of assurance and severance pay in the case of certain employes.

Referred to Labor Relations, Nov. 26, 1979.

**HB 2000** By Representatives SPENCER, RYAN, MANDERINO, BERSON, W. D. HUTCHINSON and SCIRICA.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the appointment of eight additional judges to the Superior Court.

Referred to Judiciary, Nov. 26, 1979.

#### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**Serial No. 149** By Representatives BENNETT, B. F. O'BRIEN, YAHNER, STUBAN, RAPPAPORT, SCHMITT, COHEN, BARBER, REED, ITKIN, DeWEESE, COLE, HOFFFEL and COWELL.

Select Committee on Three Mile Island be extended until November 30, 1980, pursuant to House Resolution No. 48.

In the House, Nov. 14, 1979

Referred to Rules, Nov. 14, 1979.

**Serial No. 150** By Representatives SPENCER, BERSON, SCIRICA and W. D. HUTCHINSON.

Speaker of the House be a member of the Judicial Council and appoint an additional member to also serve on the Council.

In the House, Nov. 14, 1979

Referred to Rules, Nov. 14, 1979.

**Serial No. 151** By Representatives GRAY, McMONAGLE, McINTYRE, BROWN, BORSKI, SALVATORE, GIAMMARCO, WARGO, PUCCIARELLI, PISTELLA, BARBER, LEVIN, DUFFY, MUSTO, SHUPNIK, AUSTIN, MRKONIC, DAWIDA, TRELLO, KNIGHT, D. M. O'BRIEN, ZELLER, ROCKS, DOMBROWSKI, KOWALYSHYN, LAUGHLIN, J. J. JOHNSON, NOVAK, COWELL, KERNICK, LETTERMAN, D. R. WRIGHT, CHESS, RAPPAPORT, FRYER, GATSKI, B. D. CLARK, PETRARCA, McCALL, YAHNER, BRUNNER, FEE, DeMEDIO, GREENFIELD, C. GEORGE, SWEET, MANDERINO, PERZEL, McKELVEY and REED.

Speaker appoint a committee to investigate number of foreign students in colleges in Pennsylvania and Pennsylvania students in foreign colleges.

In the House, Nov. 14, 1979

Referred to Rules, Nov. 14, 1979.

**Serial No. 152** By Representative POLITE.

House memorialize Congress and the President enact laws which would require an equivalent increase in price of products exported equal to increased price of crude barrel oil imported.

In the House, Nov. 14, 1979

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

**Serial No. 153** By Representatives McCLATCHY, NAHILL, PYLES, RAPPAPORT, PIEVSKY, GREENFIELD, ITKIN, BELOFF, SCIRICA, ROCKS and McKELVEY.

House expresses its displeasure to the Governor, Department, Commerce and Military Affairs for permitting the use of State property for the filming of "Playing for Time".

In the House, Nov. 14, 1979

Referred to Rules, Nov. 14, 1979.

**Serial No. 154** By Representatives ZELLER, GOEBEL, OLIVER, COHEN, FREIND, BROWN and PRATT.

House urge Pennsylvania Congressional delegation request the Federal Reserve to lower interest rates.

In the House, Nov. 14, 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 1, PN 1316**

Referred to Committee on Appropriations.

**SB 144, PN 975**

Referred to Committee on State Government.

**SB 776, PN 1319**

Referred to Committee on Judiciary.

**SB 825, PN 1275**

Referred to Committee on Business and Commerce.

**SB 826, PN 1320**

Referred to Committee on Business and Commerce.

**SB 1005, PN 1185**

Referred to Committee on Transportation.

**COMMUNICATIONS FROM GOVERNOR**

**BILLS SIGNED BY GOVERNOR**

The Secretary to the Governor presented the following communications from His Excellency, the Governor:

APPROVAL OF HOUSE BILLS Nos. 147, 1133 and 1275.

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

November 20, 1979.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House bill No. 147, printer's No. 2264, entitled "An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto.' PROVIDING FOR ALTERNATIVE METHODS OF EQUALIZING TAX LEVIES AMONG CERTAIN SCHOOL DISTRICTS, AND further providing for the causes and criteria for suspension, for the waiver of certification requirements in certain instances and further providing for the certification of hazardous routes."

DICK THORNBURGH  
GOVERNOR.

November 20, 1979.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House bill 1133, printer's No. 2222, entitled "An act amending 'An act exempting the owner of certain agricultural land from the payment of assessments for municipal improvements during the period of time that the owner does not use the services provided by the improvements or until there is a

change in the use of land, extending the provisions of the act to certain cemeteries."

DICK THORNBURGH  
GOVERNOR.

November 20, 1979.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House bill 1275, printer's No. 2266, entitled "An act making an appropriation to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania."

DICK THORNBURGH  
GOVERNOR.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

The Senate concurred in and returned:

**HB 630, PN 1858; HB 1068, PN 1191; and HB 1069, PN 1192.**

### SENATE MESSAGE

#### HOUSE AMENDED SENATE BILL CONCURRED IN

The Senate informed that it has concurred in House amendments to **SB 337, PN 1171.**

### COMMUNICATION FROM THE SCRANTON-LACKAWANNA HUMAN DEVELOPMENT AGENCY, INC.

The SPEAKER. The Chair has received the following communications from the Scranton-Lackawanna Human Development Agency, Inc., which the Chair is inserting into the record:

THE SCRANTON-LACKAWANNA  
HUMAN DEVELOPMENT AGENCY, INC.

200 Adams Avenue, Scranton, Pennsylvania 18503

Phone: (717) 961-6836

FRED F. LETTIERI  
Executive Director

November 7, 1979.

Mr. H. Jack Seltzer, Speaker  
Pennsylvania State House of Representatives  
Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Mr. Seltzer:

Enclosed please find your copy of the Lackawanna County Prime Sponsor's Modification 001 to the Annual Plan for FY 80, which was submitted to the U. S. Department of Labor, Employment and Training Administration for your review and comment.

Sincerely,

FRED F. LETTIERI  
Executive Director

FFL:mc  
Encl.

(For report, see Appendix.)

### COMMUNICATION FROM THE DEPARTMENT OF ENVIRONMENTAL RESOURCES

The SPEAKER. The Chair is in receipt of the following letter from the Commonwealth Department of Environmental Resources, pertaining to the Pennsylvania Scenic Rivers Act and particularly to Stony Creek.

Commonwealth of Pennsylvania  
Department of Environmental Resources  
P. O. Box 2063, Harrisburg, Pennsylvania 17120  
787-2814

The Secretary

Refer to: RM-P

November 14, 1979.

Honorable H. Jack Seltzer  
Room 139 Capitol Building  
Harrisburg, Pennsylvania

Dear Representative Seltzer:

In accordance with the Act of December 5, 1972, P. L. 1277, "Pennsylvania Scenic Rivers Act," the Department of Environmental Resources has completed a wild and scenic river study on Stony Creek in Dauphin and Lebanon Counties. The Act authorizes the establishment of the Pa. Scenic Rivers System, and further mandates this Department to conduct detailed waterway studies and to transmit study findings and recommendations to the Governor and General Assembly. Legislative action is required to designate the Stony Creek and tributaries as a component of the Pa. Scenic Rivers System.

The Department of Environmental Resources is pleased to submit to you the Stony Creek Wild and Scenic River Study Record. This Study Record is comprised of the following materials:

1. Stony Creek Wild and Scenic River Study Report
2. Stony Creek Study Area Map
3. Stony Creek Wild and Scenic River Study Summary
4. The records of proceedings of public hearings held by the Department in both Dauphin and Lebanon Counties
5. An abstract of the public testimony presented at both hearings
6. Study Advisory Committee Roster

The Department, in collaboration with a Study Advisory Committee, has found the Stony Creek Corridor (as shown on Study Area Map) to be eligible for designation as a *Wild* component of the Pa. Scenic Rivers System. The Department, therefore, recommends that legislation be enacted to designate the Stony Creek Corridor as a *Wild* component of the Pa. Scenic Rivers System.

The proposed designation action affecting Stony Creek has been reviewed by the Susquehanna River Basin Commission in accordance with Section 12.2 of the Susquehanna River Basin Compact. The Commission has advised the Department that the proposed designation would not appear to conflict with the Susquehanna Basin Comprehensive Plan, and S.R.B.C. has no objection to the proposed action. Formal action by S.R.B.C. to include the Stony Creek designation in the Comprehensive Plan will be scheduled following General Assembly passage of legislation to include Stony Creek in the Pennsylvania Scenic Rivers System.

Please note that legislative considerations have been developed in the very last portion of the Study Report. The Scenic Rivers Staff will be available to answer any questions which may arise.

Sincerely,

CLIFFORD L. JONES

Encls.

(For report, see Appendix.)

### LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for Messrs. SALVATORE, D. M. O'BRIEN, LEVI, WEIDNER and A. C. FOSTER for the week's session.

The SPEAKER. The Chair recognizes the policy committee chairman.

Mr. GOODMAN. Mr. Speaker, I request leaves of absence for Messrs. PETRARCA, PIEVSKY, BRUNNER and DeMEDIO for the week's session, and for Messrs. LETTERMAN, IRVIS and RHODES for today's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

YEAS—182

Table listing names of members who voted 'YEAS' (182 total). Includes names like Alden, Anderson, Armstrong, etc., and their corresponding names in the second column.

NAYS—0

NOT VOTING—20

Table listing names of members who did not vote (20 total). Includes names like Beloff, Brunner, DeMedio, etc., and their corresponding names in the second column.

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

STATEMENT BY MR. DAVIES

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

Mr. DAVIES. Mr. Speaker, for just one or two brief comments with unanimous consent.

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

Mr. DAVIES. Mr. Speaker, it came to my attention by the newspaper that the chairman of the State Government Committee is going to hold hearings on entries for consideration of a state song.

At the request of one of my constituents, Mrs. Vivian Dietrich Burnish, I am submitting this song for consideration. I know that I would prejudice this House if I rendered a few ditties of it, a few verses of it ahead of time, but I do know that the chairman will give us complete and fair consideration even though he has a constituent who has entered an entry into the contest. Thank you.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1491, PN 1738 By Mr. McCLATCHY

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

Appropriations.

HB 1544, PN 1821 By Mr. McCLATCHY

A supplement to the act of (No. ), entitled "An act providing for the capital budget for the fiscal year 1979-1980," itemizing public improvement projects of the Department of General Services, \*\*\*, stating the estimated useful life of such projects and making an appropriation.

Appropriations.

HB 1574, PN 2516 (Amended) By Mr. W. W. FOSTER (Unanimous)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to fish and fishing and boats and boating.

Game and Fisheries.

HB 1585, PN 2517 (Amended) By Mr. POTT

An Act requiring mortgagees to supply certain information to recorders of deeds upon satisfaction of mortgages.

Urban Affairs.

<b>HB 1586, PN 1896</b>	By Mr. F. J. LYNCH	<b>SB 825, PN 1275</b>	By Mr. L. E. SMITH
<p>An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further providing for application forms for county contributions towards the funeral expenses of deceased service persons.</p>		<p>An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," further providing for change of interest on loans for property repair, alteration and improvement and loans secured by chattel paper; providing that delinquency charges be increased, that the charge on inactive accounts be increased, that the percentage of assets which may be invested in housing for the aging be increased, providing for further delegation of powers by directors and further defining maximum interest rate.</p>	
Urban Affairs.		Business and Commerce.	
<b>HB 1787, PN 2190</b>	By Mr. McCLATCHY	<b>SB 857, PN 988</b>	By Mr. POTT
<p>An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the use of certain Federal appropriations.</p>		<p>An Act amending the act of March 7, 1901 (P. L. 20, No. 14), entitled "Second Class City Law," authorizing grants to be made to nonprofit art corporations by cities of the second class and second class A.</p>	
Appropriations.		Urban Affairs.	
<b>HB 1856, PN 2298</b>	By Mr. F. J. LYNCH	<b>SB 915, PN 1274</b>	By Mr. F. J. LYNCH
<p>An Act amending the "Local Economic Revitalization Tax Assistance Act," approved December 1, 1977 (P. L. 237, No. 76), changing the procedures for obtaining exemptions.</p>		<p>An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," establishing a credit against gross receipts tax for railroad expenditures on maintenance or right-of-way improvements.</p>	
Finance.		Finance.	
<b>HB 1865, PN 2307</b>	By Mr. McCLATCHY	<b>BILLS REREPORTED FROM COMMITTEES</b>	
<p>An Act making an appropriation to the Northeastern Pennsylvania Society for Crippled Children and Adults for the provision of services to crippled children and adults.</p>		<b>HB 200, PN 2514 (Amended)</b>	
Appropriations.		By Mr. McCLATCHY	
<b>HB 1996, PN 2507</b>	By Mr. McCLATCHY	<p>An Act amending the "Housing Authorities Law," approved May 28, 1937 (P. L. 955, No. 265), providing certain additional powers to housing authorities in cities of the first class.</p>	
<p>An Act amending the "Federal Revenue Sharing Trust Fund Supplement to the General Appropriation Act of 1979," approved July 16, 1979 (No. 13A), adding an appropriation for replacement checks.</p>		Rereported from Committee on Appropriations.	
Appropriations.		<b>HB 269, PN 2515 (Amended)</b>	By Mr. McCLATCHY
<b>HB 1997, PN 2508</b>	By Mr. McCLATCHY	<p>An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the Municipal Police Education and Training Law, further providing for the addition of first class city housing authorities in the definitions of "police officer" and "political subdivision."</p>	
<p>An Act authorizing and directing the Department of Justice, with the approval of the Governor, to accept as partial payment,*** and providing for the custody of such engines, cars and equipment.</p>		Rereported from Committee on Appropriations.	
Appropriations.		<b>HB 340, PN 2343</b>	By Mr. McCLATCHY
<b>HB 2000, PN 2511</b>	By Mr. SPENCER	<p>An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the pension for deceased soldier's dependents.</p>	
<p>An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the appointment of eight additional judges to the Superior Court.</p>		Rereported from Committee on Appropriations.	
Judiciary.		<b>HB 538, PN 2522 (Amended)</b>	By Mr. L. E. SMITH
<b>SB 271, PN 1361 (Amended)</b>	By Mr. POTT	<p>An Act amending the "Goods and Services Installment Sales Act," approved October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), providing for the preservation of consumers' claims and defenses and further providing for service charges.</p>	
<p>An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," providing for an annual actuarial valuation of the County Employees' Retirement System so that the board may increase or decrease monthly contributions; further providing for employees eligible for retirement allowances, and changing the date for credit for previous services.</p>		Rereported from Committee on Business and Commerce.	
Urban Affairs.		<b>HB 1216, PN 1369</b>	By Mr. McCLATCHY
<b>SB 735, PN 985</b>	By Mr. POTT	<p>An Act requiring certain hearings to be scheduled within a county.</p>	
<p>An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the making of grants to nonprofit art corporations.</p>		Rereported from Committee on Appropriations.	
Urban Affairs.		<b>SB 507, PN 1362 (Amended)</b>	By Mr. McCLATCHY



An Act establishing the State Real Estate Commission and providing for the licensing of real estate brokers and salesmen.

Rereported from Committee on Appropriations.

**ANNOUNCEMENT BY MR. GALLEN**

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen, who asks consent to make a brief announcement. The Chair hears no objection. The gentleman may proceed.

Mr. GALLEN. There have been a number of bills introduced proposing an official state song. Next Wednesday, December 5, at 10 o'clock, the State Government Committee will hold auditions for proposed state songs, and only those songs will be considered which have been introduced by members of this House as House bills. So I suggest that if you have constituents who would like to see their ditties named as the official state song, you get the bill introduced this week so it will have a number and so that the State Government Committee can hear that song.

Now the authors of the songs or those people interested in the songs can bring with them those musicians who they feel will be required to make their song heard in a better light. The auditions will be held in the majority House caucus room. I had the chief clerk see that the piano was tuned down there.

So I do suggest that if you would like to have a song considered, do not come up next Tuesday and say I would like this song considered, without having first introduced a bill. Thank you, 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 of sponsors of bills:

**ADDITIONS:**

HB 311, Johnson, E. G.; HB 1407, Fee, T. J.; HB 1698, Taddonio; HB 1738, Fee, T. J.; HB 1777, Fee, T. J.; HB 1797, Fee, T. J.; HB 1903, Gladeck, J. M.; HR 148, Wilson, B. H.; HB 148, Mrkonic, E.; HR 147, Alden, J.; HR 147, Cimini, A.; HR 147, Johnson, E. G.; HR 147, Salvatore, F. A.; HB 1765, Fee, T. J.; HB 1927, Salvatore, F.; HB 1930, Salvatore, F. and HR 153, Salvatore.

**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 383, PN 2453; HB 1623, PN 2454; and HB 1713, PN 2096.**

**CALENDAR BILL ON FINAL PASSAGE POSTPONED**

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. SERAFINI, the House resumed consideration on final passage of **HB 1496, PN 2387**, entitled:

An Act amending the "Funeral Director Law," approved January 14, 1952 (1951 P. L. 1898, No. 522), further providing for the location of preparation rooms.

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—36**

Belardi	Hayes, S. E.	Punt	Thomas
Bittle	Honaman	Ryan	Wagner
Brandt	Hutchinson, W.	Serafini	Wargo
Burns	Kanuck	Sieminski	Wilson
Cappabianca	Lynch, E. R.	Sirianni	Wright, J. L.
Coslett	Mackowski	Smith, E.	Yohn
DeVerter	Moehlmann	Smith, L.	
Dorr	Noye	Taddonio	Seltzer,
Grieco	Pitts	Taylor, E.	Speaker
Hasay	Polite		

**NAYS—139**

Alden	Fisher, D. M.	Laughlin	Rappaport
Anderson	Foster, W.	Lehr	Rieger
Armstrong	Freind	Lewis	Ritter
Arty	Fryer	Livengood	Rocks
Austin	Gallagher	Lynch, F.	Rodgers
Barber	Gallen	Madigan	Scheaffer
Bennett	Gamble	Manderino	Schmitt
Berson	Gannon	Manmiller	Scirica
Borski	Gatski	McCall	Seventy
Bowser	Geesey	McClatchy	Shupnik
Brown	Geist	McIntyre	Spencer
Burd	George, C.	McKelvey	Spitz
Caltagirone	George, M.	McMonagle	Stairs
Cessar	Giammarco	McVerry	Steighner
Chess	Gladeck	Michlovic	Stewart
Cimini	Goebel	Micozzie	Street
Clark, B.	Goodman	Milanovich	Stuban
Clark, R.	Grabowski	Miller	Sweet
Cochran	Greenfield	Mowery	Swift
Cole	Gruppo	Mrkonic	Taylor, F.
Cornell	Halverson	Mullen, M. P.	Telek
Cowell	Harper	Murphy	Trello
Davies	Hoeffel	Musto	Vroon
Dawida	Hutchinson, A.	Nahill	Wachob
DeWeese	Itkin	Novak	Wass
DiCarlo	Johnson, E.	O'Brien, B.	Wenger
Dietz	Johnson, J.	O'Donnell	White
Dininni	Jones	Oliver	Williams
Dombrowski	Kernick	Perzel	Wilt
Duffy	Klingaman	Peterson	Wright, D.
Dumas	Knight	Piccola	Zeller
Durham	Kolter	Pistella	Zitterman
Earley	Kowalshyn	Pott	Zord
Fee	Kukovich	Pucciarelli	Zwikl
Fischer, R. R.	Lashingier	Pyles	

**NOT VOTING—27**

Beloff	Gray	Levin	Richardson
Brunner	Hayes, D. S.	O'Brien, D.	Salvatore
Cohen	Helfrick	Petrarca	Schweder
Cunningham	Irvis	Pievsky	Shadding
DeMedio	Knepper	Pratt	Weidner
Donatucci	Letterman	Reed	Yahner
Foster, A.	Levi	Rhodes	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REMARKS ON VOTES

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

Mr. CUNNINGHAM. Mr. Speaker, had I been able to do so a short time ago, I would have liked to have been recorded as voting in the affirmative on HB 1496.

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

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

Mr. GRIECO. Mr. Speaker, on HB 1496 my switch was locked. I would like to be recorded in the negative.

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

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1904, PN 2361, entitled:

An Act amending the act of July 16, 1979 (No. 14A), entitled "An act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors," increasing certain appropriations.

On the question,

Will the House agree to the bill on third consideration?

Mr. McCLATCHY offered the following amendment:

Amend Sec. 1 (Sec. 1), page 3, lines 9 and 10, by striking out both of said lines

On the question,

Will the House agree to the amendment?

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

Mr. McCLATCHY. Mr. Speaker, my amendment deals with taking out the replacement checks for the Federal revenue sharing money. The reason for that is it does not belong in this bill; it needs a separate piece of legislation, and this piece of legislation we moved out of the Appropriations Committee this morning, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, we agree to the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—174

Table with 4 columns of names: Alden, Freind, Lynch, F., Schmitt, Anderson, Fryer, Mackowski, Seirica, Armstrong, Gallagher, Madigan, Serafini, Arty, Gamble, Manderino, Seventy, Austin, Gannon, Manmiller, Shadding

Table with 4 columns of names: Barber, Gatski, McCall, Shupnik, Belardi, Geesey, McClatchy, Sieminski, Bennett, Geist, McIntyre, Sirianni, Berson, George, C., McKelvey, Smith, E., Bittle, George, M., McMonagle, Smith, I., Borski, Giammarco, McVerry, Spencer, Bowser, Gladeck, Michlovic, Spitz, Brandt, Goebel, Micozzie, Stairs, Brown, Goodman, Milanovich, Steighner, Burd, Grabowski, Miller, Stewart, Burns, Greenfield, Moehlmann, Street, Caltagirone, Grieco, Mowery, Stuban, Cappabianca, Gruppo, Mrkonjc, Sweet, Cessar, Halverson, Mullen, M. P., Swift, Chess, Harper, Murphy, Taddonio, Clark, B., Hasay, Musto, Taylor, E., Clark, R., Hayes, S. E., Nahill, Taylor, F., Cochran, Hoeffel, Novak, Telek, Cole, Honaman, Noye, Thomas, Cornell, Hutchinson, A., O'Brien, B., Trello, Coslett, Hutchinson, W., O'Donnell, Vroom, Cowell, Itkin, Oliver, Wachob, Davies, Johnson, E., Perzel, Wargo, Dawida, Johnson, J., Peterson, Wass, DeVerter, Jones, Piccola, Wenger, DeWeese, Kanuck, Pistella, White, DiCarlo, Kernick, Pitts, Williams, Dietz, Klingaman, Polite, Wilson, Dininni, Knight, Pott, Wilt, Dombrowski, Kolter, Pucciarelli, Wright, D., Dorr, Kowalyszyn, Punt, Wright, J. L., Duffy, Kukovich, Pyles, Yohn, Dumas, Lashinger, Rappaport, Zeller, Durham, Laughlin, Rieger, Zitterman, Earley, Lehr, Ritter, Zord, Fee, Levin, Rocks, Zwinkl, Fischer, R. R., Lewis, Rodgers, Seltzer, Fisher, D. M., Livengood, Ryan, Speaker, Foster, W., Lynch, E. R., Scheaffer

NAYS—0

NOT VOTING—28

Table with 4 columns of names: Beloff, Foster, A., Letterman, Rhodes, Brunner, Gallen, Levi, Richardson, Cimini, Gray, O'Brien, D., Salvatore, Cohen, Hayes, D. S., Petrarca, Schweder, Cunningham, Helfrick, Pevsky, Wagner, DeMedio, Irvis, Pratt, Weidner, Donatucci, Knepper, Reed, Yahner

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

REMARKS ON VOTES

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

Mr. CUNNINGHAM. Mr. Speaker, had I been able to do so a short time ago, I would have liked to have been recorded as voting in the affirmative on the McClatchy amendment to HB 1904.

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

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

Mr. GALLEN. Mr. Speaker, I was on the other side of the aisle and was not given an opportunity to vote. I would have voted in the affirmative on Mr. McClatchy's amendment to HB 1904.

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

On the question.

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

Bill as amended was agreed to.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would ask you to return to HB 1905. Mr. Manderino has amendments which Mr. McClatchy will handle from this side.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, there are several amendments, the first of which has been sent to the clerk.

The House proceeded to third consideration of **HB 1905, PN 2391**, entitled:

An Act amending the "Federal Augmentation Appropriation Act of 1979," approved July 4, 1979 (No. 10A), changing appropriations and adding appropriations.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments:

Amend Sec. 3, page 27, line 26, by inserting brackets before and after "19,463,000" and inserting 19,363,000

Amend Sec. 3, page 27, lines 27 through 30; page 28, line 1, by striking out all of said lines and inserting

(7) "Title XX — Social Services" — For subgrant from the Department of Public Welfare to the Department of Aging for provision of aging services to eligible persons . . .

16,154,000  
16,254,000

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment to HB 1905 deletes the \$100,000 Title XX appropriation request for the Governor's Action Center and instead increases the direct service Title XX appropriation for the Department of Aging by \$100,000, from \$16,154,000 to \$16,254,000.

Mr. Speaker, you may remember that the Governor's budget for the current fiscal year eliminated Title XX funding for agencies outside of the Department of Welfare, or in the case of the Department of Aging, allocated Title XX funds on a very restrictive basis that translated into a funding cut. These cuts were implemented, we were told, so that DPW — Department of Public Welfare — could retain as much Title XX money as possible to offset its own program costs, given the substantial reduction in total Title XX dollars available for Pennsylvania for the current fiscal year.

The result of this policy decision was elimination of Title XX funding for administrative costs in the Board of Probation and Parole, elimination of Title XX funds for direct services provided by local drug and alcohol programs, and a \$6,770,000 re-

duction in the Title XX funds available for direct services to the aged.

Had the Governor's budget been allowed to become law, only the Board of Probation and Parole would have lost Title XX funds replaced with state dollars. The two appropriations that provide important direct services to our constituents would have had to absorb some or all of these losses. This did not happen, Mr. Speaker, because the General Assembly provided additional state funds to the Drug Council to replace lost Title XX dollars. However, except for additional Federal dollars from non-Title XX sources that the Department of Aging has been able to obtain, nothing has been done to ease Title XX shortfall for this program area.

However, DPW now wants to break its earlier policy position by funding other state agencies with Title XX funds. We have an opportunity to take \$100,000 of Title XX money and appropriate it to the services to the aging instead of the Governor's Action Center.

Mr. Speaker, it is important that this General Assembly assert its program priorities through the appropriation process and use any funds available to ensure that direct service provisions to our constituents takes a priority over funding state administrative costs, and I urge support of this amendment, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, I agree with the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—177

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

Davies	Johnson, E.	Peterson	Wass
Dawida	Johnson, J.	Piccola	Wenger
DeVerter	Jones	Pistella	White
DeWeese	Kanuck	Pitts	Williams
DiCarlo	Kernick	Polite	Wilson
Dietz	Klingaman	Pott	Wilt
Dininni	Knight	Pucciarelli	Wright, D.
Dombrowski	Kolter	Punt	Wright, J. L.
Dorr	Kowalshyn	Pyles	Yohn
Duffy	Kukovich	Rappaport	Zeller
Dumas	Lashinger	Rieger	Zitterman
Durham	Laughlin	Ritter	Zord
Earley	Lehr	Rocks	Zwikl
Fee	Levin	Rodgers	
Fischer, R. R.	Lewis	Ryan	Seltzer,
Fisher, D. M.	Livengood	Scheaffer	Speaker
Foster, W.	Lynch, E. R.	Schmitt	

NAYS—0

NOT VOTING—25

Beloff	Gray	Levi	Rhodes
Brunner	Hayes, D. S.	O'Brien, D.	Richardson
Cohen	Helfrick	Petrarca	Salvatore
Cunningham	Irvis	Pievsky	Schweder
DeMedio	Knepper	Pratt	Weidner
Donatucci	Letterman	Reed	Yahner
Foster, A.			

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. MANDERINO offered the following amendments:

Amend Sec. 1 (Sec. 3), page 16, line 28, by inserting after "services" and at least \$170,000 to the United Neighborhood Facilities Health Care Corporation for primary health care

Amend Sec. 1 (Sec. 3), page 16, line 29, by striking out all of said line, and inserting 1,355,000

Amend Sec. 1 (Sec. 3), page 18, line 16, by striking out all of said line, and inserting 112,000

Amend Sec. 1 (Sec. 3), page 19, line 1, by striking out all of said line, and inserting 1,372,000

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment reallocates money from the Comprehensive Public Health Services Act. The administration had proposed allocating these moneys in the following way:

The Health Department General Government, \$1,185,000; State Health Lab, \$220,000; State Health Centers, \$1,540,000, for a total of \$2,945,000.

Within this allocation, they propose to cut the funds from the United Neighborhood Facilities Health Care Corporation in Erie by \$170,000. We have received numerous complaints about this proposed cut and suggest that this amendment is a way to avoid it. The allocation of Comprehensive Public Health Services made as a result of this amendment would be as follows:

The Health Department General Government, \$1,355,000, with language designating \$170,000 of it to be used for the Erie center; the State Health Lab would receive \$112,000, and the State Health Centers, \$1,478,000, for a total of \$2,945,000.

If you are concerned about the State Lab and the State Health Centers being underfunded, I would like you to be aware that on June 30 the State Lab lapsed over \$100,000 and the State Health Centers lapsed over \$150,000. Mr. Speaker, I would urge the adoption of the amendment.

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

Mr. McCLATCHY. Mr. Speaker, I too have heard various complaints about the Erie problem. I support the amendment.

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

Mr. ITKIN. Mr. Speaker, I could not hear everything that the minority whip was saying. I wonder if he could just reiterate again what his amendment specifically does.

Mr. MANDERINO. Mr. Speaker, my amendment specifically takes the \$2,945,000 that was allocated—

Mr. ITKIN. Where is that in the bill? I am looking at page 16.

Mr. MANDERINO. All right. It is page 16, line 28. By inserting after the word, "services", "and at least \$170,000 to the United Neighborhood Facilities Health Care Corporation for primary health care".

Mr. ITKIN. Okay, now where do you take the \$170,000 from?

Mr. MANDERINO. It would come from the two other lines that are there. Mr. Speaker, the Health Department General Government was \$1,185,000. We are going from that figure to \$1,355,000, or we are adding the \$170,000 which is being taken from the line items for State Health Lab, which was \$220,000 and will be taken to \$112,000, and the State Health Centers, which were \$1,540,000 and will be taken to \$1,478,000.

The experience in those two line items has shown that there has been a lapsing of money so they will not be hurt by taking from those two items the \$170,000 to allocate it specifically to the Erie project.

Mr. ITKIN. Where are they in the bill? I do not have a copy of your amendment, Mr. Speaker. That is my problem.

Mr. MANDERINO. Mr. Speaker, to the best of my knowledge, they were distributed.

The SPEAKER. For the information of the gentleman, the amendments were distributed on November 13.

Mr. MANDERINO. On page 18, line 16, we are striking out said line and inserting "112,000."

Mr. ITKIN. Okay, that is one; and the other one?

Mr. MANDERINO. All right. Then on page 19, line 1, we are striking out said line and inserting, "1,372,000."

Mr. ITKIN. All right. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—176

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

NAYS—1

Hutchinson, A.

NOT VOTING—25

Beloff	Gray	Levi	Rhodes
Brunner	Hayes, D. S.	O'Brien, D.	Richardson
Cohen	Helfrick	Petrarca	Salvatore
Cunningham	Irvis	Pievsy	Schweder
DeMedio	Knepper	Pratt	Weidner
Donatucci	Letterman	Reed	Yahner
Foster, A.			

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?

Mr. MANDERINO offered the following amendments:

Amend Sec. 1 (Sec. 3), page 6, lines 12 through 14, by striking out all of said lines

Amend Sec. 1 (Sec. 3), page 20, lines 21 through 29, by striking out all of said lines

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the amendment now being proposed is an amendment which deletes from the bill, on page 6, lines 12 through 14, a proposed appropriation of \$100,000 to the consumer advocate, and also deletes, on page 20, lines 21 through 29, a \$40,000 amount which was going to go to the Department of Community Affairs.

Both of these moneys are being eliminated from the Federal bill, Mr. Speaker, by this amendment because we are in receipt of a communication from the agencies involved that these grants have not been made by the Federal Government and therefore the money is not available for us to appropriate through this process. I urge the adoption of this amendment, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, I agree with the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—176

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

Earley	Lehr	Rodgers	Zwinkl
Fee	Levin	Ryan	
Fischer, R. R.	Lewis	Scheaffer	Seltzer,
Fisher, D. M.	Livengood	Schmitt	Speaker
Foster, W.	Lynch, E. R.		

NAYS—0

NOT VOTING—26

Beloff	Gray	O'Brien, D.	Rhodes
Brunner	Hayes, D. S.	Petrarca	Richardson
Cohen	Helfrick	Pievsky	Salvatore
Cunningham	Irvis	Pratt	Schweder
DeMedio	Knepper	Rappaport	Shadding
Donatucci	Letterman	Reed	Weidner
Foster, A.	Levi		

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?

Mr. MANDERINO offered the following amendments:

Amend Sec. 1 (Sec. 3), page 11, line 7, by striking out the brackets before and after "\$800,000"

Amend Sec. 1 (Sec. 3), page 11, line 8, by striking out all of said line

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment restores the original amount that was budgeted for the operation of state libraries from the Federal funds for library services. This money comes from a larger, restricted receipt that is used primarily for the aid to local libraries. In the past the General Assembly has never appropriated more than \$800,000 of these funds for the State Library. The State Library has never spent the full \$800,000 that we have allocated. In 1978-79, for example, Mr. Speaker, only \$741,000 was actually spent. In addition, there is a concern on the part of the Department of Education officials that a Federal audit might disallow the use of these funds for operating purposes.

With this background it is felt, Mr. Speaker, that the \$261,000 in carry-over moneys would be more appropriately used by the local libraries and should therefore be returned to the restricted receipt and not be used for general operating expenditures.

Mr. Speaker, I move the adoption of this amendment.

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

Mr. McCLATCHY. Mr. Speaker, I agree to the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—178

Alden	Freind	Lynch, F.	Scirica
Anderson	Fryer	Mackowski	Serafini

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

NAYS—0

NOT VOTING—24

Beloff	Foster, A.	Letterman	Reed
Brunner	Gray	Levi	Rhodes
Cohen	Hayes, D. S.	O'Brien, D.	Richardson
Cunningham	Helfrick	Petrarca	Salvatore
DeMedio	Irvis	Pievsky	Schweder
Donatucci	Knepper	Pratt	Weidner

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?

Mr. MANDERINO offered the following amendment:

Amend Sec. 1 (Sec. 3), page 7, line 14, by inserting after "children" with an allocation of at least \$125,000 to the Pennsylvania Education Law Center for educational advocacy of handicapped children who are Pennsylvania residents

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment would divert \$125,000 of Federal grant money received for education of exceptional children from the general government operations budget of the Department of Education and use it instead to fund the Education Law Center. The Education Law Center is a public interest law firm that provides legal assistance to the parents of handicapped children or to the children as individuals when they encounter difficulties with their education or the education system.

In 1978-79 the Education Department had \$1.9 million available from this grant, of which they spent only \$1.5 million. This year's budget calls for the Education Department to spend \$2.2 million from the same grant. When we asked justification for the increase, they could point only to three additional staff people they intend to hire, a small amount of special education arts program, and the printing expenses of a manual for tracking individuals in the special education program. The rest of this grant increase, between \$400,000 and \$500,000, they want to attribute to what they call indirect departmental operation.

The legal advocacy program offered by the Education Law Center is entirely within the scope of this Federal grant. We feel that if the Pennsylvania Department of Education can use portions of the grant for special programs of their design, there should be nothing wrong with the legislature using the funds for a special advocacy program which is needed, Mr. Speaker, and I urge the adoption of the amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I wonder if Mr. Manderino—and I understand that Mr. Manderino is offering this on behalf of Mr. Pievsky—would explain just briefly again where this money is being shifted from and, more particularly, where it is being shifted to.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, there is a request in this year's budget of the Education Department for an amount to be spent in a Federal grant which is received for education of exceptional children. Okay? The amount of money they are requesting in the grant under the heading "Education for Exceptional Children" is \$2.2 million. Last year's amount of money under that same title was only \$1.5 million. When we asked them what activity was contemplated over and above what was done last year, we could not justify the \$700,000 increase that they were asking for. We have diverted some of the increase in that particular heading, \$125,000 of the moneys under that particular heading, to the Education Law Center, which, again, is a public interest law firm that provides legal assistance to parents of handicapped children or to the children as individuals when they encounter difficulties with the education system. This is a program that, my understanding is, was being funded and was either underfunded or not funded in this fiscal year, and we are diverting \$125,000 to fund that program which had heretofore been funded.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, who is the education law firm? This

amendment comes, as the gentleman knows, off the wall. I have not had an opportunity, nor, in all honesty, has Mr. Manderino, because I recognize that it is Mr. Pievsky's amendment.

Mr. MANDERINO. Mr. Speaker, the public interest law firm that runs under the designation of the Education Law Center, as I say, had been funded in the past. It does run in the Philadelphia area, and Mr. Levin has particular knowledge about it.

Mr. Speaker, let me try to relay to you as best I understand the problem. The law firm that we are talking about is a non-profit public interest firm that provides services in the Philadelphia area to parents of handicapped children and to children as individuals themselves who encounter difficulties with the education system. This program was being funded through Federal dollars—okay?—that nonprofit law firm. The Federal dollars are no longer available. Ford Foundation dollars, I understand, also were supporting the program, and their 4-year grant with the Ford Foundation has expired, and they have come to the State of Pennsylvania, they have come to the members on this side of the aisle and perhaps members on the other side of the aisle, indicated the kind of work that they have been doing, and asked for state funding. What we are simply saying is, there is probably fat in the budget of \$2.2 million for the education of exceptional children, and this is a program where \$125,000 of that money can be diverted, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I do not know who the educational law firm is. It is a nonprofit law firm. It sounds like mine. I am not Federally funded, nor do I have money from the Ford Foundation.

If I am not mistaken—and I know Mr. Levin has some knowledge of this law firm—if I am not mistaken, this is the law firm, I think, that represented a lot of the people in connection with bringing suits for police brutality and other— All right. Mr. Levin says "no"; I accept his explanation.

Mr. MANDERINO. Mr. Speaker, it is my understanding that this public service law firm is limited specifically to exceptional children and handicapped children.

Mr. RYAN. Mr. Speaker, I do not know enough about this educational law firm. My first reaction, however, is that if the Federal Government is discontinuing its funding, if the Ford Foundation is discontinuing its funding of this law firm, speaking as an individual—and I say that very pointedly—speaking as an individual and not in my leadership capacity, I am most reluctant to divert money from the "education of exceptional children" to the Education Law Center, and I am opposing this amendment.

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

Mr. DAVIES. If I could just interject one or two other questions as far as interrogation relative to this Education Law Center, it is directed to Mr. Manderino.

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

Mr. DAVIES. Mr. Speaker, is it not true that the law center in itself is to serve a five-county area rather than just the Philadelphia School District?

Mr. MANDERINO. It serves more than Philadelphia County. Whether it is a five-county area or more, I am not sure. If you look at the amendment, the amendment simply takes part of the money which we have, as I said, detailed is not needed in that line appropriation and inserts the words "with an allocation of at least \$125,000 to the Pennsylvania Education Law Center for educational advocacy of handicapped children who are Pennsylvania residents." So we are talking about that law center being able to help Pennsylvania residents, and as I say, they are probably restricted to the five-county area that you are talking about.

Mr. DAVIES. Mr. Speaker, also my concern, because of the fact that their headquarters are in Philadelphia, is the fact that how can we get some sort of guarantee for the appropriation of these moneys that, for example, my county being one of them is going to better be served by either additional staffing or considerable additional expenditures of funds, because this is one of the things that I think came up in a meeting that we had, I believe, last week relative to the funding of the program.

Mr. MANDERINO. Mr. Speaker, I am informed that the activity of this public interest law firm is not limited to the five-county area. They have provided services to Pittsburgh, to Erie, to anyone who has had this kind of problem who has contacted that nonprofit entity. I would suggest that anyone having a problem should contact that particular entity. I was not aware of that myself, but my understanding is that they will handle any Pennsylvania resident.

Mr. DAVIES. In other words, instead of being restricted to the former operations in the five-county area, it is now going to expand it to additional areas of the state, because as I understood the original premises there is already an advocacy group in Allegheny County serving the balance of the state.

The SPEAKER. Will the gentleman yield?

Will the minority whip and the majority leader come to the desk, please?

#### AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I will withdraw amendment No. A3883 temporarily.

#### HB 1905 AND AMENDMENTS PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 1905 and the amendments already agreed to will be passed over temporarily. The Chair hears none.

The House proceeded to third consideration of **HB 1, PN 2065**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the State and its political subdivisions.

On the question,

Will the House agree to the bill on third consideration?

#### HB 1 RECOMMITTED

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

Mr. McCLATCHY. Mr. Speaker, I move that HB 1 be re-committed to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The House proceeded to third consideration of **HB 1512, PN 1771**, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), redefining the term of "county employe," and providing for members of the employe's retirement system in certain cases.

On the question,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendments:

Amend Sec. 1 (Sec. 1701), page 2, line 11, by inserting a colon after "Act"

Amend Sec. 1 (Sec. 1701), page 2, lines 11 through 15, by striking out "and except participants in on-the-job training," in line 11, and all of lines 12 through 15

Amend Sec. 1 (Sec. 1701), page 2, line 19, by removing the period after "employment" and inserting and shall not include any participant in on-the-job training, work experience or public service employment whose employment with the county is funded in whole or in part by the Federal "Comprehensive Employment and Training Act," as amended, unless the retirement board has provided for the membership of such participants in accordance with the provisions of section 1710.1.

Amend Sec. 2 (Sec. 1718), page 3, lines 3 through 17, by striking out all of said lines and inserting

Section 1710.1. Exclusion of Certain Persons.—A participant in on-the-job training, work experience and public service employment whose employment with the county is funded in whole or in part by the Federal "Comprehensive Employment and Training Act," as amended, shall not be or become a member of the employees' retirement system as established and maintained under Article XVII of this act unless provisions are approved and implemented by the retirement board, in accordance with regulations adopted pursuant to the "Comprehensive Employment and Training Act," as amended, whereby all costs of providing for membership or service credits in the retirement system attributable to CETA participation are payable from funds provided under the "Comprehensive Employment and Training Act."

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, this amendment is basically a draft of HB 1512 without changing its legislative intent, which is to amend the Allegheny County Code which would not necessarily require county government to accept Comprehensive Employment and Training Act employes as members of the retirement system. The amendment that I am submitting today has been developed by persons who are knowledgeable in this area in terms of redrafting the bill in order to meet the Federal



requirements pertaining to the awarding of pensions to persons who are CETA employes.

Basically what the amendment and the bill would do is allow the county commissioners to accept a pension program for former CETA employes who are now full-time, regular county employes under the various options provided in the law that pertains to CETA funding. I ask for an affirmative vote on the amendment.

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

Mr. ZELLER. Mr. Speaker, would Mr. Itkin consent to brief interrogation, please?

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

Mr. ZELLER. Mr. Speaker, in your program would these people who were former CETA employes then have to buy in under your program into the county pension plan, or is this going to be a gift to them?

Mr. ITKIN. No. Basically now under our law, when a CETA employe gets hired in Allegheny County, he must become an active member of the retirement system. You understand that CETA employes are supposed to be temporary-type employes, and our county commissioners have felt that it is unreasonable to allow CETA employes who are temporary Federally funded employes to become active members of the retirement system. However, they recognize the fact that, subsequently, a CETA employe may become a full-time, regular county employe, and at that time some consideration must be given to a retirement program for them.

What this bill does is fashion such a retirement program at the option of the county commissioners which is consistent with what the CETA law allows a government to do in terms of providing for a retirement program.

Mr. ZELLER. I understand that part of it. But what bothers me is, say, for example, a CETA employe leaves that employment, and they have to by law give him back all the money he paid into a pension plan for which he did not receive any benefits. Therefore, would this individual coming back into the system have to catch up to pay up that 3 years, 4 years, 2 years, or whatever time that he was employed to count towards the pension program of the county? Do you follow my thinking?

Mr. ITKIN. Yes; I understand what you are saying, Mr. Speaker. The possible procedures are outlined in the Federal Register, which determines various classifications. For example, that CETA employe could buy back for that time, and it is listed in the Federal Register just how that procedure must be followed.

Mr. ZELLER. As long as he can buy it back, that is my problem.

Mr. ITKIN. That is right. That is a part of the Federal Register.

Mr. ZELLER. Thank you.

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

Mr. RITTER. Would Mr. Itkin consent to interrogation?

The SPEAKER. The gentleman indicates that he will, and the

gentleman, Mr. Ritter, may proceed.

Mr. RITTER. Mr. Speaker, in answer to Mr. Zeller, you said that the employe could buy back that time. Yet your amendment says—I am talking about the last part now—“. . . unless provisions are approved and implemented by the retirement board, . . .” et cetera, “whereby all costs of providing for membership or service credits in the retirement system attributable to CETA participation are payable from funds provided under the ‘Comprehensive Employment and Training Act.’ ”

What do you mean by “all costs” if you are saying on one hand the employe can pay back and on the other hand you say that the county can take all of it out of CETA funds?

Mr. ITKIN. There are specific provisions in the CETA act which define how those costs are to be paid, what costs are to be paid.

Really what we are saying is that the Federal Government should assume the employer’s share so far as what the CETA rules and regulations in law provide. That is all we are saying. We are saying we do not want to see the county obligated as the employer during that particular period of time, and the CETA rules and regulations provide options whereby CETA funds can be used to pay the employer’s share. We believe that a Federally funded employe ought to have all his employer benefits provided by the Federal employer; that is to say, not only his basic pay but also the fringe benefits that go along with hiring an employe, including payments toward the retirement of such an individual if he qualifies subsequently.

Mr. RITTER. Mr. Speaker, that is my point. When we allowed, for instance, municipal employes and state employes to buy back military time, the provision, as I understand it, was that the employe would pay both his share and the employer’s share. Now you are saying that on behalf of CETA employes the Federal Government—and bear in mind that that is still the taxpayer, and let us not forget that fact—we are saying on one hand now with CETA employes that the taxpayers shall pay both the employer’s share, which is the county’s share, and the employe’s share, and I frankly do not go along with that.

As I said, when we said to state employes, if you want to buy back military time or if you had prior service with state government and you rejoined the system, you could get credit for that prior service but you had to pay. The employe had to pay both sides of the financial question, and I have no objection to that. But you are changing that now, and you are saying that for that employe who was a CETA employe, both sides of that, the employer’s and the employe’s share, shall not be paid by the employe but rather shall be paid for by funds provided under the CETA program, and I think that is what my objection is.

#### REQUEST TO DIVIDE AMENDMENTS

Mr. RITTER. Mr. Speaker, because of that, I would like to know if the amendment is divisible.

The SPEAKER. The Chair asks the gentleman from Lehigh, Mr. Ritter, where he would ask that the amendment be divided.

Mr. RITTER. Mr. Speaker, I would like to divide it beginning at about the middle of the page where it says, “Amend Sec. 2 (Sec. 1718), page 3, lines 3 through 17. . . .” Everything above

that would be in the one amendment, and then the other amendment would be below that.

The SPEAKER. In response to the inquiry by the gentleman from Lehigh, Mr. Ritter, it is the Chair's opinion that the amendment is divisible, but the Chair questions, if the amendment is divided, what happens to the bill, because it is the Chair's opinion that the bill will be limited to doing anything, if anything.

Mr. RITTER. Mr. Speaker, maybe I can explain it to you, and we will see where we would go from there. Mr. Speaker, my real quarrel is with the fact that under the buy-back provision, with this amendment saying "all costs," we are asking the taxpayers to pick up both shares, both the employe's and the employer's share. As I indicated to you, when we allowed the military buy-back for state employes, for instance, state employes had to pay both their share and the employer's share so that they paid the whole thing. The taxpayers did not pay any of that buy-back. Even if what Mr. Itkin says is true, that we are only talking about the employer's share, the taxpayers are still being asked to pick that up. I do not think that that is fair, because the CETA employment was a temporary employment with no guarantee of future employment. I have no quarrel with those people being put on the pension system, but I think that they should pay both sides, both the employe's share and the employer's share. I do not know how I am going to accomplish that, and I thought, Mr. Speaker, that by dividing the amendment and defeating the last part of the amendment, that would take care of it. But you are probably right; it may not take care of it.

#### REQUEST TO DIVIDE AMENDMENTS WITHDRAWN

Mr. RITTER. What I would suggest then, Mr. Speaker, is that we hold this, because I think all we need is one word in that bottom part, and that is to say that all employer costs can be paid out of the CETA money. I would have less objection to that, so if you will hold it and let me get an amendment to add one word to it, I would appreciate it, and I would withdraw my request to divide the amendment.

The SPEAKER. The gentleman from Lehigh, Mr. Ritter, asks the gentleman from Allegheny, Mr. Itkin, to withdraw his amendment so that the bill can be passed over for the day.

The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I have no objection to that, but I would like to say that this is making a mountain out of a molehill. I believe the gentleman is misinformed, that he reads something into the amendment that is not there. Basically what the amendment does is say, ". . . pursuant to the 'Comprehensive Employment and Training Act.'" That act specifically states how employes can be covered, and specifically in the act it talks about buy-back and it tells how employes are to make contributions for that purpose. I think he is misinterpreting—I know he is misinterpreting—the use of the word "all" to mean both employer and employe when in fact the Comprehensive Employment and Training Act specifically determines who is to pay what.

#### AMENDMENTS WITHDRAWN

Mr. ITKIN. I really think we are making a mountain out of a molehill, but I am willing to hold the amendment.

The SPEAKER. The Chair thanks the gentleman. The gentleman from Allegheny, Mr. Itkin, has withdrawn his amendment.

#### HB 1512 PASSED OVER

The SPEAKER. Without objection, HB 1512 will be passed over. The Chair hears no objection.

The House proceeded to third consideration of **SB 224, PN 1076**, entitled:

An Act amending the act of July 5, 1947 (P. L. 1258, No. 514), entitled "An act authorizing and empowering city treasurers of cities of the second class to sell at public sale, lands or real estate upon which the taxes, assessed and levied by the city or school district, are delinquent and unpaid; . . ." providing for the collection of municipal claims and liens, changing the periods for advertisement and redemption and establishing additional methods of perfecting title and selling property acquired by treasurer's sales.

On the question,

Will the House agree to the bill on third consideration?

Mr. POTT offered the following amendments:

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

Amend Sec. 1 (Sec. 2), page 4, line 4, by inserting a period after "Review"

Amend Sec. 1 (Sec. 2), page 4, line 9, by striking out "TO THE" and inserting The

On the question,

Will the House agree to the amendments?

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

Mr. POTT. Mr. Speaker, these are bill-reading corrections to correct some mistakes and make some complete sentences out of some language in the bill as reported on printer's No. 1076. I urge their adoption.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—174

Alden	Freind	Lynch, E. R.	Scheaffer
Anderson	Fryer	Lynch, F.	Schmitt
Armstrong	Gallagher	Mackowski	Scirica
Arty	Gallen	Madigan	Serafini
Austin	Gamble	Manderino	Seventy
Barber	Gannon	Manmiller	Shadding
Belardi	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
Burd	Goebel	Micozzie	Stairs
Burns	Goodman	Milanovich	Steighner

Caltagirone	Grabowski	Miller	Stewart
Cappabianca	Greenfield	Moehlmann	Stuban
Cessar	Grieco	Mowery	Sweet
Chess	Gruppo	Mrkonic	Swift
Cimini	Halverson	Mullen, M. P.	Taddonio
Clark, B.	Harper	Murphy	Taylor, E.
Clark, R.	Hasay	Musto	Taylor, F.
Cochran	Hayes, S. E.	Nahill	Telek
Cole	Hoeffel	Novak	Thomas
Cornell	Honaman	Noye	Trello
Coslett	Hutchinson, A.	O'Brien, B.	Vroon
Cowell	Hutchinson, W.	O'Donnell	Wachob
Cunningham	Itkin	Oliver	Wargo
Davies	Johnson, E.	Perzel	Wass
Dawida	Johnson, J.	Peterson	Wenger
DeVerter	Jones	Piccola	White
DeWeese	Kanuck	Pistella	Williams
Dietz	Kernick	Pitts	Wilson
Dininni	Klingaman	Polite	Wilt
Dombrowski	Knight	Pott	Wright, D.
Dorr	Kolter	Pucciarelli	Wright, J. L.
Duffy	Kowalyshyn	Punt	Yohn
Dumas	Kukovich	Pyles	Zeller
Durham	Lashinger	Rappaport	Zitterman
Earley	Laughlin	Rieger	Zord
Fee	Lehr	Ritter	Zwinkl
Fischer, R. R.	Levin	Rocks	
Fisher, D. M.	Lewis	Rodgers	Seltzer,
Foster, W.	Livengood	Ryan	Speaker

NAYS—0

NOT VOTING—28

Beloff	Foster, A.	Levi	Richardson
Bennett	Gray	O'Brien, D.	Salvatore
Brunner	Hayes, D. S.	Petrarca	Schweder
Cohen	Helfrick	Pievsky	Street
DeMedio	Irvis	Pratt	Wagner
DiCarlo	Knepper	Reed	Weidner
Donatucci	Letterman	Rhodes	Yahner

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. MANDERINO offered the following amendment:

Amend Sec. 1 (Sec. 2), page 3, line 22, by inserting after "circulation," said newspaper may be either a daily or weekly publication,

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment simply amends the advertising requirements so it will make it clear that the newspaper in which the advertisement must appear can be either a daily or a weekly publication. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—176

Alden	Foster, W.	Lynch, F.	Scirica
Anderson	Freind	Mackowski	Serafini

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

NAYS—0

NOT VOTING—26

Beloff	Hayes, D. S.	McIntyre	Rhodes
Brunner	Helfrick	O'Brien, D.	Richardson
Cohen	Irvis	Petrarca	Salvatore
DeMedio	Knepper	Pievsky	Schweder
Donatucci	Letterman	Pratt	Vroon
Foster, A.	Levi	Reed	Weidner
Gray	Lynch		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—176

Alden	Freind	Lynch, F.	Scirica
Anderson	Fryer	Mackowski	Serafini

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

NAYS—2

Dimini Street

NOT VOTING—24

Beloff	Gray	Levi	Reed
Brunner	Hayes, D. S.	McIntyre	Rhodes
Cohen	Helfrick	O'Brien, D.	Richardson
DeMedio	Irvig	Petrarca	Salvatore
Donatucci	Knepper	Pievsky	Schweder
Foster, A.	Letterman	Pratt	Weidner

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

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

The House proceeded to third consideration of **HB 1457, PN 1831**, entitled:

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), making it a discriminatory practice to discriminate between high school diplomas and general education development certificates.

On the question,

Will the House agree to the bill on third consideration?

Mr. DAWIDA offered the following amendments:

Amend Title, page 1, line 13, by removing the period after "certificates" and inserting , establishing a procedure for the handling of complaints concerning segregation or discrimination in public schools and further providing for educational programs.

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

Section 2. Section 8 of the act is amended by adding a paragraph to read:

Section 8. Educational Program.—

Notwithstanding any other provisions of this section or of this act, the Commission shall not issue any order which results in any pupil being assigned to any school other than the one of the proper grade level closest to his home.

Section 3. The act is amended by adding a section to read:

Section 9.2. Procedure in School Complaint.—(a) Any individual claiming to be aggrieved by an alleged situation of segregation or discrimination in a public school system may make, sign and file with the Commission a verified complaint in writing which shall state the name and address of the district concerned, and the particulars thereof and such other information as may be required by the Commission. The Commission or the Attorney General, may upon its or his own initiative file such a complaint.

(b) After the filing of a complaint, whenever there is reason to believe that such a practice has been committed, the Commission shall, after immediate notification of the district concerned, make a prompt investigation.

(c) The Commission shall initially make a determination that the quality of education offered in the district is inferior as to certain students, and that the quality would be raised if the alleged discrimination or segregation could be eliminated. If no such finding can be made, the Commission shall terminate the proceeding at that point.

(d) If the Commission finds that a situation of discrimination or segregation exists and also makes the aforesaid finding as to the quality of education it shall initiate a conference, or a series of conferences, with the school board of the district concerned to discuss the said findings.

(e) Upon notice to the school board by the Commission that the situation cannot be resolved at the said conferences by the giving of satisfactory assurances by the school board, the Commission shall schedule a hearing or such number of hearings as the school board shall determine upon at least thirty days' notice to be held in the district upon the substance of the complaint and the solution of the problem. The board, parents' organizations, community organizations, and individual parents and citizens of the district shall be entitled to be heard at the said hearing.

(f) After the said hearing or hearings which shall not exceed six months in duration, the Commission may recommend implementation of a plan to end the said discrimination or segregation, provided that it makes the following findings:

(1) The finding as to the level of education required in subsection (c) supra.

(2) A finding that de facto segregation or discrimination exists.

(g) No plan shall be made mandatory.

(h) Nothing herein shall preclude voluntary programs on the part of local school districts.

(i) Nothing herein shall authorize the busing of pupils from one school district to another school district.

Amend Sec. 2, page 2, line 13, by striking out "2." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mr. DAWIDA. Mr. Speaker, this amendment No. 3316 does two things. It establishes a procedure for the handling of complaints concerning segregation or discrimination in public schools. That procedure is available to any child in the public schools who feels that he or she is discriminated against on the basis of race.

Additionally, this amendment does one other important thing: It prohibits the State Human Relations Commission from ordering or issuing an order of forced busing solely for the purposes of racial desegregation.

This is an issue which I feel this House should have addressed long ago for many reasons; one, the education of our children is at stake; two, we are needlessly and frivolously spending money which could be used to better advantage; and, three—

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

Mr. BARBER. We do not have the amendment.

The SPEAKER. The amendment was circulated October 15, 1979.

Do any of the members close to Mr. Barber have a copy of the amendment that they can share with him?

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

Mr. WHITE. Mr. Speaker, Mr. Barber is not the only member of this House who I think may not have that amendment. Since it was circulated so early, is it possible that we could have that amendment recirculated so that we could have it for discussion?

The SPEAKER. For the information of the gentleman, the amendment was distributed on October 15.

Mr. WHITE. I am aware of that, Mr. Speaker, but this is almost a month later. I have a copy of it here, but there may be other members of the House who are not privy to this.

The SPEAKER. Has the gentleman, Mr. Barber, received a copy of the amendment?

Mr. BARBER. Yes, Mr. Speaker.

Mr. Speaker, is it possible to hold up on this amendment until we get a chance to read the amendment, until we caucus on it, please?

The SPEAKER. The Chair's calendar is marked that it has been caucused upon.

The Chair recognizes the gentleman, Mr. Barber.

Mr. BARBER. Is it possible that we could hold the bill over then?

The SPEAKER. The decision of passing over legislation is not that of the Speaker's. It is a decision that is made by the membership of the House.

The gentleman, Mr. Dawida, has asked that his amendment be considered today. If the gentleman, Mr. Dawida, withdraws his amendment—

#### AMENDMENT WITHDRAWN

Mr. DAWIDA. It does not matter to me, Mr. Speaker. Although I must comment, this bill has been up and the amendments circulated for quite a while. But I will withdraw it, if you hold the bill.

The SPEAKER. The Chair thanks the gentleman, Mr. Dawida, for withdrawing his amendment.

#### HB 1457 PASSED OVER

The SPEAKER. Without objection, HB 1457 will be passed over. The Chair hears no objection.

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

Mr. DAWIDA. I just want to clarify for the record that I withdrew my amendment temporarily and intend to offer it the next time the bill is considered.

The SPEAKER. It was the Chair's understanding that those were the intentions of the gentleman. The Chair thanks the gentleman for clearing the record.

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

Mr. MICHLOVIC. Mr. Speaker, might I also ask that the bill, HB 1457, PN 1831, be included in our files on our floor desks. I cannot find it in mine or any of my colleagues' around me. I do not have a copy of the bill, either. Thank you.

The House proceeded to third consideration of **HB 1673, PN 2213**, entitled:

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2896, No. 1), further providing for ineligibility for compensation.

On the question,

Will the House agree to the bill on third consideration?

Miss SIRIANNI offered the following amendments:

Amend Sec. 1, (Sec. 402), page 2, line 6, by striking out "306(C)(23)" and inserting 306(C)

Amend Sec. 1, (Sec. 402), page 2, line 8, by inserting after "ACT." " Nothing contained in this provision shall apply to medical or hospital payments or similar services.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, my calendar was not marked that this bill had any amendments to be offered. I am awaiting to see what the amendment is. I did not have a copy on my desk.

The SPEAKER. Did the minority whip, Mr. Manderino, receive his copy of the amendment?

The Chair recognizes the minority whip.

Mr. MANDERINO. Did Miss Sirianni explain her amendment yet?

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

Miss SIRIANNI. Mr. Speaker, the amendment to my bill is to ensure anyone who is on workmen's compensation that nothing is contained in this bill which would apply to their medical or hospital payments. In other words, their medical or hospital payments would continue.

There could be a case where you would maybe go back to work and still have medical payments due to an injury that are necessary. These would continue.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, would the lady consent to interrogation?

The SPEAKER. The lady indicates that she will. The gentleman, Mr. Manderino, may proceed.

Mr. MANDERINO. Mr. Speaker, what substantive change is effectuated by changing and striking out "306(C)(23)" and inserting "306(C)"?

Miss SIRIANNI. (C)(23) is a section where people are deemed to be totally disabled.

Mr. MANDERINO. Mr. Speaker, my understanding is that section 306(C)(23) has to do with the limited cases where there is loss of limbs, and section 306(C) is a whole laundry list of different injuries. Is that correct?

Miss SIRIANNI. They are all loss of limbs.

Mr. MANDERINO. Everyone of those?

Miss SIRIANNI. Yes.

Mr. MANDERINO. So what effect does substituting 306(C) for 306(C)(23) as it is now in the bill? What effect does that have on this legislation?

Miss SIRIANNI. It makes it clear that all loss of limbs is not covered by the bill.

Mr. MANDERINO. Mr. Speaker, are you aware that the workmen's compensation law presently provides that any amount that a worker might be eligible for under unemployment compensation will be offset against payments under the workmen's compensation law. Are you aware that that is already part of the law of Pennsylvania?

Miss SIRIANNI. Mr. Speaker, that has not necessarily held true and that is the purpose of this bill.

Mr. MANDERINO. I do not understand. Are you saying that the unemployment compensation benefits received are not offset under the Workmen's Compensation Act?

Miss SIRIANNI. There have been many instances where people have been taking both.

Mr. MANDERINO. Well, is that not a fraud to take both?

Miss SIRIANNI. No.

Mr. MANDERINO. How can you be permanently disabled and also be available for work? Permanently, totally disabled or temporarily totally disabled, you cannot be available for work,

and that is one of the requirements to get unemployment compensation.

Miss SIRIANNI. Mr. Speaker, only occupational disease payments are offset; only occupational disease payments, such as black lung.

Mr. Speaker, may I cite a case?

The SPEAKER. Will the lady yield until the gentleman, Mr. Manderino, has completed his interrogation?

Mr. MANDERINO. Mr. Speaker, would you explain to the members of the House of Representatives under what circumstances any person could be eligible for workmen's compensation and unemployment compensation at the same time?

Miss SIRIANNI. Mr. Speaker?

The SPEAKER. The Chair recognizes Miss Sirianni.

Miss SIRIANNI. May I try to answer Mr. Manderino by citing a case?

I have a case of a foundry which went to court and the referee ruled—and I will read what the referee's ruling was, Mr. Speaker. The referee states that—"Since there is nothing in the Unemployment Compensation Law which would prohibit a claimant from currently receiving Workmen's Compensation benefits and unemployment compensation benefits, the claimant's receipt of Workmen's Compensation Benefits in the weekly amount of \$213.00 does not preclude the payment of unemployment compensation benefits for these same weeks."

Mr. MANDERINO. Mr. Speaker, was that a case of total disability?

Miss SIRIANNI. Mr. Speaker, I do not know.

Mr. MANDERINO. That is the point I am trying to make, Mr. Speaker. The point I am trying to make is that total disability means that you do not have either temporarily or permanently the ability to do work. And being in that kind of circumstance, there is no way that I can imagine, unless you can tell me, that you can be ready, willing and available for work, which is necessary under the unemployment compensation laws.

Miss SIRIANNI. Mr. Speaker, I have documentation of several cases where they did collect both.

Mr. Speaker, may I yield to Mr. Hutchinson?

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I think the problem that the gentleman from Westmoreland is having is that he is confusing two different definitions of total disability.

Let me give two examples, one relating to the partial disability type of situation—

Mr. MANDERINO. Mr. Speaker, I do not want to talk about partial, because this bill addresses itself only to total disability, only to total. That is what this bill addresses itself to.

Mr. W. D. HUTCHINSON. All right. Then let us talk about the total disability of the case.

Mr. MANDERINO. Thank you.

Mr. W. D. HUTCHINSON. A person suffers injury. He is in fact temporarily totally disabled. The situation is such that after a period of time, that disability resolves itself into a disability which is only partial. If there is any indication of total dis-

ability, and once an agreement is signed by the workmen's compensation carrier—okay?—that carrier cannot get him off the disability even though he in fact becomes available for work within a very short period of time.

Now the case that Miss Sirianni referred to is the case where the employe suffered a work-related injury. He was qualified to return to work with limitations imposed by the physician. Such work was not available. His wages were \$9.04 per hour, about \$351 per week. He was qualified to receive workmen's compensation payments of \$213 per week and unemployment compensation benefits of \$143 per week with family benefits.

Now that case would be considered, under the Workmen's Compensation Act, a total disability case because of the provisions of the Petrone Otis Elevator case in our Supreme Court. But it would be considered, under the provisions of the Unemployment Compensation Act, a case where the man could be actively seeking work and was only partially disabled and could receive unemployment compensation as well.

I recently had a case, Mr. Speaker, in which that happened.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this bill addresses itself to, as best I can understand, an individual who is receiving compensation for total disability, either temporary or permanent; not a case where he was receiving payments for partial disability, for permanent disability either temporary or permanent. And I am simply saying to you that if you are trying to address a problem having to do with partial disability, if you are trying to address a problem having to do with settlements made and agreed to by both parties, you are talking about an entirely different thing than when you are talking about total disability which is either permanent or total disability which is temporary.

The terms, Mr. Speaker, are mutually exclusive — to say that a person is permanently or totally disabled from working and yet say that they are ready, willing and available for work under the Unemployment Compensation Act. I frankly do not understand what we are addressing here.

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

Miss SIRIANNI. It seems to me that Mr. Manderino is agreeing in essence with what I am trying to do, and I am just trying to plug it up to make sure that it cannot happen.

I think that the bill and the amendment provide that a person who is receiving workmen's compensation for total disability may not receive unemployment compensation benefits for these same weeks. And let me emphasize at the outset that this bill does not prohibit a person who has lost an arm or a leg from receiving unemployment benefits and workmen's compensation benefits. Such an injury is classified as permanent partial disability, not a total disability. And an amendment was even added in committee to this bill to insure that a double amputee or a blind person who receives workmen's compensation will receive unemployment benefits if that person is able and available for work. That is the reason for the addition of the language. A person who has lost two legs, hands, arms, feet or eyes is presumed to be totally disabled, even though such a person may be

able to work and thus be eligible for unemployment benefits.

This bill would state that a person who is either temporarily or permanently totally disabled cannot double dip. Although firm statistics are not available, there are cases—and I would like to yield to Mr. Armstrong who has a number of cases that he would like to cite.

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

Mr. MANDERINO. Mr. Speaker, prior to recognizing Mr. Armstrong, we are eventually going to get a request here—because I know Mr. Novak is on his feet—to delay consideration of this bill and this amendment. We had no forewarning of the amendment which changes substantially the bill.

I would ask at this time, Mr. Speaker, that we perhaps recognize Mr. Novak who is going to ask that this bill be delayed at least until we can understand better Miss Sirianni's amendment to the bill and its effect on the bill.

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

Miss SIRIANNI. May I interrogate Mr. Manderino?

The SPEAKER. Will the gentleman, Mr. Manderino, permit himself to be interrogated?

Mr. MANDERINO. Yes, Mr. Speaker.

Miss SIRIANNI. Mr. Speaker, do you think that the amendment ruins the bill? What do you think the amendment does to it? I thought it made it a little more liberal.

Mr. MANDERINO. Mr. Speaker, it very well may do exactly what you say, but I do not like to have to operate and grab the seat of my pants here on the floor of the House to make that kind of a decision. I would like to, in an important matter like an unemployment compensation bill, have the opportunity to study to see it does what I think it does.

Miss SIRIANNI. Mr. Speaker, I would like you to know that the amendment which I am proposing today was prepared in response to the steelworkers concern.

Mr. MANDERINO. I do not doubt that that may be so. I just tell you that my calendar was not marked to indicate that anybody had any amendments to the bill.

Miss SIRIANNI. Mr. Speaker, may I yield to Mr. Armstrong?

The SPEAKER. The gentleman, Mr. Manderino, indicates that one of the members of his caucus is going to ask that the bill be passed over. The decision again on whether or not to pass over legislation is a decision of the House. It is not the decision of the Chair.

#### REQUEST TO PLACE HB 1673 ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. Does the gentleman from Allegheny, Mr. Novak, wish to be recognized?

Mr. NOVAK. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Novak.

Mr. NOVAK. Mr. Speaker, since this bill is rather highly controversial and, due to circumstances beyond my control at the present time, I have been unable to get some of my advisors to advise me as to which direction we are going in, therefore, Mr. Speaker, I would ask that this bill be put on the final passage

postponed calendar until such time that we can massage the bill in such a fashion so that we can all have a better, firm and friendly understanding concerning this most important matter.

The SPEAKER. Will the lady, Miss Sirianni, come to the desk, please?

#### AMENDMENT WITHDRAWN

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

Miss SIRIANNI. Mr. Speaker, I will withdraw my amendment for today, and you know since I come from the old school, being an old school teacher, I will give Mr. Manderino a chance to do his homework tonight. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Tante grazie.

#### HB 1673 PASSED OVER

The SPEAKER. The Chair thanks the lady for withdrawing her amendment.

Without objection, HB 1673 will be passed over. The Chair hears none.

#### CALENDAR BILL ON THIRD CONSIDERATION POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. WILSON, the House resumed 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 recurring,

Will the House agree to the bill 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 5% of all certificates of public convenience issued under this subsection in cities of the first class 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. This is an agreed-to amendment.

This amendment was withdrawn 2 weeks ago in order to include the words "in cities of the first class". Thank you.

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

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

The SPEAKER. The lady, Mrs. Harper, indicates that she will stand for interrogation. Mr. Rocks may proceed.

Mr. ROCKS. Mr. Speaker, could you basically explain to us, since it has been a week, what this amendment does?

Mrs. HARPER. Mr. Speaker, when we had the public hearings with the Yellow Cab Company in Philadelphia, the Yellow Cab Company admitted that they do not serve certain minority neighborhoods, including the North Philadelphia Station, and they also admitted that they will not allow minorities to purchase certificates. For that reason I am asking that we demand the Yellow Cab Companies to sell a small percentage of their certificates to minorities so that they can serve their own neighborhoods.

Mr. ROCKS. Thank you.

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

Mr. ROCKS. Mr. Speaker, it is my understanding that in this bill we have gone to some lengths to guarantee just what the lady has brought forward, and that is, granting so-called neighborhood or geographic certificates, that they would in fact serve every neighborhood of Philadelphia. The reason that was put into this bill—and it was done in committee by Mr. Polite in his amendment—was exactly according to the testimony that Mrs. Harper has referred to. And I do not think that the amendment in front of us is an issue that should get mixed up with attempting to put more taxicabs on the streets of Philadelphia in its center city and also particularly in its neighborhoods. I would ask, therefore, for the defeat of this amendment. Thank you, Mr. Speaker.

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

Mr. STREET. Mr. Speaker, I am not so sure that I understood exactly what Mrs. Harper's explanation was. I would like if, Mr. Speaker, I am permitted to ask her to repeat that explanation for clarity sake?

The SPEAKER. The lady, Mrs. Harper, indicates that she will stand for interrogation. Mrs. Harper may proceed.

Mrs. HARPER. Mr. Speaker, I stated that when we had the hearings in Philadelphia with the Yellow Cab Company, I questioned them about not serving the North Philadelphia Station and certain neighborhoods. They admitted that they do not serve the North Philadelphia Station and certain minority neighborhoods. Also, they admitted they do not sell certificates to minorities. For that reason I am asking that a small percentage of the certificates be set aside for minorities so that they can purchase them and serve their neighborhoods as well as anywhere else in the city.

Mr. STREET. Mr. Speaker, I have a problem and the problem is simply that at the hearings which I attended, there was never any testimony that these certifications were not available to minorities. There was testimony that they were available to anyone who could afford to pay the \$38,000, which cost excluded minority people from financially being able to purchase their certification.

My question to the lady who has the amendment is: Will this amendment in any way permit minorities to go directly to the utility commission and purchase these certifications for the \$4 or the \$6 fee, or will these simply be laid aside by the Yellow



Cab or the United Cab for those who can afford to pay the \$38,000 fee?

Mrs. HARPER. Well, I am asking, Mr. Speaker, that minorities be treated just the same as anyone else and pay the same amount as anyone else. It is just a matter of being able to purchase the certificates. I am asking for no special privilege so far as the price is concerned.

Mr. STREET. Mr. Speaker, I would like to continue my interrogation.

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

Mr. STREET. Is it intended that your amendment will lay aside \$100—and I would say that 5 percent of the \$2,000 would be \$100—of these certifications to be purchased by minorities directly from the Public Utility Commission?

Mrs. HARPER. Mr. Speaker, I yield to the prime sponsor, Mr. Wilson.

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

Mr. WILSON. Mr. Speaker, as I read Mrs. Harper's amendment and the bill as it is constructed, yes, all subsequent certificates issued in the cities of the first class would have to go in the number of 5 percent to minority groups or corporations substantially owned or controlled by members of minority groups.

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

Mr. STREET. The language in this amendment I do not think is specific enough for this amendment to accomplish what the sponsor wants it to accomplish. The language as I understand it, "... corporations substantially owned or controlled by members of minority groups.", bothers me. That language bothers me.

If we can sell these certifications to corporations who can allege that they are substantially owned by minority groups, then we may not be accomplishing anything. We may be defeating in fact what we are trying to accomplish in the bill itself. And I would like if the prime sponsor, if you, can clarify that for me. How do we determine—I mean, who will have the ability or who will the authority be left up to to determine whether a corporation is controlled or substantially owned by a minority group?

Secondly, Mr. Speaker, does that mean that anybody can form a corporation and have minorities administrating the corporation that would give the illusion of control but the financial control of the corporation would not be held by minorities? I am not clear. Are we talking about financial control, administrative control? Exactly what are we intending to do with this amendment?

Mrs. Harper has yielded to the prime sponsor.

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

Mr. WILSON. I am not the sponsor of the amendment, but I will attempt to answer the question. As I read the language, it says, "... or to corporations substantially owned or controlled by members of minority groups." That is the language. "Sub-

stantially," I would assume, is in excess of 5 percent of the ownership, stock, or what have you, or is controlled by members of minority groups. That means it is run by minority groups.

Mr. STREET. That is what we assume.

Mr. Speaker, I would urge the defeat of this amendment based on the fact that the language in the amendment is ambiguous.

REQUEST TO DIVIDE

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

Mr. J. J. JOHNSON. Mr. Speaker, can this amendment be divided?

The SPEAKER. It is the opinion of the Chair the amendment is not divisible.

Mr. J. J. JOHNSON. It is not divisible?

The SPEAKER. It is not divisible in the opinion of the Chair.

Mr. J. J. JOHNSON. Mr. Speaker, I would like to appeal the Chair's ruling because I do believe this can be divided, because I am looking at the minority groups, "... 5% . . . to . . . minority groups, or . . ." That is where I want to divide the amendment, Mr. Speaker.

Mr. Speaker, I withdraw my request.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—91

Armstrong	Dumas	Kernick	Rieger
Austin	Durham	Knepper	Ritter
Barber	Fee	Knight	Rodgers
Bennett	Fischer, R. R.	Kolter	Seventy
Berson	Fisher, D. M.	Kowalyszyn	Shadding
Brandt	Fryer	Kukovich	Shupnik
Brown	Gallagher	Laughlin	Steighner
Burns	Gamble	Levin	Stewart
Caltagirone	Gatski	Livengood	Stuban
Cappabianca	George, C.	Manderino	Taylor, F.
Chess	George, M.	McCall	Telek
Cimini	Giammarco	McIntyre	Trello
Clark, B.	Goebel	Michlovic	Vroon
Clark, R.	Goodman	Milanovich	Wachob
Cochran	Grabowski	Miller	Wargo
Cole	Greenfield	Mrkonic	White
Cowell	Grieco	Mullen, M. P.	Williams
Davies	Harper	Murphy	Wilson
Dawida	Honaman	Novak	Wright, D.
DeWeese	Hutchinson, A.	O'Brien, B.	Wright, J. L.
DiCarlo	Itkin	Oliver	Zeller
Dombrowski	Johnson, J.	Pistella	Zwinkl
Duffy	Jones	Pott	

NAYS—86

Alden	Gladeck	Micozzie	Sirianni
Anderson	Gruppo	Moehlmann	Smith, E.
Arty	Halverson	Mowery	Smith, L.
Belardi	Hasay	Musto	Spencer
Bittle	Hayes, S. E.	Nahill	Spitz
Borski	Hoeffel	Noye	Stairs
Bowser	Hutchinson, W.	Perzel	Street
Burd	Johnson, E.	Peterson	Sweet

Cessar	Kanuck	Piccola	Swift
Cornell	Klingaman	Pitts	Taddonio
Coslett	Lashingner	Polite	Taylor, E.
Cunningham	Lehr	Pucciarelli	Thomas
DeVerter	Lewis	Punt	Wass
Dietz	Lynch, E. R.	Pyles	Wenger
Dininni	Lynch, F.	Rappaport	Wilt
Dorr	Mackowski	Rocks	Yahner
Foster, W.	Madigan	Ryan	Yohn
Freind	Manmiller	Scheaffer	Zitterman
Gallen	McClatchy	Schmitt	Zord
Gannon	McKelvey	Scirica	
Geesey	McMonagle	Serafini	Seltzer,
Geist	McVerry	Sieminski	Speaker

## NOT VOTING—25

Beloff	Gray	O'Brien, D.	Rhodes
Brunner	Hayes, D. S.	O'Donnell	Richardson
Cohen	Helfrick	Petrarca	Salvatore
DeMedio	Iris	Pievsky	Schweder
Donatucci	Letterman	Pratt	Wagner
Earley	Levi	Reed	Weidner
Foster, A.			

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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. O'DONNELL. Mr. Speaker, this bill deals primarily with Philadelphia, and I want to first of all express a certain measure of gratitude to those of you not from Philadelphia who have taken an interest in our taxicab problem, and I want to say that you have not done as good a job as you might have done, and I would like to urge the defeat of this bill in its present form.

First of all, there has been some discussion of 2,000 taxicabs in Philadelphia. This bill does not contain 2,000 taxicabs. It contains an unlimited number of taxicabs. Those people who presently own certificates which might have been worth \$38,000, as was pointed out, will now be worth zero. There has been some discussion about whether or not there is adequate cab service in the various neighborhoods of Philadelphia. The answer is obviously no. A committee held hearings, and there was adequate testimony which demonstrated that outside of center city there is certainly very little cab service. For those of you who are concerned about that, I want to alert you to the fact that there is no requirement in this bill that cabs service anything but the airport and 30th Street. There is no requirement in this bill whatsoever that cabs will be found in our neighborhoods.

There are also contradictory provisions in this bill which I will leave to Public Utility's lawyers. They seem to be particularly adept at exploring those contradictions. In the first paragraph we have a provision which says the Public Utility Com-

mission may consider the need for service. There is no requirement there that that applies outside Philadelphia. It applies statewide. In the next paragraph there is a discussion of the *elimination of the certificate-of-need process*, which runs contradictory to paragraph 1. The attempt to create language which would deal with the neighborhood need for cabs is found in paragraph 3, and all you have there is an expression of legislative intent — would it not be nice if and the legislature would sure like it if you provided cab service to the neighborhoods.

As far as my legislative district is concerned, this bill provides no additional taxicab service. I daresay with the exception of two members from Philadelphia, who happen incidentally to represent downtown—their districts will be affected; I think that is accidental; they are not in any way involved with the sponsorship of the bill, but downtown Philadelphia will be well served—no other place in Philadelphia will be served, and the free market will adequately service after this bill—if somebody can understand it—the 30th Street station and the airport and nothing else.

I would urge the defeat of this bill, but once again I want to express some measure of appreciation, a limited measure but a measure of appreciation, for those of you outside Philadelphia who have addressed our problem. Thank you.

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

Mr. WILSON. Mr. Speaker, I appreciate the gratuitous remarks of the gentleman from Philadelphia. The Committee on Consumer Affairs spent the whole day in Philadelphia before the bill was created, trying to specifically find out what the problems were, and we came up with a measure that in the first part was simple in its simplicity to try to solve the problem. We had recommendations from the Philadelphia Chamber of Commerce. We had recommendations from the taxicab companies, and they would like us not to have any bill at all. The Yellow Cab Company and the United Cab Company would not like to see this bill at all, because it would provide competition and it would provide more cabs on the street that would go into more areas of the city of Philadelphia.

After the hearing we created a bill, and we got some comment from different people, and several people suggested 2,000 cabs should be a mandatory limit. It was our opinion, the committee's opinion in general, that we should not in this legislature set a maximum of 2,000 cabs, because we found in our hearing that if you had 2,000 cabs certified, you certainly would not have 2,000 cabs on the street, because they are running only about 75 percent of the certified cabs in actual use. It was suggested by one of the members of our committee, in order to get more cab service away from the Sheraton, away from the airport, away from downtown, and up into the neighborhoods where they could not get service, that we mandate in here that when the Public Utility Commission granted a certificate, that a substantial portion of those trips come from the *neighborhoods and that the certificate be granted in that manner*.

I think the bill is as good as we can create to satisfy the needs and the general conditions in the city of Philadelphia, and I

would urge its adoption.

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

Mr. STREET. Mr. Speaker, I would like to speak on behalf of the bill and in favor of the bill.

I think that this bill deals with the business principle of supply and demand. It is inconceivable to me, Mr. Speaker, if in fact all of the 2,000 cabs were on the street at one time, that all 2,000 would sit in center city and expect to earn a living. I think that when we go into business, we go into the business with the purpose of showing a profit, and it is just inconceivable to me how one can think that a cabbie would go into the business, would lay out his money, and then go to the Ben Franklin Hotel and sit there for 8 hours and make it from picking up no fares.

I think, Mr. Speaker, with the 2,000 additional new cabs on the streets, that supply and demand will force cabbies to go to areas of the city where they do not go in order to show a profit, in order to run a business that will be a viable business, a functional business so that that individual cabbie will be able to take care of the needs in supplying a living for his family. So I would urge support for HB 1799.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—167

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

Duffy	Lashingner	Rieger	Zitterman
Dumas	Laughlin	Ritter	Zord
Durham	Lehr	Rocks	Zwikl
Earley	Lewis	Rodgers	
Fee	Livengood	Ryan	Seltzer,
Fischer, R. R.	Lynch, E. R.	Scheaffer	Speaker
Fisher, D. M.			

NAYS—9

Clark, B.	Levin	Seventy	Wargo
Grabowski	O'Donnell	Wagner	Wright, J. L.
Jones			

NOT VOTING—26

Beloff	Gray	Levi	Reed
Bittle	Hayes, D. S.	McIntyre	Rhodes
Brunner	Helfrick	O'Brien, D.	Richardson
Cohen	Irvis	Petrarca	Salvatore
DeMedio	Kolter	Pievsky	Schweder
Donatucci	Kowalyszyn	Pratt	Weidner
Foster, A.	Letterman		

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

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

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1729, PN 2115**, entitled:

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

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

HB 1729 RECOMMITTED

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, I move that HB 1729 be recommitted to the Committee on Transportation.

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

The House resumed third consideration of **HB 1905, PN 2391**, entitled:

An Act amending the "Federal Augmentation Appropriation Act of 1979," approved July 4, 1979 (No. 10A), changing appropriations and adding appropriations.

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

Mr. MANDERINO offered the following amendment:

Amend Sec. 1 (Sec. 3), page 7, line 14, by inserting after "children" with an allocation of at least \$125,000 to the Pennsylvania Education Law Center for educational advocacy of handicapped children who are Pennsylvania residents

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

The SPEAKER. The Chair recognizes the minority whip. Does the gentleman wish to debate his amendment further?

Mr. MANDERINO. Mr. Speaker, it is my understanding that the gentleman, Mr. Giammarco, has substantial information concerning the amendment and the public interest law firm involved, and, Mr. Speaker, I yield to Mr. Giammarco on this amendment.

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

Mr. GIAMMARCO. The Education Law Center was funded going back years ago. They received moneys from different foundations over the past couple of years, and the foundations this year have seen fit to hold up on money until next year. This has brought this Education Law Center into a bind, which serves Philadelphia, the five-county area—in fact, the whole state—to service all the parents of mentally retarded children, to help these parents in knowing what the law is for their children going to school.

It has fought many cases for these handicapped children. It continues to fight for these children. At the present time they still have about 30 or 40 cases that are open. If they do not receive this funding, these cases will go down the tube. But as I said before, they do service all Philadelphia and the whole state of Pennsylvania. They have done this in the past. The funding is needed, and from what I was told, it is only a one-shot deal until their contributions start coming back in again next year.

This group has served hundreds and hundreds of these parents. It saved a lot of aggravation; it saved a lot of time and everything else, because this is one centralized place where they can call and get help. They had no other avenues of approaches to get to for help that was needed. This is why I am up to go along with Mr. Pievsky's amendment on this bill to retain money for the Education Law Center.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, will the gentleman consent to interrogation?

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

Mr. RYAN. Will the gentleman tell me how large a staff this law center has?

Mr. GIAMMARCO. I think the staff is no larger than about eight, Mr. Speaker.

Mr. RYAN. The information I have from one of the members on the other side was that there are two lawyers and two staff people, or four people. Does that sound accurate?

Mr. GIAMMARCO. Yes, very much so.

Mr. RYAN. And yet they were appropriated \$300,000 from the foundations and the Federal Government last year?

Mr. GIAMMARCO. No; I do not believe they were.

Mr. RYAN. I thought that was the information we had received here a little while ago, that there was \$300,000 available to them last year and that—

Mr. GIAMMARCO. Mr. Speaker, that was DDAN — Develop-

ment Disability Advocacy Network — that got that money.

Mr. RYAN. I am sorry. Say that again.

Mr. GIAMMARCO. That was DDAN that received that money.

Mr. RYAN. I am sorry; I stand corrected on my statement. The \$300,000, I am advised, was for a 2-year period, or \$150,000 a year.

Can you advise me if this law center is sponsored by any bar association? I am thinking now in my own county of legal services, Community Legal Services, the public defender's office, something like this.

Mr. GIAMMARCO. No; it is not, Mr. Speaker.

Mr. RYAN. Can you give me the names of the principal attorneys, the two attorneys?

Mr. GIAMMARCO. I do not have the data in front of me, Mr. Speaker.

Mr. RYAN. It is my understanding, Mr. Speaker, that a bill was submitted by this group to someone, attorneys' fees, in excess of \$90,000 for a case they handled in the Federal court. Do you know if that is accurate?

Mr. GIAMMARCO. Yes; you are correct there, Mr. Speaker.

Mr. RYAN. The balance of the information I have, Mr. Speaker, is that this subject—that is, the funding of this group—is currently pending before one of the agencies covered by the Governor for the sum of some \$60,000 to \$75,000 in December. Do you know if that is accurate?

Mr. GIAMMARCO. No; it is not. If it is, it has just been brought to light. I have not heard anything of that, Mr. Speaker.

Mr. RYAN. The chairman of the House Appropriations Committee received that information and passed it on to me.

Mr. GIAMMARCO. I have not received it, so I do not know.

Mr. RYAN. The system of legal services without pay, without fee, as I understand it basically in at least my county and I am sure in many of the other counties, if not all of the counties of this state, sets a requirement that a recipient of such services be unable to pay for private attorneys. Do you know if this is a requirement of this group?

Mr. GIAMMARCO. No; it is not, Mr. Speaker.

Mr. RYAN. Are you saying that notwithstanding the personal wealth of any person who seeks these services, they would receive the service of this law center?

Mr. GIAMMARCO. You are correct, Mr. Speaker.

Mr. RYAN. Are you prepared to advise this House as to whether or not they receive income from any private sources or engage in any practice of law for a fee other than that money they receive through the state or a Federal or a foundation agency?

Mr. GIAMMARCO. I will only give you what I have been told, Mr. Speaker — no. They just handle the cases for the Education Center. That is all.

Mr. RYAN. Without fee from other sources.

Mr. GIAMMARCO. Without fee from other sources.

Mr. RYAN. I could not walk in and retain one of these lawyers to write my will.

Mr. GIAMMARCO. No, sir. From what I have been told, no.

Mr. RYAN. I could not go in and ask them to represent me in a negligence case.

Mr. GIAMMARCO. No, from what I have been told.

Mr. RYAN. I could not go in and ask them to represent me in a matter before MH-MR for a fee.

Mr. GIAMMARCO. No, from what I have been told.

Mental health-mental retardation, if you are referring to it as a label— I am not too familiar with all these labels now, Mr. Speaker.

Mr. RYAN. That was accurate, MH-MR being mental health-mental retardation.

Mr. GIAMMARCO. All right.

Mr. RYAN. Mr. Speaker, if I may.

The SPEAKER. The gentleman has completed his interrogation, and the Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, I continue to oppose the amendment.

It is my understanding—and this is subject to verification by Mr. McClatchy, but he has advised me—that an appropriation such as this is being considered today by either the Department of Welfare or the Department of Education but in any event some branch of the executive.

I am wary of this particular law center when I do not have information with respect to the source of their funds. I am wary of this type practice when I am without information as to the size of the firm and whether or not there is outside billing permitted or whether it is truly a social agency. I am wary of this type activity when, without regard to the need of a particular client, professional services are rendered at the expense of a foundation or the Commonwealth of Pennsylvania in this case. It is in the nature of socialized legal practice, I suppose. I am concerned that we are taking the \$125,000 from exceptional children and moving it over into this law center or law firm. I have some problem understanding how they bill \$90,000, and I wonder to whom that bill was sent and by whom it was paid for services rendered in other cases. And just generally, I suppose, I am wary of the whole thing.

One other point that was raised by the Speaker in a private conversation—and I do not know the answer to this, and I am not raising it as a point of parliamentary inquiry, but rather I am calling it to the attention of the House, and I would like you to listen to this for a minute. What we are doing right now with an amendment such as this—and I am not prepared to say that we never do this; do not misunderstand me—we are passing legislation that is so close, in my judgment, to a nonpreferred appropriation that it is not funny. We are writing into the law that \$125,000 go not to a governmental unit, not to a school, but to a law firm, be it a nonprofit like the firms many of us are in. We are appropriating \$125,000 of state funds to a law firm whose purpose is very worthwhile, if in fact they are restricting their practice as the gentleman indicates—and I have no reason to challenge that—but is this not pretty close to a nonpreferred appropriation when, if we want to appropriate money to some of our schools of higher learning, we require a two-thirds vote? And here under the Federal augmentation bill we are allocating by law a line item and earmarking that expenditure.

Mr. Manderino and I privately discussed this question, and he

pointed out that we have done this before, and I suggest we probably have. I am not quarreling with that, that we have done it in other areas. We have never done it for a law firm, to my knowledge. But I am saying to you that it bothers me, and my remarks are my remarks, not my office remarks. I am speaking for myself at this time. This is no position that I am taking on behalf of anyone other than myself, and I am voting against this particular amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, first let me apologize to the members of the House in bringing this subject up today. As Mr. Ryan indicated, I was presenting and I still am presenting amendments that were given to me by Mr. Pievsky, who was unable to be here, but these amendments were given to Mr. McClatchy, the Appropriations Committee chairman, and we had every indication that they were agreed-to amendments; there was no opposition to them. Opposition did develop today, and I can understand how that can happen, but, Mr. Speaker, you are not seeing or hearing of this amendment for the first time today, and if you are, you are forgetting that you were invited to a meeting on November 13 by Hardy Williams to discuss this matter. Mr. Giammarco was at the meeting, Mr. Williams was at the meeting, a number of other people were at the meeting, and your secretary attended that meeting for you. You were unavailable. This was thoroughly discussed at that meeting, and handout sheets were given and the program was explained. I am only saying that because I want the members of the House to understand that what we are doing today, we are not just springing something up. Okay?

The organization that we are talking about is not a law firm as we know law firms to be. It is a nonprofit corporation organized and existing for one specific purpose, and that purpose is to provide legal assistance to persons who have handicapped children, educationally disadvantaged children, who need help, legal advice, when they run into problems with the education of their particular child who has that disadvantage.

This organization hires its attorneys, its paralegals, its clerical staff. It is a nonprofit corporation hiring these particular people. If you look at their budget, it is a very modest budget. It hires attorneys at full time and half time. I think there are two attorneys — one full-time and one half-time attorney — and the total cost is \$34,000 for the full-time and the half-time attorneys, which is reasonable. There are paralegals; there are clerks; there are secretarial staff.

This agency has provided help all across this Commonwealth. Let me read you some of the organizations it has worked with and helped: The Delaware Valley Association for Children with Learning Disabilities; the Bucks County Parents for Children with Learning Disabilities; the Montgomery County Association for Children with Learning Disabilities; the National Society for Autistic Children, Delaware County Chapter, Berks-Reading County Chapter, Greater Pittsburgh Chapter; the Montgomery County Association for Retarded Citizens; the Southeastern Pennsylvania Legal Services for the Deaf; the Delaware Valley Spina Bifida Association; Villanova University Law School; the University of Pennsylvania Law School;

District 8 Home and School Association; United Cerebral Palsy of Scranton, Pennsylvania; Pennsylvania Association for Children with Learning Disabilities; Pennsylvania Department of Special Education Consortium; Mercyhurst College, Epilepsy Foundation, Erie, Pennsylvania; Special Education PTA, Abington, Pennsylvania; Council for Exceptional Children, Bucks County. There are a number of others, but I cannot tell where they are located by their names. Hall-Mercer MH-MR Center, Children and the Law Conference; Hahnemann Medical College; Local Task Force on Right to Education, Intermediate Unit No. 29.

Mr. Speaker, this organization, specifically formed to give legal advice and help to parents of children with learning disabilities and learning disadvantages, has done good work. It has been funded in the past through Federal funds which have, we understand, been temporarily withdrawn. They came to the State of Pennsylvania, presented their case. A meeting was called so that the whole thing could be discussed. Mr. Ryan, as I mentioned, was invited to the meeting; the gentleman, Mr. Giammarco and Mr. Williams, had the meeting. Mr. Pievsky has proposed the amendment.

We are not taking away money that can be validly used in another category. Last year's appropriation for the exceptional children, out of Federal funds, was \$1.5 million. They cannot spend the \$2.2 million that this bill has in it for the extra things that they want to do. It will not spend the difference of \$700 million. We are simply trying to divert \$125,000 of that \$700,000 for a very good purpose, and I urge the adoption of the amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS--87

Arty	Earley	Kolter	Pucciarelli
Austin	Fee	Kukovich	Rappaport
Barber	Fisher, D. M.	Laughlin	Rieger
Bennett	Fryer	Levin	Rocks
Berson	Gallagher	Livengood	Rodgers
Borski	Gamble	Manderino	Schmitt
Bowser	Gatski	McCall	Seventy
Brown	George, C.	McIntyre	Shadding
Caltagirone	George, M.	McKelvey	Steighner
Cappabianca	Giammarco	McMonagle	Stewart
Cessar	Goodman	Michlovic	Stuban
Chess	Grabowski	Micozzie	Sweet
Clark, B.	Greenfield	Milanovich	Taddonio
Cochran	Harper	Mrkonic	Taylor, F.
Cole	Hoeffel	Mullen, M. P.	Trello
Cowell	Hutchinson, A.	Murphy	Wachob
Dawida	Itkin	Musto	White
DeWeese	Johnson, J.	Novak	Williams
DiCarlo	Jones	O'Donnell	Wright, D.
Dombrowski	Kernick	Oliver	Yahner
Duffy	Knepper	Perzel	Zitterman
Dumas	Knight	Pistella	

NAYS--92

Alden	Geesey	McVerry	Smith, L.
Anderson	Geist	Miller	Spencer
Armstrong	Gladeck	Moehlmann	Spitz

Belardi	Goebel	Mowery	Stairs
Bittle	Grieco	Nahill	Swift
Brandt	Gruppo	Noye	Taylor, E.
Burd	Halverson	O'Brien, B.	Telek
Burns	Hasay	Peterson	Thomas
Cimini	Hayes, S. E.	Piccola	Vroon
Clark, R.	Honaman	Pitts	Wagner
Cornell	Hutchinson, W.	Polite	Wargo
Coslett	Johnson, E.	Pott	Wass
Cunningham	Kanuck	Punt	Wenger
Davies	Klingaman	Pyles	Wilson
DeVerter	Kowalyszyn	Ritter	Wilt
Dietz	Lashinger	Ryan	Wright, J. L.
Dininni	Lehr	Scheaffer	Yohn
Dorr	Lewis	Scirica	Zeller
Durham	Lynch, E. R.	Serafini	Zord
Fischer, R. R.	Lynch, F.	Shupnik	Zwilk
Foster, W.	Mackowski	Sieminski	
Freind	Madigan	Sirianni	Seltzer,
Gallen	Manmiller	Smith, E.	Speaker
Gannon	McClatchy		

NOT VOTING--23

Beloff	Gray	O'Brien, D.	Richardson
Brunner	Hayes, D. S.	Petrarca	Salvatore
Cohen	Helfrick	Pievsky	Schweder
DeMedio	Irvis	Pratt	Street
Donatucci	Letterman	Reed	Weidner
Foster, A.	Levi	Rhodes	

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

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

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

The question is, shall the bill pass finally?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS--174

Alden	Fisher, D. M.	Lewis	Scheaffer
Anderson	Foster, W.	Livengood	Schmitt
Armstrong	Freind	Lynch, E. R.	Scirica
Arty	Fryer	Lynch, F.	Serafini
Austin	Gallagher	Mackowski	Seventy
Barber	Gallen	Madigan	Shadding
Belardi	Gamble	Manderino	Shupnik
Bennett	Gannon	Manmiller	Sieminski
Berson	Gatski	McCall	Sirianni
Bittle	Geesey	McClatchy	Smith, F.
Borski	Geist	McIntyre	Smith, L.
Bowser	George, C.	McKelvey	Spencer
Brandt	George, M.	McMonagle	Stairs
Brown	Giammarco	McVerry	Steighner
Burd	Gladeck	Michlovic	Stewart
Burns	Goebel	Micozzie	Stuban
Caltagirone	Goodman	Milanovich	Sweet
Cappabianca	Grabowski	Miller	Swift
Cessar	Grieco	Moehlmann	Taddonio
Chess	Gruppo	Mowery	Taylor, E.
Cimini	Halverson	Mrkonic	Taylor, F.
Clark, B.	Harper	Mullen, M. P.	Telek
Clark, R.	Hasay	Murphy	Thomas
Cochran	Hayes, S. E.	Musto	Trello
Cole	Hoeffel	Nahill	Vroon

Cornell	Honaman	Novak	Wachob
Coslett	Hutchinson, A.	Noye	Wagner
Cowell	Hutchinson, W.	O'Brien, B.	Wargo
Cunningham	Itkin	O'Donnell	Wass
Davies	Johnson, E.	Perzel	Wenger
Dawida	Johnson, J.	Peterson	White
DeVerter	Jones	Piccola	Wilson
DeWeese	Kanuck	Pistella	Wilt
DiCarlo	Kernick	Pitts	Wright, D.
Dietz	Klingaman	Polite	Wright, J. L.
Dininni	Knepper	Pott	Yahner
Dombrowski	Knight	Pucciarelli	Yohn
Dorr	Kolter	Punt	Zeller
Duffy	Kowalyszyn	Pyles	Zitterman
Dumas	Kukovich	Rappaport	Zord
Durham	Lashinger	Ritter	Zwilk
Earley	Laughlin	Rocks	
Fee	Lehr	Rodgers	Seltzer.
Fischer, R. R.	Levin	Ryan	Speaker

NAYS—1

Spitz

NOT VOTING—27

Beloff	Greenfield	Oliver	Rieger
Brunner	Hayes, D. S.	Petrarca	Salvatore
Cohen	Helfrick	Pievsky	Schweder
DeMedio	Irvis	Pratt	Street
Donatucci	Letterman	Reed	Weidner
Foster, A.	Levi	Rhodes	Williams
Gray	O'Brien, D.	Richardson	

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

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

CALENDAR BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of **SB 316, PN 1343**, entitled:

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

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?

RECONSIDERATION OF VOTE ON SB 316

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

Mr. BRANDT. Mr. Speaker, I move that the vote by which SB 316 passed third consideration as amended on the 14th day of November be reconsidered.

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

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

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

RECONSIDERATION OF VOTE ON AMENDMENTS  
TO SB 316

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

Mr. BRANDT. Mr. Speaker, I move that the vote by which the Burns amendment No. A2921 to SB 316, PN 1097, was passed on the 14th day of November be reconsidered.

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

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

The following roll call was recorded:

YEAS—167

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

NAYS—4

Burns	George, M.	Kukovich	Wright, J. L.
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## NOT VOTING—31

Barber	Foster, A.	Mullen, M. P.	Rhodes
Beloff	Gray	O'Brien, B.	Richardson
Brunner	Hayes, D. S.	O'Brien, D.	Salvatore
Chess	Helfrick	Oliver	Schweder
Cohen	Irvis	Petrarca	Weidner
DeMedio	Lashingier	Pievsky	Williams
Donatucci	Letterman	Pratt	Yahner
Dumas	Levi	Reed	

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?

Mr. BURNS reoffered the following amendments, which were reread:

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, very simply this is the personal notification amendment that was in the bill when it came out of the Senate. It was taken out by the House Local Government Committee, and last week in a debate on the floor, we put that amendment back in that would give people personal service to tell them that their house has been sold and that they have an opportunity to buy it back.

This, of course, came up because of several tax sales, especially in Bucks County, where \$70,000 homes were sold to speculators for \$12.50 simply because the owner had no idea that there was a tax lien against the house or that the house was sold, and we think it only fair in cases like these to have personal service where possible within the Commonwealth. There is no provision to go outside the Commonwealth, and there is a stipulation in the bill that the personal service must be made provided that personal service is feasible. If you cannot find the person, then that is another question, but it simply makes personal service on the person whose house is being sold mandatory, and that would be done by the county sheriff's office.

We put this back in the bill last week, and I would just hope that my colleagues would keep it in the bill, because I think it is only fair, when a person is about to lose his home, that he ought to at least know that he is about to lose it.

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

Mr. BRANDT. Thank you, Mr. Speaker, and I thank the indulgence of the House to reconsider this amendment one more time.

We have discussed the issue of tax sales, and in particular the issue of redemption of properties after a sale, at great length. And the amendment that has been proposed by Mr. Burns addresses a very difficult issue, and that is, mandating through our local tax claim bureaus that once a home is sold or a property is sold that they tell their local sheriff's office, you shall find the owner of this home and inform them that they have a redemption period now to reclaim their home.

This may have worked in the case that was cited in Bucks County, that that individual was in the home and he was there and that tax claim bureau can actually find the person, but what do we do in our northern tier counties, our fifth, sixth, seventh and eighth class counties where many of the properties that are on these sales are by people who live many miles away, particularly in our more urban areas?

These sheriff departments in these counties do not have the facilities nor the manpower to go out and find these individuals. It is most important, as we have heard from our local tax claim bureaus, that they agree with most of the items that are in SB 316, and they are really asking us and really saying that they cannot enforce and do this part of the bill that asks for personal service.

The total issue, the total idea behind the tax claim law—we have to keep that in mind—is to collect taxes, and every time—I have to state once again—that we add a provision to this law, it is one more area of litigation that might upset that sale and drag that case on for years in our local courts. How many



people are we actually talking about when we talk about personal service? We are talking about those who probably would not pay their taxes anyhow.

In the case stated, of the \$12 in Bucks County, that individual had stated—it was in the newspapers—that he was arguing his case, and his particular case, which was stated by the representative from Bucks County, was taken care of by the amendment that was inserted by Mr. Spitz.

I call on the House once again to defeat this amendment.

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

Mr. BURNS. Mr. Speaker, the problem addressed, of not being able to find the person, could very well happen, but the sheriff's department only has to make an effort to find that person. He only has to service within the Commonwealth. If the person is living outside of the state, there is no requirement to go outside the state and service.

We also, with this amendment, are making it mandatory that regular mail be sent to this person so that if at least the person cannot be found by the sheriff's department, then the mail could have the possibility of being forwarded.

If we go back to the bill as it came out of the Local Government Committee prior to the amendment being inserted last week, it would take it back to certified mail that, number one, could not be forwarded and, number two, is a very nervous type of mail to be received by many types of people. People do not understand certified mail. They get the yellow slip, and the slip says that you must come to the post office. People do not know what it is about and they feel that if they do not go and pick it up, they have nothing to worry about. That is what we go back to if you do not have personal service.

If you look at the law cases in this state and in any other state for any problem of this magnitude where a person is going to have a piece of property that he owns sold out from under him, it seems to me that the courts demand that you have personal service to inform you that this action is being taken against you. This is a case where you could have a house sold out from under you as people in Bucks County did; not only one person; there are about five or six people who had it happen to them. One very poor person who lived in a trailer had a trailer sold out from under her simply because, basically, she could not read or write and had no idea of what was happening. I just think this is unfair. A person works all of his life for a piece of property and then because of some foul-up in some manner or another this person loses that piece of property without any knowledge of losing it.

The deadbeats you are never going to catch, and we do not expect to catch them, and the property will be sold. We are not trying to protect the deadbeats; we are trying to protect the people who someday—and there are very few percentages of these people—fall through the cracks and have their property sold out from under them, and it has happened in Bucks County and it has happened in other counties throughout Pennsylvania. I think that this is one way that we can at least try to prevent this from happening.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—51

Austin	Duffy	Kernick	Rodgers
Barber	Dumas	Knight	Schmitt
Bennett	Durham	Kukovich	Stewart
Berson	Fischer, R. R.	McVerry	Sweet
Borski	Fryer	Mrkonic	Taylor, F.
Brown	Gallagher	Mullen, M. P.	Telek
Burns	Gatski	Novak	Wachob
Caltagirone	George, C.	O'Donnell	Wilson
Clark, R.	George, M.	Polite	Wright, J. L.
Cochran	Grabowski	Pott	Yohn
Cole	Greenfield	Pucciarelli	Zeller
DeWeese	Hoeffel	Rappaport	Zwilk
DiCarlo	Itkin	Ritter	

NAYS—125

Alden	Gannon	Mackowski	Serafini
Anderson	Geesey	Madigan	Seventy
Armstrong	Geist	Manderino	Shadding
Arty	Giammarco	Manmiller	Shupnik
Belardi	Gladeck	McCall	Sieminski
Bittle	Goebel	McClatchy	Siiranni
Bowser	Goodman	McIntyre	Smith, E.
Brandt	Grieco	McMonagle	Smith, L.
Burd	Gruppo	Michlovic	Spencer
Cappabianca	Halverson	Micozzie	Spitz
Cessar	Harper	Milanovich	Stairs
Chess	Hasay	Miller	Steighner
Cimini	Hayes, S. E.	Moehlmann	Stuban
Clark, B.	Honaman	Mowery	Swift
Cornell	Hutchinson, A.	Murphy	Taddonio
Coslett	Hutchinson, W.	Musto	Taylor, E.
Cowell	Johnson, E.	Nahill	Trello
Cunningham	Johnson, J.	Noye	Vroon
Davies	Jones	O'Brien, B.	Wagner
Dawida	Kanuck	Oliver	Wargo
DeVerter	Klingaman	Perzel	Wass
Dietz	Knoepper	Peterson	Wenger
Dininni	Kolter	Piccola	White
Dombrowski	Kowalyszyn	Pistella	Wilt
Dorr	Lashingier	Pitts	Wright, D.
Earley	Laughlin	Punt	Yahner
Fee	Lehr	Pyles	Zitterman
Fisher, D. M.	Levin	Rieger	Zord
Foster, W.	Lewis	Rocks	
Freind	Livengood	Ryan	Seltzer,
Gallen	Lynch, E. R.	Scheaffer	Speaker
Gamble	Lynch, F.	Scirica	

NOT VOTING—26

Beloff	Hayes, D. S.	Petrarca	Salvatore
Brunner	Helfrick	Pievsky	Schweder
Cohen	Irvis	Pratt	Street
DeMedio	Letterman	Reed	Thomas
Donatucci	Levi	Rhodes	Weidner
Foster, A.	McKelvey	Richardson	Williams
Gray	O'Brien, D.		

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. FRYER offered the following amendments:

Amend Sec. 3 (Sec. 602), page 7, line 14, by striking out "(i)"  
 Amend Sec. 3 (Sec. 602), page 7, line 14, by inserting a bracket before "No"  
 Amend Sec. 3 (Sec. 602), page 7, line 17, by inserting a bracket after "section."  
 Amend Sec. 3 (Sec. 602), page 7, line 18, by striking out "(J)" and inserting (i)  
 Amend Sec. 4 (Sec. 607), page 10, lines 6 through 9, by striking out all of said lines

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

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

Mr. FRYER. Mr. Speaker, this amendment is drawn to page 7, line 14, which reads as follows: "No sale shall be defeated and no title to property sold shall be invalidated because of proof that mail notice as herein required was not received by the owner, provided such notice was given as prescribed by this section."

Mr. Speaker, the amendment I am proposing would remove that provision. What it is stating there to the property owner is that it does not matter what proof you have that you did not receive notice; regardless, the property sold shall not be invalidated.

In other words, Mr. Speaker, what would happen with this provision in the law is that if the person, for some reason or another, did not receive that notice, they could go to court and it still would not bear one iota. My proposal is to remove that section from the bill so that it becomes a part of that tax sale. Mr. Speaker, I urge support for the amendment.

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

Mr. BRANDT. Mr. Speaker, I think it is a good amendment and I support Mr. Fryer. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—167

Alden	Gallagher	Lynch, E. R.	Scirica
Anderson	Gallen	Lynch, F.	Serafini
Armstrong	Gamble	Mackowski	Seventy
Arty	Gannon	Madigan	Shadding
Austin	Gatski	Manderino	Shupnik
Belardi	Geesey	Manmiller	Sieminski
Bennett	Geist	McCall	Sirianni
Berson	George, C.	McClatchy	Smith, E.
Bittle	George, M.	McKelvey	Smith, L.
Borski	Giammarco	McMonagle	Spencer
Brandt	Gladeck	McVerry	Spitz
Brown	Goodman	Michlovic	Stairs
Burd	Grabowski	Micozzie	Steighner
Burns	Greenfield	Miller	Stewart
Caltagirone	Grieco	Moehlmann	Stuban
Cappabianca	Gruppo	Mowery	Sweet
Cessar	Halverson	Mrkonic	Swift
Cimini	Harper	Mullen, M. P.	Taddonio
Clark, B.	Hasay	Murphy	Taylor, E.
Clark, R.	Hayes, S. E.	Musto	Taylor, F.
Cochran	Hoefel	Nahill	Telek
Cole	Honaman	Novak	Trello

Cornell	Hutchinson, A.	Noye	Vroon
Coslett	Hutchinson, W.	O'Brien, B.	Wachob
Cowell	Itkin	O'Donnell	Wagner
Cunningham	Johnson, E.	Perzel	Wargo
Davies	Johnson, J.	Peterson	Wass
Dawida	Jones	Piccola	Wenger
DeVerter	Kanuck	Pistella	White
DeWeese	Kernick	Pitts	Wilson
DiCarlo	Klingaman	Polite	Wilt
Dietz	Knepper	Pott	Wright, D.
Dininni	Knight	Pucciarelli	Wright, J. L.
Dombrowski	Kolter	Punt	Yahner
Dorr	Kowalyshyn	Pyles	Yohn
Duffy	Kukovich	Rappaport	Zeller
Durham	Lashinger	Ritter	Zitterman
Fee	Laughlin	Rocks	Zord
Fischer, R. R.	Lehr	Rodgers	Zwinkl
Fisher, D. M.	Levin	Ryan	
Foster, W.	Lewis	Scheaffer	Seltzer,
Freind	Livengood	Schmitt	Speaker
Fryer			

NAYS—0

NOT VOTING—35

Barber	Earley	McIntyre	Richardson
Beloff	Foster, A.	Milanovich	Rieger
Bowser	Goebel	O'Brien, D.	Salvatore
Brunner	Gray	Oliver	Schweder
Chess	Hayes, D. S.	Petrarca	Street
Cohen	Helfrick	Pievsky	Thomas
DeMedio	Irvis	Pratt	Weidner
Donatucci	Letterman	Reed	Williams
Dumas	Levi	Rhodes	

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?

Mr. FRYER offered the following amendments:

Amend Sec. 2 (Sec. 308), page 4, line 11, by inserting a bracket before "Notice"  
 Amend Sec. 2 (Sec. 308), page 4, line 14, by inserting a bracket after "law."  
 Amend Sec. 2 (Sec. 308), page 4, line 15, by striking out "(D)"  
 Amend Sec. 2 (Sec. 308), page 4, line 28, by striking out "(E)" and inserting (d)

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

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

Mr. FRYER. Mr. Speaker, this amendment addresses itself to the same problem. There is another portion in the bill where this same language is used, and this is similar to the other amendment that had just been recently adopted by the members of the House because it removes that same language that we had in other portions of the bill. I urge its adoption, Mr. Speaker.

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

Mr. BRANDT. Mr. Speaker, I agree with the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—168

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

NAYS—0

NOT VOTING—34

Barber	Gray	O'Brien, D.	Rieger
Beloff	Hayes, D. S.	Oliver	Salvatore
Brunner	Helfrick	Petrarca	Schweder
Chess	Irvic	Pievsky	Street
Cohen	Letterman	Pratt	Taylor, E.
DeMedio	Levi	Reed	Thomas
Donatucci	Levin	Rhodes	Weidner
Dumas	McIntyre	Richardson	Williams
Foster, A.	McMonagle		

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 dif-

ferent days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

Mr. BURNS. Mr. Speaker, I was just trying to confer with some of my other Bucks County colleagues here to find out what we think of the bill at this particular point. I have to admit to the House and the members of the House that the Spitz amendment which is presently in the bill will certainly go a long way in solving some of the problems. For this reason and only for this reason, I will go along with this bill, but I think we are making just a terrible mistake because we have now gone back to the registered letter type of situation whereby, if a person does not go down to the post office to pick up that registered letter, it cannot be forwarded to him and he does not know in any way that the house will be sold.

I just think we have made a mistake and there is not much I can do about that. The House has spoken, but I think only because of Mr. Spitz's amendment in the bill and some of the things that Mr. Fryer put in that would make proof acceptable; in other words, that a person could go to the courts and prove that he was not any longer served, and so forth. I think that makes it a little better than what it has been, but I just feel very badly for many people, that they cannot expect personal service on such an important matter. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—164

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

Dorr	Knepper	Pucciarelli	Zeller
Duffy	Knight	Pyles	Zitterman
Durham	Kolter	Rappaport	Zord
Earley	Kowalshyn	Ritter	Zwikl
Fec	Kukovich	Rocks	
Fischer, R. R.	Lashinger	Rodgers	Seltzer,
Fisher, D. M.	Laughlin	Ryan	Speaker
Foster, W.	Lehr		

**NAYS—3**

Cochran	Cole	Punt
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**NOT VOTING—35**

Barber	Hayes, D. S.	Oliver	Schweder
Beloff	Helfrick	Petrarca	Shadding
Brunner	Irvis	Pievsky	Street
Cohen	Letterman	Prait	Thomas
DeMedio	Levi	Reed	Wachob
Donatucci	Levin	Rhodes	Weidner
Dumas	McIntyre	Richardson	White
Foster, A.	McMonagle	Rieger	Williams
Gray	O'Brien, D.	Salvatore	

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

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

**SUPPLEMENTAL CALENDAR**

**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 340, PN 2343**

**REQUEST TO SUSPEND RULES**

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the bills on the supplemental calendar, if my calendar watch is working right, were all reported from committee today. Is that correct?

I believe that there is a rule of the House which says that they cannot be given second reading until the next day. So I think it is necessary to suspend the rules, and if I am wrong, I will stand corrected. I would just like to follow correct procedure so that we do not set a precedent that we do not want to live with later on.

**REQUEST WITHDRAWN**

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I withdraw my inquiry. These are all rereports, I am informed, having been on the table once.

Mr. Speaker, I withdraw my inquiry, and you can go ahead on moving the bills up.

**CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION, CONTINUED**

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

**HB 200, PN 2514; HB 269, PN 2515; HB 1216, PN 1369; and SB 507, PN 1362.**

**CONDOLENCE RESOLUTION ADOPTED**

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Telek, who offers a condolence resolution.

Mr. TELEK. Mr. Speaker, I offer the following condolence resolution on a former member of this House and ask for unanimous consent to have its immediate consideration.

The SPEAKER. Without objection, permission is granted. The Chair hears none.

The resolution will be read.

The following resolution was read:

House of Representatives  
Harrisburg, Pa.  
Office Of The Chief Clerk

**Resolution**

WHEREAS, The Honorable Albert L. O'Connor, former member of the Pennsylvania House of Representatives, passed away on October 13, 1979, at the age of eighty-six years; and

WHEREAS, Mr. O'Connor, born in 1893 in Somerset County, Pennsylvania, graduated from Saint Francis College, Loretto, and completed the study of law in the offices of the Honorable John H. McCann. He practiced law in the courts of Cambria County, the Appellate Courts of Pennsylvania and the Federal Courts and served as justice of the peace, school director, borough assessor and solicitor for Loretto Borough. Mr. O'Connor was first elected to the Pennsylvania House of Representatives in 1932 and re-elected in 1936, 1938, 1940, 1942, 1944 and 1946. He was a member of the Knights of Columbus and Kiwanis Club and past president of the Cambria County School Director's Association; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn the passing of a former dedicated member of the Pennsylvania House of Representatives and extends its heartfelt condolences to his son, Albert L. O'Connor, Jr.; and be it further

RESOLVED, That a copy of this resolution be delivered to Albert L. O'Connor, Jr., 5347 81st Lane, North, Apartment Nine, St. Petersburg, Florida 33709.

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable William Telek and Paul J. Yahner, and adopted by the House of Representatives on the 13th day of November 1979.

H. JACK SELTZER  
Speaker

ATTEST:  
CHARLES F. MEBUS  
Chief Clerk

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

**RULES COMMITTEE MEETING AND REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, there will be no further roll calls today.

I would ask, on the declaration of a recess, that the members of the Rules Committee go immediately to my office for a short Rules Committee meeting. I would ask that the desk be held open to take the report of the Rules Committee and move such bills that are in a position to be moved after that Rules Committee meeting.

There will be a Republican caucus immediately on the declaration of the recess.

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the Democratic caucus chairman, Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, there will also be a Democratic caucus upon the call of the recess. I urge everyone to attend immediately because there are several bills we want to go over and get through them, considering the hour. Thank you.

### RECESS

The SPEAKER. Without objection, this House now stands in recess until 5:15.

### AFTER RECESS

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

### BILLS REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the Rules Committee has instructed me to move the following bills from the table to the active calendar, and I so move:

HB 1574, PN 2516; SB 825, PN 1275; HB 1997, PN 2508; HB 1873, PN 2317; and SB 921, PN 1055.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### RULE 22 SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that we suspend House rule 22 to submit the following Rules Committee report and to permit the following bills, which today were removed from the table by the Rules Committee, to receive second consideration: HB 1873, PN 2317, and SB 921, PN 1055.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION, CONTINUED

The following bills, having been called up, were considered

for the second time and agreed to, and ordered transcribed for third consideration:

**HB 1873, PN 2317; and SB 921, PN 1055.**

### BILLS REMOVED FROM TABLE AND REREFERRED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. The Rules Committee further instructed me to move, and I so move, that the following bills be removed from the table and rereferred to the Appropriations Committee for a fiscal note:

HB 425, PN 2449; HB 769, PN 835; SB 915, PN 1274; HB 1162, PN 2410; HB 1252, PN 2459; HB 1608, PN 2460; HB 1896, PN 2353; SB 290, PN 293; and SB 1011, PN 1242.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### RESOLUTION REPORTED FROM COMMITTEE

**HR 144, PN 2419**

By Mr. RYAN

The House of Representatives of the Commonwealth of Pennsylvania memorialize the Pennsylvania State University to continue operation of the associate degree nursing program at Behrend College.

Rules.

### BILLS PASSED OVER

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

The Chair hears no objection.

### SENATE MESSAGE

#### SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Senate informed that it has adopted the Report of the Committee of Conference on **HB 177, PN 2211**.

### BILLS SIGNED BY SPEAKER

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

**HB 177, PN 2211**

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

**HB 630, PN 1858**

An Act amending the "Motor Vehicle Sales Finance Act," approved June 28, 1947 (P. L. 1110, No. 476), further providing for the finance charge of certain motor vehicles.

**HB 1068, PN 1191**

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

**HB 1069, PN 1192**

An Act amending the act of June 1, 1933 (P. L. 1172, No. 290), referred to as the Borough State Highway Law, deleting a route in Lewisburg Borough, Union County.

**SB 337, PN 1171**

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," authorizing certified nurse practitioners to administer certain physicals.

**HOUSE BILLS INTRODUCED AND REFERRED**

**HB 1999** By Representatives MILLER and FISCHER.  
PN 2510

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining an additional type of creditable nonschool service.

Referred to Education, Nov. 27, 1979.

**HB 2001** By Representative MILLER.

An Act amending the act of May 31, 1933 (P. L. 1108, No. 272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, \*\*\*," extending the probationary period for appointments to fire departments.

Referred to Local Government, Nov. 27, 1979.

**HB 2002** By Representative MULLEN.

An Act declaring and adopting the song "Mania For Pennsylvania," music and lyrics by Philip "Knut" Bonner and Jerry Bradley, as the State song of the Commonwealth.

Referred to State Government, Nov. 27, 1979.

**HB 2003** By Representative POLITE.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the sale of unused and unnecessary lands and buildings.

Referred to Education, Nov. 27, 1979.

**HB 2004** By Representative POLITE.

An Act amending the "Eminent Domain Code," approved June 22, 1964 (Sp. Sess., P. L. 84, No. 6), further providing for disposition of property after a project is abandoned.

Referred to Education, Nov. 27, 1979.

**HB 2005** By Representatives DAVIES and  
CALTAGIRONE.

An Act declaring and adopting the song "Pennsylvania (I'm Glad You're Mine)" by Vivian Dietrich Burnish, as the State song of the Commonwealth of Pennsylvania.

Referred to State Government, Nov. 27, 1979.

**HB 2006** By Representatives PICCOLA, BRANDT,  
MANMILLER, B. F. O'BRIEN,  
GIAMMARCO, L. E. SMITH, DININNI,  
McCALL, GLADECK, BURNS, POLITE,  
GALLAGHER, J. L. WRIGHT, JR.,  
SALVATORE, MILANOVICH, KOLTER,  
ROCKS, MADIGAN, CAPPABIANCA,  
STUBAN, WILT, GEESEY, ANDERSON,

BRUNNER, POTT, SPENCER, PUNT,  
THOMAS, MACKOWSKI, BURD, ARTY,  
SIRIANNI, CALTAGIRONE, W. D.  
HUTCHINSON, PIEVSKY, COLE,  
GRIECO, WASS, A. C. FOSTER, JR.,  
W. W. FOSTER, DeVERTER, BOWSER,  
SCHEAFFER, GALLAN, DAVIES, DORR,  
WENGER, MOEHLMANN, YAHNER, E. Z.  
TAYLOR, STAIRS, HONAMAN, MILLER,  
ARMSTRONG, NOYE and TRELLO.

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), referred to as the Pennsylvania Thoroughbred Horse Racing Law, further providing for the disposition of pari-mutuel pools and increasing the amount of money paid into the Pennsylvania Fair Fund and making an editorial change.

Referred to Agriculture and Rural Affairs, Nov. 27, 1979.

**HB 2007** By Representatives BURNS, THOMAS,  
YAHNER, WILT, BRUNNER, L. E.  
SMITH, WENGER, MADIGAN, DORR,  
POLITE, GRIECO, STUBAN, A. C.  
FOSTER, JR., COLE, D. R. WRIGHT,  
WEIDNER, HALVERSON, DeVERTER,  
PUNT, BOWSER, ANDERSON,  
GALLAGHER, CALTAGIRONE, STAIRS,  
SIRIANNI, MOWERY, SCHEAFFER,  
HONAMAN, PICCOLA, LEHR, DAVIES,  
J. L. WRIGHT, JR., MILANOVICH,  
BELARDI and COSLETT.

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), referred to as the Pennsylvania Harness Racing Law, further providing for the disposition of pari-mutuel pools, Pennsylvania Fair Funds and the Pennsylvania Sire Stakes Fund.

Referred to Agriculture and Rural Affairs, Nov. 27, 1979.

**HB 2008** By Representatives RODGERS, McCALL,  
WACHOB and GALLAGHER.

An Act making it unlawful to make retail sales of gasoline for motor vehicles without conspicuously posting of the prices therefor and providing a penalty.

Referred to Transportation, Nov. 27, 1979.

**HB 2009** By Representatives PICCOLA and WILSON.

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing special tax provisions for certain airports.

Referred to State Government, Nov. 27, 1979.

**LETTER SUBMITTED FOR THE RECORD**

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

Mr. OLIVER. Mr. Speaker, I want to submit a letter which I received from Mr. Robert M. Scheipe, Secretary of the House, indicating that I was present on February 20, 1979.

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

Mr. OLIVER submitted the following letter for the Legislative Journal:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

November 15, 1979.

Honorable Frank Oliver  
Pennsylvania House of Representatives  
Harrisburg, Pennsylvania 17120

Dear Frank,

Upon checking the Legislative Journal for February 20, 1979, I find that you were, in fact, present on that date. Unfortunately, I did not add your name to the Master Roll for that day and I am correcting our records to indicate that you were present. As you know, you did miss the Master Roll Call and one vote that day. You did, however, vote on two other occasions.

OUR RECORDS WILL INDICATE THAT YOU WERE PRESENT ON FEBRUARY 20, 1979.

Sincerely,

ROBERT M. SCHEIPE  
Secretary

RMS/hbs

cc: Speaker H. Jack Seltzer  
Bill Eckensberger, Phila. Inquirer

## WELCOMES

The SPEAKER. The Chair welcomes to the balcony two representatives of the United Auto Workers, Mr. Sam Gallo and Mr. David Bruce. They are here today as the guests of Mr. Novak.

The Chair welcomes to the balcony Mrs. William Shankweiler, Ms. Debra Strohl and Ms. Lorie Strohl, from the Lehigh Valley. They are here as the guests of the Lehigh County delegation.

## ADJOURNMENT

Mr. STREET moved that this House of Representatives do now adjourn until Wednesday, November 28, 1979, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:05 p.m., e.s.t., the House adjourned.