

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, MAY 11, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 32

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. JACK H. THORNE, chaplain of the House of Representatives and pastor of Rose Tree Park Church of the Nazarene, Rose Tree, Media, Pennsylvania, offered the following prayer:

Let us pray:

Today, our Father, I pray for these men and women personally. We do recognize there is a measure of notoriety and popularity that comes to them as a result of their office, but we are also certain that for many here there is considerable sacrifice of time with their families. I would pray today that You would reward them with the blessing of Your presence personally and bless their families with understanding and acceptance.

And now as they consider the business at hand, let them be free from anguish and fear. Remove that which clouds the thought processes so that with their best analysis and judgment they can determine the course of the state.

May the words of our mouths and the meditation of our hearts be pleasing in Your sight, O Lord, our rock and our redeemer. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. The Journals of Monday, April 27, Tuesday, April 28, and Wednesday, April 29, 1981, are now in print. Are there corrections to the Journals? If not, and without objection, the Journals stand approved. The Chair hears none.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, May 5, 1981, will be postponed until printed. The Chair hears none.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1373 By Representatives MURPHY, ITKIN, HEISER, FRAZIER, SEVENTY, OLASZ, GRABOWSKI, MICHLOVIC, MISCEVICH, TRELLO, DUFFY, MRKONIC, COWELL, IRVIS, CESSAR and PISTELLA

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Transportation, to sell and convey certain tracts of land with improvements thereon, known as Saint Boniface Church Complex, situate in the north side of the City of Pittsburgh, Allegheny County.

Referred to Committee on STATE GOVERNMENT, May 5, 1981.

No. 1374 By Representatives MURPHY, ITKIN, MICHLOVIC, GRAY, RIEGER, McINTYRE, McMONAGLE, PUCCIARELLI, SWAIM, DONATUCCI and SEVENTY

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for hearings, hearing examiners and investigative powers of examining and licensing boards and commissions, providing for legislative oversight of certain related regulations and making a technical correction.

Referred to Committee on PROFESSIONAL LICENSURE, May 5, 1981.

No. 1375 By Representatives McMONAGLE, WOGAN, SALVATORE, BORSKI, PUCCIARELLI, SWAIM, DOMBROWSKI, MURPHY, GRAY, McINTYRE, COCHRAN, DONATUCCI, ROCKS, GANNON, WESTON, MAIALE, DeWEESE and PISTELLA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, redefining arson and related offenses.

Referred to Committee on JUDICIARY, May 5, 1981.

No. 1376 By Representatives ITKIN, MURPHY, MICHLOVIC, COHEN and KUKOVICH

An Act imposing a highway use tax on commercial vehicles.

Referred to Committee on TRANSPORTATION, May 5, 1981.

**No. 1377** By Representatives ITKIN, MURPHY and MICHLOVIC

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), increasing the liquid fuels tax and diesel fuel tax and providing for disposition of additional revenue.

Referred to Committee on TRANSPORTATION, May 5, 1981.

**No. 1378** By Representatives SWEET, POTT, DeMEDIO, SEVENTY, ITKIN, WACHOB, LETTERMAN, MICHLOVIC, PRATT, CAPPABIANCA, D. R. WRIGHT and OLASZ

An Act establishing a system of maintenance funding for interstate highways.

Referred to Committee on TRANSPORTATION, May 5, 1981.

**No. 1379** By Representatives LEWIS, GALLEN, GLADECK, DURHAM, E. Z. TAYLOR and SIRIANNI

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to sell and convey a parcel of land situate in Skippack Township, Montgomery County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, May 5, 1981.

**No. 1380** By Representatives VROON, PRATT, MAIALE, LETTERMAN, PERZEL, MERRY, ITKIN, MORRIS, E. Z. TAYLOR and PISTELLA

An Act amending the "Utility Service Tenants Rights Act," approved November 26, 1978 (P. L. 1255, No. 299), further providing for landlord ratepayers and tenants, and for notice prior to discontinuance of service.

Referred to Committee on CONSUMER AFFAIRS, May 5, 1981.

**No. 1381** By Representatives ALDEN, SPITZ, DURHAM, BRANDT, GANNON and ARTY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for judgment of district justices.

Referred to Committee on JUDICIARY, May 5, 1981.

**No. 1382** By Representatives TRELLO, CESSAR, HEISER, SEVENTY, DAWIDA, PETRONE, HORGOS, MRKONIC, DUFFY, MISCEVICH, PENDLETON, PISTELLA, McVERRY, MARMION, POTT, RASCO, FISCHER and FRAZIER

An Act amending the act of June 28, 1895 (P. L. 408, No. 289), entitled, as amended, "A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation

approved the seventh day of June, \*\*\*\*" further providing for the disposition of the tax on premiums.

Referred to Committee on LOCAL GOVERNMENT, May 5, 1981.

**No. 1383** By Representatives TRELLO, CESSAR, SEVENTY, DAWIDA, PETRONE, HORGOS, MRKONIC, DUFFY, ITKIN, MISCEVICH, PENDLETON, PISTELLA, McVERRY, POTT, RASCO, HEISER, FISCHER and FRAZIER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, by making it illegal to use certain pesticides and dangerous chemicals on or near a water supply.

Referred to Committee on JUDICIARY, May 5, 1981.

**No. 1384** By Representatives BOYES, PICCOLA, WACHOB, DOMBROWSKI, BOWSER, MILLER, CAPPABIANCA, DUFFY, MRKONIC, HORGOS, ITKIN, MARMION, MERRY, LEVIN, PUCCIARELLI, SWEET, SWIFT, GREENWOOD, RASCO, GLADECK, CORNELL, GEIST, PHILLIPS, REBER, WESTON, McVERRY, DAWIDA, VROON, BURD, PETRONE, FRAZIER, KENNEDY, GALLEN, KUKOVICH, BURNS, LEHR, CESSAR and JACKSON

An Act amending the "Lethal Weapons Training Act," approved October 10, 1974 (P. L. 705, No. 235), defining "full-time police officer" and providing for certain exemptions from testing and fees.

Referred to Committee on JUDICIARY, May 5, 1981.

**No. 1385** By Representatives PITTS, E. Z. TAYLOR, E. H. SMITH, BOWSER, ARMSTRONG and VROON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limitations on governmental immunity.

Referred to Committee on TRANSPORTATION, May 5, 1981.

**No. 1386** By Representatives PITTS, E. Z. TAYLOR, REBER, E. H. SMITH, BOWSER, ARMSTRONG, VROON and PETERSON

An Act amending the "State Highway Law," approved June 1, 1945 (P. L. 1242, No. 428), further providing for maintenance of State highways by municipalities.

Referred to Committee on TRANSPORTATION, May 5, 1981.

**No. 1387** By Representatives PITTS, REBER, E. H. SMITH, MANMILLER, BOWSER, E. Z. TAYLOR, ARMSTRONG, VROON and PETERSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining emergency vehicle.

Referred to Committee on TRANSPORTATION, May 5, 1981.

**No. 1388** By Representatives PITTS, REBER, E. H. SMITH, MANMILLER, BOWSER, E. Z. TAYLOR, ARMSTRONG, VROON and PETERSON

An Act amending the act of April 27, 1927 (P. L. 450, No. 291), referred to as the State Fire Marshal Law, increasing certain fees and mileage.

Referred to Committee on TRANSPORTATION, May 5, 1981.

**No. 1389** By Representatives PITTS, REBER, E. H. SMITH, BOWSER, E. Z. TAYLOR, ARMSTRONG and VROON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, eliminating State inspections for antique motor vehicles.

Referred to Committee on TRANSPORTATION, May 5, 1981.

**No. 1390** By Representatives PITTS, REBER, E. H. SMITH, E. Z. TAYLOR, ARMSTRONG and VROON

An Act authorizing the detail of inmates of county prisons for work on county roads.

Referred to Committee on TRANSPORTATION, May 5, 1981.

**No. 1391** By Representatives PITTS, E. Z. TAYLOR, VROON, E. H. SMITH, ARMSTRONG and PETERSON

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for programs for development of citizenship and patriotism.

Referred to Committee on EDUCATION, May 5, 1981.

**No. 1392** By Representatives PETERSON, PITTS, A. C. FOSTER, JR., LEVI, ARMSTRONG, NOYE and WENGER

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further restricting certain sales of malt or brewed beverages.

Referred to Committee on LIQUOR CONTROL, May 5, 1981.

**No. 1393** By Representatives CIVERA, MICOZZIE, FREIND, SPITZ, ARTY, PITTS, HOFFEL and ROCKS

A Supplement to the act of (No. ), entitled "An act providing for the capital budget for the fiscal year 1981-1982," itemizing a transportation assistance project to be acquired or constructed \*\*\* and making an appropriation.

Referred to Committee on APPROPRIATIONS, May 5, 1981.

**No. 1394** By Representatives POTT, FRAZIER, MANDERINO, HEISER, FLECK,

CESSAR, CLARK, HORGOS, MRKONIC, OLASZ, DUFFY, PETRONE, TRELLO, PENDLETON, GRABOWSKI, GREENWOOD, J. L. WRIGHT, SNYDER, BURD, RASCO, MARMION, WOGAN, McVERRY and W. D. HUTCHINSON

An Act to facilitate vehicular traffic across the Commonwealth by providing for the construction, operation and maintenance of a turnpike extension in southwestern Pennsylvania, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; \*\*\*.

Referred to Committee on TRANSPORTATION, May 5, 1981.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 65**

(Concurrent) By Representatives WIGGINS, BARBER, EMERSON, DONATUCCI, SWAIM, WARGO, EVANS, J. D. WILLIAMS, MAIALE, BELOFF, GRAY, McINTYRE, RIEGER, McMONAGLE, OLIVER, PUCCIARELLI, BORSKI, DEAL, COHEN, SHUPNIK, CALTAGIRONE, COCHRAN, ARMSTRONG, HORGOS, MRKONIC, DUFFY, DAWIDA, MURPHY, ITKIN, TRELLO, OLASZ, MISCEVICH, PISTELLA, GAMBLE, STEWART, WOZNIAC, WAMBACH, IRVIS, HASAY, BELARDI, SERAFINI, COSLETT, CUNNINGHAM, PHILLIPS, STEVENS, RYAN, HAYES, CESSAR, NOYE, ANDERSON, BRANDT, SALVATORE, CIMINI and E. H. SMITH

General Assembly memorialize President and Congress ascertain whereabouts of servicemen missing in action in the Vietnam Conflict.

Referred to Committee on FEDERAL-STATE RELATIONS, May 5, 1981.

### LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking leaves of absence.

Mr. CESSAR. Leaves of absence for the day: the gentleman from Schuylkill, Mr. HUTCHINSON, for the week; the lady from Philadelphia, Mrs. WESTON, for today's session; the gentleman from Allegheny, Mr. POTT, for today's session; the gentleman from Delaware, Mr. EARLEY, for today's session; and the gentleman from Dauphin, Mr. DININNI, for today's session.

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

Mr. STUBAN. Mr. Speaker, I ask that leave of absence be granted to the gentleman from Allegheny, Mr. PENDLETON, for today's and tomorrow's sessions.

The SPEAKER. Without objection, leaves are granted.  
The Chair hears none.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 1066, PN 1571 (Amended)**

By Rep. PITTS

An Act providing for group self-insurance funds for private employers for workers' compensation liabilities; providing for the establishment of employee protections through the use of aggregate excess insurance and a guaranty fund and allowing insurance carriers to provide aggregate excess insurance for groups.

**LABOR RELATIONS.**

**FEDERAL-STATE RELATIONS  
COMMITTEE MEETING**

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

Mr. HASAY. At the call of the recess, the House Federal-State Relations Committee will have a meeting in room 245. Thank you.

**MASTER ROLL CALL RECORDED**

The SPEAKER. The Chair is about to take today's master roll call. Only those in their seats are permitted to vote. Members will proceed to vote.

The following roll call was recorded:

**PRESENT—196**

Alden	Fee	Livengood	Rybak
Anderson	Fischer	Lloyd	Salvatore
Armstrong	Fleck	Lucyk	Saurman
Arty	Foster, W. W.	McCall	Serafini
Barber	Foster, Jr., A.	McClatchy	Seventy
Belardi	Frazier	McIntyre	Showers
Belfanti	Freind	McMonagle	Shupnik
Beloff	Fryer	McVerry	Sieminski
Berson	Gallagher	Mackowski	Sirianni
Bittle	Gallen	Madigan	Smith, B.
Blaum	Gamble	Maiale	Smith, E. H.
Borski	Gannon	Manderino	Smith, L. E.
Bowser	Geist	Manmiller	Snyder
Boyes	George	Marmion	Spencer
Brandt	Gladeck	Merry	Spitz
Brown	Grabowski	Michlovic	Stairs
Burd	Gray	Micozzie	Steighner
Burns	Greenfield	Miller	Stevens
Caltagirone	Greenwood	Miscevich	Stewart
Cappabianca	Grieco	Moehlmann	Stuban
Cawley	Gruitza	Morris	Swaim
Cessar	Gruppo	Mowery	Sweet
Cimini	Hagarty	Mrkonic	Swift
Civera	Haluska	Mullen	Taddonio
Clark	Harper	Murphy	Taylor, E. Z.
Clymer	Hasay	Nahill	Taylor, F. E.
Cochran	Hayes	Noye	Telek
Cohen	Heiser	O'Donnell	Tigue
Colafella	Hoeffel	Olasz	Trello
Cole	Honaman	Oliver	Van Horne
Cordisco	Horgos	Perzel	Vroon
Cornell	Hutchinson, A.	Peterson	Wachob
Coslett	Irvic	Petrarca	Wambach
Cowell	Itkin	Petrone	Wargo

Cunningham	Jackson	Phillips	Wass
DeMedio	Johnson	Piccola	Wenger
DeVerter	Kanuck	Pievsy	White
DeWeese	Kennedy	Pistella	Wiggins
Daikeler	Klingaman	Pitts	Williams, H.
Davies	Kolter	Pratt	Williams, J. D.
Dawida	Kowalyszyn	Pucciarelli	Wilson
Deal	Kukovich	Punt	Wogan
Dietz	Lashingner	Rappaport	Wozniak
Dombrowski	Laughlin	Rasco	Wright, D. R.
Donatucci	Lehr	Reber	Wright, J. L.
Dorr	Lescovitz	Richardson	Zwikl
Duffy	Letterman	Rieger	
Durham	Levi	Ritter	Ryan,
Emerson	Levin	Rocks	Speaker
Evans	Lewis		

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Dininni	Hutchinson, W. Pott	Weston
Earley	Pendleton	

**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 229, PN 1493; and HB 163, PN 164.**

**FORMER PAGE INTRODUCED**

The SPEAKER. Will the gentleman, Mr. Mowery, come to the rostrum?

The Chair has asked the gentleman from Cumberland, Mr. Mowery, to introduce a special guest. The gentleman, Mr. Mowery.

Mr. MOWERY. Thank you very much, Mr. Speaker.

I had a call from a very good constituent of mine, Mr. Claude Blosser, who said that he had a gentleman who was interested in a page job and that he had experience, and so, as a result, I thought I ought to check this gentleman and see whether or not his experience would qualify him for today as a page.

Seventy years ago this gentleman, Mr. Charles Diffenderfer, was a page here in the House of Representatives. Charlie has just told me some stories that are just unbelievable, and I think you pages should have an opportunity to hear some of those stories. For example, you know, there are some who are concerned about whether or not the politicians should even smoke in their seats. Back at that time it was very common to have a cuspidor by your seat, and we in the House, would you believe, had silver ones while the Senate had gold ones. I always knew that there was a difference from one side to the other.

In addition to that, he tells me that when he was a page in the Senate, he did not work as hard. I did not really qualify that, and I will not push him for that answer. But he is quite a

guy, and he has really had a wonderful history with us, and I would just like to take this moment to acknowledge Charles Diffenderfer—70 years ago a page, today the ripe young age of 86.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 395, PN 818**, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled "An act providing for the payment of death benefits to the surviving spouse or children of firemen or law enforcement officers killed in the performance of their duties," extending the act to include volunteer firefighters, ambulance service or rescue squad members, changing the method of payment, making editorial changes.

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

Mr. LUCYK offered the following amendments No. A709:

Amend Title, page 1, line 7, by inserting after "method" and recipients

Amend Sec. 1 (Sec. 1), page 3, lines 23 and 24, by striking out "spouse, or if there is no surviving spouse, to the minor children" and inserting dependent

Amend Sec. 1 (Sec. 1), page 3, lines 26 through 30; page 4, lines 1 through 5, by striking out all of said lines on said pages and inserting

Such dependent shall be the person who is specified as a dependent by the firefighter, ambulance service or rescue squad member or law enforcement officer on a form to be prepared by the Department of Community Affairs. Such form shall be kept on file in the office from which the firefighter, ambulance service or rescue squad member or law enforcement officer performs his duties.

Amend Sec. 1 (Sec. 1), page 4, line 7, by inserting a bracket before "surviving" where it appears the first time

Amend Sec. 1 (Sec. 1), page 4, line 8, by inserting a bracket after "children" and inserting immediately thereafter surviving dependent

Amend Sec. 1 (Sec. 1), page 4, lines 10 through 19, by striking out "WHEN NO SPOUSE" in line 10, all of lines 11 through 18 and "PARENT." in line 19 and inserting

Such dependent shall be the person who is specified as a dependent by the firefighter, ambulance service or rescue squad member or law enforcement officer on a form to be prepared by the Department of Community Affairs. Such form shall be kept on file in the office from which the firefighter, ambulance service or rescue squad member or law enforcement officer performs his duties.

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

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

Mr. LUCYK. Mr. Speaker, what this bill does, it extends the benefits to all dependents of a firefighter, policeman, or rescue squad operator. Under the present law it was specified that only a spouse or children of the firefighter were entitled to the death benefit. We are now extending it to parents. However, I would like to go one step further and deem it payable to all dependents of the firefighter, and this would include relatives and nonblood relatives.

I think this would cover a lot of situations which now exist where someone who would be dependent upon the firefighter would not be entitled to the death benefit. I ask you to support this amendment.

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

Mr. FREIND. Mr. Speaker, I rise to oppose this amendment, and I oppose it for two reasons. One, I do not believe it is necessary, and what we do not want to do with a fairly simple bill is overcomplicate it requiring more paperwork.

Secondly, by attempting to extend it to more dependents than we already have—there will be an amendment later on for dependent parents—what we are going to do is give rise to possible litigation with people who claim to be these dependents attempting to get a part of that death benefit.

I think for the benefit of the volunteer firemen, for our police and our paid firemen, we should try to keep this bill as simple as possible. I do not think this is necessary, and, therefore, I would urge its defeat.

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

The following roll call was recorded:

**YEAS—88**

Arty	Evans	Lucyk	Ritter
Barber	Fee	McCall	Rybak
Belfanti	Gallagher	McIntyre	Serafini
Berson	Gamble	McMonagle	Seventy
Blaum	Grabowski	Maiale	Showers
Borski	Gray	Manderino	Shupnik
Burns	Greenfield	Michlovic	Steighner
Caltagirone	Gruitza	Miscevich	Stevens
Cappabianca	Haluska	Mrkonic	Stewart
Cawley	Hasay	Mullen	Swaim
Clark	Hoeffel	Murphy	Taylor, F. E.
Cochran	Horgos	O'Donnell	Trello
Colafella	Hutchinson, A.	Olasz	Van Horne
Cole	Irvic	Petrarca	Wambach
Cordisco	Itkin	Petrone	Wargo
Cowell	Klingaman	Pievskey	White
DeMedio	Kolter	Pistella	Wiggins
Dawida	Kowalshyn	Pratt	Williams, J. D.
Deal	Laughlin	Pucciarelli	Wilson
Dombrowski	Lescovitz	Rappaport	Wozniak
Donatucci	Livengood	Richardson	Wright, D. R.
Duffy	Lloyd	Rieger	Zwilk

**NAYS—101**

Alden	Fleck	Levi	Saurman
Anderson	Foster, W. W.	Levin	Sieminski
Armstrong	Foster, Jr., A.	McClatchy	Sirianni
Belardi	Frazier	McVerry	Smith, B.
Beloff	Freind	Mackowski	Smith, E. H.
Bittle	Fryer	Madigan	Smith, L. E.
Bowser	Gallen	Manmiller	Snyder
Boyes	Gannon	Marmion	Spencer
Brandt	Geist	Merry	Spitz
Brown	George	Micozzie	Stairs
Burd	Gladeck	Miller	Stuban
Cessar	Greenwood	Mochlmann	Swift
Cimini	Grieco	Morris	Taddonio
Civera	Gruppo	Mowery	Taylor, E. Z.
Clymer	Hagarty	Nahill	Telek
Cornell	Harper	Noye	Tigue
Coslett	Hayes	Perzel	Vroon
Cunningham	Heiser	Peterson	Wachob
DeVerte	Honaman	Phillips	Wass
DeWeese	Jackson	Piccola	Wenger
Daikeler	Johnson	Pitts	Wogan

Davies	Kennedy	Punt	Wright, J. L.
Dietz	Kukovich	Rasco	
Dorr	Lashingier	Reber	Ryan,
Durham	Lehr	Rocks	Speaker
Fischer	Letterman	Salvatore	

NOT VOTING—7

Cohen	Kanuck	Oliver	Williams, H.
Emerson	Lewis	Sweet	

EXCUSED—6

Dininni	Hutchinson, W.	Pott	Weston
Earley	Pendleton		

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 on third consideration?

Mr. LIVENGOOD offered the following amendments No. A722:

Amend Sec. 1 (Title), page 1, line 17, by striking out "CERTAIN DEPENDENT"

Amend Sec. 1 (Sec. 1), page 3, lines 29 and 30, page 4, lines 1 through 5, by striking out "IF THE PARENT OR PARENTS HAD A" in line 29 and all of line 30, page 3; all of lines 1 through 4 and "TO THAT PARENT" in line 5, page 4

Amend Sec. 1 (Sec. 1), page 4, lines 13 through 19, by striking out "IF THE PARENT OR PARENTS" in line 13, all of lines 14 through 18 and "PARENT" in line 19

On the question,

Will the House agree to the amendments?

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

Mr. LIVENGOOD. Mr. Speaker, the language in HB 395 presently sets up qualifications determining dependency for parents, and what I did is crossed out all the language that sets the qualifications up and just made it parents.

The problem that you run into when you try to determine the qualifications and who qualifies for one-third, you get in a squabble, probably court litigation over qualifications, so this would just make it parents. I do not think it would make much difference in the fiscal impact, and probably no difference, and I think it is an agreed-to amendment.

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

Mr. FREIND. Mr. Livengood is correct, Mr. Speaker. This is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Alden	Evans	Livengood	Rybak
Anderson	Fee	Lloyd	Salvatore
Armstrong	Fleck	Lucyk	Saurman
Arty	Foster, W. W.	McCall	Serafini
Barber	Foster, Jr., A.	McClatchy	Seventy
Belardi	Frazier	McIntyre	Showers
Belfanti	Freind	McMonagle	Shupnik
Beloff	Fryer	McVerry	Sieminski
Berson	Gallagher	Mackowski	Sirianni
Bittle	Gallen	Madigan	Smith, B.
Blaum	Gamble	Maiale	Smith, E. H.
Borski	Gannon	Manderino	Smith, L. E.

Bowser	Geist	Manmiller	Snyder
Boyes	George	Marmion	Spencer
Brandt	Gladeck	Merry	Spitz
Brown	Grabowski	Michlovic	Steighner
Burd	Gray	Micozzie	Stevens
Burns	Greenfield	Miscevich	Stewart
Caltagirone	Greenwood	Moehlmann	Suban
Cappabianca	Grieco	Morris	Swaim
Cawley	Gruitza	Mowery	Sweet
Cessar	Gruppo	Mrkoncic	Swift
Cimini	Hagarty	Mullen	Taddonio
Civera	Haluska	Murphy	Taylor, F. E.
Clark	Harper	Nahill	Telek
Clymer	Hasay	Noye	Tigue
Cochran	Hayes	O'Donnell	Trello
Colafella	Heiser	Olasz	Van Horne
Cole	Hoeffel	Oliver	Vroon
Cordisco	Honaman	Perzel	Wachob
Cornell	Horgos	Peterson	Wambach
Coslett	Hutchinson, A.	Petrarca	Wargo
Cowell	Irvis	Petrone	Wass
Cunningham	Itkin	Phillips	Wenger
DeMedio	Jackson	Piccola	White
DeVerter	Johnson	Pievsky	Wiggins
DeWeese	Kennedy	Pistella	Williams, H.
Daikeler	Klingaman	Pitts	Williams, J. D.
Davies	Kolter	Pratt	Wilson
Dawida	Kowalyszyn	Pucciarelli	Wogan
Deal	Kukovich	Punt	Wozniak
Dietz	Lashingier	Rappaport	Wright, D. R.
Dombrowski	Laughlin	Rasco	Wright, J. L.
Donatucci	Lehr	Reber	Zwikl
Dorr	Lescovitz	Richardson	
Duffy	Letterman	Rieger	Ryan,
Durham	Levi	Ritter	Speaker
Emerson	Levin	Rocks	

NAYS—1

Taylor, E. Z.

NOT VOTING—6

Cohen	Kanuck	Miller	Stairs
Fischer	Lewis		

EXCUSED—6

Dininni	Hutchinson, W.	Pott	Weston
Earley	Pendleton		

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

On the question,

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

Mr. FREIND offered the following amendments No. A704:

Amend Title, page 1, line 7, by striking out "and" and inserting a comma

Amend Title, page 1, line 7, by removing the period after "changes" and inserting and clarifying the effective date of the act.

Amend Sec. 1, page 1, line 10, by striking out "title and sections 1 and 2,"

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

Amend Bill, page 5, by inserting between lines 6 and 7

Section 3. This act shall take effect immediately and its provisions shall be retroactive to January 1, 1976 and shall be applicable to the deaths of all firefighters, ambulance service or rescue squad members and law enforcement personnel dying on and after said date as the direct

result of injuries sustained in the performance of their duties, regardless of the date when such injuries occurred.

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

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

The members should note that the amendment offered by Mr. Freind had previously been titled in Mr. McVerry's name.

Mr. FREIND. Thank you, Mr. Speaker.

I am offering this for Representative McVerry. He explained the situation to me.

The bill, as you are probably aware, clarifies that volunteer firemen are included under the death benefit and makes it retroactive to the effective date of Act 101 of 1976, which I believe is January 1.

This amendment would involve one individual. There was a firefighter in Mr. McVerry's district who was injured before the effective date of the act, Act 101 of 1976, died approximately 5 or 6 days after the effective date. There is a legal question since he was injured beforehand whether or not his family would be entitled to the death benefit. Mr. McVerry has indicated to me that he has checked this out. This is the only situation in the entire Commonwealth to which this would apply, one case. For that reason he is offering the amendment.

It is my feeling that it is a good amendment, particularly since the individual did in fact die after the effective date of the act, and I would ask for support for it.

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

The following roll call was recorded:

YEAS—191

Table listing names of members who voted 'YEAS', including Alden, Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Borski, Bowser, Boyes, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cochran, Colafella, Cole, Cordisco, Cornell, Fee, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Grabowski, Gray, Greenfield, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Heiser, Hoeffel, Honaman, Horgos, Livengood, Lloyd, Lucyk, McCall, McClatchy, McIntyre, McMonagle, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Miscovich, Moehlmann, Morris, Mowery, Mrkonic, Mullen, Murphy, Nahill, Noye, O'Donnell, Olasz, Oliver, Perzel, Peterson, Rybak, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Swaim, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Trello, Van Home, Vroon.

Table listing names of members who did not vote, including Coslett, Cowell, Cunningham, DeMedio, DeVerter, DeWeese, Daikeler, Davies, Dawida, Deal, Dietz, Dombrowski, Donatucci, Dorr, Duffy, Durham, Emerson, Evans, Hutchinson, A., Irvis, Itkin, Jackson, Johnson, Kennedy, Klingaman, Kolter, Kowalshyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pratt, Pucciarelli, Punt, Rappaport, Rasco, Reber, Richardson, Rieger, Ritter, Rocks, Wachob, Wambach, Wargo, Wass, Wenger, White, Wiggins, Williams, J. D., Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Zwikel, Ryan, Speaker.

NAYS—0

NOT VOTING—5

Table listing names of members who did not vote, including Cohen, Kanuck, Lewis, McVerry, Williams, H.

EXCUSED—6

Table listing names of members who were excused, including Dininni, Earley, Hutchinson, W., Pott, Pendleton, Weston.

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

On the question recurring,

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

Mr. KUKOVICH offered the following amendments No. A824:

Amend Title, page 1, lines 5 through 7, by striking out all of said lines and inserting

further providing for the payment of death benefits to certain survivors of law enforcement officers and firefighters.

Amend Bill, page 1, lines 10 through 17; page 2, lines 1 through 30; page 3, lines 1 through 30; page 4, lines 1 through 30; page 5, lines 1 through 12, by striking out all of said lines on said pages and inserting

Section 1. Sections 1, 2 and 3, act of June 24, 1976 (P.L.424, No.101), entitled "An act providing for the payment of death benefits to the surviving spouse or children of firemen or law enforcement officers killed in the performance of their duties," are amended and sections are added to read:

[Section 1. A political subdivision shall pay to the surviving spouse, or, if there is no surviving spouse, the minor children, of a fireman or law enforcement officer of the political subdivision killed in the performance of his duties the sum of \$25,000. The benefit shall be payable whether or not the officer was killed within the corporate boundaries of the employing municipality.

The Commonwealth of Pennsylvania shall pay to the surviving spouse, or, if there is no surviving spouse, the minor children of a State policeman or other law enforcement officer of the Commonwealth killed in the performance of his duties the sum of \$25,000. The benefit shall be payable whether or not the officer was killed within the Commonwealth of Pennsylvania.

Upon payment of this death benefit by a political subdivision, the political subdivision shall apply to the State Treasurer and be reimbursed for the total amount by the Commonwealth of Pennsylvania. Payments by the Commonwealth or reimbursement to the political subdivisions shall be made out of the General Fund of the Commonwealth of Pennsylvania.

Section 2. "Fireman or law enforcement officer" means a fireman, peace officer as defined in 18 Pa.C.S. § 501 (relating to

definitions), public servant concerned in official detention as defined in 18 Pa.C.S. § 5121 (relating to escape), an officer or employee of a State correctional institution, guards or employees of county jails and prisons or other law enforcement officer of the Commonwealth of Pennsylvania or of any political subdivision thereof.

Section 3. This act shall take effect immediately and its provisions shall be retroactive to January 1, 1976.]

Section 1. Short title.

This act shall be known and may be cited as the "Law Enforcement Officers' and Firefighters' Death Benefit Act."

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Child." Any natural, adopted, or posthumous child, or stepchild of a deceased public safety officer who, at the time of the public safety officer's death is:

- (1) eighteen years of age or under;
- (2) over eighteen years of age but under 23 years of age, and a student dependent of the deceased officer; or
- (3) over eighteen years of age and incapable of self-support because of a physical or mental disability.

"Department." The Department of General Services.

"Dependent." A person who was reliant for more than 50% of his or her support upon the income of the deceased officer.

"Firefighter." All paid fire service personnel authorized to engage in the suppression of fire and officially recognized or designated members of legally organized volunteer fire departments or companies, volunteer ambulance corps and volunteer rescue and lifesaving squads. The word "firefighter" shall also include a paid firefighter who is a member of a volunteer fire department or company and performs the services of a volunteer firefighter during off duty hours.

"Law enforcement officer." A peace officer as defined in 18 Pa.C.S. § 501 (relating to definitions), public servant concerned in official detention as defined in 18 Pa.C.S. § 5121 (relating to escape), an officer or employee of a State correctional institution, guards or employees of county jails and prisons, constables, auxiliary police, capitol officers, game and fish enforcement officers or any other officer engaged in crime control, crime reduction or enforcement of the criminal laws of the Commonwealth.

"Line of duty."

(1) For purposes of a law enforcement officer or paid fire personnel, any action which such person is obligated or authorized by rule, regulation, condition of employment or service, or law to perform.

(2) For purposes of members of legally organized volunteer fire departments or companies, who shall be and are hereby declared to be employees of the municipality they serve for the purposes of this act, actively engaging in the fighting of fires, going to or returning from a fire which the fire company or fire department attended including travel from and the direct return to a member's home, place of business or other place where the member shall have been when the member received the call or alarm or while participating in instruction fire drills in which the fire department or fire company shall have participated or while performing any other duties of such fire company or fire department as authorized by the municipality or while performing duties imposed by section 15, act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act.

(3) For purposes of members of legally organized volunteer ambulance corps, who shall be and are hereby declared to be employees of the municipality they serve for the purposes of this act, actually performing duties as an ambulance corps member, or while going to or returning from any fire, accident or other emergency which such volunteer ambu-

lance corps shall attend including travel from and the direct return to a member's home, place of business or other place where the member shall have been when such member received the call or alarm or while answering any emergency call for any purpose or while performing any other duties of such ambulance corps as are authorized by the municipality.

(4) For purposes of members of legally organized volunteer rescue and lifesaving squads, who shall be and are hereby declared to be employees of the municipality they serve for the purposes of this act, attending to any emergency to which that squad has been called or responded including travel from and the direct return to a squad member's home, place of business or other place where the member shall have been when such member received the call or alarm or while participating in rescue and lifesaving drills in which the squad is participating or while performing any other duties authorized by the municipality.

"Personal injury." A wound or other similar condition of the body caused by external force, but excludes stress and strain and excludes diseases which routinely constitute a special hazard in, or are commonly regarded as a concomitant, of the officer's occupation.

"Public safety officer." A resident of the Commonwealth who is a State police officer, law enforcement officer of the Commonwealth, law enforcement officer of any political subdivision, or firefighter.

"Stepchild." A natural or adopted son or daughter of the officer's spouse who was living with and dependent on the deceased officer at the time of such officer's death.

Section 3. Payment of benefits.

(a) General rule.—Upon certification and approval of an authorized application, the department shall pay a death benefit of \$25,000 to an eligible beneficiary or beneficiaries as provided in subsection (b) of a public safety officer who has died as the direct and proximate cause of a personal injury sustained in the line of duty.

(b) Eligibility of beneficiaries.—The benefit shall be payable as follows:

(1) If there is no surviving child of such officer, to the surviving spouse of such officer.

(2) If there is no surviving spouse, to the child or children of such officer in equal shares.

(3) If there is a surviving child or children, and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse.

(4) If none of the above, to the dependent parent or parents of such officer in equal shares.

(c) Nonpayment.—If no one qualifies as provided in subsection (b), no benefit shall be paid.

(d) Construction.—The benefits authorized by this act shall be in addition to any other similar benefit payable by any other public or private agency or body and shall be payable whether or not the officer died within the Commonwealth of Pennsylvania. No benefit paid under this act shall be subject to execution or attachment.

(e) Exemption from taxation.—The benefit authorized by this act shall be exempt from the tax imposed by the act of June 15, 1961 (P.L.373, No.207), known as the "Inheritance and Estate Tax Act of 1961."

Section 4. Certification and approval procedure.

(a) Submissions of certification.—When a public safety officer dies as the direct and proximate result of a personal injury sustained in the line of duty, the surviving spouse, child or parent, or their legal representative, may submit certification of such death on a form prescribed by the department in the manner described by this section.

(b) Commonwealth employees.—If the public safety officer was an employee of the Commonwealth, the surviving spouse,



child or parent, or their legal representative, may request payment of the benefit provided by this act by submitting such certification directly to the department.

(c) Other persons.—In all other cases, the surviving spouse, child or parent, or their legal representative may request payment of the benefit provided by this act by submitting certification of such death to the municipality wherein the decedent was employed. Within 30 days thereafter the municipality shall submit certification of such death to the department.

(d) Approval.—The department shall, after consultation with the Attorney General or his designee if necessary, make a determination as to the validity of the certification, and the applicability of this act thereto.

(e) Manner of payment.—Upon validation of the request for payment, the department shall instruct the State Treasurer to make payment from the General Fund from an appropriation provided for this purpose. If the public safety officer was an employee of the Commonwealth, the benefit shall be paid directly to the surviving spouse, child or parent of the deceased public safety officer. If the public safety officer was not an employee of the Commonwealth, the benefit shall be paid to the political subdivision wherein the decedent was employed. Upon receipt of said benefit from the Commonwealth, the political subdivision shall immediately pay such benefit to the surviving spouse, child or parent of the deceased public safety officer as provided herein.

(f) Denial.—If the department rejects the request for payment, it shall so notify the person or persons requesting the payment and the municipality involved.

(g) Appeals.—The person requesting payment shall have the right of appeal as prescribed by Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

#### Section 5. Interim payments.

(a) Payments.—Whenever the department determines upon a showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the department may authorize an interim benefit payment not exceeding \$2,000 to the person entitled to receive the benefit.

(b) Reduction in final payment.—The amount of an interim payment under subsection (a), shall be deducted from the amount of any final benefit paid to such person.

(c) Repayment.—When there is no final benefit paid, the recipient of any interim payment under subsection (a), shall be liable for repayment of such amount. The department may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

#### Section 6. Limitations on payment.

No benefit shall be paid under this act:

(1) If the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his or her death.

(2) To any person who would otherwise be entitled to a benefit under this act if such person's actions were a substantial contributing factor in the death of the public safety officer.

(3) To any person who would otherwise be entitled to a benefit under this act if illegal or willful, wanton and reckless actions of the decedent were a substantial contributing factor in the death of the public safety officer.

(4) If the death was caused by the voluntary intoxication of the public safety officer.

#### Section 7. Administration.

(a) Rules and regulations.—The department is authorized to establish such rules, regulations and procedures as may be necessary to carry out the purposes of this act, including procedures to determine the number of children of the decedent entitled to payment.

(b) Attorney's fees.—Attorney's fees shall not exceed 10% of the benefit payable under this act.

Section 2. This act shall take effect immediately and shall be applicable to all claims for benefits not yet paid for injuries sustained on or after January 1, 1976. Nothing contained in this act shall be construed to deny payment to persons otherwise entitled to payment prior to the passage of this act or to further compensate any person who has already received payments under the former provisions of this act.

On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

The purpose of this amendment is not to change the intent or the direction of HB 395. As a matter of fact, I think what HB 395 does is good. I think in terms of adding parents as beneficiaries, in terms of expanding the benefits to ambulance and rescue squads, improving notice requirements between the state and local political subdivisions, that is good, necessary. My amendment does not change that. What I am concerned about are some of the deficiencies in Act 101 itself, which this bill amends.

What I am attempting to do in this amendment—and it is a very comprehensive amendment—is to go even further than HB 395 and to add clarifying language in the definition section, which has never been done before, and to add a few new sections, which I will try to give a rundown on right now.

Part of the problems with this act—and I have read some correspondence between the Department of General Services and the Attorney General's office—right after the effective date of the original act, Act 101, there were some constitutional problems at that time, and there were many problems because of the vagueness and the ambiguity in the law. The law itself is very short. It is only one page, and in the debate of July 24, 1975, there was almost no debate on the substance of the bill itself. But it did create many problems, which I think by adopting this amendment we can solve today.

To correct this problem, the Department of General Services began to promulgate rules. However, they do not have the authority to do so. In the spring of 1980 Governor Thornburgh had the department promulgate the rules that expanded the benefits to the volunteer firemen, which was the original intent of Act 101, again which was not clarified in that law. What we do partially in this amendment is to make it very clear that General Services will have the authority to promulgate those regulations and solve those problems. That is something right now that could be subject to challenge. By adopting this amendment, we would clear up that legal ambiguity.

Also in the definition section, Mr. Speaker, we begin to define different subjects dealt with by this law that have not been defined before. So what we did, Mr. Speaker, in the interest of uniformity, was to define in the law things such as "child," which is now only in the regulations, terms such as "dependent firefighter," which will include the same language that Mr. Freind has in his bill. What we did was track the Federal law dealing with death benefits for volunteer

firemen in the IRS Code where necessary so we would have uniformity in the law for the first time. We also define "line of duty" very clearly because that has been subject to lawsuits. I believe there are seven cases pending today. If we adopt this amendment, the law will become clear. Hopefully we will avoid some of the litigation and some of the excessive paperwork.

We also add some new sections, Mr. Speaker. In section 3 of the amendment we put in certain exemptions that have not been included before, the purpose being to try to ensure that those people who are not acting in the line of duty, who are not active volunteer firefighters or active in the other areas, whether it is a rescue squad, ambulance service, police officer, whatever, who are not truly performing in the line of duty, will not drain money from the death benefit fund.

We add a section 5 which provides a new procedure for interim payments. In the past it has been shown that some widows, for example, who might not have enough income at the time of the decease, have a very difficult time getting by. With this procedure of interim payments, they would be covered.

We add a section 6 which again puts limitations on for those people who would recover. The purpose of section 6 is to try to prevent individuals from having their dependents recoup whenever it is unfair. As a matter of fact, once in the past a volunteer fireman was intoxicated, was killed and killed two others in an accident, and yet dependents still recovered. We would like to provide a deterrent for that by saying that those who are grossly negligent or commit suicide or are a contributing factor to the death of others will not drain money from this fund.

And finally, in the last section we grant the Department of General Services for the first time authorization to set regulations. As I alluded to earlier, that will prevent legal entanglements and for the first time have the death benefit law as originally enacted in Act 101 operate properly.

Finally, within section 7 there is a section (b) there which would put a 10-percent cap on attorneys' fees. It is possible at this time that attorneys could make a very large percentage of money if they represented a volunteer fireman's estate or family. This for the first time would put a cap on the amount of money that the beneficiaries would receive.

Mr. Speaker, I think this is a very comprehensive amendment. It does not alter what Mr. Freind wants to do in HB 395 and it will improve Act 101 of 1976, and I would ask for your support.

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

Mr. A. K. HUTCHINSON. Thank you, Mr. Speaker.

I rise against this amendment. I am sorry I have to oppose my fellow Westmoreland Countian.

Volunteer firemen are in this bill, and they do have the right to write regulations; they have written regulations. And you are talking about writing an amendment with less government; this is more government. And people have been receiving their money, and anyplace you have lawyers and have a law, you are going to have a lot of people going to

court and everything else. Even this piece of mechanism will have lawyers making money on it.

I am very much against this amendment, and I thank you very much.

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

Mr. FREIND. Thank you, Mr. Speaker.

I also rise to oppose this amendment. While it is very well intentioned, it is my belief that it will do two things: One, it will make the existing law much more complicated; secondly—and I guess this could be considered a declaration against interest—it is going to make more money for attorneys.

Right now the law says that when a firefighter or police officer is killed, the death benefit goes to the spouse, and if no spouse, then to the minor children. In this bill, with the amendment Representative Micozzie put in in committee, we are extending that to dependent parents. That is fine. It is one, two, or three; there is no competing interest.

What we do in this bill, however, is add a couple of definitions. In addition to minor children, we say children over 18 who are students and who are dependent. We also say children over 18 who are handicapped and because of that handicap are disabled.

In addition, what we do when there is a spouse and children both existing is we divide it up. What do you do with a situation where the wife says, no, my son is 19 or 20; he is not a dependent and only goes to school for 3 hours a week? Or what do you do about the situation where it is declared that the spouse gets the entire amount and the 27-year-old son comes in and says, no, because of my handicap I am disabled under the law? What you have then is the propensity and the likelihood, in fact almost the inevitability, of court litigation, which is going to be expensive, time consuming, and counterproductive to what we are trying to do, which is basically have a simple act that provides a death benefit for those people who provide such a service to the community. I think the maker of this amendment is even aware of this, because for the first time we see a section in there that has attorney fees in it, a limitation on attorney fees. If we keep this simple, we do not need any attorney fees, and for that reason, Mr. Speaker, I urge the defeat of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, on the amendment, A824.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would like to respond to a few of the arguments.

The definition of "children" and some of the other definitions Mr. Freind referred to again track the IRS guidelines in the Federal law dealing with the \$50,000 death benefit. Again, that is in the interest of uniformity. The problems with students, et cetera, are clearly outlined in it that they have to be full-time students.

I think we have a problem right now in litigation because this act has been too simple, and that is why there are court cases pending at this point in time. And as I said, I have had correspondence in the past from people who have dealt specifically in trying to manage this act and who have been tied down with legal problems. I think this is very clear in the law.

It conforms with Federal law; it conforms with the IRS Code. There is no doubt that in the past attorneys, for doing very little, have recovered too much money by getting death benefits for volunteers or whatever who comply with this. However, by just filling out simple forms, attorneys are reaping some contingency fees that they should not. So for the first time we put a cap on that sort of fee at 10 percent.

I am just submitting to you that this will make Act 101 and the death benefit section of the law much more manageable, will clear up future problems, and will prevent certain legal challenges, and I would appreciate your support.

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

The following roll call was recorded:

YEAS—33

Barber	Evans	Michlovic	Pratt
Blaum	Gallagher	Mullen	Richardson
Caltagirone	Harper	Murphy	Rybak
Cawley	Irvis	O'Donnell	Stewart
Cochran	Kowalshyn	Oliver	Swaim
Cohen	Kukovich	Petrone	Wachob
DeWeese	Maiale	Pievsky	White
Dawida	Manderino	Pistella	Wiggins
Deal			

NAYS—158

Alden	Fleck	Levin	Serafini
Anderson	Foster, W. W.	Livengood	Seventy
Armstrong	Foster, Jr., A.	Lloyd	Showers
Arty	Frazier	Lucyk	Shupnik
Belardi	Freind	McCall	Sieminski
Belfanti	Fryer	McClatchy	Sirianni
Beloff	Gallen	McIntyre	Smith, B.
Bittle	Gamble	McMonagle	Smith, E. H.
Borski	Gannon	McVerry	Smith, L. E.
Bowser	Geist	Mackowski	Snyder
Boyes	George	Madigan	Spencer
Brandt	Gladeck	Manmiller	Spitz
Brown	Grabowski	Marmion	Stairs
Burd	Gray	Merry	Steighner
Burns	Greenfield	Micozzie	Stevens
Cappabianca	Greenwood	Miller	Stuban
Cessar	Grieco	Miscevich	Sweet
Cimini	Gruitza	Moehlmann	Swift
Civera	Gruppo	Morris	Taddonio
Clark	Hagarty	Mowery	Taylor, E. Z.
Clymer	Haluska	Mrkonic	Taylor, F. E.
Colafrella	Hasay	Nahill	Telek
Cole	Hayes	Noye	Tigue
Cordisco	Heiser	Olasz	Trello
Cornell	Hoeffel	Perzel	Van Horne
Coslett	Honaman	Peterson	Vroon
Cowell	Horgos	Petrarca	Wambach
Cunningham	Hutchinson, A.	Phillips	Wargo
DeMedio	Itkin	Piccola	Wass
DeVerter	Jackson	Pitts	Wenger
Daikeler	Johnson	Pucciarelli	Williams, J. D.
Davies	Kennedy	Punt	Wilson
Dietz	Klingaman	Rappaport	Wogan
Dombrowski	Kolter	Rasco	Wozniak
Donatucci	Lashinger	Reber	Wright, D. R.
Dorr	Laughlin	Rieger	Wright, J. L.
Duffy	Lehr	Ritter	Zwinkl
Durham	Lescovitz	Rocks	
Fee	Letterman	Salvatore	Ryan,
Fischer	Levi	Saurman	Speaker

NOT VOTING—5

Berson	Kanuck	Lewis	Williams, H.
Emerson			

EXCUSED—6

Dininni	Hutchinson, W.	Pott	Weston
Earley	Pendleton		

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 on third consideration as amended?

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 Perry, Mr. Noye. Mr. NOYE. Thank you, Mr. Speaker.

Would the gentleman from Delaware consent to brief interrogation?

Mr. FREIND. Yes, Mr. Speaker.

The SPEAKER. Is the gentleman asking to interrogate Mr. Freind on final passage of the bill?

Mr. NOYE. Yes, sir.

The SPEAKER. The Chair recognizes the gentleman, Mr. Noye, who asks permission to interrogate Mr. Freind, who agrees. The gentleman, Mr. Noye, may proceed.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, during one of our recent caucuses the question was asked on this particular bill whether or not in your opinion we would also be including those rescue squads who had a special unit that would be considered divers, such as deep-sea divers, who dive in the river looking for whatever paraphernalia might be involved. In your opinion, would these units be covered as rescue units?

Mr. FREIND. Yes, in my opinion, they would be. I also checked with Representative Spitz who is the individual who put the language in in committee with respect to rescue squads. It is his opinion, yes. It is also his opinion that that kind of rescue squad with divers would be included.

Mr. NOYE. Thank you, sir.

Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—194

Alden	Evans	Livengood	Rybak
Anderson	Fee	Lloyd	Salvatore
Armstrong	Fischer	Lucyk	Saurman
Arty	Fleck	McCall	Serafini
Barber	Foster, W. W.	McClatchy	Seventy
Belardi	Foster, Jr., A.	McIntyre	Showers
Belfanti	Frazier	McMonagle	Shupnik
Beloff	Freind	McVerry	Sieminski
Berson	Fryer	Mackowski	Sirianni
Bittle	Gallagher	Madigan	Smith, B.
Blaum	Gallen	Maiale	Smith, E. H.
Borski	Gamble	Manderino	Smith, L. E.
Bowser	Gannon	Manmiller	Snyder

Boyes	Geist	Marmion	Spencer
Brandt	George	Merry	Spitz
Brown	Gladeck	Michlovic	Stairs
Burd	Grabowski	Micozzie	Steighner
Burns	Gray	Miller	Stevens
Caltagirone	Greenfield	Miscevich	Stewart
Cappabianca	Greenwood	Moehlmann	Suban
Cawley	Grieco	Morris	Swaim
Cessar	Gruitza	Mowery	Sweet
Cimini	Gruppo	Mrkonic	Swift
Civera	Hagarty	Mullen	Taddonio
Clark	Haluska	Murphy	Taylor, E. Z.
Clymer	Harper	Nahill	Taylor, F. E.
Cochran	Hasay	Noye	Telek
Cohen	Hayes	O'Donnell	Tigue
Colafella	Heiser	Olasz	Trello
Cole	Hoeffel	Oliver	Van Horne
Cordisco	Honaman	Perzel	Vroon
Cornell	Horgos	Peterson	Wachob
Coslett	Hutchinson, A.	Petrarca	Wambach
Cowell	Irvic	Petrone	Wargo
Cunningham	Itkin	Phillips	Wass
DeMedio	Jackson	Piccola	Wenger
DeVerter	Johnson	Pievsky	White
DeWeese	Kennedy	Pistella	Wiggins
Daikeler	Klingaman	Pitts	Williams, H.
Davies	Kolter	Pratt	Williams, J. D.
Dawida	Kowalshyn	Pucciarelli	Wilson
Deal	Kukovich	Punt	Wogan
Dietz	Lashingier	Rappaport	Wozniak
Dombrowski	Laughlin	Rasco	Wright, D. R.
Donatucci	Lehr	Reber	Wright, J. L.
Dorr	Lescovitz	Richardson	Zwikl
Duffy	Letterman	Rieger	
Durham	Levi	Ritter	Ryan,
Emerson	Levin	Rocks	Speaker

NAYS—0

NOT VOTING—2

Kanuck Lewis

EXCUSED—6

Dininni Hutchinson, W. Pott Weston  
Earley Pendleton

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.

**AGRICULTURE AND RURAL AFFAIRS  
COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Thank you, Mr. Speaker.

There will be an Agriculture Committee meeting for about 10 minutes shortly after the recess in room 401. Please be there. Thank you.

**SPECIAL SUBCOMMITTEE  
ON EDUCATION MEETING**

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

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

On the declaration of the recess there will be a meeting of the Special Subcommittee on Education to consider the private school bill we considered last week. The meeting will take place in my office in room 15 of the Annex. Thank you.

**BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 625, PN 660** By Rep. W. W. FOSTER

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), providing for migratory waterfowl stamps and providing a penalty.

GAME AND FISHERIES.

**HB 753, PN 802 (Unanimous)**

By Rep. W. W. FOSTER

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), permitting the use of certain body gripping traps for beavers in underwater sets.

GAME AND FISHERIES.

**HB 1089, PN 1212 (Unanimous)**

By Rep. W. W. FOSTER

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the issuing agent's fee.

GAME AND FISHERIES.

**HB 1092, PN 1215 (Unanimous)**

By Rep. W. W. FOSTER

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), permitting the use of bow release devices having movable parts and expressly prohibiting the use of cross-bows.

GAME AND FISHERIES.

**SB 14, PN 855 (Amended)**

By Rep. W. W. FOSTER

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," providing for a bear hunting license; further regulating bear hunting and adding and changing certain penalties.

GAME AND FISHERIES.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the minority caucus chairman, the distinguished gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, there will be a meeting of the Democratic caucus immediately on the call of the recess. Thank you.

**CITATION ADOPTED**

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I offer the following citation.

The following citation was read:

COMMONWEALTH OF PENNSYLVANIA  
CITATION BY THE HOUSE OF REPRESENTATIVES

WHEREAS, The Commonwealth of Pennsylvania takes great pride in recognizing the accomplishments of its citizens; and

WHEREAS, Ralph W. Weigel is completing more than twelve years of faithful, loyal service on the Rostrum as House Calendar and Bill Clerk, a career that began in September 1968.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania pays tribute to Ralph W. Weigel for his tireless devotion to his duties; commends him for a job well done, earning him the respect, admiration and gratitude of all those who know him; and wishes him good luck, good health and good fortune in the future; and further directs that a copy of this citation be delivered to Ralph W. Weigel.

Submitted by:  
K. Leroy Irvis, Sponsor  
Samuel E. Hayes, Jr., Sponsor  
Matthew J. Ryan  
Speaker of the House of  
Representatives AND Sponsor

ATTEST:  
John J. Zubeck  
Chief Clerk of the  
House of Representatives

May 11, 1981

On the question,  
Will the House adopt the citation?

The SPEAKER. All those in favor of the citation will please rise.

(Members stood.)

The SPEAKER. The citation is unanimously adopted.

Will the gentleman, Mr. Weigel, please come to the rostrum so that the Speaker may present the citation to him. I am going to ask Ralph to address the House.

Mr. WEIGEL. I am like everybody else, I guess. I do not know what to say, but I know I am very surprised and I am very pleased, and it has been a pleasure to be here, and I thank you all for this citation. I will remember it always. Thank you.

### SENATE MESSAGE

#### ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate, May 11, 1981

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, May 26, 1981 unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, That when the Senate adjourns the week of May 25, 1981 it reconvene on Monday, June 1, 1981; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 1, 1981 unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,  
Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

### STATEMENT BY MR. McMONAGLE

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. McMonagle, who asks for unanimous consent to make a statement.

Mr. McMONAGLE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to offer a resolution in honor of Bobby Sands, not really honoring him, just taking up how his civil rights were denied. I would like to have all members on the floor sign this, and I will leave it at the desk. Thank you very much, Mr. Speaker.

### RULES COMMITTEE MEETING

The SPEAKER. Would the majority leader advise the Chair as to whether or not there is a Rules Committee meeting?

Mr. HAYES. There will be a Rules Committee meeting in my office commencing at 3 o'clock this afternoon. Three o'clock this afternoon there will be a Rules Committee meeting in my office. Thank you, Mr. Speaker.

The SPEAKER. And would the majority leader further advise the Chair as to what time he would like the recess to last to?

Mr. HAYES. Until 4 o'clock, Mr. Speaker.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority caucus chairman, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

There will be a Republican caucus on the call of the recess. I would ask all members to bring their calendars. We have a heavy schedule this afternoon, and we will start promptly. Thank you.

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in **HB 158, PN 159**.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the benefit of the members, there will be no further roll calls today. When the House returns at 4 o'clock, it will simply be to take reports of committees and move certain bills.

### BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

**HB 32, PN 1066**

An Act amending the "Local Government Unit Debt Act," approved July 12, 1972 (P. L. 781, No. 185), making technical and editorial changes.

**HB 34, PN 1067**

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

**HB 35, PN 1068**

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

**HB 36, PN 1069**

An Act authorizing incorporated towns to levy an additional annual tax for the purpose of paying interest and principal on certain indebtedness.

**HB 37, PN 1070**

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

**HB 38, PN 1179**

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

**HB 39, PN 1072**

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

**HB 40, PN 1073**

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

**HB 158, PN 159**

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

**COMMUNICATIONS FROM GOVERNOR****BILLS SIGNED BY GOVERNOR**

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

APPROVAL OF HBs Nos. 124, 472, 524 and 585.

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

May 5, 1981

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 524, Printer's No. 1323, entitled "AN ACT AMENDING THE ACT OF MARCH 4, 1971 (P. L. 6, NO. 2), ENTITLED 'AN ACT RELATING TO TAX REFORM

AND STATE TAXATION BY CODIFYING AND ENUMERATING CERTAIN SUBJECTS OF TAXATION AND IMPOSING TAXES THEREON; PROVIDING PROCEDURES FOR THE PAYMENT, COLLECTION, ADMINISTRATION AND ENFORCEMENT THEREOF; PROVIDING FOR TAX CREDITS IN CERTAIN CASES; CONFERRING POWERS AND IMPOSING DUTIES UPON THE DEPARTMENT OF REVENUE, CERTAIN EMPLOYERS, FIDUCIARIES, INDIVIDUALS, PERSONS, CORPORATIONS AND OTHER ENTITIES; PRESCRIBING CRIMES, OFFENSES AND PENALTIES,' FURTHER PROVIDING FOR THE IMPOSITION OF CERTAIN TAXES, REVISING THE DEFINITION OF 'TAXABLE INCOME' AND ADDING THE TAX ON REAL ESTATE TRANSFERS TO THE CODE".

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

May 6, 1981

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 124, Printer's No. 125, entitled "An act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto,' removing provisions relating to advertisement of actions of commission".

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

May 6, 1981

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 472, Printer's No. 939, entitled "An act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled 'An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto,' providing for the publication of audit summaries".

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

May 6, 1981

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 585, Printer's No. 940, entitled "An act amending the act of April 18, 1929 (P. L. 612, No. 253), entitled, as amended, 'An act for the election of the mayor, members of town council, and auditors, in incorporated towns of the Commonwealth; regulating the manner of voting for such officers, and repealing inconsistent general, local and special laws,' providing for the publication of audit summaries".

DICK THORNBURGH  
GOVERNOR

**ADDITIONS AND DELETION OF SPONSORS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I would like to submit the list of additions and deletions of sponsors of bills.

**ADDITIONS:**

HB 308, Frazier; HB 665, Frazier; HB 1146, Serafini, Belardi, Tigue, Cawley, Wargo; HB 1170, Alden; HB 1171, Alden; HB 1172, Alden; HB 1256, Donatucci; HB 1274, O'Donnell, Pucciarelli, McIntyre, Pratt; HB 1286, Alden; HB 1304, Michlovic; HB 1309, Johnson, Colafella; HB 1380, Pistella; HR 30, Cawley; HR 65, Hasay, Belardi, Serafini, Coslett, Cunningham, Phillips, Stevens, Ryan, Hayes, Cessar, Noye, Anderson, Brandt, Salvatore, Cimini, E. H. Smith; HB 395, Greenwood; HB 398, Heiser; HB 617, Cunningham; HB 1160, Gallagher; HB 1271, Rybak; HB 1285, Pitts; HB 1286, Vroon, Wogan, Boyes, Swaim, Mrkonic, Gamble; HB 1341, E. Z. Taylor; HR 56, Petrarca; HR 61, Miller, Rasco, Stairs, Spitz, Swaim, Zwikl, Barber, Haluska.

**DELETION:**

HB 499, Grieco.

**ANNOUNCEMENT BY MR. NOYE**

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

Mr. NOYE. Mr. Speaker, for some reason there seems to be some confusion. There is a Republican caucus immediately upon the announcement of the recess.

**RECESS**

The SPEAKER. Both the Republican and Democratic caucuses will meet on the declaration of the recess.

Is there any further business?

Without objection, this House stands in recess until 4 p.m. The Chair hears none.

**AFTER RECESS**

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

**BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**

**HB 1351, PN 1510** (Unanimous)

By Rep. GRIECO

An Act selecting, designating and adopting milk as the official beverage of the Commonwealth of Pennsylvania.

**AGRICULTURE AND RURAL AFFAIRS.**

**SB 512, PN 690**

By Rep. GRIECO

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), entitled, as amended, "Pennsylvania Harness Racing Law," further providing for the number of days in a calendar year for which corporations may be licensed to conduct harness racing.

**AGRICULTURE AND RURAL AFFAIRS.****RESOLUTION REPORTED FROM COMMITTEE**

**HR 65, PN 1575** (Amended)

By Rep. HASAY

General Assembly memorialize President and Congress ascertain whereabouts of servicemen missing in action in the Vietnam Conflict.

**FEDERAL-STATE RELATIONS.****REPORT FROM RULES COMMITTEE****BILLS REMOVED FROM TABLE FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and place them on the active calendar, and I so move:

HB 427, PN 1539;  
HB 581, PN 610;  
HB 738, PN 787;  
HB 838, PN 896;  
HB 949, PN 1540;  
HB 1290, PN 1524;  
HB 753, PN 802;  
HB 1089, PN 1212;  
HB 1092, PN 1215;  
SB 14, PN 855;  
SB 512, PN 690; and  
HB 1291, PN 1436.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS REMOVED FROM TABLE FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and place them on the active calendar, with rereferral to the Appropriations Committee waived pursuant to rule 19(a)(1)(a), and I so move:

HB 1125, PN 1248; and  
HB 1126, PN 1249.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILL REMOVED FROM TABLE FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove HB 1309, PN 1541, from the table and place it on the active calendar with the understanding that it will be rereferred to the Appropriations Committee for the purpose of a fiscal note at a later date, and I so move.

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

### RESOLUTIONS REPORTED FROM COMMITTEE

**HR 54, PN 1573** (Amended)

By Rep. HAYES

House urges the Governor to proclaim the month of April as O.I.C. month.

RULES.

**HR 63, PN 1574** (Amended)

By Rep. HAYES

Speaker appoint a special committee to investigate industrial air pollution in the West York area.

RULES.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

**HB 210, PN 1546.**

The SPEAKER. The bill will appear on the calendar.

### CALENDAR RESUMED

#### DECISION OF CHAIR REVERSED

The SPEAKER. Without objection, the Chair reverses its decision that HB 675 is not called up. The Chair hears none.

#### BILL AGREED TO ON SECOND CONSIDERATION

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

**HB 675, PN 710.**

### BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

### REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I inadvertently voted "no" on the Livengood amendment to HB 395. I want the record to show I favor Mr. Livengood's amendment.

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

### WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today drivers of the Red Arrow Division of the SEPTA transportation system, here today as the guests of the delegation from Delaware County.

The Chair is also pleased to welcome to the hall of the House today Victoria McMonagle, daughter of the gentleman from Philadelphia, Representative McMonagle.

The Chair is pleased to welcome to the House today students and faculty from St. Anthony's School, here today as the guests of Representatives Cowell and Duffy and the Allegheny County delegation.

### ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 12, 1981, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:06 p.m., e.d.t., the House adjourned.