

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, JUNE 10, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 39

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. EUGENE A. BEAM, chaplain of the House of Representatives and pastor of the Faith Evangelical Congregational Church of Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Almighty God, our Heavenly Father, we ask Your forgiveness if we have been too busy, obsessed with advancement, straining for more recognition, preoccupied with our work.

O God of simplicity, forgive us if we have been too busy, finding little time for loved ones, becoming strangers to our families, denying companionship to those who are closest.

Whatever the reason, we have come into Your presence and we ask that You will both receive our praises and satisfy our needs. Teach us, O God, to love one another as You, by both example and deed, have showered Your love on each one. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVED

The SPEAKER. The Journal of Monday, June 1, 1981, is now in print. If there are no corrections to the Journal, then without objection, the Journal stands approved. The Chair hears none.

JOURNAL APPROVALS POSTPONED

The SPEAKER. Without objection, approval of the Journals of June 8 and June 9, 1981, will be postponed until printed. The Chair hears none.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1521 By Representatives COCHRAN, PISTELLA, F. E. TAYLOR, KOWALYSHYN, FEE, SALVATORE and FRAZIER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for school bus requirements.

Referred to Committee on TRANSPORTATION, June 8, 1981.

No. 1522 By Representatives ARTY, MICOZZIE, SPITZ, CIVERA and DURHAM

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), further providing for the compensation of township auditors in townships of the first class.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1981.

No. 1523 By Representatives LAUGHLIN, KLINGAMAN, PETERSON, BARBER, RICHARDSON, WIGGINS, GLADECK, GANNON, E. Z. TAYLOR, PHILLIPS, MRKONIC, KENNEDY, LASHINGER, FREIND, ARTY, GREENWOOD, HAGARTY, RASCO, FLECK, BURD, DAWIDA, HOFFEL, HARPER, WACHOB, OLIVER and McCLATCHY

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), requiring that general assistance applicants or recipients make resort to certain Federal benefits as a condition to eligibility or continued eligibility for general assistance.

Referred to Committee on HEALTH AND WELFARE, June 8, 1981.

No. 1524 By Representatives WILSON and STEIGHNER

An Act requiring the Department of Transportation to sell State-owned airports under certain conditions.

Referred to Committee on TRANSPORTATION, June 9, 1981.

No. 1525 By Representatives A. K. HUTCHINSON, MANDERINO, PETRARCA, STAIRS, STEWART and KUKOVICH

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), granting civil service status to all deputy sheriffs in counties of the third class.

Referred to Committee on LOCAL GOVERNMENT, June 9, 1981.

No. 1526 By Representatives MANMILLER, HONAMAN, DININNI and PICCOLA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for proof of insurance at time of inspection.

Referred to Committee on TRANSPORTATION, June 9, 1981.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 197, PN 198

Referred to Committee on Insurance, June 9, 1981.

SB 316, PN 892

Referred to Committee on State Government, June 9, 1981.

SB 589, PN 893

Referred to Committee on Appropriations, June 9, 1981.

SB 680, PN 707

Referred to Committee on Education, June 9, 1981.

SB 725, PN 761

Referred to Committee on State Government, June 9, 1981.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 79 By Representatives RASCO, PHILLIPS, POTT, BURD, HEISER, FLECK, MARMION, FRAZIER, McVERRY, TADDONIO and CESSAR

House urges Governor Thornburgh proclaim March 30, as National Shut-In Day.

Referred to Committee on RULES, June 8, 1981.

LEAVES OF ABSENCE

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

Mr. CESSAR. Thank you, Mr. Speaker.

I have no requests for leaves for today.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader for the purpose of leaves of absence.

Mr. IRVIS. Thank you, Mr. Speaker.

I have no requests for leaves of absence.

The SPEAKER. The Chair thanks the gentleman.

The Chair intends to take up this morning HB 1291 on concurrence. I would ask that the members report to the floor immediately.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned HB 1291, PN 1772, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the supplemental calendar.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned HB 61, PN 941, with information that the Senate has passed the same without amendment.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—199

Table listing names of members present: 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, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, DeWeese, Daikeler, Davies, Dawida, 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, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Jackson, Johnson, Kanuck, Kennedy, Klingaman, Kolter, Kowalyszyn, Livengood, Lloyd, Lucyk, McCall, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Misceovich, Moehlmann, Morris, Mowery, Mrkonic, Mullen, Murphy, Nahill, Noye, O'Donnell, Olasz, Oliver, Pendleton, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Rocks, Rybak, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirrianni, 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 Horne, Vroon, Wachob, Wambach, Wargo, Wass, Wenger, Weston, White, Wiggins, Williams, H.

Deal	Kukovich	Pratt	Williams, J. D.
Dietz	Lashingner	Pucciarelli	Wilson
Dininni	Laughlin	Punt	Wogan
Dombrowski	Lehr	Rappaport	Wright, D. R.
Donatucci	Lescovitz	Rasco	Wright, J. L.
Dorr	Letterman	Reber	Zwikl
Duffy	Levi	Richardson	
Durham	Levin	Rieger	Ryan,
Evans	Lewis	Ritter	Speaker
Fee			

ADDITIONS—2

Emerson            Wozniak

NOT VOTING—0

EXCUSED—0

**MEMBER'S PRESENCE RECORDED**

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Wozniak, who asks that his name be added to the master roll call.

**SUPPLEMENTAL CALENDAR A  
AMENDED HOUSE BILL RETURNED  
FOR CONCURRENCE CONSIDERED**

The clerk of the Senate, being introduced, returned the following **HB 1291, PN 1772**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of December 5, 1980 (P. L. 1665, No. 138A), entitled "An act to further provide for the expenses of the Executive and Legislative Departments of the Commonwealth for the fiscal period July 1, 1980 to June 30, 1981; \*\*\*\*" adding an additional appropriation to the Department of Public Welfare from the General Fund and increasing the appropriation to the Department of Education from the Federal Revenue Sharing Trust Fund.

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

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Mr. Speaker, I move that the House concur in the amendments inserted by the Senate.

The SPEAKER. The Chair recognizes the minority leader.  
Mr. IRVIS. I second the motion.

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

Mr. PIEVSKY. Mr. Speaker, I wonder if the chairman of the Appropriations Committee would explain what the Senate did to HB 1291.

The SPEAKER. The gentleman, Mr. McClatchy, consents to interrogation. The gentleman may proceed.

Mr. PIEVSKY. Mr. Speaker, just what did the Senate do to HB 1291?

Mr. McCLATCHY. The Senate amended into HB 1291 the deficiency appropriation for roughly \$43 million to the Department of Welfare to cover the problem needed to send the checks out to the welfare recipients this week.

Mr. PIEVSKY. That was the only change. Is that correct?  
Mr. McCLATCHY. That is correct. That is the only change in the bill.

Mr. PIEVSKY. And the \$2 million for special ed is still in the bill as it left the House of Representatives?

Mr. McCLATCHY. That is correct. The \$2 million for special ed is still in the bill. They are the only two things in that bill.

Mr. PIEVSKY. I thank you, Mr. Speaker.

And for the benefit of the members on this side of the aisle, I concur in Mr. McClatchy's remarks and ask that we vote the bill in the affirmative. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—197

Alden	Fee	Lloyd	Rybak
Anderson	Fischer	Lucyk	Salvatore
Armstrong	Foster, W. W.	McCall	Saurman
Arty	Foster, Jr., A.	McClatchy	Serafini
Barber	Frazier	McIntyre	Seventy
Belardi	Freind	McMonagle	Showers
Belfanti	Fryer	McVerry	Shupnik
Beloff	Gallagher	Mackowski	Sieminski
Berson	Gallen	Madigan	Sirianni
Bittle	Gamble	Maiale	Smith, B.
Blaum	Gannon	Manderino	Smith, E. H.
Borski	Geist	Manmiller	Smith, L. E.
Bowser	George	Marmion	Snyder
Boyes	Gladeck	Merry	Spencer
Brandt	Grabowski	Michlovic	Spitz
Brown	Gray	Micozzie	Stairs
Burd	Greenfield	Miller	Steighner
Burns	Greenwood	Miscevich	Stevens
Caltagirone	Grieco	Moehlmann	Stewart
Cappabianca	Gruitza	Morris	Stuban
Cawley	Gruppo	Mowery	Swaim
Cessar	Hagarty	Mrkonic	Sweet
Cimini	Haluska	Mullen	Swift
Civera	Harper	Murphy	Taddonio
Clark	Hasay	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Taylor, F. E.
Cochran	Heiser	O'Donnell	Telek
Cohen	Hoeffel	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Horgos	Pendleton	Van Horne
Cordisco	Hutchinson, A.	Perzel	Vroon
Cornell	Hutchinson, W.	Peterson	Wachob
Coslett	Irvis	Petrarca	Wambach
Cowell	Itkin	Petrone	Wargo
Cunningham	Jackson	Phillips	Wass
DeMedio	Johnson	Piccola	Wenger
DeVerter	Kanuck	Pievsky	Weston
DeWeese	Kennedy	Pistella	White
Daikeler	Klingaman	Pitts	Wiggins
Davies	Kolter	Pott	Williams, J. D.
Dawida	Kowalyshyn	Pratt	Wilson
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashingner	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Zwikl
Dorr	Letterman	Richardson	
Duffy	Levi	Rieger	Ryan,
Durham	Levin	Ritter	Speaker
Evans	Livengood	Rocks	

NAYS—2

Fleck Lewis

NOT VOTING—2

Emerson Williams, H.

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

**BILLS SIGNED BY SPEAKER**

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

**HB 61, PN 941**

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), prohibiting the issuance of certain assessable policies.

**HB 1291, PN 1772**

An Act amending the act of December 5, 1980 (P. L. 1665, No. 138A), entitled "An act to further provide for the expenses of the Executive and Legislative Departments of the Commonwealth for the fiscal period July 1, 1980 to June 30, 1981; \*\*\*\*" adding an additional appropriation to the Department of Public Welfare from the General Fund and increasing the appropriation to the Department of Education from the Federal Revenue Sharing Trust Fund.

**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 1065, PN 1184; HB 305, PN 1773; and HB 1414, PN 1597.**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 920, PN 991**, entitled:

An Act amending the "Vital Statistics Law of 1953," approved June 29, 1953 (P. L. 304, No. 66), limiting the authority to promulgate certain regulations concerning the depth of graves.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

Alden	Fee	Lewis	Rocks
Anderson	Fischer	Livengood	Rybak
Armstrong	Fleck	Lloyd	Salvatore
Arty	Foster, W. W.	Lucyk	Serafini
Barber	Foster, Jr., A.	McCall	Seventy
Belardi	Frazier	McClatchy	Showers
Belfanti	Freind	McIntyre	Shupnik
Beloff	Fryer	McMonagle	Sieminski
Berson	Gallagher	McVerry	Smith, B.
Bittle	Gallen	Mackowski	Smith, E. H.
Blaum	Gamble	Madigan	Smith, L. E.
Borski	Gannon	Maiale	Snyder
Bowser	Geist	Manmiller	Spencer
Boyes	George	Marmion	Spitz
Brandt	Gladeck	Merry	Stairs
Brown	Grabowski	Michlovic	Steighner
Burd	Gray	Micozzie	Stevens
Burns	Greenfield	Miller	Stewart
Caltagirone	Greenwood	Miscevich	Suban
Cappabianca	Grieco	Moehlmann	Swaim
Cawley	Gruitza	Morris	Sweet
Cessar	Gruppo	Mowery	Swift
Cimaini	Haluska	Mrkonic	Taddonio
Civera	Harper	Mullen	Taylor, E. Z.
Clark	Hasay	Murphy	Taylor, F. E.
Clymer	Hayes	Noye	Telek
Cochran	Heiser	O'Donnell	Tigue
Cohen	Hoefel	Olasz	Trello
Colafella	Honaman	Oliver	Van Horne
Cole	Horgos	Pendleton	Vroon
Cordisco	Hutchinson, A.	Perzel	Wachob
Cornell	Hutchinson, W.	Peterson	Wambach
Coslett	Irvis	Petrarca	Wargo
Cowell	Itkin	Petrone	Wass
Cunningham	Jackson	Phillips	Wenger
DeMedio	Johnson	Piccola	Weston
DeVerter	Kanuck	Pievsky	White
DeWeese	Kennedy	Pistella	Wiggins
Davies	Klingaman	Pitts	Williams, H.
Dawida	Kolter	Pott	Williams, J. D.
Deal	Kowalshyn	Pratt	Wilson
Dietz	Kukovich	Pucciarelli	Wogan
Dininni	Lashinger	Punt	Wozniak
Dombrowski	Laughlin	Rappaport	Wright, D. R.
Donatucci	Lehr	Rasco	Wright, J. L.
Dorr	Lescovitz	Reber	Zwikl
Duffy	Letterman	Richardson	
Durham	Levi	Rieger	Ryan,
Evans	Levin	Ritter	Speaker

NAYS—0

NOT VOTING—7

Daikeler Hagarty Nahill Sirianni  
Emerson Manderino Saurman

EXCUSED—0

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

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

**REMARKS ON VOTE**

The **SPEAKER**. The Chair recognizes the lady from Susquehanna, Miss Sirianni. Does the lady desire recognition?

Miss **SIRIANNI**. On HB 920 I would like the record to show that I voted in the affirmative.

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1078, PN 1681**, entitled:

An Act amending the "Health Care Services Malpractice Act," approved October 15, 1975 (P. L. 390, No. 111), providing for fees paid by health care providers.

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

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

The question is, shall the bill pass finally?

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

**YEAS—195**

Alden	Foster, W. W.	Lucyk	Rybak
Anderson	Foster, Jr., A.	McCall	Salvatore
Armstrong	Freind	McClatchy	Saurman
Arty	Fryer	McIntyre	Serafini
Barber	Gallagher	McMonagle	Seventy
Belardi	Gallen	McVerry	Showers
Belfanti	Gamble	Mackowski	Shupnik
Beloff	Gannon	Madigan	Sieminski
Berson	Geist	Maiale	Sirianni
Bittle	George	Manderino	Smith, B.
Blaum	Gladeck	Manmiller	Smith, E. H.
Borski	Grabowski	Marmion	Smith, L. E.
Boyes	Gray	Merry	Snyder
Brandt	Greenfield	Michlovic	Spencer
Brown	Greenwood	Micozzie	Spitz
Burd	Grieco	Miller	Stairs
Burns	Gruitza	Miscevich	Steighner
Caltagirone	Gruppo	Moehlmann	Stevens
Cappabianca	Hagarty	Morris	Stewart
Cawley	Haluska	Mowery	Stuban
Cessar	Harper	Mrkonic	Swaim
Cimini	Hasay	Mullen	Sweet
Civera	Hayes	Murphy	Swift
Clark	Heiser	Nahill	Taddonio
Clymer	Hoeffel	Noye	Taylor, E. Z.
Cochran	Honaman	O'Donnell	Taylor, F. E.
Cohen	Horgos	Olasz	Telek
Colafella	Hutchinson, A.	Oliver	Tigue
Cole	Hutchinson, W.	Pendleton	Trello
Cordisco	Irvis	Perzel	Van Horne
Cornell	Itkin	Peterson	Vroon
Coslett	Jackson	Petrarca	Wachob
Cowell	Johnson	Petrone	Wambach
Cunningham	Kanuck	Phillips	Wargo
DeMedio	Kennedy	Piccola	Wass
DeVerter	Klingaman	Pievsky	Wenger
DeWeese	Kolter	Pistella	Weston
Daikeler	Kowalyszyn	Pitts	White
Davies	Kukovich	Pott	Wiggins
Dawida	Lashingner	Pratt	Williams, J. D.
Deaf	Laughlin	Pucciarelli	Wilson
Dietz	Lehr	Punt	Wogan
Dininni	Lescovitz	Rappaport	Wozniak
Dombrowski	Letterman	Rasco	Wright, D. R.
Dorr	Levi	Reber	Wright, J. L.
Duffy	Levin	Richardson	Zwinkl
Durham	Lewis	Rieger	
Evans	Livengood	Ritter	Ryan,
Fee	Lloyd	Rocks	Speaker

Fischer

**NAYS—0**

**NOT VOTING—6**

Bowser	Emerson	Frazier	Williams, H.
Donatucci	Fleck		

**EXCUSED—0**

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

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

\* \* \*

The House proceeded to third consideration of **HB 1057, PN 1171**, entitled:

An Act authorizing the Township of Sewickley, Westmoreland County to convey a portion of Project 70 land located in the Village of Rillton for a private roadway.

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

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

The question is, shall the bill pass finally?

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

**YEAS—199**

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

Daikeler	Klingaman	Pitts	Wiggins
Davies	Kolter	Pott	Williams, H.
Dawida	Kowalyszyn	Pratt	Williams, J. D.
Deal	Kukovich	Pucciarelli	Wilson
Dietz	Lashinger	Punt	Wogan
Dininni	Laughlin	Rappaport	Wozniak
Dombrowski	Lehr	Rasco	Wright, D. R.
Donatucci	Lescovitz	Reber	Wright, J. L.
Dorr	Letterman	Richardson	Zwilk
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Evans	Lewis	Rocks	Speaker
Fee			

NAYS—0

NOT VOTING—2

Emerson Mullen

EXCUSED—0

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

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

**REMARKS ON VOTES**

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

Mr. FLECK. I wish to have my vote recorded on HB 1078 in the affirmative, please.

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

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

Mr. H. WILLIAMS. Mr. Speaker, I was out of my seat on HB 1291 on Senate concurrence, and I want to be recorded in the affirmative.

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

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

Mr. FRAZIER. Mr. Speaker, I desire to be recorded in the affirmative on HB 1078. Thank you, Mr. Speaker.

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1217, PN 1352**, entitled:

An Act repealing Chapters 1 and 61 of Title 67 (Public Welfare) of the Pennsylvania Consolidated Statutes.

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

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

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

YEAS—198

Alden	Fischer	Livengood	Rybak
Anderson	Fleck	Lloyd	Salvatore
Armstrong	Foster, W. W.	Lucyk	Saurman
Arty	Foster, Jr., A.	McCall	Serafini
Barber	Frazier	McClatchy	Seventy
Belardi	Freind	McIntyre	Showers
Belfanti	Fryer	McMonagle	Shupnik
Beloff	Gallagher	McVerry	Sieminski
Berson	Gallen	Mackowski	Sirianni
Bittle	Gamble	Madigan	Smith, B.
Blaum	Gannon	Maiale	Smith, E. H.
Borski	Geist	Manderino	Smith, L. E.
Boyes	George	Manmiller	Snyder
Brandt	Gladeck	Marmion	Spencer
Brown	Grabowski	Merry	Spitz
Burd	Gray	Michlovic	Stairs
Burns	Greenfield	Micozzie	Steighner
Caltagirone	Greenwood	Miller	Stevens
Cappabianca	Grieco	Miscevich	Stewart
Cawley	Gruitza	Moehlmann	Stuban
Cessar	Gruppo	Morris	Swaim
Cimini	Hagarty	Mowery	Sweet
Civera	Haluska	Mrkonic	Swift
Clark	Harper	Mullen	Taddonio
Clymer	Hasay	Murphy	Taylor, E. Z.
Cochran	Hayes	Nahill	Taylor, F. E.
Cohen	Heiser	Noye	Telek
Colafella	Hoeffel	O'Donnell	Tigue
Cole	Honaman	Olasz	Trello
Cordisco	Horgos	Oliver	Van Horne
Cornell	Hutchinson, A.	Pendleton	Vroon
Coslett	Hutchinson, W.	Perzel	Wachob
Cowell	Irvis	Peterson	Wambach
Cunningham	Itkin	Petrarca	Wargo
DeMedio	Jackson	Petrone	Wass
DeVerter	Johnson	Phillips	Wenger
DeWeese	Kanuck	Piccola	Weston
Daikeler	Kennedy	Pievsky	White
Davies	Klingaman	Pistella	Wiggins
Dawida	Kolter	Pitts	Williams, H.
Deal	Kowalyszyn	Pott	Williams, J. D.
Dietz	Kukovich	Pratt	Wilson
Dininni	Lashinger	Pucciarelli	Wogan
Dombrowski	Laughlin	Punt	Wozniak
Donatucci	Lehr	Rappaport	Wright, D. R.
Dorr	Lescovitz	Rasco	Wright, J. L.
Duffy	Letterman	Reber	Zwilk
Durham	Levi	Richardson	
Evans	Levin	Rieger	Ryan,
Fee	Lewis	Rocks	Speaker

NAYS—0

NOT VOTING—3

Bowser Emerson Ritter  
EXCUSED—0

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

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

\* \* \*

The House proceeded to third consideration of **HB 1346, PN 1503**, entitled:

An Act authorizing the Department of General Services, with approval of the Governor to sell and convey certain lots or tracts of ground together with improvements thereon situate in the township of Lower Allen, Cumberland County, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

Alden	Fischer	Lloyd	Rybak
Anderson	Fleck	Lucy	Salvatore
Armstrong	Foster, W. W.	McCall	Saurman
Arty	Foster, Jr., A.	McClatchy	Serafini
Barber	Frazier	McIntyre	Seventy
Belardi	Freind	McMonagle	Showers
Belfanti	Fryer	McVerry	Shupnik
Beloff	Gallagher	Mackowski	Sieminski
Berson	Gallen	Madigan	Sirianni
Bittle	Gamble	Maiale	Smith, B.
Blaum	Gannon	Manderino	Smith, E. H.
Borski	Geist	Manmiller	Smith, L. E.
Bowser	George	Marmion	Snyder
Boyes	Gladeck	Merry	Spencer
Brandt	Grabowski	Michlovic	Spitz
Brown	Gray	Micozzie	Stairs
Burd	Greenfield	Miller	Steighner
Burns	Greenwood	Miscevich	Stevens
Caltagirone	Grieco	Moehlmann	Stewart
Cappabianca	Gruitza	Morris	Stuban
Cawley	Gruppo	Mowery	Swaim
Cessar	Haluska	Mrkonic	Sweet
Cimini	Harper	Mullen	Swift
Civera	Hasay	Murphy	Taddonio
Clark	Hayes	Nahill	Taylor, E. Z.
Clymer	Heiser	Noye	Taylor, F. E.
Cochran	Hoeffel	O'Donnell	Telek
Cohen	Honaman	Olasz	Tigue
Colafella	Horgos	Oliver	Trello
Cole	Hutchinson, A.	Pendleton	Van Horne
Cordisco	Hutchinson, W.	Perzel	Vroon
Cornell	Irvic	Peterson	Wachob
Coslett	Itkin	Petrarca	Wambach
Cowell	Jackson	Petrone	Wargo
Cunningham	Johnson	Phillips	Wass
DeMedio	Kanuck	Piccola	Wenger
DeVerter	Kennedy	Pievsky	Weston
DeWeese	Klingaman	Pistella	White
Daikeler	Kolter	Pitts	Wiggins
Davies	Kowalyshyn	Pott	Williams, H.
Dawida	Kukovich	Pratt	Williams, J. D.
Deal	Lashinger	Pucciarelli	Wilson
Dietz	Laughlin	Punt	Wogan
Dininni	Lehr	Rappaport	Wozniak
Dombrowski	Lescovitz	Rasco	Wright, D. R.
Donatucci	Letterman	Reber	Wright, J. L.
Dorr	Levi	Richardson	Zwikl
Duffy	Levin	Rieger	
Durham	Lewis	Ritter	Ryan,
Evans	Livengood	Rocks	Speaker
Fee			

NAYS—0

NOT VOTING—2

Emerson	Hagarty
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EXCUSED—0

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

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

\* \* \*

The House proceeded to third consideration of **SB 12, PN 914**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Environmental Resources and the Governor, to convey to Hartley Township, 1.308 acres of land situate in Hartley Township, Union County, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

Alden	Fee	Lloyd	Salvatore
Anderson	Fischer	Lucy	Saurman
Armstrong	Fleck	McCall	Serafini
Arty	Foster, W. W.	McClatchy	Seventy
Barber	Foster, Jr., A.	McIntyre	Showers
Belardi	Frazier	McMonagle	Shupnik
Belfanti	Freind	McVerry	Sieminski
Beloff	Fryer	Mackowski	Sirianni
Berson	Gallagher	Madigan	Smith, B.
Bittle	Gallen	Maiale	Smith, E. H.
Blaum	Gamble	Manderino	Smith, L. E.
Borski	Gannon	Manmiller	Snyder
Bowser	Geist	Marmion	Spencer
Boyes	George	Merry	Spitz
Brandt	Gladeck	Michlovic	Stairs
Brown	Grabowski	Micozzie	Steighner
Burd	Gray	Miller	Stevens
Burns	Greenfield	Miscevich	Stewart
Caltagirone	Greenwood	Moehlmann	Stuban
Cappabianca	Grieco	Morris	Swaim
Cawley	Gruitza	Mowery	Sweet
Cessar	Gruppo	Mrkonic	Swift
Cimini	Haluska	Mullen	Taddonio
Civera	Harper	Murphy	Taylor, E. Z.
Clark	Hasay	Nahill	Taylor, F. E.
Clymer	Hayes	Noye	Telek
Cochran	Heiser	O'Donnell	Tigue
Cohen	Hoeffel	Olasz	Trello
Colafella	Honaman	Oliver	Van Horne
Cole	Horgos	Pendleton	Vroon
Cordisco	Hutchinson, A.	Perzel	Wachob
Cornell	Hutchinson, W.	Peterson	Wambach
Coslett	Irvic	Petrarca	Wargo
Cowell	Itkin	Petrone	Wass
Cunningham	Jackson	Piccola	Wenger
DeMedio	Johnson	Pievsky	Weston
DeVerter	Kanuck	Pistella	White
DeWeese	Kennedy	Pitts	Wiggins
Daikeler	Klingaman	Pott	Williams, H.
Davies	Kowalyshyn	Pratt	Williams, J. D.
Dawida	Kukovich	Pucciarelli	Wilson
Deal	Lashinger	Punt	Wogan
Dietz	Laughlin	Rappaport	Wozniak
Dininni	Lehr	Rasco	Wright, D. R.

Dombrowski	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Richardson	Zwinkl
Dorr	Levi	Rieger	
Duffy	Levin	Ritter	Ryan,
Durham	Lewis	Rocks	Speaker
Evans	Livengood	Rybak	

NAYS—0

NOT VOTING—4

Emerson	Hagarty	Kolter	Phillips
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EXCUSED—0

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 the 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 **SB 13, PN 915**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Environmental Resources and the Governor, to convey to Lewis Township, 4.108 acres of land situate in Lewis Township, Union County, Pennsylvania.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

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

Cordisco	Hutchinson, W.	Perzel	Vroon
Cornell	Irvis	Peterson	Wachob
Coslett	Itkin	Petrarca	Wambach
Cowell	Jackson	Petrone	Wargo
Cunningham	Johnson	Phillips	Wass
DeMedio	Kanuck	Piccola	Wenger
DeVerter	Kennedy	Pievsky	Weston
DeWeese	Klingaman	Pistella	White
Daikeler	Kolter	Pitts	Wiggins
Davies	Kowalshyn	Pott	Williams, H.
Dawida	Kukovich	Pratt	Williams, J. D.
Deal	Lashinger	Pucciarelli	Wilson
Dietz	Laughlin	Punt	Wogan
Dininni	Lehr	Rappaport	Wozniak
Dombrowski	Lescovitz	Rasco	Wright, D. R.
Donatucci	Letterman	Reber	Wright, J. L.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	
Durham	Lewis	Ritter	Ryan,
Evans	Livengood	Rocks	Speaker
Fee			

NAYS—0

NOT VOTING—2

Emerson	Hutchinson, A.
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EXCUSED—0

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 the 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 **SB 105, PN 105**, entitled:

An Act repealing the act of July 12, 1968 (P. L. 330, No. 161), entitled "Bicentennial Commission of Pennsylvania Act."

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Alden	Fee	Livengood	Salvatore
Anderson	Fischer	Lloyd	Saurman
Armstrong	Fleck	Lucyk	Serafini
Arty	Foster, W. W.	McCall	Seventy
Barber	Foster, Jr., A.	McClatchy	Showers
Belardi	Freind	McIntyre	Shupnik
Belfanti	Fryer	McMonagle	Sieminski
Beloff	Gallagher	McVerry	Sirianni
Berson	Gallen	Mackowski	Smith, B.
Bittle	Gamble	Maiale	Smith, E. H.
Blaum	Gannon	Manderino	Smith, L. E.
Borski	Geist	Manmiller	Snyder
Bowser	George	Marmion	Spencer
Boyes	Gladeck	Merry	Spitz
Brandt	Grabowski	Michlovic	Stairs
Brown	Gray	Micozzie	Steighner
Burd	Greenfield	Miller	Stevens
Burns	Greenwood	Moehlmann	Stewart



Caltagirone	Grieco	Morris	Stuban
Cappabianca	Gruitza	Mowery	Swaim
Cawley	Gruppo	Mrkonic	Sweet
Cessar	Hagarty	Mullen	Swift
Cimini	Haluska	Murphy	Taddonio
Civera	Harper	Nahill	Taylor, E. Z.
Clark	Hasay	Noye	Taylor, F. E.
Clymer	Hayes	O'Donnell	Telek
Cochran	Heiser	Olasz	Tigue
Cohen	Hoeffel	Oliver	Trello
Colafella	Honaman	Pendleton	Van Horne
Cole	Horgos	Perzel	Vroon
Cordisco	Hutchinson, A.	Peterson	Wachob
Cornell	Hutchinson, W.	Petrarca	Wambach
Coslett	Irvic	Petrone	Wargo
Cowell	Itkin	Phillips	Wass
Cunningham	Jackson	Piccola	Wenger
DeMedio	Johnson	Pievsky	Weston
DeVerter	Kanuck	Pistella	White
DeWeese	Kennedy	Pitts	Wiggins
Daikeler	Klingaman	Pott	Williams, H.
Davies	Kolter	Pratt	Williams, J. D.
Dawida	Kowalshyn	Pucciarelli	Wilson
Deal	Kukovich	Punt	Wogan
Dietz	Lashinger	Rappaport	Wozniak
Dininni	Laughlin	Rasco	Wright, D. R.
Dombrowski	Lehr	Reber	Wright, J. L.
Donatucci	Lescovitz	Richardson	Zwikl
Dorr	Letterman	Rieger	
Duffy	Levi	Ritter	Ryan,
Durham	Levin	Rocks	Speaker
Evans	Lewis	Rybak	

NAYS—0

NOT VOTING—4

Emerson	Frazier	Madigan	Miscevich
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EXCUSED—0

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 the information that the House has passed the same without amendment.

\* \* \*

The House proceeded to third consideration of **HB 1090, PN 1701**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further prohibiting the sale by any person of any license for a fee in excess of the fee established by law; providing penalties for violations of license fee requirements; \*\*\* and making certain editorial changes.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

Alden	Fleck	Lloyd	Rybak
Anderson	Foster, W. W.	Lucy	Salvatore
Armstrong	Foster, Jr., A.	McCall	Saurman
Arty	Frazier	McClatchy	Serafini
Barber	Freind	McIntyre	Seventy

Belardi	Fryer	McMonagle	Showers
Belfanti	Gallagher	McVerry	Shupnik
Beloff	Gallen	Mackowski	Sieminski
Berson	Gamble	Madigan	Sirianni
Bittle	Gannon	Maiale	Smith, B.
Blaum	Geist	Manderino	Smith, E. H.
Borski	George	Manmiller	Smith, L. E.
Bowser	Gladeck	Marmion	Snyder
Boyes	Grabowski	Merry	Spencer
Brandt	Gray	Michlovic	Spitz
Brown	Greenfield	Micozzie	Stairs
Burd	Greenwood	Miller	Steighner
Burns	Grieco	Miscevich	Stevens
Caltagirone	Gruitza	Moehlmann	Stewart
Cappabianca	Gruppo	Morrise	Stuban
Cawley	Hagarty	Mowery	Swaim
Cessar	Haluska	Mrkonic	Sweet
Cimini	Harper	Mullen	Swift
Civera	Hasay	Murphy	Taddonio
Clark	Hayes	Nahill	Taylor, E. Z.
Clymer	Heiser	Noye	Taylor, F. E.
Cochran	Hoeffel	O'Donnell	Telek
Cohen	Honaman	Olasz	Tigue
Colafella	Horgos	Oliver	Trello
Cole	Hutchinson, A.	Pendleton	Van Horne
Cordisco	Hutchinson, W.	Perzel	Vroon
Cornell	Irvic	Peterson	Wachob
Coslett	Itkin	Petrarca	Wambach
Cowell	Jackson	Petrone	Wargo
Cunningham	Johnson	Phillips	Wass
DeMedio	Kanuck	Piccola	Wenger
DeVerter	Kennedy	Pievsky	Weston
DeWeese	Klingaman	Pistella	White
Daikeler	Kolter	Pitts	Wiggins
Davies	Kowalshyn	Pott	Williams, H.
Dawida	Kukovich	Pratt	Williams, J. D.
Dietz	Lashinger	Pucciarelli	Wilson
Dininni	Laughlin	Punt	Wogan
Dombrowski	Lehr	Rappaport	Wozniak
Donatucci	Lescovitz	Rasco	Wright, D. R.
Dorr	Letterman	Reber	Wright, J. L.
Duffy	Levi	Richardson	Zwikl
Durham	Levin	Rieger	
Evans	Lewis	Ritter	Ryan,
Fee	Livengood	Rocks	Speaker
Fischer			

NAYS—0

NOT VOTING—2

Deal	Emerson
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EXCUSED—0

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

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

\* \* \*

The House proceeded to third consideration of **HB 1244, PN 1383**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for free licenses.

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

Mr. JACKSON offered the following amendments No. A2068:

Amend Sec. 1 (Sec. 2708), page 1, line 13, by striking out “any” and inserting

who is a

Amend Sec. 1 (Sec. 2708), page 1, line 13, by striking out “who is” and inserting

and

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Jackson.

Mr. JACKSON. Mr. Speaker, this amendment does not add to or subtract from the actual bill. It is just a changing of the wording.

Mr. LETTERMAN. Mr. Speaker, how about a little better explanation there?

The SPEAKER. Does the gentleman, Mr. Jackson, consent to interrogation by the gentleman, Mr. Letterman? The gentleman agrees.

Will the gentleman, Mr. Letterman, restate his question?

Mr. LETTERMAN. Would you please give a better explanation, Mr. Speaker? I cannot seem to find your amendment.

Mr. JACKSON. The amendment is A2068. You should have a copy on your desk, Mr. Speaker. Do you have it?

Mr. LETTERMAN. I do not have it, or I would have read it.

Mr. JACKSON. It amends section 1, Mr. Speaker, page 1, line 13, by striking out “any” and inserting “who is a”.

Mr. LETTERMAN. Who is a what?

Mr. JACKSON. This concerns veterans.

Mr. LETTERMAN. Yes, I know what it concerns.

The SPEAKER. Does the gentleman, Mr. Letterman, require recognition?

Mr. LETTERMAN. I do not see where it changes anything. I agree with it.

Mr. JACKSON. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Alden	Fischer	Livengood	Rybak
Anderson	Fleck	Lloyd	Salvatore
Armstrong	Foster, W. W.	Lucyk	Saurman
Arty	Foster, Jr., A.	McCall	Serafini
Barber	Frazier	McIntyre	Seventy
Belardi	Freind	McMonagle	Showers
Belfanti	Fryer	McVerry	Shupnik
Beloff	Gallagher	Mackowski	Sirianni
Berson	Gallen	Madigan	Smith, B.
Bittle	Gamble	Maiale	Smith, E. H.
Blaum	Gannon	Manderino	Smith, L. E.
Borski	Geist	Manmiller	Snyder
Bowser	George	Marmion	Spencer
Boyes	Gladeck	Merry	Spitz
Brandt	Grabowski	Michlovic	Stairs
Brown	Gray	Micozzie	Steighner
Burd	Greenfield	Miller	Stevens
Burns	Greenwood	Miscevich	Stewart
Caltagirone	Grieco	Mochlmann	Stuban
Cappabianca	Gruitza	Morris	Swaim
Cawley	Gruppo	Mowery	Sweet
Cessar	Hagarty	Mrkonic	Swift
Cimini	Haluska	Mullen	Taddonio
Civera	Harper	Murphy	Taylor, E. Z.

Clark	Hasay	Nahill	Taylor, F. E.
Clymer	Hayes	Noye	Telek
Cochran	Heiser	O'Donnell	Tigue
Cohen	Hoeffel	Olasz	Trello
Colafella	Honaman	Oliver	Van Horne
Cole	Horgos	Pendleton	Vroon
Cordisco	Hutchinson, A.	Perzel	Wachob
Cornell	Hutchinson, W.	Peterson	Wambach
Coslett	Irvis	Petrarca	Wargo
Cowell	Itkin	Petrone	Wass
Cunningham	Jackson	Phillips	Wenger
DeMedio	Johnson	Piccola	Weston
DeVerter	Kanuck	Pievsky	White
DeWeese	Kennedy	Pistella	Wiggins
Daikeler	Klingaman	Pitts	Williams, H.
Davies	Kolter	Pott	Williams, J. D.
Dawida	Kowalyszyn	Pratt	Wilson
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashingner	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Zwikel
Dorr	Letterman	Richardson	
Duffy	Levi	Rieger	Ryan,
Durham	Levin	Ritter	Speaker
Evans	Lewis	Rocks	

NAYS—0

NOT VOTING—4

Emerson	Fee	McClatchy	Sieminski
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EXCUSED—0

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?

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—198

Alden	Fee	Lewis	Rocks
Anderson	Fischer	Livengood	Rybak
Armstrong	Fleck	Lloyd	Salvatore
Arty	Foster, W. W.	Lucyk	Saurman
Barber	Foster, Jr., A.	McClatchy	Serafini
Belardi	Frazier	McIntyre	Seventy
Belfanti	Freind	McMonagle	Showers
Beloff	Fryer	McVerry	Shupnik
Berson	Gallagher	Mackowski	Sieminski
Bittle	Gallen	Madigan	Sirianni
Blaum	Gamble	Maiale	Smith, B.
Borski	Gannon	Manderino	Smith, E. H.
Bowser	Geist	Manmiller	Smith, L. E.
Boyes	George	Marmion	Snyder
Brandt	Gladeck	Merry	Spencer
Brown	Grabowski	Michlovic	Spitz
Burd	Gray	Micozzie	Stairs
Burns	Greenfield	Miller	Steighner
Caltagirone	Greenwood	Miscevich	Stevens
Cappabianca	Grieco	Mochlmann	Stewart
Cawley	Gruitza	Morris	Stuban
Cessar	Gruppo	Mowery	Swaim
Cimini	Hagarty	Mrkonic	Sweet
Civera	Haluska	Mullen	Swift
Clark	Harper	Murphy	Taddonio
Clymer	Hasay	Nahill	Taylor, E. Z.

Cochran	Hayes	Noye	Taylor, F. E.
Cohen	Heiser	O'Donnell	Telek
Colafella	Hoeffel	Olasz	Tigue
Cole	Honaman	Oliver	Trello
Cordisco	Horgos	Pendleton	Van Horne
Cornell	Hutchinson, A.	Perzel	Vroon
Coslett	Hutchinson, W.	Peterson	Wachob
Cowell	Irvis	Petrarca	Wambach
Cunningham	Itkin	Petrone	Wargo
DeMedio	Jackson	Phillips	Wass
DeVerter	Johnson	Piccola	Wenger
DeWeese	Kanuck	Pievsky	Weston
Daikeler	Kennedy	Pistella	White
Davies	Klingaman	Pitts	Wiggins
Dawida	Kolter	Pott	Williams, J. D.
Deal	Kowalyszyn	Pratt	Wilson
Dietz	Kukovich	Pucciarelli	Wogan
Dininni	Lashingier	Punt	Wozniak
Dombrowski	Laughlin	Rappaport	Wright, D. R.
Donatucci	Lehr	Rasco	Wright, J. L.
Dorr	Lescovitz	Reber	Zwikl
Duffy	Letterman	Richardson	
Durham	Levi	Rieger	Ryan,
Evans	Levin	Ritter	Speaker

NAYS—0

NOT VOTING—3

Emerson	McCall	Williams, H.
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EXCUSED—0

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

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, will you please return to SB 422, PN 428, which was passed over temporarily, on page 6?

The SPEAKER. Without objection, the Chair returns to page 6 of today's calendar, SB 422, PN 428. The Chair hears none.

\* \* \*

The House proceeded to third consideration of **SB 422, PN 428**, entitled:

An Act authorizing the indebtedness, with the approval of the electors, of \$15,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties.

On the question,

Will the House agree to the bill on third consideration?

Mr. HAYES offered the following amendments No. A2242:

- Amend Title, page 1, line 6, by striking out "new"
- Amend Sec. 1, page 1, line 18, by striking out "new"
- Amend Sec. 3, page 2, line 11, by striking out "new"
- Amend Sec. 5, page 2, lines 22 through 28, by striking out all of said lines and inserting  
volunteer rescue squads pursuant to and for any purpose established by the act of July 15, 1976 (P. L. 1036, No.

208), known as the "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act."

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Thank you, Mr. Speaker.

This amendment will assure that this referendum and the money that is generated for the volunteer fire companies can be used in exactly the same way as the original \$10 million so that there is absolutely no confusion as to whether or not this \$15 million can be used in as extensive a manner as the original \$10 million, and I believe all members will find that this amendment is agreed to.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti, on the amendment.

Mr. BELFANTI. Mr. Speaker, I urge support of the Hayes amendment. I drafted two amendments, amendment No. 2230 and amendment No. 2233, which I felt would do the same thing. However, I feel the language in the Hayes-Kukovich amendment will do the same thing, so I am going to ask support of Mr. Hayes' amendment, and I am going to withdraw 2230 and 2233.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

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

Deal	Kowalyszyn	Pratt	Williams, J. D.
Dietz	Kukovich	Pucciarelli	Wilson
Dininni	Lashingner	Punt	Wogan
Dombrowski	Laughlin	Rappaport	Wozniak
Donatucci	Lehr	Rasco	Wright, D. R.
Dorr	Lescovitz	Reber	Wright, J. L.
Duffy	Letterman	Richardson	Zwicl
Durham	Levi	Rieger	
Evans	Levin	Ritter	Ryan,
Fee	Lewis	Rocks	Speaker

NAYS—0

NOT VOTING—3

Berson	Emerson	Pievsky
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EXCUSED—0

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?

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 Centre, Mr. Letterman, on the bill as amended.

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

The SPEAKER. The gentleman, Mr. Hayes, indicates he is willing to be interrogated. The gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, by putting this amendment in that you had, does that include the past debt, because you are putting it under the Ambulance Service and Rescue Squad Assistance Act? Does that include that all then?

Mr. HAYES. Yes. Everything that we are currently doing will assure that this \$15 million can be administered in the same way.

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—200

Alden	Fischer	Lloyd	Rybak
Anderson	Fleck	Lucyk	Salvatore
Armstrong	Foster, W. W.	McCall	Saurman
Arty	Foster, Jr., A.	McClatchy	Serafini
Barber	Frazier	McIntyre	Seventy
Belardi	Freind	McMonagle	Showers
Belfanti	Fryer	McVerry	Shupnik
Beloff	Gallagher	Mackowski	Sieminski
Berson	Gallen	Madigan	Sirianni
Bittle	Gamble	Maiale	Smith, B.
Blaum	Gannon	Manderino	Smith, E. H.
Borski	Geist	Manmiller	Smith, L. E.
Bowser	George	Marmion	Snyder
Boyes	Gladeck	Merry	Spencer
Brandt	Grabowski	Michlovic	Spitz
Brown	Gray	Micozzie	Stairs
Burd	Greenfield	Miller	Steighner
Burns	Greenwood	Miscevich	Stevens

Caltagirone	Grieco	Moehlmann	Stewart
Cappabianca	Gruitza	Morris	Stuban
Cawley	Gruppo	Mowery	Swaim
Cessar	Hagarty	Mrkonic	Sweet
Cimini	Haluska	Mullen	Swift
Civera	Harper	Murphy	Taddonio
Clark	Hasay	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Taylor, F. E.
Cochran	Heiser	O'Donnell	Telek
Cohen	Hoeffel	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Horgos	Pendleton	Van Horne
Cordisco	Hutchinson, A.	Perzel	Vroon
Cornell	Hutchinson, W.	Peterson	Wachob
Coslett	Irvis	Petrarca	Wambach
Cowell	Itkin	Petrone	Wargo
Cunningham	Jackson	Phillips	Wass
DeMedio	Johnson	Piccola	Wenger
DeVerter	Kanuck	Pievsky	Weston
DeWeese	Kennedy	Pistella	White
Daikeler	Klingaman	Pitts	Wiggins
Davies	Kolter	Pott	Williams, H.
Dawida	Kowalyszyn	Pratt	Williams, J. D.
Deal	Kukovich	Pucciarelli	Wilson
Dietz	Lashingner	Punt	Wogan
Dininni	Laughlin	Rappaport	Wozniak
Dombrowski	Lehr	Rasco	Wright, D. R.
Donatucci	Lescovitz	Reber	Wright, J. L.
Dorr	Letterman	Richardson	Zwicl
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Evans	Lewis	Rocks	Speaker
Fee	Livengood		

NAYS—0

NOT VOTING—1

Emerson

EXCUSED—0

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 the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

**REQUEST FOR RECESS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I suggest that we stop the morning session for the purpose of taking lunch, and I suggest that the recess continue until 2 p.m. this afternoon.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I am calling an immediate caucus of the Democratic Party, immediately. I am asking that no Democrat go to lunch until we have had our caucus. We have a number of highly controversial decisions to make. There will be a number of them to be made by the Democratic caucus during this day—it promises to be a long one—but if you will come immediately to our Democratic caucus room, we will try to get this first caucus over quickly. But I ask you to report there immediately. Thank you, Mr. Speaker.

**CONFERENCE COMMITTEE MEETING**

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

Mr. McCLATCHY. Mr. Speaker, I would like to call off the floor of the House a conference committee meeting on HB 686 for 4 o'clock this afternoon.

The SPEAKER. Where will the conference committee meeting take place, Mr. McClatchy?

Mr. McCLATCHY. That would be in the Appropriations Committee hearing room, 245.

**REMARKS ON VOTE**

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

Mr. McCALL. Mr. Speaker, on HB 1244, PN 1383, my switch was inoperative. I would like to be recorded in the affirmative.

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

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO RULES COMMITTEE****HB 567, PN 1781 (Amended)**

By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the collection of fines and court costs in certain circumstances.

**JUDICIARY.****HB 773, PN 831**

By Rep. SPENCER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the carrying or issuing of replica firearms by or to security officers.

**JUDICIARY.****HB 942, PN 1780 (Amended) (Unanimous)**

By Rep. FISCHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the payment of tuition of out-of-state medically indigent children hospitalized in certain exclusively charitable childrens hospitals and making an appropriation.

**EDUCATION.****HB 1485, PN 1725 (Unanimous)**

By Rep. FISCHER

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), referred to as the Pennsylvania Higher Education Assistance Agency Act, clarifying the term "resident" and providing for loan guarantees to parents of postsecondary students.

**EDUCATION.****HB 1229, PN 1364**

By Rep. SPENCER

An Act amending the act of May 10, 1929 (P. L. 884, No. 451), entitled, as amended, "An act modifying the common-law rule relating to property hereafter acquired by husband and wife as tenants by entireties, \*\*\*," further providing for division of proceeds and preventing unjust enrichment and providing for constriction of the act.

**JUDICIARY.****BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND Tabled****SB 41, PN 999 (Amended)**

By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for disclosure of information regarding certain children.

**JUDICIARY.****SB 169, PN 169**

By Rep. SPENCER

An Act reenacting and amending section 21 of the act of April 25, 1850 (P. L. 569, No. 347), entitled "An act relating to the bail of executrixes;....," reenacting retroactively a provision concerning uninclosed woodlands which had inadvertently been repealed and making editorial changes.

**JUDICIARY.****COMMITTEE APPOINTMENTS**

The SPEAKER. The Speaker is about to make an announcement of the following committee appointments, which the clerk will read.

The following committee appointments were read:

Pursuant to House Rule 43, the Speaker announces the following committee appointments:

1. The gentleman from Lycoming, Mr. Grieco, chairman of the Committee on Agriculture, vice Roy W. Wilt, resigned.

2. The gentleman from Delaware, Mr. Spitz, chairman, Subcommittee on Banking and Savings and Loan Associations, vice Joseph V. Grieco, resigned.

3. The gentleman from Delaware, Mr. Civera, Jr., secretary, Liquor Control Committee, vice Gerald J. Spitz, resigned.

Matthew J. Ryan

Speaker of the House

**COMMUNICATION FROM STATE  
REAL ESTATE COMMISSION**

The SPEAKER. The Chair acknowledges a communication dated June 8, 1981, from P. John Donnelly, chairman, State Real Estate Commission, which the clerk will read.

The following communication was read:

Commonwealth of Pennsylvania  
Department of State  
Bureau of Professional and Occupational Affairs  
State Real Estate Commission  
Post Office Box 2649  
Harrisburg, Pa. 17120

June 8, 1981

John J. Zubeck

Chief Clerk of the House of Representatives

Room 131, Main Capitol Building

Harrisburg, PA 17120

Dear Mr. Zubeck:

This letter serves as a formal request for the withdrawal of regulations concerning rental referral agents which were submitted to the House on April 27, 1981 by the State Real Estate

Commission pursuant to Section 404 of the Real Estate Licensing Act of February 19, 1980.

A copy of the regulations is attached for your convenience. The regulations are being withdrawn upon advisement that they could not be approved due to a typographical omission in Section 35.176(d).

The regulations with the corrected omission will be re-submitted under cover of a separate letter.

Sincerely,  
P. John Donnelly, Chairman  
State Real Estate Commission

PJD/JSR/jak  
Attachment

### RESOLUTION ADOPTED

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

The following resolution was read:

#### RESOLUTION TO RETURN ADMINISTRATIVE RULES REPORT NO. 2 OF 1981

In the House of Representatives  
June 10, 1981

RESOLVED (the Senate concurring), That the General Assembly return Administrative Rules Report No. 2 of 1981 transmitted under date of April 27, 1981, to the Honorable P. John Donnelly, Chairman, State Real Estate Commission as requested in his message dated June 8, 1981.

Samuel E. Hayes, Jr.  
Majority Leader

On the question,  
Will the House adopt the resolution?

Resolution was adopted.

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

### ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I submit for the record additions of sponsors of bills.

HB 441, Frazier; HB 704, O'Donnell; HB 1308, Alden; HB 1309, Alden; HB 1320, Blaum; HB 1321, Blaum; HB 1394, Telek; HB 1480, Swaim; HB 1491, McIntyre; HB 1492, McIntyre; HB 1493, Swaim, McIntyre; HB 1494, McIntyre; HR 72, McIntyre; HR 73, Salvatore, Spitz.

### POEM SUBMITTED FOR THE RECORD

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

Mr. J. L. WRIGHT. Mr. Speaker, the poem "Freedom," by Dolores A. Tull of 1832 First Street in Langhorne, Bucks County, has been presented to the President, the Governor, and the U.S. Congress. In recognition of the skills and insights exhibited, may I insert "Freedom" in the Legislative Journal?

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

Mr. J. L. WRIGHT presented the following poem for the Legislative Journal:

FREEDOM  
BY  
D. A. TULL

Freedom's harbor is anchored in men's souls,  
Freedom's voice is a living sound,  
Freedom's heart beat is endless,  
Freedom is not Free.

Freedom's fire is disciplined by obedience,  
Freedom's way of life is treasured,  
Freedom's price is untold,  
Freedom requires: respect, honor and is submissive,  
Freedom is not Free.

Freedom's blood is noble,  
Freedom's enemies are torture, hate and envy,  
Freedom's cost is daily paid,  
Freedom is not Free.

Freedom is Liberty's grace,  
Freedom is spring's waters,  
Freedom is restrained by caring love,  
Freedom's will is to live strong with justice,  
Freedom's land is at HOME in AMERICA,  
Freedom is an attribute bestowed by GOD,  
Freedom is not Free but is freely given.

### RECESS

The SPEAKER. Without objection, this House stands in recess until 2 p.m. The Chair hears none.

### AFTER RECESS

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

### RECESS

The SPEAKER. Without objection, this House will stand in recess until 11:15. The Chair hears none.

### AFTER RECESS

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

### MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Emerson, who asks that his name be added to the master roll call.

### COMMUNICATION FROM GOVERNOR

#### BILL SIGNED BY GOVERNOR

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

APPROVAL OF HB No. 1291.

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

June 10, 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 1291, Printer's No. 1772, entitled "An act amending the act of December 5, 1980 (P. L. 1665, No. 138A), entitled 'An act to further provide for the expenses of the Executive and Legislative Departments of the Commonwealth for the fiscal period July 1, 1980 to June 30, 1981; to make additional appropriations from the Federal Revenue Sharing Trust Fund and the Motor License Fund and making certain repeals,' ADDING AN ADDITIONAL APPROPRIATION TO THE DEPARTMENT OF PUBLIC WELFARE FROM THE GENERAL FUND AND increasing the appropriation to the Department of Education from the Federal Revenue Sharing Trust Fund".

DICK THORNBURGH  
GOVERNOR

### COMMUNICATION FROM STATE REAL ESTATE COMMISSION

The SPEAKER. The Chair acknowledges receipt of a communication from P. John Donnelly, chairman of the State Real Estate Commission, addressed to the Chief Clerk of the House of Representatives, dated June 9, 1981, which will be made part of the record.

The following communication was read:

Commonwealth of Pennsylvania  
Department of State  
Bureau of Professional and Occupational Affairs  
State Real Estate Commission  
Post Office Box 2649  
Harrisburg, Pa. 17120  
June 9, 1981

John J. Zubeck  
Chief Clerk of the House of Representatives  
Room 131, Main Capitol Building  
Harrisburg, PA 17120

Dear Mr. Zubeck:

Attached please find rules and regulations which have been proposed by the State Real Estate Commission, concerning rental referral agents.

Pursuant to Section 404 of the Real Estate Licensing Act of February 19, 1980, these proposed rules and regulations are being submitted to yourself and the Secretary of the Senate on this date for printing and distribution among all members of both chambers in the same manner as a reorganization plan.

In conformity with the Reorganization Act of 1955, these proposed regulations are being submitted to both chambers on this date upon advisement that both chambers will be in session.

Similar regulations were submitted to both chambers on April 27, 1981. However, due to a typographical omission the regulations were withdrawn from both chambers by letter dated June 8, 1981.

The attached regulations, which reflect the correction of the omission, are similar in all other respects to the regulations which had been submitted on April 27, 1981.

Sincerely,  
P. John Donnelly, Chairman  
State Real Estate Commission

PJD/JSR/jak  
Attachment

(Copy of report is on file with the Journal clerk.)

### ADMINISTRATIVE RULES REPORT NO. 4 OF 1981

#### ANNEX A.

#### §35.171. Application.

(a) An applicant for a license as a rental listing referral agent shall apply therefore in writing upon applications prepared and furnished by the Commission and shall meet all the requirements for licensure as a salesperson except that the applicant need not be affiliated with a broker.

(b) The application shall contain the following information in addition to such other information as the Commission may require:

- (1) Name of the owner of the rental listing referral business
- (2) Name of the manager of the rental listing referral business
- (3) Name under which the rental listing referral business will operate.
- (4) Address of rental listing referral business.

#### §35.172. Fees.

(a) A fee of twenty dollars (\$20.00) shall accompany an application for licensure as a rental listing referral agent by an individual who has met the qualifications by virtue of the fact that he is already licensed by the State Real Estate Commission.

(b) The biennial registration fee for a rental listing referral agent's license shall be twenty dollars (\$20.00).

#### §37.173. Office Manager.

(a) Each rental listing referral office must be supervised by a manager, who is duly licensed as a rental listing referral agent. A manager is permitted to manage only one rental listing referral office.

(b) If the owner of the rental listing referral agency is a corporation, or a partnership, then an officer in the case of a corporation and a partner in the case of a partnership must be the manager of record for the business.

#### §35.174. Office Requirements.

(a) Every person licensed as a rental listing referral agent shall have and maintain a definite place of business within this Commonwealth.

(b) Each place of business maintained by a rental listing referral agent shall comply with the following requirements:

- (1) The business name designated on the application shall appear prominently displayed on the outside of the place of business, along with the phrase "Rental Listing Referral Agency".
- (2) All rental listing referral agent's licenses issued by the Commission shall be posted inside the office.

#### §35.176. Contracts.

(a) A rental listing referral agent must have authority from the owner or listing broker to publish the rental information.

(b) A written contract must be executed between the rental listing referral agent and the prospective tenant, which lists the rental specifications desired by the prospective tenant including but not limited to location and price range.

(c) The list of rentals given to a prospective tenant must meet the minimum specifications listed by the prospective tenant in the contract described in (b).

(d) The availability of the rental units must have been verified no more than seven (7) days prior to the day the fee is paid by the prospective tenant.

(e) Each contract must contain the following statement in Bold print: "We are a referral service only. We are not acting as real estate salesmen or brokers. We do not guarantee that the

consumer will find a satisfactory rental unit through our services. Our only purpose is to furnish the consumer with lists of available rental units."

**§35.177. Function.**

(a) A rental listing referral agent's function is limited to the collection of rental information for the purpose of referring prospective tenants to rental units or locations of such units. A rental listing referral agent may not negotiate leases or offer to sell or offer information on property for sale or options on such property.

**SELECT COMMITTEE APPOINTED**

The SPEAKER. The Chair files with the clerk the appointments to the House Committee to Study Toxic Waste.

The following committee appointments were read:

**HOUSE COMMITTEE TO STUDY TOXIC WASTE  
DEPOSITED INTO THE ENVIRONMENT**

In the House of Representatives  
June 10, 1981

Pursuant to authority contained in House Resolution No. 29, adopted May 5, 1981, the Speaker appoints the following Select Committee:

The gentleman from Bradford, Mr. Madigan;  
The gentleman from Butler, Mr. Burd;  
The gentleman from York, Mr. Dorr;  
The gentleman from Blair, Mr. Geist;  
The gentleman from Montgomery, Mr. Lashinger;  
The gentleman from Philadelphia, Mr. Borski;  
The gentleman from Northampton, Mr. Kowalshyn;  
The gentleman from Beaver, Mr. Laughlin;  
The gentleman from Allegheny, Mr. Trello.

Matthew J. Ryan  
Speaker of the House

**ADDITIONS AND DELETION OF SPONSORS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I submit for the record the additions and deletions of sponsors of bills.

**ADDITIONS:**

HB 1440, Klingaman; HB 1441, Klingaman; HB 1442, Klingaman; HB 1443, Klingaman; HB 1515, Salvatore, Mrkoncic; HB 1521, Frazier.

**DELETION:**

HB 1304, Fleck.

**REPORT OF COMMITTEE  
OF CONFERENCE PRESENTED**

Mr. McCLATCHY presented the Report of the Committee of Conference on **HB 686, PN 1785**.

**SUPPLEMENTAL CALENDAR B  
REPORT OF COMMITTEE  
OF CONFERENCE CONSIDERED**

Mr. McCLATCHY called up for consideration the following Report of the Committee of Conference on **HB 686, PN 1785**, entitled:

A Supplement to the act of June 18, 1980 (No. 17A), entitled "An Act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980; to provide supplemental appropriations from the General Fund to the various departments of the Commonwealth for the fiscal period July 1, 1979 to June 30, 1980," providing additional appropriations to the Governor, the Attorney General, the Pennsylvania Emergency Management Agency, the Department of Environmental Resources, the Department of Public Welfare, the Department of Revenue and the Legislative Reapportionment Commission.

On the question,

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. There are members desiring recognition on the conference report, Mr. Speaker.

**POINT OF ORDER**

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

Mr. STEWART. Mr. Speaker, point of order.

The SPEAKER. The gentleman will state it.

Mr. STEWART. Thank you, Mr. Speaker.

At approximately 10:45 the Speaker took the rostrum and without objection recessed this House until 12:15. In the House rules, House rule 15 states that this House cannot adjourn later than 11 unless by a roll-call vote.

My question of the Chair is, my point of order is, is that question posed to an empty House, without objection, sufficient to equal a roll-call vote?

The SPEAKER. Will the gentleman, Mr. Stewart, restate his question?

Mr. STEWART. My question, Mr. Speaker, is, is the comment from the Chair, does the House agree to whatever, without objection, and hearing none, unquote, equal a roll-call vote?

The SPEAKER. The gentleman is correct.

Mr. STEWART. Thank you, Mr. Speaker.

**CONSIDERATION OF HB 686 CONTINUED**

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

Mr. KUKOVICH. Would Mr. McClatchy stand for brief interrogation?

The SPEAKER. On the question of the adoption of the conference committee report, the gentleman, Mr. McClatchy, indicates that he will stand for interrogation. The gentleman may proceed.

Mr. KUKOVICH. Mr. Speaker, is there any excess in this budget over and above what the Governor originally requested?

Mr. McCLATCHY. Over and above what?



Mr. KUKOVICH. What the Governor requested.

Mr. McCLATCHY. We have made changes, certainly, in what the Governor requested. The bottom line, of course, is not over his revenue estimate.

Mr. KUKOVICH. You are saying that it is the exact same as what the Governor requested?

Mr. McCLATCHY. That is correct.

Mr. KUKOVICH. Has the Governor given you any indication, since we are not privy to that information, whether some of the items in here will be blue-lined or not? Do you have any guarantees as to whether there will be any blue-lining?

Mr. McCLATCHY. No, the Governor has no intention of blue-lining.

Mr. KUKOVICH. He made that guarantee to you, Mr. Speaker?

Mr. McCLATCHY. That is correct.

Mr. KUKOVICH. Thank you. I have no further interrogation.

I do have a comment, Mr. Speaker.

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

Mr. KUKOVICH. I will be very brief. I would like to comment on the substance and then make a secondary comment on another matter.

I do think Mr. McClatchy is in error. I thought from my own cursory view of this, since we did not have a whole lot of time, that there is some excess money, about \$20 million. I do not know if that is going to result in any blue-lining or not, but it is the kind of information I think we should be aware of.

Secondly, I feel that there has been some improvement in this version of the bill over and above HB 712. I am glad to see the money on county court costs go back in, on the sewage subsidy, and the money for the aging. However, I think it is important that the members realize that there are some other costs in here that are a problem. The amount of money for the basic subsidy in education has been reduced from what it was in HB 712. I would urge the members to keep in mind that back in your districts, in your local school districts, that is going to result in either a cut in educational programs or a drastic increase in property taxes.

I would also suggest that again in this budget there is a large cut in legal services. Now, we have faced this in the past, Mr. Speaker, and normally we have had to come back with a supplemental appropriation. However, we are faced with a much larger problem this time. It appears that Federal budget cuts will severely hamper legal services in this state. Compounded with what we are doing in this budget, in essence we are telling the poor people in the State of Pennsylvania that they will not receive adequate legal services.

Mr. Speaker, for those reasons alone I would urge a "no" vote on this conference committee report, but it is not necessarily the substance of this report that I want to address. I think there is a much larger principle involved, and whether I agree with every dollar in this multibillion-dollar budget, I will go on record as saying I would continue to vote against bringing a budget document to us in the wee hours of the

morning which we have absolutely no input into as members of this House.

Mr. Speaker, about a year ago a very dangerous precedent was begun. For the first time in the history of the Commonwealth, a general appropriations budget was passed into law with one chamber not having any opportunity at any stage of the process of offering an amendment. We have seen that happen; we have seen it recur in other major issues; we are seeing it happen right now. Mr. Speaker, I was elected to come to this chamber and have some input in how the billions of dollars are spent in this state. In essence, my voice and the 62,000 voices of the people I represent are silenced by this process.

Mr. Speaker, I think this is a blatant disregard of the Constitution of this state and of this country. I would suggest that this precedent is going to become more dangerous. I would suggest to you that it is simply wrong to have a handful of people tell us how all this money will be spent. If that is the case, if we are moving to that sort of benign dictatorship, I am not sure what role we as legislators have in being here. If we have any pride in our function as a Representative, we should vote "no" on this conference committee report. We should vote "no" on any such budget as this until we have a chance to say what kinds of things we want spent for and what kinds of things we do not.

Mr. Speaker, I do not think the Governor of this state should have offices in Brussels, in Japan, in Latin America, not even in Washington, D.C. We have no say-so in that. Mr. Speaker, I would like that opportunity, and I would urge the members of this chamber to vote "no" until we have that opportunity. We have lots of time left; it is only the 11th of the month. If we would spend our time debating in public rather than dealing behind closed doors and keeping us waiting here since 2 o'clock this afternoon, I think we would be able to accomplish much, much more for the people of this state.

Now, I do not know what everybody else is afraid of that they do not want to debate this in public. I am saying we have 19 days to have public debate, exposure on what we believe should be spent in this budget, and I am asking the members to give us that opportunity by voting "no."

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hardy Williams.

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I will not talk about the process. I want to comment on the result. I object to the budget because it has no character; it has no substance; it has no direction. Mr. Speaker, this budget has no relationship to what I consider some of the key problems of our state. It does not speak to anticrime; it does not speak to jobs; it does not speak to the Philadelphia public school systems which will go bankrupt in a few months; in particular, one program which I am told takes people off welfare, that is the YDC's - youth development centers - and forestry camps, has been substantially reduced.

Mr. Speaker, in my opinion, a budget which has no relationship to our major problems does not give us what we want

or what we need for our citizens. I therefore urge that we vote "no" on the concurrence.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, many of us are upset by the procedure, but I have some observations that I would like to make regarding the education problem that we face in the Commonwealth.

Two years ago in this legislature, both sides of the aisle joined overwhelmingly. We passed legislation outlining an intent on our part to increase the basic subsidy 7 percent each year. Richard Thornburgh agreed with that intent, 7 percent each year. We all passed it. The legislative intent stemmed from the realization on the part of the members of this General Assembly that while it would be extremely difficult to provide the additional \$350 million or \$400 million to reach the 50-percent level in one swoop, the school districts were experiencing cost increases that were beyond their control. The budget that we are adopting or not adopting or whatever we are going to do tonight, Mr. Speaker, does not reflect the financial needs of our school districts, nor does it reflect the statutory commitment that we made 2 years ago. We said 2 years ago, 7 percent, and we are renegeing; we are abrogating that commitment.

The Governor of this state has challenged the school districts to hold their growth in spending at roughly the same levels the rest of us have had to accept. That becomes relatively empty, vacuous, and nonsensical when we think that the fact of the matter is, the increase in the level of funding for basic instruction subsidy is slightly more than half, slightly more than half the increase the Governor has provided for his administrative agencies. We are giving the schools half of the percentage that the Governor is giving his administrative agencies. While the Governor is negotiating a multiyear contract that provides an 8-percent annual salary increase to his administrative personnel, Richard Thornburgh is telling the school districts across this Commonwealth that they must hold their growth in spending for instruction. The school districts have been doing just that, Mr. Speaker, and they are continuing to do it. In any paper you pick up across the state, sir, you will find that there are teachers being furloughed and that property taxes and occupational taxes are on the increase.

For all of my colleagues, I would like to share a few specific examples. In the wood and timber country up in Lycoming County, they are going to raise their taxes 40 percent. The Jersey Shore School District in the Montoursville area, they are going to raise theirs about 20 percent. These are significant percentage increases. In Wellsboro and the great industrial city of Reading, they are going to go up 11 and 19 percent respectively. In Palmerton up in Carbon County and in the Panther Valley where they have got a lot of coal mines, it is going up 12 and 14 percent. In the Shenandoah Valley School District, Mr. Speaker, it is 13 percent. On and on and on. Up on the lapping shores of Lake Erie at the Girard School District, we are going to experience 18-percent increases; property tax, occupational tax. In this area, the property owners in Fairview and Goldsboro and Lewisberry and

Newberry are going to experience increases of 13 and 16 percent. On and on.

Mr. Kukovich, Mr. Michlovic, Mr. Pistella, Mr. Wambach, Mr. DeWeese, and many of us should have the opportunity, sir, to vote on this measure and to exercise our constitutional obligation. We would have tried to amend this budget to provide for more funds for basic school subsidies. This would have been the heartbeat; this would have been the guts of the Democratic proposal. Our amendments would have fulfilled the commitment that we made 2 years ago overwhelmingly on both sides of this aisle and that the Governor supported.

In closing my remarks, Mr. Speaker, I would like to ask you, Matthew Ryan, and I would like to ask all the people in this chamber if they remember the book on the best-seller list a couple of years ago, "Thy Neighbor's Wife," "Thy Neighbor's Wife." It was by a man called Gay Talese, and Gay Talese talked about wife-swapping, and he talked about all kinds of bizarre sexual episodes that were taking place across this country in the 1960's and 1970's, but then Gay Talese, in a very intellectual and substantive manner, declared that there was a historical antecedent. He described the sexual research therapies that went on 100 years ago, and he described the wife-swapping and mating of the Oneida societies in New York State. Hundreds of years ago there was a historical antecedent for some of the promiscuity and difficulty and diversions that we experience in the social and sexual milieu that we live in. Unlike, unlike, Mr. Speaker, the historical antecedents that Gay Talese described in his book, "Thy Neighbor's Wife," we have no historical antecedents in this Commonwealth relative to this anomalous way of doing business. Allen Kukovich hit the nail on the proverbial head. This is not the way we should be doing business. We should be doing business in a different manner, and if we were doing it in a different manner, the Democratic caucus would have made significant strides in the area of advancing the cause and the subsidies for basic education. Thank you, Mr. Speaker.

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

Mr. PERZEL. I am hoping that we can count on his vote for a tax increase, Mr. Speaker, to pay for the programs he is talking about.

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

Mr. GALLAGHER. Mr. Speaker, I would like to interrogate Mr. McClatchy.

The SPEAKER. The gentleman consents to interrogation. The gentleman, Mr. Gallagher, may proceed.

Mr. GALLAGHER. Mr. Speaker, while we do not have a copy of the conference committee report precisely in front of us, the document we received in our caucus indicates that sequence 210, community colleges operation and capital, shows a decrease of \$2 million. Would you explain to the House why \$2 million was cut out of the budget for community colleges?

Mr. McCLATCHY. Yes, Mr. Speaker. After our analysis on the number of pupils attending those community colleges,

we feel that that cut is manageable. We differ with those that report a higher figure; that is all. That may have to be corrected, but I do not think so. If it has to be corrected, it will be corrected later on.

Mr. GALLAGHER. So what you are saying to us, Mr. Speaker, is that the figures they submitted to you are not correct at this time?

Mr. McCLATCHY. No. Our figures, we feel, are correct, and that is how we arrived at the cut.

Mr. GALLAGHER. All right. Next, Mr. Speaker, under the Pennsylvania Higher Education Assistance Agency, the Governor had recommended \$2 million additional this year, and in the conference committee report it shows a \$2-million decrease. What is the rationale for decreasing \$2 million from the scholarships this year?

Mr. McCLATCHY. It is an extremely tight budget, and we reluctantly decided that is a place that we would have to cut.

Mr. GALLAGHER. Mr. Speaker, that might be your reasoning for it, but it is very hard to understand when we fully know that all the state colleges and universities are raising their tuitions, and at least the Governor recommended \$2 million, even though the agency needed \$8 million.

Mr. Speaker, in the conference committee report it indicates that sequence 193, money for special ed in approved private schools, is being deleted and placed into sequence 186, special education. What is the rationale for putting it into one lump sum?

Mr. McCLATCHY. Mr. Speaker, what we have done there is combined those two line items. We have given the approved private schools \$2 million extra; we have taken off their cap; and we have adhered to the language that is already in the School Code, so they should not be hurt. I would like to also at this point submit for the record an explanation of the wordage that will appear in HB 686 protecting all those items.

#### STATEMENT SUBMITTED FOR THE RECORD

Mr. McCLATCHY presented the following statement for the Legislative Journal:

The language explaining the appropriation "for payments to school districts, intermediate units and approved private schools on account of special education of exceptional children" provides for a minimum increase in funding to intermediate units and school districts equal to the percentage increase from the line item "school districts and intermediate units on account of special education in public schools" in the 1980-81 budget to the amount of \$193,534,000 from the appropriation in the 1981-82 budget. Funding to approved private schools is limited to \$34,539,000 from this appropriation and the tuition ceilings provided in the Public School Code of 1949, as amended, and any acts relating thereto, shall not be applicable for the 1981-82 school year.

The General Assembly states that the legal responsibility incurred by school districts and intermediate units for the provision of special education programs and services shall not exceed the funding levels provided by the Legislature. This shall not prevent school districts and intermediate units from preparing a plan estimated on the costs of programs and services and requesting the funding to implement this plan.

Mr. GALLAGHER. Mr. Speaker, the language that I have in my hand which was given to me from members of the

conference committee on my side indicates two very serious matters. One is that it gives the private schools an increase of \$2,200,000, and it also exempts them from section 1376 of the Public School Code, which is the section of the code that puts the limit on their tuition for the fiscal year of 1981-82. So what we are doing is giving them a \$2,200,000 increase, taking off the cap on their tuition so that they could eat up that \$2,200,000, and at the same time the language in that section that you wish to explain later on indicates that the public schools, the public schools, are going to deal with \$193,534,000, which represents \$55 million because of lack of Federal funds, about an \$8-million increase, and does not provide them to apply for excess costs, because in that last section it indicates they shall not exceed the funding which is available for the implementation of the intermediate unit plan or for the establishment and operation of such programs, schools or classes.

Mr. Speaker, my opinion of this language is what it means is that the school districts around the state are going to have to come up with this additional money. Every school district that is participating, either directly on their special-ed programs or through the intermediate unit, is not going to be able to apply through their normal budget procedures that we have been using in the last number of years for excess costs. Now, we just had a court case come down from the Commonwealth Court under Judge Blatt, ordering the department to provide that excess cost under the present section of the code. In last year's general appropriation bill, this language did not appear. In the bill that passed the Senate, that language did not appear, and, Mr. Speaker, it was pretty well known among the members of the Education Committee that we were working out a formula for the payment of special-ed children. The districts in the intermediate unit receive two yearly payments, and the first one is in October, I believe, and the last one is in August. So with this language in there, these districts will not be able to provide the classes, the education that is required for special ed, except out of their own funds, and it means that they are going to have to raise the taxes again, because for some unknown reason you are putting this kind of language in there that you say does not put a cap on it and it does provide enough funds for them to maintain their programs, but the very last three sentences are very clear that they shall not exceed the funding that is available for the implementation of the intermediate unit plan or the establishment and operation of such programs, schools or classes. So I find it very difficult to support this kind of language or this conference committee report for the many various other items I spoke about in education, and in particular, in special ed.

I thank Mr. McClatchy for partaking in interrogation.

Mr. Speaker, I would just like to speak on the conference committee report at this time. I am finished with the interrogation; I would like to continue on the report.

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

Mr. GALLAGHER. Thank you, Mr. Speaker.

Mr. Speaker, it has been well known in the last couple of months that many of us have been facing the problems that

Secretary Scanlon was trying to force upon the people in Pennsylvania on special-ed standards. Many of us in the Education Committee and in this House have worked hard to make sure that the Secretary paid attention to that problem, and we got him to agree to withdraw the standards and agree that the Education Committee of this House would hold public hearings and work out a cost examination and prepare a proper formula for the distribution of the funds for special ed. Now, the Secretary acquiesced to our request, and now I find that this kind of language that was presented in the conference committee, even though some of it was deleted because of our conferees' requests, still smells of Secretary Scanlon's standards. He could not make it before the State Board; he could not make it here if it was before us, but now he is trying to sneak it in through the back door through the conference committee report. The Senate did not pay attention to that, but, unfortunately, the House conferees did accede to parts—not all of it, but at least part of it—which still ties in the local school districts to the responsibility of going back to the taxpayers to properly fund the special-ed programs.

Under that, Mr. Speaker, I urge the members to take that under very clear consideration before you cast a vote for this conference committee report. It can be very damning for you back home in your school districts, because this matter, you all know, is very critical in your districts on special-ed standards that Scanlon was trying to ram through. Now it is coming through the back door into the money part which he was after anyhow, and I urge you all to consider that before you cast your vote, and I hope that you would cast your vote in the same manner which I am, which is "no." Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRY

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

Mr. RITTER. Mr. Speaker, parliamentary inquiry, please.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. RITTER. Mr. Speaker, if the rules of this House are violated or are being violated, what recourse does a member have in order to ensure that the rules of this House are carried out?

The SPEAKER. The gentleman's recourse would be to raise a point of order.

Mr. RITTER. On the point of order, Mr. Speaker, if I would raise a point of order that the rules are violated, what would happen at that point?

The SPEAKER. If the Chair gave a ruling adverse to the position of the gentleman, the gentleman would have the right to appeal the ruling of the Chair.

Mr. RITTER. Mr. Speaker, may I interrogate the gentleman, Mr. McClatchy, please?

The SPEAKER. The gentleman consents to interrogation. The gentleman, Mr. Ritter, may proceed. This is under a point of order?

Mr. RITTER. No, Mr. Speaker. This is now on interrogation. I will get back to the point of order on whether or not the rules are being violated.

Mr. Speaker, when HB 686 left this chamber, was there a budget in that bill for the fiscal year 1981-82?

Mr. McCLATCHY. No.

Mr. RITTER. Mr. Speaker, when the Senate amended HB 686, did their amendment include a budget for the fiscal year 1981-82?

Mr. McCLATCHY. No.

Mr. RITTER. I thank the gentleman, Mr. Speaker.

### POINT OF ORDER

Mr. RITTER. Mr. Speaker, I raise a point of order that the rules of this House have indeed been violated, and I refer specifically, Mr. Speaker, to rule 48, which deals with conference committees. It says, and I quote, "The conferees shall confine themselves to the differences which exist between the House and Senate."

Mr. Speaker, I submit that when HB 686 left this chamber, it was not a general appropriation bill for the fiscal year 1981-82. I submit further that when it came back from the Senate, it also did not include a budget for fiscal year 1981-82 and that the conference committee, by inserting the budget for fiscal year 1981-82, has in fact violated rule 48 of this House.

The SPEAKER. It is the opinion of the Chair that the gentleman's point of order is not well taken, that there is prior precedent of this House that permits the consideration of the conference committee report at this time.

### POINT OF ORDER

Mr. RITTER. Mr. Speaker, a further point of order.

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

Mr. RITTER. Rule 48 also says that "Consideration of a report of a Committee of Conference by the House shall be in order when it has been printed, placed on the desks of the members and listed on the calendar." Mr. Speaker, where is a copy on the desks of the members of the committee of conference report?

Mr. Speaker, I have a copy. I wonder if every other member has a copy, because the rule says that they shall be on the desks—plural—of the members—plural—and I do not see that, Mr. Speaker.

The SPEAKER. The Chair has a copy.

Mr. RITTER. Mr. Speaker, my point of order is that, again, rule 48 is being violated, and I again ask for a ruling on my point of order.

The SPEAKER. Is the gentleman indicating that he does not have a copy of the bill on his desk?

Mr. RITTER. Mr. Speaker, I have a copy, but rule 48 reads, "...placed on the desks"—and that is plural—"of the members..."—and that is plural, Mr. Speaker—and I am asking if it has been placed on the desks of the members, and if it has not, then my point of order is that rule 48 is being violated.

The SPEAKER. It is the Chair's understanding that multiple copies have been distributed. If the gentleman does not have one, I will see to it that he gets one. If any other member does not have one, we will see to it that they get one. The Chair will send out for additional copies.

Does the gentleman care to make any further statements on the bill?

Mr. RITTER. Yes, Mr. Speaker, while we are waiting for the copies of the conference committee report so that members have an opportunity to read it, because apparently many members in this chamber are content—

The SPEAKER. Will the gentleman yield?

Is the gentleman raising a point of order at this time or is he debating the conference committee report?

Mr. RITTER. No, Mr. Speaker. I had raised a point of order about the fact that the bill was not on the desks of the members, and the Speaker said that he would see that the members get it. I will withdraw my point of order.

The SPEAKER. The Chair thanks the gentleman.

Mr. RITTER. I ask for permission to speak on the committee of conference report.

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

Mr. RITTER. Mr. Speaker, it seems to me that it does not make much difference whether we get a copy to read or not, because a lot of members in this chamber are content to come up here and have someone else do their work for them. This report of the committee of conference is not a document produced by free and open debate on the floor of this chamber. The report of the committee of conference is not the result of deliberation by this body. It certainly does not represent any effort and very, very little input by individual members of this chamber.

Mr. Speaker, a year ago when this same method was attempted, we were told then that that was an unusual circumstance and it would probably never happen again. Then we were told about a month ago, when something else happened in another chamber that shall remain nameless, that the budget was not going to be passed that way. But, Mr. Speaker, here we are, and we have again a document put in front of us and we are asked to rubber-stamp it. The opinions of this legislator or any other legislator or all of the people whom we represent really are not being involved in this. There is no room in this chamber for debate on this document. There was no room, no effort made in this chamber to allow members to amend what has to be the single most important document any of us are going to be asked to vote on in any one year, and that is how we are going to spend the taxpayers' money in this Commonwealth. Someone has decided that that does not make much difference to our constituents and, therefore, they will give us a document in this fashion and say, go ahead and vote for or against it, but we do not have time nor will we permit the offering of amendments or solicit the input of members who have an obligation and who want to do something for their constituents back home.

Mr. Speaker, I say this in all sincerity. If this entire budget, if every dollar in this budget was earmarked for Lehigh

County, for the 131st legislative district, I would still vote "no," because this is not the way to do it and every member in this chamber knows it is not the way to do it. But if you do it again this year as you did it last year, then the day will come when we can all stay home, and then we will get calls every once in a while to come up here and cast a vote for a conference committee report on an abortion bill, on a tax bill, on minimum sentencing—you name it, any controversial subject—and then they will be able to do it that way, and we will not really matter except to provide those 102 votes to carry out this process which is so wrong.

I would hope that those of you who vote for this budget tonight go home and tell your constituents that their opinions did not really count, that you do not really care what they wanted to do, that you were content to let somebody else do it for you and for them. And I hope when the time comes that you stand for reelection, you will be able to answer your constituents why for 2 years in a row you were willing to vote for a document which spends their money without even having had any input or any amendment process or any deliberation whatsoever. You are willing to vote for this document without even having it on your desk so you can look at it. Well, maybe you are, Mr. Speaker, and maybe other members will, but this member is not, and I would urge all members, regardless of what is in or is not in this budget for your district, to vote "no," because the process is wrong, the principle is wrong, and if you do not stand up now and do it, mark my words, you will get very little chance on many other controversial issues because they will do the same thing again and again. Just look back at last session on unemployment compensation and a number of other issues. So the die has been cast and now is the time, it seems to me, to stop it. But you make that choice. My choice has been made, and I intend to vote in the negative.

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

Mr. FREIND. Thank you, Mr. Speaker.

I do not want to talk about things like the process or the Constitution or things like that. I would just like to talk about substance for a second.

There were some remarks made about special education by the gentleman from Bucks. If there is one area in the budget we have absolutely nothing whatsoever to be ashamed of, it is special education. We have increased the appropriation in special education over last year by 9 percent. What makes that amazing is we made up \$45 million in Federal revenue-sharing funds that we lost, so actually the real increase is double that 9 percent. When you count the chargeback, there is going to be more than \$320 million to spend on special education, and that is not bad, Mr. Speaker.

What we have also done to take the school districts and the IU's - intermediate units - off the hook is we put language in this budget that says that they only have a state mandate up to the limit of the funds that they receive from the state, and they are in fact not required to spend in excess of that because of the excess cost formula. The effect of that is, if there is any lawsuit—and I doubt there will be—it will be the state that will be the defendant and not the local school districts.

This special-education budget I think is amazing in view of what we had to do with the Federal revenue-sharing funds. It shows concern over local control, and the only effect is going to be that some of the more creative IU's who in the past have played games with excess cost and dumped into special education the cost of regular education are going to have to be honest now. Thank you, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, I want to rise to speak against the conference committee report, HB 686. Knowing that the hour is late, I am going to submit some remarks for the record; others I will read to make a serious point concerning the impact that this budget has on many of the poor people here in the Commonwealth of Pennsylvania and the devastating cuts that are also reported in this conference committee report.

First, I am critical and hurt by the Thornburgh administration's view that the proposed budget reductions will not have a negative impact on the less fortunate and the truly needy. The same families who are going to experience a reduction in general assistance, energy assistance, aid for families with dependent children, will also face cutbacks in food stamps, medicaid, and CETA - Comprehensive Employment and Training Act.

Mr. Speaker, I realize that some of the proposed cutbacks are a result of the conservative, right-wing Presidential administration, and with your and my colleagues' indulgence, I would like to elaborate on the relationship between the two administrations and project, if I may, what I see as the real impact of these cutbacks. For example, Mr. Speaker, in the conference committee report the Human Relations Commission is being cut some \$88,000, indication of the kinds of services that are being rendered to help aid those persons in the Commonwealth of Pennsylvania who in fact do need support. The grants to arts organizations that a number of organizations within the community do apply for will be denied because there is a \$500,000 cut in this budget. The improvement of county juvenile probation services is being cut some \$228,000. The programs dealing in vocational education are being cut some \$500,000 in the Commonwealth as we look at grants and subsidies that do affect the Department of Education. In the Department of Community Affairs under housing and redevelopment assistance, we are being cut some \$11 million. Specifically dealing with housing and redevelopment within our community, it will have a devastating effect on what will take place within our community. In the department of corrections, an area where there are many problems and overcrowdedness in this Commonwealth and not much reform going on, the state correctional institutions and the adult probation services have been cut \$102,679,000, while adult probation is being cut some \$2,800,000.

Mr. Speaker, it seems to me that we are living in times when these programs that are having the most serious effect on those persons in the Commonwealth are being denied. While there is a provision for special education in approved private schools being cut some \$32 million, we are told that this

money is going to be put under special education and that we in fact will make up the difference there. I am very leery of that and very scared that when you tie public moneys together with private moneys, we are not getting the serious results that we are supposed to get in making sure that our children are being educated. For those who are school employees, whether they be past or present, there has been a cut in the Social Security Fund of some \$5 million. The community college operating capital will have a tremendous impact on those community colleges in your communities, in your areas, in your counties, and they have cut some \$2 million that is going to deal with the overall operating budget and also capital improvements within the schools. Scholarships are being cut some \$2 million in this Commonwealth, and to administer that we are cutting another \$250,000.

Mr. Speaker, it seems to me that while we talk about the deal being made and that while we are clear that this conference committee report will pass this morning, we still look at the Council on Drug and Alcohol Abuse and find that we are short some \$664,000, a trend that seems to be used all over the world right now from the Reagan administration's trickle-down theory to our state administration that these programs will have a devastating impact on the poor people in this Commonwealth. Disease treatment services, while we are being told that this money is going to be placed in separate accounts for nonpreferred legislation to make sure that every disease service is in fact restored, there is no indication in this conference committee report that that in fact will happen.

Mr. Speaker, when we talk about YDC's - youth development centers - in this Commonwealth, where we have a problem with juvenile crime, which so many of the members of this House have talked about, we are talking about cutting the funds some \$1,200,000. The state restoration centers are being cut some \$166,000, while county child welfare program payments are being cut \$5 million in this Commonwealth. The social service programs falling under the Department of Public Welfare are being cut some \$83,000. Family planning is being cut some \$350,000. Community legal services, an aid to the poor in this Commonwealth that we have seen a mood to try to wipe out entirely all of its funds, has a decrease of \$973,000. While cash grants have been a prime product of the Governor, this Commonwealth talking about making sure that we will have an abundance of money, we look and find that we are going to be \$4 million short, and that is just a surface figure that is being thrown out. I would venture to say that we will be dealing with a deficiency appropriation next March to make up about \$15 million to \$20 million in the red that we will be. We look at institution medical assistance, nonnursing homes, and we find some \$4,600,000. Long-term-care facilities within our communities are being cut some \$2,300,000. Then we can move to MH/MR, mental retardation and mental health, the fact that the state mental hospitals are being cut in the Commonwealth some \$1,127,000, while the services in mental health and mental retardation are being cut \$3 million and \$4 million respectively. The intermediate-care facilities themselves are being cut another \$3 million, Mr. Speaker.

And finally on the cuts dealing in mass transportation, we find in mass transportation assistance, while senior citizens and our youth are being hurt the most, and those working-class people in the Commonwealth who are being hurt the most, we are talking about cutting another \$3,148,000.

I say to you, Mr. Speaker, that this budget in no way reflects at all those persons who are less fortunate, and it would indicate to me that we have a lot of work to do in order to revamp and change the direction of those who really are the truly needy, not the words that have been used by the Governor and others to try and use it as a smoke screen to confuse the Commonwealth citizens. We feel that the cuts made at both the Federal and the state level are like the neutron bomb dropped on us, destroying the very means of survival of the poor while allowing the corporations and big businesses to make large profits. The basic philosophical premise for the position is to allow the profits to trickle down to the less fortunate. Mr. Speaker, if Governor Thornburgh is not trying to balance this year's budget on the backs of the black and the poor, then he must know something about black and poor people that I do not know. I say to you, Mr. Speaker, that if we will look at the impact that these cuts have themselves and understand the basis for the American economy having one of the cornerstones, if the housing and the redevelopment component of the Department of Community Affairs has a reduction in their appropriations, how can we expect any new jobs or houses? Some of the other cuts that I have already enumerated and discussed have already been mentioned, including vocational ed, PHEAA, the county administration institutional care, long-term care, mental hospitals. This is a very brief synopsis of the proposed cuts that have been already proposed.

Before closing, I would like to point out other areas that I feel have glaring failures; that is, the concern of black America and poor people and the fact that this is centered around the whole chronic rate of unemployment and the fact that we have not dealt with the unemployment problem in this Commonwealth. While we may have gotten some pet peeves for ourselves, the unemployment problem still rises very high in this Commonwealth. Also, it seems to me that if we are talking about estimates that reflect the true unemployment picture, then let us have the true picture of those unemployment figures and not the loose figures that are thrown around just to indicate that we are somewhere in the middle. It is clear to me, Mr. Speaker, that the youth unemployment situation in our Commonwealth has moved to a scale in some counties where it is as high as 60 percent. Mr. Speaker, we are supposed to be the leaders of this community and of this Commonwealth dedicated to providing new avenues for our constituents, and I feel saddened this morning. I say that we have failed miserably.

Mr. Speaker, I would like to say that many people will hold us responsible for the injustice that is being perpetrated this morning, and it is not our fault. Some may think that these problems will straighten themselves out and go away and feel that if we just sit back just for a moment, perhaps maybe all of the problems that have occurred in this Commonwealth

economically will go away. That is not the case. We are left to deal with a free enterprise that is running rampant in this Commonwealth by allowing people to indicate that businesses will flourish while we cannot even get businesses to take on tax incentives to deal with the problems of those who are unemployed. Others say, let the faltering institutions, if that is what the marketplace dictates, let them deal with the problem. I must say to you that I truly believe some of us here have missed the boat.

By the Federal Government's official way of cutting, there are now about 25 million poor people in the United States. For those who find themselves in that social-economic category, are we going to ignore their needs? And it is quite obvious at this point that this conference committee does ignore their needs. The budget process provides an opportunity—or at least it is supposed to provide an opportunity—for us to establish the scope and direction of the municipal services, to set policy, and to try to ensure that the needs of the citizens are met as far as possible. Unfortunately, elected officials here must feel a sense of frustration because of the continual lack of input.

Finally, I would like to say I have very strong fundamental objections to this budget. These objections are not based on any pet project or any particular scarecrows but on the basis of the real, serious plight of the poor and low-class people in the Commonwealth of Pennsylvania who need someone to stand up and speak for them.

The rest of my remarks, Mr. Speaker, I would like to submit for the record, and I would encourage the members to vote "no" on the conference committee report and go back to the drawing board and allow us, as members, to have input. Thank you very much.

The SPEAKER. The gentleman, Mr. Richardson, will send his prepared remarks to the clerk.

#### REMARKS SUBMITTED FOR THE RECORD

Mr. RICHARDSON submitted the following remarks for the Legislative Journal:

In February of this year, President Reagan called for sweeping reforms in the federal budget. Some programs targeted for reduction or suspension affecting low moderate and middle income persons are: Comprehensive Employment and Training Program (CETA), eliminate 3.7 billion; Medicaid, cut one billion or 5.5%; Unemployment Insurance, 1.2 billion or 6.6%; Elementary and Secondary Schools aid reduced 20%; Food Stamps 15% reduction; Social Services reduced 25% or 2.5 billion. Finally, a proposed cut of the 1982 budget affecting student loans and scholarships by more than 800 million dollars.

Mr. Reagan also is expected to ask congress to eliminate the 1.85 billion Fuel Program designed to help low income households in cold weather states to pay for the excessive heating costs of their homes. With respect to Student Assistance, Mr. Reagan made it emphatically clear that student aid programs, in his estimation, have been recklessly expanded and will continue to expand in like fashion unless checked immediately. Therefore, Mr. Reagan and Governor Thornburgh called for the targeting of aid to the "Truly Needy." This new code word, the "truly needy," resounded throughout the country carrying with it ominous implications for the masses of U.S. citizens, particularly poor working class families and the elderly.

In view of the fact that no clear definition has been developed to clarify Mr. Reagan's nebulous term, "truly needy," I shall attempt to briefly identify the people who I feel are truly in need. Sixteen years ago (1965), a National Council of Churches study indicated that 35 million or 1/5 of Americans were classified as living in poverty. Reservation-bound Native Americans, ghettoized Afro-Americans, rurally-bound impoverished Appalachian Whites and downwardly mobile Hispanics comprised this new poor population.

In the 1960's the new poor were faced with a cybernetics revolution, overcrowded fields of specialization and a job market which demanded skills which many had not yet attained. Psychologically this new poor population became disappointed, pessimistic, impatient and hostile. Philosophically, this "1/5 of a nation" believed that there was little or no opportunity for getting into the mainstream of American life. The landmark 1954 Supreme Court Brown decision, which overturned the Plessy versus Ferguson decision (1896), greatly encouraged African-Americans and other non-Whites ethnics in the area of educational opportunity. There was still the notion that if quality education was offered to everyone in this society, non-White ethnic minorities would have equal access to gainful employment and upward social mobility.

Liberal educators and community leaders held two basic premises necessary to bring about significant change in the plight of the educational and economically disinherited:

1. Educational opportunities must be equal with respect to finance, facilities and faculties.
2. Integration must be significantly widespread to give all people access to broader educational opportunities.

As an outgrowth of this thinking, Congress passed the Civil Rights Act of 1964 as the foundation of President Lyndon Johnson's Great Society. Two years later, James Coleman completed a study for HEW entitled, Equality of Educational Opportunity (1966) which shocked advocates of equal educational opportunity with the conclusion that "American public education remains largely unequal in most regions of the country, including all those where Negroes form any significant proportion of the population. Segregation was found to be the rule, not the exception."

In 1970, Mr. John Quincy Adams of Brandon, Mississippi, through the means of the NAACP legal defense fund, filed a class action suit through the U.S. District Court charging "that the U.S. Department of Health, Education and Welfare had defaulted on its obligation to enforce Title Six of the Civil Rights Act of 1964." In essence, Mr. Brandon on behalf of his six children, thirty-one students and two citizens charged that HEW continued to provide financial assistance to a large number of public school systems and public colleges which practiced segregation and discrimination clearly prohibited by Title Six. Nine states were involved including Arkansas, Georgia, Florida, Maryland, Mississippi, North Carolina, Oklahoma, Pennsylvania and Virginia which were expected to remedy the discrimination and segregation within their public higher educational systems. However, the poor and economically disinherited still remained outside of America's economic mainstream.

For the benefit of President Reagan and his collaborators who missed the Great Depression of the thirties, the growing urban ghettoization of the fifties, the economic decline and civil disturbances of the sixties stemming from poverty, social and economic disenfranchisement; runaway inflation and stagflation of the seventies, I would like to further identify this 1/5 of the nation whose numbers have grown to more than one half of the nation even as I write this paper.

According to the U.S. Bureau of Census Current Population Report (1976), the Hispanic percent of the population in the U.S. rose to 11 million or 5.3% of the total population. Three and one

half million Hispanics live in the South with 93% residing in two states, Florida (Cubans) and Texas (Chicanos). The Hispanic enrollment in higher education in 1978 was 541,000 or 4.8% of the total enrollment, an increase of nearly 13% from the 1976 level. The Southern Regional Education Board Study (1980:11-16) indicated that Hispanics (93%) are more likely to be enrolled at the undergraduate level in comparison to 86% of all other students. The Civil Rights Commission Reports (1968) estimated at least 80% of all Mexican-Americans lived in Barrios. According to Lopez (1974:326) "A nightmare of cold winters in unheated and roach infested apartments of decaying and overcrowded buildings owned by unconcerned and rapacious landlords. It was a world of unsympathetic and bigoted social workers and teachers, brutal policemen, broken families, small children bitten by rats and young men and women driven by the surroundings of hopelessness to crime and drug addiction."

The poor and downwardly mobile including Blacks, Browns and Reds, who subsist in ghettos, barrios, reservations and slums of the urban centers, particularly in the Northeast, express outrage and disbelief that President Reagan proposes to eliminate the 1.85 billion dollar program designed to help low income households lot in the frigid Northeast corridor with no other visible means of support in a declining economy plagued with runaway inflation in a diminished job market.

These same people lean heavily on welfare, CETA, Community Legal Services (CLS) and Medicaid without which complete economic chaos could engulf their lives.

An Office of Civil Rights study entitled Twenty-Four Years After Brown (1978) supported the conclusions of the Coleman report (1966) with the finding that Blacks and other non-White minorities have not made significant educational advancement since the landmark Brown decision of 1954.

The Southern Regional Education Board report entitled Degrees Awarded In The Nation and the South, 1976-77 (1979:10-13) clearly showed that Black students are underrepresented in degrees awarded at the baccalaureate level. Blacks accounted for 6.3% of all bachelor degrees awarded in 1977 while comprising 10.2% of undergraduate enrollment of 1976. The study indicated that Black students received 6.6% masters degrees, 3.9% of first professional degrees and 3.8% of all doctorates. The researchers went on to show that the Southern States where the preponderant number of Black colleges reside produced 47.7% of the bachelor degrees, 43.8% of the masters degrees, 29.5% of first professional degrees and 25.9% of all doctoral degrees clearly demonstrating the importance of traditionally and predominantly Black institutions in the success ratio of Black students in American Colleges and Universities.

In the event that the proponents of Reaganomics are still unclear as to who is truly in need in America, I would like to give further clarification. The University of California recognized that there was a serious health care crisis within the minority communities of America. As tangible evidences of their concern, they established what was called the Task Force Program at the Davis Medical School in 1969. They recognized that there was one Afro-American doctor for every 6,000 Black citizens; one Chicano doctor for every 30,000 Chicanos and only 77 native American physicians serving the surviving 800,000 members of America's original peoples. Between 1970-1974, the Davis Medical School admitted 71 minority persons: Twenty-six Black students, thirty-three Chicanos, and twelve Asians. An additional forty-nine minority persons including forty-one Asian-Americans were admitted through the regular admissions process. In sum, only 120 or 26.6% of the students admitted between 1970 and 1974 were members of minority groups.

On June 20, 1974, Allen Bakke, a White student, brought suit in the California Superior Court claiming that the special admissions group of the Davis Medical School had in 1973 and 1974 denied him admission solely because of his race. This suit is now referred to as Bakke versus the Board of Regents of the Univer-



sity of California. The Bakke Case popularized the term "The reverse discrimination" which suggested that Black and other ethnic minorities were replacing the White majority in great numbers in the field of education and employment.

Allen Bakke implied that the less qualified ethnic minorities prevented him from getting into medical school. However, the fact of the matter is that most of the Afro-American physicians, trained in America during the last fifty years, were graduated from either Howard University Medical School (Washington, D.C.) or Meharry Medical School located in Nashville, Tennessee. Those of us concerned about access and opportunity for minorities in the field of higher education felt that the Bakke decision signaled the end of real access to higher education and the professions for minorities.

In September of 1980 the records show that no Afro-Americans were admitted to the Davis Medical School.

Wade McCree, Jr., Solicitor General of the U.S., stated on October 12, 1977 regarding the government's position on the Bakke Case, "...indeed, many children born in 1954, when the Brown case was decided, are today, twenty-three years later, the very persons knocking on the door of professional schools, seeking admissions about the country. There are persons who, in many instances, have been denied the fulfillment of the promise of that decision because of resistance to this court's decision that was such a landmark when it was handed down." (Doerman 1978:95-96)

Pennsylvania, the state in which I reside, also appears to be educationally myopic when it comes to minorities in its state-owned institutions. In 1977 more than 600 Afro-American students graduated from the fourteen state-related institutions with over 65% of them being graduated from two predominantly Black institutions, Lincoln University and Cheyney State College.

A 1980 Office of Civil Rights Report clearly showed that eight of the thirteen traditionally white institutions had less than 2% Black faculty and at least ten with less than 3%. In 1978 Black students comprised 7.6% of all Pennsylvania high school graduates but only represented 4.7% of the undergraduates attending the state-owned traditionally white institutions. At the graduate level, at the fourteen state-owned institutions, 96% of all Black graduate students were concentrated at one school, Cheyney State College, which dramatizes the indispensable role of the traditionally Black institution and the blatant segregation still existing in the Pennsylvania's higher education system.

#### CONCLUSION

The purpose of my earlier discussions was to reidentify those persons within our larger society who have already been identified on countless occasions and by numerous agencies and studies as America's poor who were in dire need of immediate attention. They were the abject poor (people completely engulfed by poverty), the working poor (people who needed financial subsidies in order to provide for themselves the basic necessities of life), the downwardly mobile (people who achieved tenuous middle class status only to have it ripped away by economic recession and inflation).

There is yet another strain of poverty which faces those of us associated with the higher education systems of America. I have chosen to categorize this economic condition as Reaganoverty. This is a condition which is directly communicated to persons on an epidemic scale by a Washington generated virus now commonly called "Reaganomics." Poor and moderate income families, who have been struggling to keep their children in school, will be less able or unable to reasonably expect their children to continue their post-secondary education on a full time basis. The 100 million dollar cut from the Direct Loan for the 1980-81 year could mean the 100 thousand students might not receive loans during the next school year without which they might not be able to attend the college of their choice.

A recent article in the Higher Education Chronicle (6/6/81) indicated that some states could lose as much as 70% of their

allocations as in the case of Maine and Vermont. The contradiction and disparity in the allocation formula is clearly seen in the fact that while Maine loses 70% of its allocation, Utah only suffers a 20% cut in the total allocation. Without adequate financing educational institutions will not be able to meet the basic needs of its students. Consequently, the possible loss of recruited students further erodes the fiscal viability of the institution. Further, the fact that the Pell Grant program is not fully funded compounds the problem of packaging financial aid awards. It has been estimated that because of the severe cutback (800 million dollars) in student assistance funds, an estimated three hundred colleges are in danger of closing.

Moreover, the limiting of Guaranteed State Loans effectively reverses some of the gains brought about through the Middle Income Student Assistance Act of 1978. Consequently, this option for middle income families has been greatly diminished. Mr. Reagan's proposal to end student Social Security benefits is expected to hurt poor ethnic minorities and blue-collar families. Social Security Administration reports indicate that at least 84% of the recipients of Social Security benefits come from families earning less than \$20,000 a year. Additionally, more than half of the recipients were from families earning less than \$8,000 a year. Many of these families utilize Social Security benefits as an economic stabilizing factor so that their children can be released from earning monies to support the family and go on to pursue their vocational goals.

At the present time, more than 2 billion dollars is provided for almost 800 thousand students between the ages of eighteen and twenty-two. Many of these same students come from families who receive Food Stamps without which they would not be able to maintain a nutritional diet. If the basic eligibility of \$14,000 a year is reduced to \$11,000, four hundred thousand families will no longer be assisted. Practically speaking if all these families were concentrated in one place, the population would be equal to or greater than that of Philadelphia, Pennsylvania, the nation's fourth largest city.

You ask me who are the "truly needy?" They are the families of the barrios; the youth of the ghettos; the children of the reservations. They wear jeans, teeshirts, sneakers, sandals, slacks, sport jackets, Blue collars and White collars. They live in cities, suburbs, rural towns and villages. You ask me who are the "truly needy?" Look in the mirror, tomorrow it might be...YOU!

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

Mr. MURPHY. Mr. Speaker, I would like the gentleman, Mr. McClatchy, to rise for interrogation.

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I am interested in the printout sequence No. 155, the \$11-million cut from the Department of Community Affairs for housing and redevelopment assistance. Could you please explain to me the justification for that level of cut?

Mr. McCLATCHY. Yes, Mr. Speaker. That is a continuing appropriation. Presently they have not spent all of their money that we appropriated last year. I think their balance is some \$14 million to \$16 million, and we felt the additional \$5 million will carry them through very nicely this year.

Mr. MURPHY. You said that they did not spend all the money appropriated last year. Was it that it was not spent, or was the money committed but not yet given out to the various projects?

Mr. McCLATCHY. It is my understanding that it is still available, Mr. Speaker. That agency has been criticized

severely on the Senate floor. I agree. I think that they can live this year, even with their commitments. They have not been able to get any money out, committed or noncommitted.

Mr. MURPHY. Mr. Speaker, normally with that appropriation of \$16 million, Philadelphia and Pittsburgh receive 20 percent, \$3.5 million approximately. In this appropriation, if it is only \$5 million this year, will it be 20 percent of the \$5 million? Or if Pittsburgh or Philadelphia is able to show that they can use their normal 20-percent appropriation, would they get the \$3.5 million then?

Mr. McCLATCHY. I do not think you are hearing me. I said despite the needs, wherever they are in the state, no money has been sent out, particularly this past year. If they had committed and spent it, got it under way, I could see some semblance of an argument; but they have not spent it, and we are still giving them \$5 million more. And I would strongly criticize that agency, whether they committed it or not, having not gotten it out in the field yet. They have had a whole year to do something, and they have not done anything at all.

Mr. MURPHY. Mr. Speaker, I am aware of Pittsburgh's situation. The money for Pittsburgh is committed, and the city was counting on the funds from this appropriation this year to complete the project.

My question again is, if we only commit \$5 million this year and there are additional moneys left over from the previous years, would Pittsburgh receive 20 percent of the \$5 million, or could they look forward to receiving 20 percent of what they would normally get, \$3.5 million?

Mr. McCLATCHY. I have no idea.

Mr. MURPHY. Is there somebody there you could ask on your staff?

Mr. McCLATCHY. My understanding is that we have 20 percent of last year's money and 20 percent of this year's money, if it is committed and gotten out into the field. But as I say again, nothing has been sent out into the field.

Mr. MURPHY. Your indication though, Mr. Speaker, is that if there is money left over from last year and not used, it would be put into this year's program. Is that correct?

Mr. McCLATCHY. That is correct. It is a continuing appropriation.

Mr. MURPHY. So if there is \$10 million that was not in fact either committed or used last year, it would carry over to this year, and they would in fact have \$15 million to distribute this year?

Mr. McCLATCHY. That is correct.

Mr. MURPHY. Thank you, Mr. Speaker.

The SPEAKER. Does the minority whip seek recognition? The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, I rise this evening on HB 686 to deplore the process by which the third Thornburgh budget has been presented to the House of Representatives of the Commonwealth of Pennsylvania.

Mr. Speaker, this chamber has not had the opportunity in three successive budget adoptions in this administration to have individual input. The members of the Democratic caucus, and I am sure some members of the Republican

caucus, would like to have demonstrated to their constituents individual concerns that affect the districts that we all represent.

Mr. Speaker, I participated in the process of formulating the budget that we are to vote on tonight. My participation should not be, Mr. Speaker, taken as a condonation of the process. I abhor the process. The process, frankly, stinks. We ought not to be denied the opportunity to represent the people who elected us, and that is what happens when this kind of process is used. Mr. Speaker, I participated in the process of formulating this budget to stop the adoption of a HB 712-type budget that surely would have been adopted had we not derailed the train.

Mr. Speaker, the substance of HB 686 is probably what I would expect, except for certain areas - a House of Representatives as equally divided as this House of Representatives is divided between opposing philosophies. But I will say that the budget before us now represents many areas contrary to what HB 712 represented, some Democratic philosophy. It contains much more Republican philosophy than I would like to see in a budget adopted by this House.

Given the restrictions of a budget being adopted without new increases in taxes, my guess would be that I would like to shift somewhere around \$50 million to take care of programs that I was more interested in than the other side might have been interested in. I think the bill that is before us is a much better bill than the bill adopted by the Senate. Having my druthers, I would have liked to have seen us continue and find the money within the parameters of the budget. I would have liked to have seen us continue going upward in our support of education instead of going downward in the percentage of costs that the state shares. I would have liked to have seen us leave untouched scholarships and special education and some other very sensitive programs sensitive to Democrats.

Mr. Speaker, I expect that there will be sufficient votes to pass this budget. I could be wrong. Mr. Speaker, I intend to vote in the negative on this budget in a protest against the third time that we are going through this very, very bad process. We should be ashamed that we are not able to debate fully and deliberate fully and get a budget for the Commonwealth through that kind of process. Thank you, Mr. Speaker.

On the question recurring,

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

(Members proceeded to vote.)

Mr. MILLER. Mr. Speaker?

The SPEAKER. There is nothing in order but the taking of the roll. Is the gentleman, Mr. Miller, on the roll call?

Mr. MILLER. Mr. Speaker, I have made—not to hold up the House—at least four specific requests to the leadership of this side of the aisle to view a copy of the conference report prior to the vote. A copy is still not available on my desk, sir.

The SPEAKER. The Chair apologizes to the gentleman.

On the question recurring,

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

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

**YEAS—102**

Alden	Fischer	Levi	Rocks
Anderson	Fleck	Lewis	Salvatore
Armstrong	Foster, W. W.	McClatchy	Saurman
Arty	Foster, Jr., A.	McIntyre	Serafini
Belardi	Frazier	McVerry	Sieminski
Beloff	Freind	Mackowski	Sirianni
Boyes	Gallen	Madigan	Smith, B.
Brandt	Gannon	Manmiller	Smith, E. H.
Burd	Geist	Marmion	Smith, L. E.
Burns	Gladeck	Merry	Spencer
Cessar	Greenwood	Micozzie	Spitz
Cimini	Grieco	Moehlmann	Stairs
Civera	Gruppo	Mowery	Stevens
Clymer	Hagarty	Nahill	Swift
Cole	Hasay	Noye	Taddonio
Cornell	Hayes	Pendleton	Taylor, E. Z.
Coslett	Heiser	Perzel	Telek
Cunningham	Honaman	Peterson	Vroon
DeVerter	Hutchinson, A.	Phillips	Wass
Daikeler	Hutchinson, W.	Piccola	Wenger
Davies	Jackson	Pitts	Weston
Dietz	Johnson	Pott	Wilson
Dininni	Kennedy	Punt	Wogan
Donatucci	Klingaman	Rasco	
Dorr	Lashingner	Reber	Ryan,
Durham	Lehr	Rieger	Speaker

**NAYS—95**

Barber	Fryer	McCall	Seventy
Belfanti	Gallagher	McMonagle	Showers
Berson	Gamble	Maiale	Shupnik
Blaum	George	Manderino	Steighner
Borski	Grabowski	Michlovic	Stewart
Brown	Gray	Miller	Stuban
Caltagirone	Greenfield	Miscevich	Swaim
Cappabianca	Gruitza	Morris	Sweet
Cawley	Haluska	Mrkonic	Taylor, F. E.
Clark	Harper	Mullen	Tigue
Cochran	Hoefel	Murphy	Trello
Cohen	Horgos	O'Donnell	Van Horne
Colafella	Irvis	Olasz	Wachob
Cordisco	Itkin	Oliver	Wambach
Cowell	Kolter	Petrarca	Wargo
DeMedio	Kowalshyn	Petrone	White
DeWeese	Kukovich	Pievsky	Wiggins
Dawida	Laughlin	Pistella	Williams, H.
Deal	Lescovitz	Pratt	Williams, J. D.
Dombrowski	Letterman	Pucciarelli	Wozniak
Duffy	Levin	Rappaport	Wright, D. R.
Emerson	Livengood	Richardson	Wright, J. L.
Evans	Lloyd	Ritter	Zwilk
Fee	Lucyk	Rybak	

**NOT VOTING—4**

Bittle	Bowser	Kanuck	Snyder
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**EXCUSED—0**

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

Ordered, That the clerk inform the Senate accordingly.

**QUESTION OF INFORMATION**

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

Mr. RITTER. Mr. Speaker, how did the gentleman, Mr. Snyder from Lehigh County, vote on that bill? Mr. Speaker, he is not recorded as voting, and he was on the floor at his seat.

**REMARKS ON VOTE**

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

Mr. SNYDER. Mr. Speaker, I was in the aisle at the time of the vote. I did push the button in the affirmative; the vote did not appear to be recorded. I would like to have my vote in the affirmative for the conference committee report.

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

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. While the Chair is awaiting some information from the Parliamentarian, I would like to make an announcement.

The funeral arrangements for our friend, recently deceased Arthur Earley, have been distributed to all the members of the House as well as to the press corps. The funeral service will be Monday at 11 o'clock. Under the rules of this House, we are to go into session on Monday at 1 o'clock. When the House is in session, it is customary that the mace to my right rear be standing where it is right now. As a token of esteem and honor to Mr. Earley, it is my intention to take the mace of this House to those funeral services.

Accordingly, I have consulted with the majority and minority leaders and requested permission from them that this House go into session at 4 o'clock on Monday to give members of the House an opportunity to go to the service and return in time to conduct the business that we must conduct on Monday and also have the mace present.

Accordingly, without objection, I would ask that the House agree that when it returns on Monday, it return at 4 o'clock. The Chair notes no objection. Accordingly, when the motion is fixed, if it carries for 4 o'clock on Monday, that will be the time when we convene on that date.

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

Mr. RAPPAPORT. Mr. Speaker, is it the intention of the Speaker to conduct votes and business on Monday?

The SPEAKER. It is.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

**REMARKS ON VOTES**

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

Mr. BITTLE. Mr. Speaker, for the information of the Chair, the roll-call board was locked prior to the Speaker's calling for the final call at that time. Had the board not been locked prematurely, I would have voted in the affirmative on the Conference Committee Report on HB 686.

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

The Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Mr. Speaker, I would like to be recorded in the affirmative on the Conference Committee Report on HB 686.

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

CALENDAR RESUMED

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following HB 712, PN 1680, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1981 to June 30, 1982, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1981 and to provide additional and supplemental appropriations from the General Fund and the Motor License Fund to the various departments of the Commonwealth for the fiscal period July 1, 1980 to June 30, 1981.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I suggest that the House nonconcur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—4

Hutchinson, A. Livengood Maiale Pratt

NAYS—196

Alden Evans Lloyd Salvatore
Anderson Fee Lucyk Saurman
Armstrong Fischer McCall Serafini
Arty Fleck McClatchy Seventy
Barber Foster, W. W. McIntyre Showers
Belardi Foster, Jr., A. McMonagle Shupnik
Belfanti Frazier McVerry Sieminski
Beloff Freind Mackowski Sirianni
Berson Fryer Madigan Smith, B.
Bittle Gallagher Manderino Smith, E. H.
Blaum Gallen Manmiller Smith, L. E.
Borski Gamble Marmion Snyder
Bowser Gannon Merry Spencer
Boyes Geist Michlovic Spitz
Brandt George Micozzie Stairs
Brown Gladeck Miller Steighner
Burd Grabowski Misceвич Stevens

Burns Gray Moehlmann Stewart
Caltagirone Greenfield Morris Stuban
Cappabianca Greenwood Mowery Swaim
Cawley Grieco Mrkonic Sweet
Cessar Gruitza Mullen Swift
Cimini Gruppo Murphy Taddonio
Civera Hagarty Nahill Taylor, E. Z.
Clark Haluska Noye Taylor, F. E.
Clymer Harper O'Donnell Telek
Cochran Hasay Olasz Tigue
Cohen Hayes Oliver Trello
Colafella Heiser Pendleton Van Horne
Cole Hoeffel Perzel Vroon
Cordisco Honaman Peterson Wachob
Cornell Horgos Petrarca Wambach
Coslett Hutchinson, W. Petrone Wargo
Cowell Irvis Phillips Wass
Cunningham Itkin Piccola Wenger
DeMedio Jackson Pievsky Weston
DeVerter Kanuck Pistella White
DeWeese Kennedy Pitts Wiggins
Daikeler Klingaman Pott Williams, H.
Davies Kolter Pucciarelli Williams, J. D.
Dawida Kowalshyn Punt Wilson
Deal Kukovich Rappaport Wogan
Dietz Lashinger Rasco Wozniak
Dininni Laughlin Reber Wright, D. R.
Dombrowski Lehr Richardson Wright, J. L.
Donatucci Lescovitz Rieger Zwick
Dorr Letterman Ritter
Duffy Levi Rocks Ryan,
Durham Levin Rybak Speaker
Emerson Lewis

NOT VOTING—1

Johnson

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. KANUCK. Mr. Speaker, it just came to my attention that my vote on HB 686, the conference committee report, also was not recorded, and I would like to vote in the affirmative on that bill.

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

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following HB 1043, PN 1495, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," approved February 11, 1976 (P. L. 14, No. 10), mandating certain intercity rail service and defining local financial responsibilities.

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

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate.

The SPEAKER. The Chair recognizes the minority leader.  
Mr. IRVIS. Mr. Speaker, I concur with the recommendation of the majority leader, but I would prefer that there be a brief explanation of the amendments inserted by the Senate.

The SPEAKER. The gentleman is in order. The Chair recognizes the gentleman from Lehigh, Mr. Kanuck.

Mr. KANUCK. Thank you, Mr. Speaker.  
The amendments that were inserted in this bill were agreed-to amendments, and they address certain concerns that the Pennsylvania Department of Transportation had.

In the original bill there was no limitation on funding of certain enumerated rail service runs. In effect, it would have said that PennDOT would provide the service no matter what the ridership, no matter what the cost, and in place of that, the agreed amendments with the Senate were to set certain limitations upon funding.

Very briefly, the limitations are as follows: First of all, that Federal matching funds remain available; secondly, that there is at least a 30-percent ridership available to cover the cost of the service; and thirdly, as long as there is a rail passenger service available to run the service, such as SEPTA - South-eastern Pennsylvania Transportation Authority - or Conrail. Essentially, that is what the amendments have to say, Mr. Speaker.

I would like also to read into the record a brief explanation of legislative intent which I felt was important, and I would like to read a letter from Don Bryan, Deputy Secretary for Local and Area Transportation, Pennsylvania Department of Transportation. It is addressed to me, and it reads as follows:

The purpose of this letter is to clarify the intent of the amendment inserted by the Senate in H.B. 1043 which appears as subsection (E)(4) of the current printers number. This amendment was one of those requested by the State Department of Transportation.

The intent of subsection (E)(4) is to insure that rail passenger service to all of the areas enumerated in the Bill will be provided during fiscal year 1981-1982 with no limitations or conditions except that a railroad passenger company or organization must agree to provide the said rail passenger services and Federal funds are available for said services.

Thank you, Mr. Speaker.

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

Mr. LAUGHLIN. Very briefly, Mr. Speaker, a portion of the bill was an amendment that was offered in the House that was continued in the Senate. The only change that was made with regard to that amendment was the amount of matching funds that was necessary. We originally were going to put it into a conference committee to try to bring that fee down, but, unfortunately, because of the timing, we are forced to vote it in this manner. I support the concurrence in Senate amendments, Mr. Speaker.

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

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

YEAS—189

Alden	Fee	Lewis	Rocks
Anderson	Fischer	Livengood	Rybak
Armstrong	Fleck	Lloyd	Salvatore
Arty	Foster, W. W.	Lucyk	Saurman
Barber	Foster, Jr., A.	McCall	Serafini
Belardi	Frazier	McClatchy	Seventy
Belfanti	Freind	McIntyre	Showers
Beloff	Fryer	McMonagle	Shupnik
Berson	Gallagher	McVerry	Sieminski
Bittle	Gallen	Mackowski	Sirianni
Blaum	Gamble	Madigan	Smith, B.
Borski	Gannon	Maiale	Smith, E. H.
Bowser	Geist	Manderino	Smith, L. E.
Boyes	George	Manmiller	Snyder
Brandt	Gladeck	Merry	Spencer
Brown	Grabowski	Michlovic	Stairs
Burd	Greenfield	Miller	Steighner
Burns	Greenwood	Miscevich	Stevens
Caltagirone	Grieco	Moehlmann	Stewart
Cappabianca	Gruitza	Morris	Suban
Cawley	Gruppo	Mowery	Swift
Cessar	Hagarty	Mrkonic	Taddonio
Cimini	Haluska	Mullen	Taylor, E. Z.
Civera	Harper	Murphy	Taylor, F. E.
Clark	Hasay	Nahill	Telek
Clymer	Hayes	Noye	Tigue
Cochran	Hoeffel	O'Donnell	Trello
Colafella	Honaman	Olasz	Van Horne
Cole	Horgos	Oliver	Vroon
Cordisco	Hutchinson, A.	Pendleton	Wachob
Cornell	Hutchinson, W.	Perzel	Wambach
Coslett	Irvis	Peterson	Wargo
Cowell	Itkin	Petrarca	Wass
Cunningham	Jackson	Petrone	Wenger
DeWeese	Johnson	Phillips	Weston
Daikeler	Kanuck	Piccola	White
Davies	Kennedy	Pievsky	Wiggins
Dawida	Klingaman	Pistella	Williams, H.
Deal	Kolter	Pott	Williams, J. D.
Dietz	Kowalyshyn	Pratt	Wilson
Dininni	Kukovich	Pucciarelli	Wozniak
Dombrowski	Lashinger	Punt	Wright, D. R.
Donatucci	Laughlin	Rappaport	Wright, J. L.
Dorr	Lehr	Rasco	Zwinkl
Duffy	Lescovitz	Reber	
Durham	Letterman	Richardson	Ryan,
Emerson	Levi	Rieger	Speaker
Evans	Levin	Ritter	

NAYS—10

Cohen	Heiser	Pitts	Swaim
DeMedio	Marmion	Spitz	Sweet
DeVerter	Micozzie		

NOT VOTING—2

Gray	Wogan
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EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 161, PN 969**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring the insurance identification card to be in the possession of the operator, further providing for safety requirements for towed vehicles imposing a franchise tax on oil companies for the maintenance, construction and reconstruction of highways and bridges.

On the question,

Will the House agree to the bill on third consideration?

Mr. POTT offered the following amendments No. A2302:

Amend Title, page 1, line 4, by inserting a comma after "vehicles"

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

Amend Title, page 1, line 6, by removing the period after "BRIDGES" and inserting  
and making appropriations.

Amend Sec. 3 (Sec. 9511), page 15, by inserting between lines 22 and 23

(d) An amount equal to 4% of the proceeds deposited in the Motor License Fund pursuant to this chapter is hereby appropriated out of the Motor License Fund to the counties of the Commonwealth on the basis of and subject to the provision of the act of May 21, 1931 (P. L. 149, No. 105), known as "The Liquid Fuels Tax Act."

On the question,

Will the House agree to the amendments?

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

Mr. POTT. Thank you, Mr. Speaker.

The purpose of the draft of amendment 2302 was to correct an apparent deficiency in the drafting of SB 161. The bill as drafted provided no funds for counties. There are several counties within the Commonwealth that do have county roads. SB 161 only addresses municipalities. However, subsequent to drafting and looking at the amendment, I find that the amendment as drafted would take 4 percent from the Department of Transportation, not 4 percent from municipalities to be allocated to counties and for those counties that do not have roads to allocate it back to municipalities. I believe there is a technical deficiency in the way the amendment was drafted. I also continue to believe, however, that those counties that work for roads, that have roads that provide public transportation, should participate in the sources of revenue from any franchise tax which may be enacted in this Commonwealth. I would hope that subsequently we may address this problem.

#### AMENDMENTS WITHDRAWN

Mr. POTT. I would therefore, Mr. Speaker, with your consideration, withdraw amendment 2302.

The SPEAKER. The Chair and the members of the House thank the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. KUKOVICH, who offers the following amendment, which the clerk will read. Does the gentleman, Mr. KUKOVICH, have amendments?

Mr. KUKOVICH. I do, Mr. Speaker, but I would like to make a statement and withdraw the amendment.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

The purpose of this amendment was to provide a new accounting method for the oil companies in the State of Pennsylvania. A national organization, Citizen Labor Energy Coalition, has reported that in the State of Pennsylvania only about 45 percent of the true profits of the oil companies are being reported, and it is time that we start to address that.

Unfortunately, I am concerned about the lateness of the hour and the complexity of the amendment. This is an important concept and one which I intend to pursue in the future, as do many members of this chamber, and I think it would be unfair to that concept and to the members to try to discuss it now, and for that reason I will withdraw the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LAUGHLIN offered the following amendments No. A2229:

Amend Title, page 1, line 4, by inserting after "vehicles" and for highway maintenance funds

Amend Bill, page 3, by inserting between lines 5 and 6

Section 3. Section 9102 of Title 75 is amended to read:

§ 9102. Distribution of State highway maintenance funds.

(a) General rule.—The department shall distribute all highway appropriations and executive authorizations for State highway maintenance in the various county maintenance districts in the following manner:

(1) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are equal to the combined total base allocations for all the county maintenance districts, each maintenance district shall receive its base allocation.

(2) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are less than the combined total base allocations of all the county maintenance districts, each maintenance district's share shall be reduced, to the extent necessary to bring the total allocation within the funding limits, in the same proportion that each county's base allocations bears to the combined total of all counties' base allocations.

(3) For any fiscal year in which the total highway maintenance appropriations and executive authorizations are greater than the combined total base allocations of all the county maintenance districts, the funds shall be distributed based upon the formula in subsection (b), but notwithstanding the formula calculation for any particular county, no county shall receive less than its base allocation in any year.

(b) Formula for distribution.—The department shall distribute to each county maintenance district:

(1) an amount equal to 95% of the county's base allocation; plus

(2) an amount based on the following incremented formula in which each county shall receive a portion of 100% of all State highway maintenance appropriations and executive authorizations in excess of 95% of the total of all counties' base allocations, expressed in the following manner:

ASHMA (40% RPQc + 15% BDc + 15% LMc + 15% VMc + 15% S1c)

(c) Establishment of applicable data.—The applicable data for all counties corresponding to each individual factor in the incremental formula in subsection (b) shall be established and certified by the Governor based on the best current information available as of May 21, 1980, and such data shall be updated and recertified on May 1 of each year thereafter based on the best information available at that time for the immediately preceding 12-month period.

(d) Effect of insufficient funds.—In the event sufficient funds are not available to fully fund all county maintenance districts under the formula in subsection (b) due to the hold harmless provision in subsection (a), each county maintenance district receiving an increase above its base allocation shall have its share reduced in the proportion that the increase over its base allocation bears to the total increases over the base allocation of all counties entitled to an increase, to the extent necessary to bring the total allocations within the funding limit and whenever total highway maintenance funds available are less than the combined total base allocations under subsection (a)(2), the total appropriations and executive authorizations for each county under subsection (a)(2) for fiscal year 1980-1981 shall not be less than the total appropriations and executive authorizations made for the 1978-1979 fiscal year.

Amend Sec. 3, page 3, line 6, by striking out "3." and inserting

4.

Amend Sec. 4, page 15, line 29, by striking out "4. SECTION 3" and inserting

5. Section 3 of this act shall take effect immediately and shall be applied retroactively to the 1980-1981 fiscal year.  
Section 4

On the question,

Will the House agree to the amendments?

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

Mr. LAUGHLIN. Mr. Speaker, I will be as brief as possible for the benefit of the House. I know the hour is late.

The SPEAKER. The Chair thanks the gentleman.

Mr. LAUGHLIN. Mr. Speaker, in the 1978-79 year the Department of Transportation, through the formula that was adopted here in the House, shortchanged 17 counties across this state. They shortchanged them in the following fashion, that their funding level fell below their 1978-79 year although there was \$200 million raised in new taxes.

As a result of this, the following counties lost the moneys that I will indicate: Butler County, \$472,000; Carbon County, \$522,000; Chester County, \$930,000; Columbia, \$525,000; and Delaware, Mr. Speaker, which is, I believe, your home county, was shortchanged \$734,000, and I know, Mr. Speaker, you certainly did not appreciate that; Erie lost \$648,000; Fulton, Mr. Speaker, by the way, Mr. Punt's district, lost \$176,000; Monroe County, \$540,000; Montour, \$232,000; Northumberland, \$612,000; Philadelphia, \$722,000; Schuylkill, \$389,000; Snyder, \$291,000; Susquehanna, \$670,000; Tioga, \$335,000; Union County, \$299,000; and last, Venango, \$816,000.

Mr. Speaker, the Representatives who represent those counties certainly should be interested in having that money returned to their districts. This particular amendment does not affect the distribution of funds beyond this year. It is a one-time, one-shot deal to replace that money that our counties were denied in that funding formula. You know that when

we have a school formula that is held harmless, our school districts are then awarded the necessary funds to keep them level with last year. I am asking the membership to return to those counties that were shortchanged an equal amount of money so that we are not faced with the loss of maintenance funds for the repair of our roads that we need as well as the rest of the members in this House. Thank you, Mr. Speaker.

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

Mr. WILSON. I appreciate the gentleman, Mr. Laughlin's interest at 5 o'clock in the morning, but anybody who has a copy of this amendment and would read the line that has the formula in it would kind of think that it was a formula for the atom bomb. I can read part of it. It is "ASHMA (40% RPQc + 15% BDC + 15% LMc + 15% VMc...." That is close. I do not know what it is, and I do not think anybody else knows what it is at this hour, and I would suggest that we reject this at this time and consider it under some better circumstances.

Mr. LAUGHLIN. Mr. Speaker, I do not want to inform Mr. Wilson, who is a very learned member of this House, that that is the exact print of the formula from the Department of Transportation based on the present formula. Mr. Speaker, that is no change in the language whatsoever; that is a copy from present and existing law. I certainly would not want to confuse this House at this late hour with any complicated formula, and I am certain that you understand now, Mr. Speaker, that that is not the case. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—71

Barber	Dombrowski	Levin	Rieger
Belfanti	Donatucci	Livengood	Rybak
Berson	Durham	Lucyk	Showers
Borski	Emerson	McCall	Shupnik
Bowser	Evans	McIntyre	Steighner
Boyes	Fee	Maiale	Stewart
Burd	Gallagher	Manderino	Stuban
Cappabianca	Gray	Merry	Swaim
Cawley	Harper	Morris	Taylor, F. E.
Cochran	Hutchinson, A.	Mullen	Tigue
Cohen	Klingaman	O'Donnell	Van Horne
Colafella	Kolter	Oliver	Wachob
Cole	Kowalshyn	Petrarca	Wargo
Cordisco	Kukovich	Phillips	Williams, H.
DeMedio	Laughlin	Pratt	Williams, J. D.
DeWeese	Lescovitz	Pucciarelli	Wozniak
Dawida	Letterman	Punt	Wright, D. R.
Dietz	Levi	Richardson	

NAYS—126

Alden	Freind	McMonagle	Saurman
Anderson	Fryer	McVerry	Serafini
Armstrong	Gallen	Mackowski	Seventy
Arty	Gamble	Madigan	Sieminski
Belardi	Gannon	Manmiller	Sirianni
Beloff	Geist	Marmion	Smith, B.
Bittle	George	Michlovic	Smith, E. H.
Blaum	Gladeck	Micozzie	Smith, L. E.
Brandt	Grabowski	Miller	Snyder
Brown	Greenwood	Miscevich	Spencer
Burns	Grieco	Moehlmann	Stairs
Caltagirone	Gruitza	Mowery	Stevens
Cessar	Gruppo	Mrkonc	Sweet
Cimini	Hagarty	Murphy	Swift

Civera	Haluska	Nahill	Taddonio
Clark	Hasay	Noye	Taylor, E. Z.
Clymer	Hayes	Olasz	Telek
Cornell	Heiser	Pendleton	Trello
Coslett	Hoeffel	Perzel	Vroon
Cowell	Honaman	Peterson	Wambach
Cunningham	Horgos	Petrone	Wass
DeVerter	Hutchinson, W.	Piccola	Wenger
Daikeler	Irvis	Pievsky	Weston
Davies	Itkin	Pistella	White
Deal	Jackson	Pitts	Wiggins
Dininni	Johnson	Pott	Wilson
Dorr	Kennedy	Rappaport	Wogan
Duffy	Lashinger	Rasco	Wright, J. L.
Fischer	Lehr	Reber	Zwikl
Foster, W. W.	Lewis	Ritter	
Foster, Jr., A.	Lloyd	Rocks	Ryan,
Frazier	McClatchy	Salvatore	Speaker

NOT VOTING—4

Fleck	Greenfield	Kanuck	Spitz
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EXCUSED—0

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. SWEET offered the following amendments No. A2213:

Amend Title, page 1, line 4, by striking out "AND" and inserting a comma

Amend Title, page 1, line 6, by removing the period after "BRIDGES" and inserting

and providing for the allocations of maintenance funding for interstate highways.

Amend Sec. 3, page 3, line 6, by striking out "A CHAPTER" and inserting chapters

Amend Bill, page 15, by inserting between lines 28 and 29

CHAPTER 97

INTERSTATE HIGHWAY MAINTENANCE

Sec.

9701. Formula.

9702. Allocations.

§ 9701. Formula.

The Department of Transportation shall establish a formula to determine the cost per mile of maintenance of all interstate highways. § 9702. Allocations.

The cost of maintenance of the interstate highways shall be allocated as follows:

(1) Fifty percent from the allocation of maintenance funds to the county maintenance offices of the Department of Transportation.

(2) Fifty percent from the Commonwealth out of the Motor License Fund.

These moneys will be allocated to the county office as an additional increment to whatever funds are received by the formula distribution.

On the question,

Will the House agree to the amendments?

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

Mr. SWEET. Mr. Speaker, I would try to offer a complicated proposition to this House at a late date. It seems like a good time to try to do it.

What this amendment will do, if adopted, is correct what I think is a grave inequity in the way we allocate PennDOT maintenance funds. Currently, if you have an interstate highway that runs through your county, your PennDOT crew, when it snows, has to dash out there, clear off the snow, and do whatever other maintenance activities are necessary. In the meantime the mothers of your school children are calling you wondering why the school bus cannot get up their hill to get their kids to school. The reason is this: Interstate highways are the major priority of PennDOT. They have articulated that; we have not. I think if we are going to have that kind of policy in this state, we have got to follow the policy with dollars.

In effect, what this amendment does is say that instead of 100 percent of the maintenance funds of an interstate highway coming out of the allocation which PennDOT gets for that particular county, instead that would be divided in two. Half would continue to be paid by the county's allocation and half would be paid by a special fund created in Harrisburg out of the Motor License Fund.

In effect, what we are doing is saying that all of us in Pennsylvania should share the costs of interstate highways because they benefit all of us. My county gets no extra benefit by the fact that we have tremendous amounts of interstate highway coming through us. We are willing to pay half of that cost but feel that really everyone in Pennsylvania ought to share in that burden.

There are a number of counties in this state that have large numbers of miles of interstate highway. Erie is one; Luzerne is another; I will skip over the third, but it starts with a "W"; Mercer is fourth; and Allegheny County is fifth.

I would suggest that this is a very sound amendment. It corrects inequities, and I think that anybody who has mileage of interstate highway coming through their county and knows their PennDOT crew has to go out there and work hard on it ought to vote in favor of this amendment. I thank you, Mr. Speaker.

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

Mr. WILSON. Mr. Speaker, the basis of the information that I have—and I must apologize to the gentleman; I just got the amendment that was distributed. As I understand it, you would be disturbing the formula that is already contrived in here. I would suggest a negative vote at this time and let us discuss these issues at some other point.

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

Mr. SWEET. Mr. Speaker, in very brief response to the previous comments made, number one, I did not pick the time. I would really much rather have done this at 5 o'clock in the afternoon. Secondly, I do not want to be cynical about the process here, but I have had this amendment offered as a bill and it has kind of been sitting in the Transportation Committee for a while, and if it is not considered at 5 o'clock this morning, I really do not think it will ever be considered again. So I would like an affirmative vote on it. Thank you, Mr. Speaker.



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

Mr. LAUGHLIN. Mr. Speaker, very briefly, what the gentleman from Washington County did not mention about interstate highways is the fact that the present Transportation Secretary rightfully has dedicated a great deal of state money for 90-10 match. If he will take a look at what is presently being planned for Washington County, he will find a relocation of Route 70 involved there, as well as many hundreds of thousands and millions of dollars that have gone into fixing up the problems of Route 70 and the other interstate system that goes through that area. I do not think it would be fair to then take additional moneys out of the pot for that purpose, and I ask a negative vote.

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

The following roll call was recorded:

YEAS—80

Barber	Dombrowski	Letterman	Pucciarelli
Berson	Donatucci	Levin	Rappaport
Blaum	Duffy	Lucyk	Rieger
Borski	Durham	McCall	Seventy
Bowser	Emerson	McIntyre	Showers
Boyes	Evans	Maiale	Shupnik
Caltagirone	Fee	Manderino	Sieminski
Cappabianca	Fischer	Michlovic	Steighner
Cawley	Gallagher	Miscevich	Stuban
Clark	Gamble	Morris	Swaim
Cochran	George	Mrkonic	Sweet
Cohen	Grabowski	Murphy	Taylor, F. E.
Colafella	Gruitza	O'Donnell	Tigue
Cole	Horgos	Olasz	Trello
Cordisco	Hutchinson, A.	Oliver	Van Horne
Cowell	Irvs	Pendleton	Wachob
DeMedio	Itkin	Petrarca	Wargo
DeWeese	Kolter	Petrone	Wiggins
Dawida	Kukovich	Pistella	Williams, J. D.
Deal	Lescovitz	Pratt	Wright, D. R.

NAYS—117

Alden	Fryer	Lloyd	Serafini
Anderson	Gallen	McClatchy	Sirianni
Armstrong	Gannon	McVerry	Smith, B.
Arty	Geist	Mackowski	Smith, E. H.
Belardi	Gladeck	Madigan	Smith, L. E.
Belfanti	Greenfield	Manmiller	Snyder
Beloff	Greenwood	Marmion	Spencer
Bittle	Grieco	Merry	Spitz
Brandt	Gruppo	Micozzie	Stairs
Brown	Hagarty	Miller	Stevens
Burd	Haluska	Moehlmann	Stewart
Burns	Harper	Mowery	Swift
Cessar	Hasay	Mullen	Taddonio
Cimini	Hayes	Nahill	Taylor, E. Z.
Civera	Heiser	Noye	Telek
Clymer	Hoeffel	Perzel	Vroon
Cornell	Honaman	Peterson	Wambach
Coslett	Hutchinson, W.	Phillips	Wass
Cunningham	Jackson	Pievsky	Wenger
DeVertter	Johnson	Pitts	Weston
Daikeler	Kanuck	Pott	White
Davies	Kennedy	Punt	Wilson
Dietz	Klingaman	Rasco	Wogan
Dinítani	Kowalshyn	Reber	Wozniak
Dorr	Lashinger	Richardson	Wright, J. L.
Fleck	Laughlin	Ritter	Zwinkl
Foster, W. W.	Lehr	Rocks	
Foster, Jr., A.	Levi	Rybak	Ryan,
Frazier	Lewis	Salvatore	Speaker
Freind	Livengood	Saurman	

NOT VOTING—4

Gray                      McMonagle              Piccola                      Williams, H.  
EXCUSED—0

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. LLOYD offered the following amendments No. A2160:

Amend Title, page 1, line 4, by striking out "AND" and inserting a comma

Amend Title, page 1, line 6, by removing the period after "BRIDGES" and inserting  
and providing for legislative oversight.

Amend Sec. 3, page 3, line 6, by striking out "A CHAPTER" and inserting  
chapters

Amend Bill, page 15, by inserting between lines 28 and 29  
CHAPTER 97

DEPARTMENT OF TRANSPORTATION PRODUCTIVITY

Sec.

9701. Legislative oversight.

(a) Findings.—The General Assembly hereby finds that imposition of a tax on oil company revenues should provide the Department of Transportation with an annual growth in revenues which offsets the growth in highway maintenance and construction costs more effectively than the annual changes in revenues produced by the flat-rate tax on the retail price of gasoline and by the various other taxes and fees levied on behalf of the department. As a result of such a tax on oil company revenues, the Department of Transportation should have sufficient revenues to carry out necessary maintenance and construction activities with less frequent increases in highway taxes and fees than the General Assembly has enacted in recent years. One effect of less frequent requests for highway tax and fee increases could be a significant decrease in the ability of the General Assembly to oversee the activities of the Department of Transportation. Accordingly, the General Assembly finds that responsible legislative oversight requires ongoing monitoring of the department's activities and periodic indepth evaluations of its performance.

(b) Annual reports.—No later than 30 days after the effective date of this section, the department shall, upon request, provide to any member of the House of Representatives and to any member of the Senate a brief outline of the maintenance and construction program planned for that member's district during the 1981-1982 fiscal year. No later than 30 days before the beginning of the 1982-1983 fiscal year and each subsequent fiscal year, the department shall, upon request, provide to any member of the House of Representatives and to any member of the Senate a brief outline of the maintenance and construction program planned for that member's district during the upcoming fiscal year. No later than 30 days after the end of the 1981-1982 fiscal year and each subsequent fiscal year, the department shall, upon request, provide to any member of the House of Representatives and to any member of the Senate a brief outline of the reasons for any major deviations from the maintenance and construction program which had been planned for that member's district during that fiscal year.

(c) Performance audits.—During the 1983-1984 fiscal year, the Legislative Budget and Finance Committee shall conduct, or cause to be conducted, a performance audit of the department carried out in accordance with the standards for performance and financial compliance auditing developed by the United States General Accounting Office. The performance audit shall determine whether the department is conducting authorized activities

or programs in a manner consistent with accomplishing the objectives intended by the General Assembly and is conducting programs or activities and expending available funds in a faithful, efficient, economical and effective manner. The Legislative Budget and Finance Committee shall make a written report of the findings of the performance audit and shall submit a copy of that report to each member of the House of Representatives and each member of the Senate prior to enactment of a maintenance and construction budget for the department for the 1984-1985 fiscal year. During the 1989-1990 fiscal year and every six years thereafter, the Legislative Budget and Finance Committee shall conduct, or cause to be conducted, a performance audit of the department similar to the performance audit required by this subsection to be conducted during the 1983-1984 fiscal year.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, very briefly, all of us receive complaints from our constituents that we are being asked to appropriate additional moneys for PennDOT and to raise taxes for PennDOT without any assurance that the department is going to institutionalize changes which have been begun and to take account of and institutionalize further changes and efficiencies recommended in the recent study by the Pennsylvania Economy League.

My amendment very simply would provide for legislative oversight to encourage productivity within the Department of Transportation. It would guarantee that at the beginning of each fiscal year, every member could obtain from the department a listing of the maintenance and construction program for his district for that subsequent fiscal year, and at the end of the year could obtain from the department an explanation of any significant deviations on that schedule. Furthermore, and of more significance, beginning with the 1983-84 fiscal year, the department would be subjected to, every 6 years, a performance audit similar to the performance audits conducted by the General Accounting Office.

Mr. Speaker, I believe the amendment is agreed to.

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

Mr. WILSON. Yes, sir, Mr. Speaker, we like this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Alden	Fischer	Lloyd	Ritter
Armstrong	Fleck	Lucy	Rocks
Arty	Foster, W. W.	McCall	Rybak
Barber	Foster, Jr., A.	McClatchy	Salvatore
Belardi	Frazier	McIntyre	Saurman
Belfanti	Freind	McMonagle	Serafini
Beloff	Fryer	McVerry	Seventy
Berson	Gallagher	Mackowski	Showers
Bittle	Gallen	Madigan	Shupnik
Blaum	Gamble	Maiale	Sieminski
Borski	Gannon	Manderino	Sirianni
Bowser	George	Manmiller	Smith, B.
Boyes	Gladeck	Marmion	Smith, E. H.
Brown	Grabowski	Merry	Snyder
Burd	Gray	Michlovic	Spencer

Burns	Greenfield	Micozzie	Spitz
Caltagirone	Greenwood	Miller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Cawley	Gruitza	Moehltmann	Stevens
Cessar	Gruppo	Morris	Stewart
Cimini	Hagarty	Mowery	Stuban
Civera	Haluska	Mrkonic	Swaim
Clark	Harper	Mullen	Sweet
Clymer	Hasay	Murphy	Swift
Cochran	Hayes	Nahill	Taddonio
Cohen	Hoefel	Noye	Taylor, E. Z.
Colafella	Honaman	O'Donnell	Taylor, F. E.
Cole	Horgos	Olasz	Telek
Cordisco	Hutchinson, A.	Oliver	Tigue
Cornell	Hutchinson, W.	Pendleton	Trello
Coslett	Irvic	Perzel	Van Horne
Cowell	Itkin	Petrarca	Vroon
DeMedio	Jackson	Petrone	Wachob
DeWeese	Johnson	Phillips	Wambach
Daikeler	Kanuck	Piccola	Wargo
Davies	Kennedy	Pievsky	Wass
Dawida	Klingaman	Pistella	Wenger
Deal	Kolter	Pitts	Weston
Dietz	Kowalshyn	Pott	White
Dombrowski	Kukovich	Pratt	Williams, H.
Donatucci	Lashinger	Pucciarelli	Williams, J. D.
Dorr	Laughlin	Punt	Wilson
Duffy	Lehr	Rappaport	Wogan
Durham	Lescovitz	Rasco	Wozniak
Emerson	Levin	Reber	Wright, D. R.
Evans	Lewis	Richardson	Wright, J. L.
Fee	Livengood	Rieger	Zwinkl

NAYS—13

Anderson	Dininni	Levi	Ryan,
Brandt	Geist	Peterson	Speaker
Cunningham	Heiser	Smith, L. E.	
DeVerter	Letterman	Wiggins	

NOT VOTING—0

EXCUSED—0

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. MURPHY offered the following amendments No. A2318:

Amend Title, page 1, line 6, by removing the period after "BRIDGES" and inserting

and establishing a program for the turnback of Class VI highways to municipalities.

Amend Sec. 3 (Sec. 9511), page 15, lines 10 through 13, by striking out "TO THE MUNICIPALITIES" in line 10, all of lines 11 through 13 and inserting

to fund the mandatory municipal road turnback program established in § 9512 (relating to mandatory road turnback program).

Amend Bill, page 15, by inserting between lines 22 and 23 § 9512. Mandatory road turnback program.

(a) Establishment of program.—The Department of Transportation shall establish and implement an eight year program to turn over to local municipalities Class VI State highways located within the municipalities. The Department of Transportation shall, within 180 days of the effective date of this chapter, certify, in writing, to every municipality the total amount of Class VI State highways in the municipality which the State desires to turn over to municipal control.

(b) Options of municipalities.—

(1) For the first five years of the program every municipality shall annually select 15% of the total amount of mileage of Class VI State highways designated for turnover pursuant to subsection (a).

(2) For the last three years of the program every municipality and the Department of Transportation shall negotiate over whether or not the municipality will assume control of any or all of the remaining 25% of Class VI State highway designated for turnover to municipal control. The scope of negotiation shall include, but not be limited to, the amount of mileage which will be turned over, the condition of such highway, the expenditures and responsibility for contracting to bring the highway up to standards.

(c) Financial incentives.—The appropriation set forth in section 9511(b) shall be utilized to pay to each municipality for the first three years of the program an amount equal to \$3,000 per mile for each mile of highway turned over to the municipality each year.

Amend Sec. 3 (Sec. 9512), page 15, line 23, by striking out "9512" and inserting 9513

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

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

Mr. MURPHY. Mr. Speaker, my amendment deals with the critical problem of the high number of miles of road now under PennDOT control. PennDOT has about 45,000 miles of road under control. This amendment provides for a mandatory road turnback program of class VI roads. Class VI roads would essentially be roads used for residential use, very little use other than local traffic.

It is an issue that everybody has talked about conceptionally, a road turnback program, but when it gets down to specifics, people shy away from doing it. Well, in this particular piece of legislation we are giving over \$60 million to the local municipalities. This bill would require \$38 million of that to be used for the road turnback program over a period of 8 years. During that period of 8 years, the municipality would have the choice of the roads it would take back for a period of 5 years, taking 15 percent of the roads back in its municipality each year. At their choice they would receive \$3,000 per mile per year for 3 years, or they would receive \$9,000 a mile for roads to reconstruct them and to repair them. Plus they would receive in addition to that the 20 percent that we have put in for the regular motor fuel license fund. So we would provide funds for the municipality to improve the road and at the same time provide a continuation of funding for them.

If we are going to solve the problems of PennDOT, we have got to get rid of some of the 45,000 miles of road. This will turn back 12,000 miles of road, almost 25 percent. It is the best way to begin to solve PennDOT's problem in the long run, and I urge your support of this program. Thank you.

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

Mr. WILSON. Mr. Speaker, the gentleman's idea is unique and it warrants our attention, I am sure. I would call the gentleman's attention to the hearings that the Transportation

Committee held on HB 527 some time back and some of the things that were pointed out in that bill that would give \$2,500 per mile back to the local municipalities. Where \$2,500 is too much for some roads, it is far insufficient perhaps for some roads. Giving a uniform rate across the board for all the roads in the Commonwealth is not, in my opinion and I believe the committee's opinion at this point, the way to go. You have areas in the Commonwealth that have high snow removal costs and other areas that have low snow removal costs as part of their maintenance costs.

I think at this time the Committee on Transportation is fairly well prepared to go ahead with the encompassing bill that is workable. I would suggest we reject this at this time, and I, for one, will consider this thought and this suggestion here in the deliberations on the turnback bill. I would urge a negative vote at this time.

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

The following roll call was recorded:

YEAS—59

Table listing names of members who voted 'YEAS' in a roll call. Names include Barber, Belardi, Brown, Caltagirone, Cappabianca, Cawley, Cochran, Cohen, Colafella, DeMedio, Dawida, Deal, Dombrowski, Duffy, Evans, Fischer, Frazier, Gallagher, Grabowski, Heiser, Hoeffel, Kanuck, Kukovich, Laughlin, Letterman, Lewis, McVerry, Maiale, Marmion, Michlovic, Moehlmann, Morris, Mowery, Mullen, Murphy, O'Donnell, Oliver, Pendleton, Petrone, Pistella, Pitts, Pott, Rasco, Richardson, Ritter, Serafini, Seventy, Shupnik, Swaim, Sweet, Taddonio, Taylor, E. Z., Trello, Van Horne, Wachob, Wargo, Wiggins, Williams, J. D., and Zwilk.

NAYS—138

Table listing names of members who voted 'NAYS' in a roll call. Names include Alden, Anderson, Armstrong, Arty, Belfanti, Beloff, Berson, Bittle, Blaum, Borski, Bowser, Boyes, Brandt, Burd, Burns, Cessar, Cimini, Civera, Clark, Clymer, Cole, Cordisco, Cornell, Coslett, Cowell, Cunningham, DeVerter, DeWeese, Daikeler, Davies, Dietz, Dininni, Emerson, Fee, Fleck, Foster, W. W., Foster, Jr., A., Freind, Fryer, Gallen, Gamble, Gannon, Geist, George, Gladeck, Gray, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Honaman, Horgos, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Jackson, Johnson, Kennedy, Lashinger, Lehr, Lescovitz, Levi, Levin, Livengood, Lloyd, Lucyk, McCall, McClatchy, McIntyre, McMonagle, Mackowski, Madigan, Manderino, Manmiller, Merry, Micozzie, Miller, Misceovich, Mrkonic, Nahill, Noye, Olasz, Perzel, Peterson, Petrarca, Phillips, Pievsky, Pratt, Pucciarelli, Punt, Rocks, Rybak, Salvatore, Saurman, Showers, Sieminski, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Swift, Taylor, F. E., Telek, Tigue, Vroon, Wambach, Wass, Wenger, Weston, White, Wilson, Wogan, Wozniak, Wright, D. R., and Wright, J. L.

Donatucci	Klingaman	Rappaport	
Dorr	Kolter	Reber	Ryan,
Durham	Kowalshyn	Rieger	Speaker

NOT VOTING—4

Greenfield	Piccola	Sirianni	Williams, H.
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EXCUSED—0

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

### BILL TABLED TEMPORARILY

The SPEAKER. Without objection, SB 161 will be laid upon the table temporarily. The Chair hears none.

### SENATE MESSAGE

#### SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 712, PN 1680**, and has appointed Senators TILGHMAN, STAUFFER and LEWIS a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

#### MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. McCLATCHY moved that the House insist upon nonconcurrence in Senate amendments to HB 712, PN 1680, and that a committee of conference be appointed.

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

#### APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 712, PN 1680: Messrs. HAYES, McCLATCHY and PIEVSKY.  
Ordered, That the clerk inform the Senate accordingly.

### CONFERENCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.  
Mr. McCLATCHY. Mr. Speaker, I would like to announce the meeting of the Conference Committee on HB 712 immediately in the Appropriations room, 245.

### BILL REMOVED FROM TABLE

The SPEAKER. Without objection, SB 161 will be removed from the table. The Chair hears none.

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

Mr. WACHOB offered the following amendments No. A2317:

Amend Title, page 1, line 5, by striking out "FRANCHISE TAX ON OIL COMPANIES" and inserting petroleum processing tax

Amend Bill, page 3, lines 7 through 30; pages 4 through 14, lines 1 through 30; page 15, lines 1 through 27 by striking out all of said lines on said pages and inserting

#### CHAPTER 95 PETROLEUM PROCESSING TAX

Sec.

9501. Definitions.

9502. Imposition of tax.

9503. Returns and payment of tax.

9504. Procedure; enforcement; penalties.

§ 9501. Definitions.

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

"Barrel." A liquid measure of 42 gallons.

"Person." Any natural person, association, fiduciary, partnership, corporation or other entity.

"Petroleum." Crude oil, petroleum oil or other oily, thick, flammable liquid occurring naturally in various parts of the world and commonly obtained by drilling or other extraction methods.

"Petroleum refinery." A building, enclosure, space or any combination thereof utilizing apparatus, machinery and sundry equipment to process petroleum.

"Processing of petroleum." The refining or distilling of petroleum into various substances including but not limited to gasoline, kerosene, naphtha, coke, heating oil and lubricating oil.

§ 9502. Imposition of tax.

Every person exercising the privilege of processing petroleum in this Commonwealth shall be subject to and shall pay a tax at the rate of 50¢ per barrel on each barrel of petroleum placed in the processing process in a petroleum refinery in this Commonwealth. § 9503. Returns and payment of tax.

Any person subject to the tax imposed by this chapter shall, on or before the fifteenth day of every month, make and file with the department a return on a form furnished by or obtainable from the department, setting forth the number of barrels of petroleum placed in the processing process during the preceding month, together with such other pertinent information as the department may require, and pay the taxes due thereon.

§ 9504. Procedure; enforcement; penalties.

Parts III, IV, V, VI and VII of Article IV, act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," are incorporated by reference into this chapter insofar as they are applicable to the tax imposed under this chapter. Any reference in such parts of Article IV of the "Tax Reform Code of 1971" to annual returns and the annual payment of tax and related matters shall be deemed to mean monthly returns and monthly payments, etc., for the purposes of this chapter.

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

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Throughout this evening we have been dealing primarily around the periphery of SB 161 and have never really addressed the substance of SB 161. My amendment would

delete the provision that allows for the 3.5-percent franchise tax and would replace that with a 50-cent-per-barrel tax on the refining process in Pennsylvania. There are several very logical reasons, Mr. Speaker, why we should do this. Number one, Pennsylvania is one of the leading refining states in this country. Number two, the bulk of this tax, Mr. Speaker, would be borne by residents outside the Commonwealth of Pennsylvania. Over 60 percent of the oil refined in Pennsylvania, Mr. Speaker, is exported throughout this country.

Number three, Mr. Speaker, the amount of money that this 50 cents per barrel would yield would be equal to the amount of money and not in excess of the amount of money that Governor Thornburgh has requested. This bill would raise between \$125 and \$150 million per year, Mr. Speaker.

I believe that because of the nature of being able to pass this tax on, as do many of the Sun Belt states, Mr. Speaker, when we pay for the education of children and we pay for the maintenance of highways and we pay for the social service programs for a variety of states throughout this country every day, when we pay our high energy costs in Pennsylvania, because those large oil-extracting states have severance taxes, Mr. Speaker, we are paying those taxes in other states.

I believe this tax is very equitable. It is very fair, and at this time it is much more reasonable, Mr. Speaker, than the current tax that would be borne by the consumers. I believe that it is time that we look at alternative approaches to raising revenues in this state for our highway systems rather than just always taxing the consumer. I believe that by taxing the oil companies, Mr. Speaker, we will be doing what 12 million people in Pennsylvania want. I urge adoption of this amendment, Mr. Speaker. Thank you.

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

Mr. WILSON. Mr. Speaker, here we go again. We got a new tax, a new concept at 5:25. This is a refinery tax. This has been played with and thought of in Philadelphia. It has been rejected down there. We have old refineries. If we put a tax on them, you do not think they are going to stick around in this Commonwealth and generate their motor fuels. I suggest we reject this and go with what the consensus of agreement in this legislature is to fund the PennDOT system and vote "no" on this amendment.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I rise in support of the Wachob amendment. I would like to address a few issues, including the ones that Mr. Wilson raised. Mr. Wilson initially said that here we go again after 5 in the morning with a new tax, a new concept. I would submit that this language in the amendment is much more simple than SB 161, that SB 161 is a much newer tax and concept, that we have not had a chance to really peruse the language in that bill. As a matter of fact, as I was just reading it at my desk, on page 4, beginning with line 9, there is language there that leads me to believe that if anybody bought some gasoline out of state and brought it back in and then used it, they could be defined as an oil company under the definition. I think that

is probably an error in the bill. But this is the kind of thing that again we do not have the time to look at. There was no public hearing. There was no input as opposed to the Wachob amendment, a concept which has been discussed around the Commonwealth for the last 2 months.

Secondly, Mr. Wilson said that the refineries would simply move out. I have basically about five reasons why that is not true. First of all, the cost of refineries when they were initially built was about \$145 million. Executives from several oil companies have admitted that the price now would be at least \$700 million, and that is a very conservative figure. Other sources have estimated the cost at a billion dollars to build another refinery. Obviously, in terms of cost efficiency they cannot afford to move.

Secondly, in terms of environmental impact, recently in the State of Massachusetts, an oil refinery was attempted to be built. That community rejected it because of the potential adverse environmental impact. Oil companies simply cannot pick up and build refineries at their whim anywhere they want.

Thirdly, the technology in other areas is very inferior to the technology of the oil refineries in the Philadelphia area.

Finally, in terms of the delivery system, the types of systems that are set up are one way. The pipes running from the refineries in Philadelphia can only go from Philadelphia. It is absurd to think that plants could move and whole new delivery systems would then have to be set up. Again, that is fiscally impractical and is one of the typical scare tactics used in any measure like this.

Mr. Speaker, I would suggest that this tax is a simpler one, a fairer one, and one that, maybe more importantly, cannot so readily be passed through. The refinery tax can be easily borne, especially at 50 cents a barrel. Keep in mind that in the oil industry the very unique nature of it means that the price of gasoline bears no relation to the cost on the oil companies, be they this type of tax or be they inflationary costs, but SB 161 creates a very easy passthrough directly to the consumer.

And there is another problem with SB 161, and that is that the very first seller will escape the tax, the big oil company. The retailer and the wholesaler, especially the independent gas station dealers, have no choice but to either raise that price at the pump or eat the price in their profits. They can very readily be undercut by the larger oil companies. This will be an increased pressure point for the oil companies to continue to drive out of business the small independent dealer.

Mr. Speaker, I would suggest to you that apart from the merits of the Wachob amendment, there are some serious problems with SB 161. I think by taking this amendment we are going to reduce some of those problems. Keep in mind that although this is an improvement on the SWAP - Sustain the War Against Potholes - tax, in essence what we are doing, in a slightly more devious way with this bill, is passing it directly on to the motorists. An oil franchise tax is to the oil company what a sales tax is to a retailer. They are not going to pick up that price; we are. I would suggest that you can have a little more fairness and raise more money in a simpler fashion by supporting the Wachob amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. I have a question for Representative Wachob, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Wachob, indicates he consents to interrogation. The gentleman, Mr. Blaum, may proceed.

Mr. BLAUM. My question has to do with an estimate, and while this will certainly not necessarily be totally accurate, I am interested in your assessment, sir, as to what the passon to the pump, the increase at the gas pump per gallon, might be with your tax.

Mr. WACHOB. Mr. Speaker, the passthrough on a 42-gallon barrel at 50 cents a barrel would be less than 2 cents, if it was passed directly on at the pump.

Mr. BLAUM. Mr. Speaker, it is my understanding that SB 161 as it stands now would mean a significantly higher pass-through at the pump per gallon to the consumer, and I think that Mr. Wachob's amendment is definitely more attractive to the consumer than SB 161 as it stands now. I urge approval of the Wachob amendment.

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

The following roll call was recorded:

YEAS—55

Barber	Duffy	Lescovitz	Pucciarelli
Belfanti	Emerson	Letterman	Shupnik
Blaum	Fee	Livengood	Stuban
Brown	Gallagher	Lloyd	Swaim
Caltagirone	George	Lucyk	Sweet
Cappabianca	Grabowski	Manderino	Tigue
Cawley	Gruitza	Michlovic	Van Horne
Clark	Haluska	Morris	Wachob
Cohen	Hoeffel	Murphy	Wambach
Colafella	Hutchinson, A.	O'Donnell	Wargo
Cole	Irvis	Pendleton	Wiggins
DeMedio	Kolter	Petrarca	Williams, H.
DeWeese	Kukovich	Pistella	Wozniak
Dombrowski	Laughlin	Pratt	

NAYS—145

Alden	Foster, W. W.	McMonagle	Saurman
Anderson	Foster, Jr., A.	McVerry	Serafini
Armstrong	Frazier	Mackowski	Seventy
Arty	Freind	Madigan	Showers
Belardi	Fryer	Maiale	Sieminski
Beloff	Gallen	Manmiller	Sirianni
Berson	Gamble	Marmion	Smith, B.
Bittle	Gannon	Merry	Smith, E. H.
Borski	Geist	Micozzie	Smith, L. E.
Bowser	Gladeck	Miller	Snyder
Boyes	Gray	Miscevich	Spencer
Brandt	Greenwood	Moehlmann	Spitz
Burd	Grieco	Mowery	Stairs
Burns	Gruppo	Mrkonic	Steighner
Cessar	Hagarty	Mullen	Stevens
Cimini	Harper	Nahill	Stewart
Civera	Hasay	Noye	Swift
Clymer	Hayes	Olasz	Taddonio
Cochran	Heiser	Oliver	Taylor, E. Z.
Cordischo	Honaman	Perzel	Taylor, F. E.
Cornell	Horgos	Peterson	Telek
Coslett	Hutchinson, W.	Petrone	Trello
Cowell	Itkin	Phillips	Vroon
Cunningham	Jackson	Piccola	Wass
DeVerter	Johnson	Pievsky	Wenger
Daikeler	Kanuck	Pitts	Weston

Davies	Kennedy	Pott	White
Dawida	Klingaman	Punt	Williams, J. D.
Deal	Kowalshyn	Rappaport	Wilson
Dietz	Lashinger	Rasco	Wogan
Dininni	Lehr	Reber	Wright, D. R.
Donatucci	Levi	Richardson	Wright, J. L.
Dorr	Levin	Rieger	Zwinkl
Durham	Lewis	Ritter	
Evans	McCall	Rocks	Ryan,
Fischer	McClatchy	Rybak	Speaker
Fleck	McIntyre	Salvatore	

NOT VOTING—1

Greenfield

EXCUSED—0

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

REMARKS ON VOTE

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

Mr. PICCOLA. Mr. Speaker, on the Murphy amendment A2318 to SB 161, I was not in my seat. Had I been, I would have voted in the affirmative.

CONSIDERATION OF SB 161 CONTINUED

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

Mr. MURPHY offered the following amendments No. A2319:

Amend Title, page 1, line 6, by removing the period after "BRIDGES" and inserting  
and requiring the Department of Transportation to establish a program for the completion of major arterial highways.

Amend Chapter Analysis, page 3, by inserting between lines 22 and 23

9512. Arterial highway completion program.

Amend Chapter Analysis, page 3, line 23, by striking out "9512" and inserting

9513

Amend Bill, page 15, by inserting between lines 22 and 23

(d) Additional allocation to the Department of Transportation.—An amount equal to 20% of the balance remaining in the Motor License Fund from the revenues derived pursuant to this chapter after the appropriations pursuant to subsections (b) and (c) is hereby specifically appropriated to the Department of Transportation for the sole purpose of establishing, implementing and completing a ten-year program to construct the uncompleted segments of major arterial highways.  
§ 9512. Arterial highway completion program.

(a) Program established.—The Department of Transportation shall establish, implement and complete a ten-year program for the completion of missing segments of major arterial highways.

(b) Report of highways to be completed.—Within 60 days of the effective date of this chapter, the Department of Transportation shall submit to the General Assembly for its review, a report which lists the major arterial highway segments which shall be completed by the Department of Transportation. This list once approved by the General Assembly shall not be subject to change without further approval of the General Assembly.

(c) Approval by the General Assembly.—

(1) Within 30 calendar days of submission of the report by the Department of Transportation either the Senate or the House of Representatives, by a majority vote of the members elected to that body accept or reject the report. If no action occurs after the expiration of 30 days the report shall be deemed approved.

(2) If the report is rejected, the notice of rejection and the reasons for such rejection shall be transmitted to the Department of Transportation which shall thereafter pursuant to the time limits set forth in subsection (b) resubmit a new report for the consideration of the General Assembly.

Amend Sec. 3 (Sec. 9512), page 15, line 23, by striking out "9512" and inserting  
9513

On the question,

Will the House agree to the amendments?

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

Mr. MURPHY. Thank you, Mr. Speaker.

This amendment cuts across party lines and district boundaries, and it deals with the question of major arterial highways in the state. We have a number of missing links around the state, highways that have never been completed, and we are nearing the end of the Federal interstate highway program, and if we soon do not start to address some of the missing links, both in the western and the eastern parts of the state, we will forever lose the Federal funds, the matching funds that the people in this Commonwealth have given to the Federal Government. There are almost \$2.2 billion worth of missing links, major arterial roads that have been identified by the department in this state that are now considered to be missing links, and if we do not commit the money as this amendment does to those programs, I fear that we will lose a substantial portion of our Federal funds.

What this amendment does is commit 20 percent of the state's portion of this bill to a major arterial completion program for 10 years. That would produce approximately \$300 million over that 10 years. That \$300 million, because the major arterials primarily get 90-10 and 85-15 and 75-25 matches, would be leveraged more highly than any other funds in the state, and we could conceivably generate almost \$2.5 billion worth of Federal funds off the state's investment.

I urge you to make this kind of commitment to this program. Otherwise, I fear that the money will get used in a very short-term kind of approach filling potholes, and we will not complete the major highways that will take a lot of the excess burden off our major interstate systems. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, would the gentleman, Mr. Murphy, consent to brief interrogation?

The SPEAKER. The gentleman indicates he will consent to interrogation. The gentleman, Mr. Lloyd, may proceed.

Mr. LLOYD. Mr. Speaker, would I be correct that the thrust of this amendment is to require the completion of missing links on arterial highways even if those highways are not interstate highways?

Mr. MURPHY. Yes, Mr. Speaker. This does not include just interstate highway systems.

Mr. LLOYD. Mr. Speaker, are you familiar with U.S. 219, which runs from the New York state line to the Maryland state line?

Mr. MURPHY. Yes, I am.

Mr. LLOYD. Mr. Speaker, would it be your view that an arterial highway under your amendment would include U.S. 219?

Mr. MURPHY. It would be my expectation that it would. The amendment does address this, and it requires the Department of Transportation to provide to the General Assembly within 60 days after this legislation passes a list of the projects that they expect to complete in that 10-year period, and we have then the opportunity to reject that list or to approve it.

Mr. LLOYD. Thank you, Mr. Speaker.

Could I be recognized to speak on the amendment?

The SPEAKER. The gentleman, Mr. Lloyd, is recognized for the purpose of speaking on the amendment.

Mr. LLOYD. Mr. Speaker, in central western Pennsylvania we are very concerned about patching potholes, but we are also concerned about completion of U.S. 219, which was promised to us many years ago as a four-lane highway from New York to Maryland. While I may not be entirely satisfied with the percentage of money being set aside for U.S. 219, I would urge members on both sides of the aisle who live in the U.S. 219 corridor to support this amendment as the best chance we have to get that highway completed. Thank you, Mr. Speaker.

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

Mr. FRAZIER. Thank you, Mr. Speaker.

I would urge the cosponsors of HB 1394 to vote in the negative against the amendment.

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

Mr. WILSON. Thank you, Mr. Speaker.

Mr. Speaker, if the gentleman's amendment were to go through, I think I should call to the members' attention that the maintenance money would have to be reduced; there would be a shortfall in the maintenance money. As this bill is now constituted, there would be \$15 to \$19 million going into projects such as the gentleman described: Interstate 95, Pittsburgh interstates, Route 220, Route 22, and the bypass in Pottstown, State College bypass, Crossvalley Expressway, et cetera. We do not need to go through them all, but they are all on a plan. Believe it or not, there is a 12-year plan, and the next 4 years would be implemented by this bill as it stands.

I would suggest at this time that we reject this amendment as we have the rest of them.

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

Mr. MURPHY. Mr. Speaker, would Mr. Wilson submit to interrogation?

The SPEAKER. The gentleman may proceed.

Mr. MURPHY. Mr. Speaker, how long have you been in the House of Representatives?

Mr. WILSON. Some people think too long. Fifteen years the—

Mr. MURPHY. How many 12-year plans have you seen PennDOT submit, and how many have been completed?

Mr. WILSON. I could not count the 12-year plans, but I have seen 6-year plans and 12-year plans, and I expect to see the 24-year plan if we do not implement some money to fund one of those plans, and I think that is what—

Mr. MURPHY. I understand that, Mr. Speaker. My concern is that many of these roads, the missing links, the Blue Route in Montgomery County, East Street Expressway in Allegheny County, have been on those 12-year plans for 25 years and they have not been completed, and I assume that you recognize that problem.

Mr. WILSON. Is that a question?

Mr. MURPHY. Yes, it is.

Mr. WILSON. You assume correctly.

Mr. MURPHY. In that assumption, I also assume that you do see the necessity of specifying a particular amount of money to complete those programs, or the likelihood of them being completed in the next 25 years is very slim also.

Mr. WILSON. I would suggest that all you are going to get is a regurgitation of the 12-year plan if your amendment goes into effect.

Mr. MURPHY. My suggestion is that if we do not put the money in a specified fund, we are going to look at a 12-year plan for the next 25 years.

The SPEAKER. Will the gentleman yield?

Mr. Murphy, under the rules and practices of the House, on interrogation the gentleman should attempt to elicit information and not to debate or be argumentative.

Mr. MURPHY. Thank you, Mr. Speaker.

I have completed my interrogation. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—81

Barber	Emerson	Mackowski	Serafini
Belardi	Evans	Maiale	Seventy
Belfanti	Fee	Manderino	Shupnik
Blaum	Fischer	Michlovic	Spitz
Borski	Gallagher	Miscevich	Steighner
Brown	Gamble	Morris	Stewart
Caltagirone	Gannon	Mrkonic	Stuban
Cappabianca	George	Mullen	Swaim
Cawley	Grabowski	Murphy	Sweet
Clark	Gruitza	O'Donnell	Telek
Cohen	Hajuska	Olasz	Tigue
Colafella	Heiser	Oliver	Trello
Cole	Hutchinson, A.	Pendleton	Van Horne
Cordisco	Irvic	Petrarca	Wachob
Cowell	Kukovich	Petrone	Wambach
DeMedio	Letterman	Pistella	Wargo
Dawida	Lewis	Pratt	Williams, H.
Deal	Livengood	Pucciarelli	Wozniak
Dombrowski	Lloyd	Richardson	Wright, D. R.
Duffy	Lucyk	Ritter	Zwizl
Durham			

NAYS—115

Alden	Freind	Levin	Rybak
Anderson	Fryer	McCall	Salvatore
Armstrong	Gallen	McClatchy	Saurman
Arty	Geist	McIntyre	Showers
Beloff	Gladeck	McMonagle	Sieminski
Berson	Gray	McVerry	Sirianni
Bittle	Greenwood	Madigan	Smith, B.
Bowser	Grieco	Manmiller	Smith, E. H.
Boyes	Gruppo	Marmion	Smith, L. E.
Brandt	Hagarty	Merry	Snyder
Burns	Hasay	Micozzie	Spencer
Cessar	Hayes	Miller	Stairs
Cimini	Hoefel	Moehlmann	Stevens
Civera	Honaman	Mowery	Swift
Clymer	Horgos	Nahill	Taddonio
Cochran	Hutchinson, W.	Noye	Taylor, F. E.
Cornell	Itkin	Perzel	Vroon
Coslett	Jackson	Peterson	Wass
Cunningham	Johnson	Phillips	Wenger
DeVerter	Kanuck	Piccola	Weston
Daikeler	Kennedy	Pievsky	White
Davies	Klingaman	Pitts	Wiggins
Dietz	Kolter	Pott	Williams, J. D.
Diminni	Kowalshyn	Punt	Wilson
Donatucci	Lashinger	Rappaport	Wogan
Dorr	Laughlin	Rasco	Wright, J. L.
Fleck	Lehr	Reber	
Foster, W. W.	Lescovitz	Rieger	Ryan,
Foster, Jr., A.	Levi	Rocks	Speaker
Frazier			

NOT VOTING—5

Burd	Greenfield	Harper	Taylor, E. Z.
DeWeese			

EXCUSED—0

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?

Mr. H. WILLIAMS offered the following amendment No. A2314:

Amend Sec. 3 (Sec. 9511), page 15, by inserting between lines 22 and 23

(d) Allocation to cities of the first class.—The amount allocated to cities of the first class as provided for in this section shall be appropriated to the use of the Philadelphia school system.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hardy Williams.

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, in order to determine whether or not my amendment is proper, I would like to request consent to interrogate Representative Wilson.

The SPEAKER. The gentleman, Mr. Wilson, consents to interrogation. The gentleman may proceed.

Mr. H. WILLIAMS. Mr. Speaker, as I understand it, the raising of this money at some point will be distributed to the local government. My question is, is the use of those moneys restricted in any way as to what it is used for? Does it have to be used for roads or road-related activity strictly?



Mr. WILSON. Yes. The answer is yes, it would have to be used in road construction, road maintenance, and the administration thereto. It is in Article VIII of the Constitution. If you want, I will read it to you.

Mr. H. WILLIAMS. So that none of these moneys that we are raising by this bill can be used for any other purpose other than what you said. They could not be used for general purposes in the general funds of the local governments in any connection. Is that correct?

Mr. WILSON. They cannot; no.

Mr. H. WILLIAMS. Would you indulge me a second, Mr. Speaker?

Mr. Speaker, before the money gets to the local government, is there any restriction that we would have as to what uses we would want to appropriate it for? If under the statute, fuel tax, or Constitution, the local government would be restricted, could we appropriate it here ourselves for any other uses?

Mr. WILSON. It is my opinion, Mr. Speaker, that Article VIII, section 11, specifically says that all the proceeds from gasoline and other motor fuel excise taxes shall be appropriated by the General Assembly to agencies or political subdivisions and used solely for construction, reconstruction, maintenance, and repair of safety on public highways and bridges and air navigation facilities, et cetera.

#### AMENDMENT WITHDRAWN

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, with that advice I will withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. SWEET offered the following amendment No. A2309:

Amend Sec. 3 (Sec. 9511), page 15, lines 14 through 22, by striking out all of said lines

On the question,

Will the House agree to the amendment?

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

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, there is such a thing as too much of a good thing. This bill is going to provide, as I understand it, \$192 million, approximately, of new revenues. Of that amount, about \$63 million, \$64 million, is going to go to local governments. Now, I realize that local municipalities and boroughs and townships have financial problems, but it is those 203 members of the General Assembly who are going to put up tax votes, and what we are talking about is giving about a 70-percent increase to local government, 70 percent. I look down the list of some of my boroughs and townships, and some of those councilmen and township supervisors have not raised taxes in years. There is no line item in the General Fund budget that is getting a 70-percent increase. Thirty percent of all the new money is going to local government.

Now, I do not know about most of you, but in my district I am getting the flak about the state roads. When the state roads are beat up, they call their legislator, and that is you and me, Republicans and Democrats, and I think that if we are going to raise taxes today, we ought to talk about taking care of the state roads, and we ought to be providing the local governments with some money. I think we ought to provide them with 20 percent of the new revenue, but 20 percent of \$192 million is not \$63 million even by the mathematics of a law student. I think we are looking at more like 20 percent being around \$40 million, so what I am doing is I am deleting a section, the section which in a sense recoups money that the local government people thought they should have gotten before and did not get. This General Assembly in its wisdom, when it increased fees and when it increased the gasoline tax, felt that the state roads needed priority and therefore did not include local government at such a generous basis as we had in the past. I think we were wise then, and we ought not change that now. If we are going to have a special revenue-sharing program for local governments, we ought to call it that. If we are going to try to subsidize local governments, I think we would have been better off giving the school districts some money, because quite frankly, the school districts in most of our areas are the ones that are raising property taxes and not your townships and boroughs.

Mr. Speaker, I question whether many of the local governments will even be able to handle well a 75-percent increase in their allocation all at once. We rejected the Murphy amendment, which would have given them new roads, and so really what you folks are talking about doing is putting up a bunch of tax votes—and I am going to be with you—and yet 30 percent of that money is going to go to local governments that may well not need that money. So I am proposing an amendment that will delete a section that will in effect take about \$25 million of the \$60-some million in new money for local government, plug it back into the PennDOT maintenance money, and in effect fix the state roads which you and I are sworn to fix and which is our first priority. And I would move adoption of that amendment, Mr. Speaker.

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

Mr. WILSON. Mr. Speaker, what the gentleman proposes to do is take approximately \$25 million from the local government portion of this bill. I think it has been pretty well common knowledge throughout this General Assembly as long as I have been here that local government never did get their share of the motor fuels taxes. They have talked 16 percent, 18 percent, and now 20 percent, and if you take the ratio of total roads in the Commonwealth of Pennsylvania, they have far more roads to maintain than we do.

The payment of this money, by the way, will not take place until next May. They will not have a windfall as I thought they might when I first looked at it. The money will be in next May's pot, so to speak. They will have plenty of time to budget it. I would hope that it would be an incentive to take back the class VI roads that we intend to work on subsequently, and I would urge the rejection of this amendment at this time on that basis.

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

Mr. SWEET. Quite briefly, I really wish that there was a guarantee that they were going to take back the roads. The only amendment that was offered to take back the roads was rejected, and I predict to everybody here tonight that if we give the local governments \$60-some million, 30 percent of the whole ball of wax that we are going to raise taxes for, that come this year and next year and the year after and the year after, and as long as the person who is going to stay here the longest, Gil DeMedio, as long as he stays here, we will never give back those local roads, because there will always be objections to the bills. There are objections to this arbitration scheme; there are objections to the Murphy amendment; there will be objections ad nauseam. I think that the majority leadership should have put in this bill a requirement that the roads go back. There is no requirement, and, therefore, I think we ought to darn well be spending this money on the state roads, the roads that you and I have to answer for in next spring's primary and next fall's general election. No one is going to vote for or against you on the basis of whether some local road is fixed. I do not get too many complaints in my office about local roads, but I get one heck of a lot of them about the state roads, and I think those are the roads we ought to be worrying about tonight.

I am not talking about taking all the local government money away. We are talking about providing 20 percent of the new money that we are going to vote on tonight, but there is no reason to go any further than that. It just does not make good sense to give anybody in times of tight, tight budgets a 75-percent increase in their grant allocation. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—54

Barber	Fee	Maiale	Rieger
Belfanti	Fischer	Manderino	Stewart
Borski	Gray	Michlovic	Swaim
Brown	Gruitza	Moehltmann	Sweet
Caltagirone	Heiser	Murphy	Taddonio
Clark	Hoeffel	O'Donnell	Taylor, F. E.
Cochran	Irviss	Oliver	Van Horne
Colafella	Lescovitz	Petrarca	Vroon
DeMedio	Letterman	Pratt	Wachob
DeWeese	Levin	Pucciarelli	Wiggins
Dawida	Lewis	Rappaport	Williams, H.
Dininni	Lucyk	Rasco	Williams, J. D.
Emerson	McIntyre	Richardson	Wozniak
Evans	McMonagle		

NAYS—144

Alden	Fleck	Livengood	Saurman
Anderson	Foster, W. W.	Lloyd	Serafini
Armstrong	Foster, Jr., A.	McCall	Seventy
Arty	Frazier	McClatchy	Showers
Belardi	Freind	McVerry	Shupnik
Beloff	Fryer	Mackowski	Sieminski
Berson	Gallen	Madigan	Sirianni
Bittle	Gamble	Manmiller	Smith, B.
Blaum	Gannon	Marmion	Smith, E. H.
Bowser	Geist	Merry	Smith, L. E.
Boyes	George	Micozzie	Snyder
Brandt	Gladeck	Miller	Spencer

Burd	Grabowski	Miscevich	Spitz
Burns	Greenfield	Morris	Stairs
Cappabianca	Greenwood	Mowery	Steighner
Cawley	Grieco	Mrkonic	Stevens
Cessar	Gruppo	Mullen	Stuban
Cimini	Hagarty	Nahill	Swift
Civera	Harper	Noye	Taylor, E. Z.
Clymer	Hasay	Olasz	Telek
Cohen	Hayes	Pendleton	Tigue
Cole	Honaman	Perzel	Trello
Cordisco	Horgos	Peterson	Wambach
Cornell	Hutchinson, W.	Petrone	Wargo
Coslett	Itkin	Phillips	Wass
Cowell	Jackson	Piccola	Wenger
Cunningham	Johnson	Pievsky	Weston
DeVerter	Kanuck	Pistella	White
Daikeler	Kennedy	Pitts	Wilson
Davies	Klingaman	Pott	Wogan
Deal	Kolter	Punt	Wright, D. R.
Dietz	Kowalyszyn	Reber	Wright, J. L.
Dombrowski	Kukovich	Ritter	Zwikl
Donatucci	Lashingier	Rocks	
Dorr	Laughlin	Rybak	Ryan,
Duffy	Lehr	Salvatore	Speaker
Durham	Levi		

NOT VOTING—3

Gallagher Haluska Hutchinson, A.

EXCUSED—0

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 on third consideration as amended?

Mr. WILSON offered the following amendments No. A2307:

Amend Bill, page 3, lines 16 and 17, by striking out "ENFORCEMENT; RULES AND REGULATIONS; INQUISITORIAL POWERS" in line 16 and all of line 17 and inserting

Administration and enforcement.

Amend Bill, page 3, line 18, by striking out "COMPACTS" and inserting

cooperation in collecting tax

Amend Bill, page 3, line 23, by striking out "CLAUSE" and inserting

of provisions

Amend Sec. 3 (Sec. 9501), page 3, line 25, by striking out "TERMS AND PHRASES," and inserting

and phrases

Amend Sec. 3 (Sec. 9501), page 3, line 26, by striking out "SHALL HAVE THE MEANING ASCRIBED" and inserting

shall have, unless the context clearly indicates otherwise, the meanings given

Amend Sec. 3 (Sec. 9501), page 3, line 27, by removing the comma after "SECTION" and inserting a colon

Amend Sec. 3 (Sec. 9501), page 3, lines 27 and 28, by striking out "EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT" in line 27 and all of line 28

Amend Sec. 3 (Sec. 9501), page 4, lines 22 and 23, by striking out "PROVIDED THAT SUCH DEFINITON SHALL INCLUDE, BUT NOT BE" and inserting

Petroleum products include but are not

Amend Sec. 3 (Sec. 9501), page 4, lines 24 through 26, by striking out "AND PROVIDED" in line 24, all of line 25 and "CONSTRUED TO" in line 26, and inserting

Petroleum products do not

Amend Sec. 3 (Sec. 9501), page 5, line 1, by removing the comma after "TAXES"

Amend Sec. 3 (Sec. 9501), page 5, line 2, by inserting after "USER."

In the event that the consideration derived from the sale to a wholesale dealer includes Federal gasoline taxes, such taxes shall not be part of the petroleum revenue.

Amend Sec. 3 (Sec. 9501), page 5, line 8, by removing the comma after "SALE"

Amend Sec. 3 (Sec. 9501), page 5, line 12, by striking out "PENNSYLVANIA," and inserting  
this Commonwealth

Amend Sec. 3 (Sec. 9501), page 5, line 14, by striking out "PENNSYLVANIA" and inserting  
this Commonwealth

Amend Sec. 3 (Sec. 9501), page 5, line 16, by striking out "THE STATE," and inserting  
this Commonwealth

Amend Sec. 3 (Sec. 9501), page 5, line 19, by striking out "PENNSYLVANIA" and inserting  
this Commonwealth

Amend Sec. 3 (Sec. 9502), page 5, line 21, by inserting after "(A)"

General rule.—

Amend Sec. 3 (Sec. 9502), page 5, line 30, by striking out "STATE, OR OF HAVING EMPLOYEES IN THE STATE," and inserting

Commonwealth, or of having employees in this Commonwealth,

Amend Sec. 3 (Sec. 9502), page 6, line 2, by inserting after "(B)"

Other taxes unaffected.—

Amend Sec. 3 (Sec. 9502), page 6, line 3, by striking out "ACT," and inserting  
statute

Amend Sec. 3 (Sec. 9502), page 6, line 6, by inserting after "(C)"

Preemption of local taxes.—

Amend Sec. 3 (Sec. 9502), page 6, line 8, by striking out "HEREUNDER," and inserting  
under this chapter

Amend Sec. 3 (Sec. 9502), page 6, line 9, by removing the comma after "OIL"

Amend Sec. 3 (Sec. 9502), page 6, line 10, by striking out "THE COMMONWEALTH, PROVIDED, HOWEVER, THAT THIS" and inserting  
this Commonwealth. This

Amend Sec. 3 (Sec. 9502), page 6, line 12, by removing the period after "APPLICATION" and inserting  
or to any tax imposed by the Commonwealth.

Amend Sec. 3 (Sec. 9502), page 6, line 13, by inserting after "(D)"

Proof of use for nontaxable purpose.—

Amend Sec. 3 (Sec. 9502), page 6, line 18, by inserting after "(E)"

Absence of proof of use for nontaxable purpose.—

Amend Sec. 3 (Sec. 9502), page 6, line 27, by inserting after "(F)"

Change to use for taxable purpose.—

Amend Sec. 3 (Sec. 9502), page 6, line 29, by removing the comma after "(E)"

Amend Sec. 3 (Sec. 9502), page 7, line 2, by inserting after "(G)"

Credit in absence of proof of nontaxable purpose.—

Amend Sec. 3 (Sec. 9502), page 7, line 8, by inserting after "(H)"

False information concerning product use.—

Amend Sec. 3 (Sec. 9502), page 7, line 15, by removing the period after "9503(C)" and inserting  
(relating to reports and payment of tax).

Amend Sec. 3 (Sec. 9502), page 7, line 16, by inserting after "(I)"

Election to be taxed as oil company.—

Amend Sec. 3 (Sec. 9502), page 7, line 18, by removing the comma after "CHAPTER"

Amend Sec. 3 (Sec. 9502), page 7, line 23, by inserting after "(J)"

Limitation on collection of tax.—

Amend Sec. 3 (Sec. 9502), page 7, line 25, by inserting after "(K)"

Motor carriers road tax.—

Amend Sec. 3 (Sec. 9503), page 8, line 2, by inserting after "(A)"

Monthly reports.—

Amend Sec. 3 (Sec. 9503), page 8, line 5, by striking out "TENTH" and inserting  
next to the last business

Amend Sec. 3 (Sec. 9503), page 8, line 8, by striking out "SUCH" and inserting  
The

Amend Sec. 3 (Sec. 9503), page 8, line 11, by inserting after "(B)"

Payment of tax.—

Amend Sec. 3 (Sec. 9503), page 8, line 12, by inserting after "SHALL"

, at the time of making every report required by this section,

Amend Sec. 3 (Sec. 9503), page 8, line 14, by inserting after "(C)"

Underpayments and overpayments.—

Amend Sec. 3 (Sec. 9503), page 8, line 15, by striking out "ABOVE PROVIDED" and inserting  
provided in this section

Amend Sec. 3 (Sec. 9503), page 8, lines 17 and 18, by striking out "PROVIDED, HOWEVER, THAT ANY" and inserting  
. Any

Amend Sec. 3 (Sec. 9503), page 8, line 25, by inserting after "(D)"

Violation of reporting requirements.—

Amend Sec. 3 (Sec. 9503), page 8, line 25, by removing the comma after "NEGLECT"

Amend Sec. 3 (Sec. 9503), page 8, line 26, by striking out "HEREIN REQUIRED," and inserting  
required in this section,

Amend Sec. 3 (Sec. 9504), page 9, line 2, by inserting after "(A)"

General rule.—

Amend Sec. 3 (Sec. 9504), page 9, line 5, by striking out "PENNSYLVANIA DEPARTMENT OF REVENUE"  
department

Amend Sec. 3 (Sec. 9504), page 9, line 12, by inserting after "(B)"

Evidence of mailing.—

Amend Sec. 3 (Sec. 9506), page 9, lines 25 and 26, by striking out "ENFORCEMENT; RULES AND REGULATIONS; INQUISITORIAL" in line 25 and all of line 26 and inserting  
Administration and enforcement.

Amend Sec. 3 (Sec. 9506), page 9, line 27, by inserting after "(A)"

General rule.—

Amend Sec. 3 (Sec. 9506), page 9, line 29, by removing the comma after "PROMULGATE"

Amend Sec. 3 (Sec. 9506), page 10, lines 4 and 5, by striking out all of said lines and inserting  
shall have such rules and regulations printed and shall distribute them

Amend Sec. 3 (Sec. 9506), page 10, line 7, by inserting after “(B)”

Examinations and investigations.—

Amend Sec. 3 (Sec. 9506), page 10, line 17, by removing the comma after “CONFIDENTIAL”

Amend Sec. 3 (Sec. 9506), page 10, line 19, by striking out “AND, UPON CONVICTION THEREOF,” and inserting of the third degree and, upon conviction,

Amend Sec. 3 (Sec. 9506), page 10, line 21, by striking out “AND COSTS OF PROSECUTION,”

Amend Sec. 3 (Sec. 9506), page 10, line 25, by inserting after “(C)”

Liability of county for costs.—

Amend Sec. 3 (Sec. 9506), page 11, line 2, by inserting after “(D)”

Other powers of department preserved.—

Amend Sec. 3 (Sec. 9506), page 11, line 7, by inserting after “(E)”

Special investigators.—

Amend Sec. 3 (Sec. 9506), page 11, line 9, by striking out “THE” and inserting this

Amend Sec. 3 (Sec. 9506), page 11, line 11, by striking out “THE” and inserting this

Amend Sec. 3 (Sec. 9507), page 11, line 22, by striking out “COMPACTS” and inserting cooperation in collecting tax

Amend Sec. 3 (Sec. 9507), page 11, line 23 by inserting after “(A)”

General rule.—

Amend Sec. 3 (Sec. 9507), page 11, line 26, by striking out “PENNSYLVANIA” and inserting the Commonwealth

Amend Sec. 3 (Sec. 9507), page 11, line 26, by striking out “TAX”

Amend Sec. 3 (Sec. 9507), page 11, line 27, by removing the period after “STATES” and inserting of the tax imposed by this chapter.

Amend Sec. 3 (Sec. 9507), page 11, line 28, by inserting after “(B)”

Joint actions and agreements.—

Amend Sec. 3 (Sec. 9507), page 12, line 2, by striking out “TAX COLLECTIONS” and inserting collection

Amend Sec. 3 (Sec. 9507), page 12, line 4, by removing the period after “COMMONWEALTH” and inserting of the tax imposed by this chapter.

Amend Sec. 3 (Sec. 9508), page 12, line 6, by inserting after “(A)”

Assessment.—

Amend Sec. 3 (Sec. 9508), page 12, line 18, by removing the comma after “TAXPAYER”

Amend Sec. 3 (Sec. 9508), page 12, line 21, by inserting after “(B)”

Petition for reassessment.—

Amend Sec. 3 (Sec. 9508), page 13, line 5, by inserting after “(C)”

Petition for review.—

Amend Sec. 3 (Sec. 9508), page 13, line 16, by striking out “HEREUNDER” and inserting under this section

Amend Sec. 3 (Sec. 9508), page 14, line 2, by inserting after “(D)”

Appeals.—

Amend Sec. 3 (Sec. 9510), page 14, line 15, by inserting after “(A)”

Retention of records.—

Amend Sec. 3 (Sec. 9510), page 14, line 16, by inserting after “9509”

(relating to retention of records)

Amend Sec. 3 (Sec. 9510), page 14, line 16, by striking out “AND SHALL,” and inserting

of the third degree and

Amend Sec. 3 (Sec. 9510), page 14, line 17, by inserting after “THEREOF,”

shall

Amend Sec. 3 (Sec. 9510), page 14, line 18, by striking out “AND COSTS OF PROSECUTION,”

Amend Sec. 3 (Sec. 9510), page 14, line 20, by inserting after “(B)”

False and fraudulent returns.—

Amend Sec. 3 (Sec. 9510), page 14, line 21, by removing the comma after “CHAPTER”

Amend Sec. 3 (Sec. 9510), page 14, line 22, by removing the comma after “PERJURY”

Amend Sec. 3 (Sec. 9510), page 14, line 26, by inserting after “(C)”

Failure to file report or permit examination.—

Amend Sec. 3 (Sec. 9510), page 14, line 26, by removing the comma after “PERSON”

Amend Sec. 3 (Sec. 9510), page 14, line 26, by removing the comma after “NEGLECTS”

Amend Sec. 3 (Sec. 9510), page 14, line 27, by striking out “HEREIN PRESCRIBED,” and inserting prescribed in this chapter,

Amend Sec. 3 (Sec. 9510), page 14, line 30, by removing the comma after DEGREE”

Amend Sec. 3 (Sec. 9510), page 15, line 2, by striking out “AND COSTS OF PROSECUTION,”

Amend Sec. 3 (Sec. 9511), page 15, line 6, by inserting after “(A)”

Deposit in Motor License Fund.—

Amend Sec. 3 (Sec. 9511), page 15, line 8, by inserting after “(B)”

Basic allocation to municipalities.—

Amend Sec. 3 (Sec. 9511), page 15, line 10, by striking out “THE” where it appears the second time

Amend Sec. 3 (Sec. 9511), page 15, line 11, by striking out “THE COMMONWEALTH ON THE BASIS” and inserting this Commonwealth on the basis of

Amend Sec. 3 (Sec. 9511), page 15, line 14, by inserting after “(C)”

Additional allocation to municipalities.—

Amend Sec. 3 (Sec. 9511), page 15, line 15, by striking out “THE COMMONWEALTH,” and inserting

this Commonwealth

Amend Sec. 3 (Sec. 9511), page 15, line 16, by inserting after “BASIS”

of

Amend Sec. 3 (Sec. 9511), page 15, by inserting between lines 22 and 23

(d) Allocation to cities of the first class.—In addition, an amount is hereby appropriated annually out of the Motor License Fund to cities of the first class equal to the difference between the increased amounts allocated to cities of the first class resulting from subsections (b) and (c) of this section and 2% of oil company wholesale revenues from sales of gasoline delivered to retail outlets in cities of the first class, as determined by the Pennsylvania Secretary of Revenue in developing the official revenue estimate for the “Oil Company Franchise Tax for Highway Maintenance and Construction.” Such funds shall be used exclusively for maintenance, construction, or reconstruction of highways and bridges within cities of the first class.

Amend Sec. 3 (Sec. 9512), page 15, line 23, by striking out “CLAUSE” and inserting

of provisions

Amend Sec. 3, (Sec. 9512), page 15, line 27, by removing the comma after "CIRCUMSTANCES"

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

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

Mr. WILSON. Mr. Speaker, just a brief explanation of this amendment.

This bill, SB 161 as amended, preempts the tax levied in the city of Philadelphia. The estimate for their tax is some \$7.5 million. The return from this bill would be \$5.4 million, and this amendment assures the city that they would receive their portion as their original tax. I would urge the adoption of this amendment.

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

Mr. LAUGHLIN. Mr. Speaker, would the gentleman please stand for interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Laughlin, may proceed.

Mr. LAUGHLIN. Mr. Speaker, approximately an hour ago the gentleman mentioned the fact that there was a very complicated amendment offered on the floor of the House by this Representative, and he questioned the real reason and the cause for presenting such an amendment at that time. I count to you one, two, three, four, five, six pages printed on both sides, Mr. Speaker. In all honesty, Mr. Speaker, I would think that you would be a little more consistent in your arguments and your presentations, and if you are going to vote "no" on it, okay. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I apologize to the members of my caucus for not explaining this very complicated amendment. It is not that complicated. It is a technical amendment. I spent an hour this afternoon with the attorneys of the Democratic caucus with the amendment. Most of it is technical in the bill. I agree with all of the technical amendments.

There is a substantive portion of the amendment which does guarantee that Philadelphia will not lose money because of the preemption of the tax, the substitution of the moneys given by the state for the tax that is already in place in the city, and I urge the adoption, Mr. Speaker, of the amendment.

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

Mr. RITTER. Mr. Speaker, will the gentleman, Mr. Wilson, consent to interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman may proceed.

Mr. RITTER. Mr. Speaker, the additional revenue that will accrue to the, as it says in the bill, "cities of the first class," will that money come from the pot that is left for the rest of us?

Mr. WILSON. That money would be taken from the Commonwealth's share.

Mr. RITTER. That would be available for the rest of us.

Mr. WILSON. That would leave \$126 million for the Commonwealth.

Mr. RITTER. I see. I thank the gentleman, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, before you comment—

The SPEAKER. Does the minority whip seek recognition? The gentleman may proceed.

Mr. MANDERINO. If the gentleman, Mr. Ritter, would yield for a minute for a further answer.

The 20-percent money going to local governments in this bill does not go to Philadelphia. Philadelphia is cut off from the 20-percent money, and in substitution of that, they are guaranteed the yield of the franchise tax already in place. That is an important element.

Mr. RITTER. Mr. Speaker, further interrogation. Where does it say in this amendment that Philadelphia is not going to get their share of the 20 percent? I do not see that. And I disagree with the minority whip. It is a complicated amendment, if you like to read the language. It is not an easy amendment to understand. But where does it say that Philadelphia will not get its share of the 20 percent?

Mr. MANDERINO. Mr. Speaker, if the gentleman would yield.

Mr. Speaker, on the last page of the amendment where it talks about allocation to cities of the first class—

Mr. RITTER. I see that, Mr. Speaker.

Mr. MANDERINO. Okay. Allocation— In addition, an amount is hereby appropriated annually out of the Motor License Fund to cities equal to the difference, the difference, between the increased amounts allocated to the cities of the first class resulting from subsections (b) and (c) of this section and the 2-percent oil refinery tax in the city of Philadelphia, the 2-percent oil wholesale revenues from the sale of gasoline delivered to the retail outlets in the cities of the first class.

Mr. Speaker, the amount of money that Philadelphia received last year in their allocation for local government amounted to \$8.8 million. If they were treated as all others are treated under this bill, this year they would receive \$13.5 million. Mr. Speaker, the local allocation of \$8.8 million and the difference between that and the \$13 million is less than the yield of their franchise tax in place, the estimates show, by about \$1.8 million, and this amendment is designed to ensure that they will not lose from the franchise tax the moneys they expected to receive with the tax in place. We are preempting a tax passed by the city of Philadelphia to balance their budget, and when the state comes in and says to the local government, you no longer can collect that tax, I think there is an obligation on the state's part, and we are trying to meet that obligation.

Mr. RITTER. Mr. Speaker, the reason I am participating in interrogation is because I agreed with Mr. Wilson at 5 o'clock in the morning that the amendments were too complicated to be considered, and I agree at 6 o'clock that this amendment is too complicated. I ask again, Mr. Speaker, it says, "In addition, an amount is hereby appropriated annually,..." and this is the allocation to the cities of the first class. "In addition, an amount is hereby appropriated annually out of the Motor License Fund to cities of the first class equal to the difference

between the increased amounts allocated to cities of the first class resulting from..." et cetera, et cetera. I am saying that it seems to me as though there is an addition to the regular allocation, because I cannot find anything where it says that they are not going to get the 20-percent allocation.

Mr. MANDERINO. Mr. Speaker, the gentleman is correct. There is a differential pay to the city of Philadelphia which equals only that amount that the franchise tax would have raised in addition to the 20 percent, and as I demonstrated with the figures, it is about a \$1.8-million figure.

Mr. RITTER. Okay. And then one final question for Mr. Wilson. I will repeat what I asked earlier. This does come out of the allocation that is left for the rest of the state?

Mr. WILSON. Yes, sir.

Mr. RITTER. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—132

Alden	Emerson	Levin	Rocks
Anderson	Evans	Livengood	Salvatore
Armstrong	Fee	Lucyk	Saurman
Arty	Foster, W. W.	McCall	Seventy
Barber	Foster, Jr., A.	McClatchy	Shupnik
Beloff	Freind	McIntyre	Sieminski
Berson	Gallagher	McMonagle	Smith, B.
Bittle	Gallen	Mackowski	Smith, E. H.
Borski	Gannon	Madigan	Smith, L. E.
Boyes	Geist	Maiale	Snyder
Brandt	Gladeck	Manderino	Spencer
Burns	Grabowski	Merry	Spitz
Caltagirone	Gray	Michlovic	Swaim
Cawley	Greenfield	Micozzie	Sweet
Cessar	Greenwood	Miller	Taylor, E. Z.
Cimini	Grieco	Mullen	Taylor, F. E.
Civera	Gruppo	Nahill	Telek
Clymer	Hagarty	Noye	Vroon
Cochran	Harper	O'Donnell	Wargo
Cohen	Hasay	Oliver	Wass
Cole	Hayes	Pendleton	Wenger
Cornell	Hoeffel	Perzel	Weston
Coslett	Honaman	Petrarca	White
Cowell	Hutchinson, A.	Phillips	Wiggins
Cunningham	Hutchinson, W.	Pievsky	Williams, H.
DeVerter	Irviss	Pistella	Williams, J. D.
Daikeler	Itkin	Pitts	Wilson
Davies	Jackson	Pucciarelli	Wogan
Dawida	Kennedy	Punt	Wright, D. R.
Deal	Klingaman	Rappaport	Wright, J. L.
Dietz	Kukovich	Reber	
Donatucci	Lashingier	Richardson	Ryan,
Dorr	Lehr	Rieger	Speaker
Duffy	Letterman		

NAYS—65

Belardi	Gamble	Marmion	Serafini
Belfanti	George	Miscevich	Showers
Blaum	Gruitza	Moehlmann	Stairs
Bowser	Haluska	Morris	Steighner
Brown	Heiser	Mowery	Stevens
Burd	Horgos	Mrkonic	Stewart
Cappabianca	Kanuck	Murphy	Suban
Clark	Kolter	Olasz	Swift
DeMedio	Kowalshyn	Peterson	Taddonio
DeWeese	Laughlin	Petrone	Tigue
Dininni	Lescovitz	Piccola	Trello
Dombrowski	Levi	Pott	Van Horne
Durham	Lewis	Pratt	Wachob
Fischer	Lloyd	Rasco	Wambach

Fleck	McVerry	Ritter	Wozniak
Frazier	Manmiller	Rybak	Zwikl
Fryer			

NOT VOTING—4

Colafella	Cordisco	Johnson	Sirianni
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EXCUSED—0

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

**BILL TABLED TEMPORARILY**

The SPEAKER. Without objection, SB 161, PN 969, will be placed temporarily on the table. The Chair hears none.

**REPORT OF COMMITTEE OF CONFERENCE PRESENTED**

Mr. McCLATCHY presented the Report of the Committee of Conference on **HB 712, PN 1786**.

**SUPPLEMENTAL CALENDAR C  
REPORT OF COMMITTEE OF CONFERENCE CONSIDERED**

Mr. McCLATCHY called up for consideration the following Report of the Committee of Conference on **HB 712, PN 1786**, entitled:

An act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1981 to June 30, 1982 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1981 and to provide additional and supplemental appropriations from the General Fund and the Motor License Fund to the various departments of the Commonwealth for the fiscal period July 1, 1980 to June 30, 1981.

On the question,  
Will the House adopt the Report of the Committee of Conference?

(A roll-call vote was taken.)

**STATEMENT BY MR. WAMBACH**

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

Mr. WAMBACH. Mr. Speaker, just to make a brief statement.

The SPEAKER. Is the gentleman asking for unanimous consent? There are other roll calls.

Mr. WAMBACH. I realize that. Yes, I am asking for unanimous consent, Mr. Speaker.

The SPEAKER. Would the gentleman yield until the business is concluded?

Mr. WAMBACH. I think it is apropos to the last vote, Mr. Speaker. I will be brief.

The SPEAKER. If the gentleman cares to make a statement on the last vote, that is appropriate. Go ahead.

Mr. WAMBACH. Thank you, Mr. Speaker.

It is unbelievable to me, Mr. Speaker, that 202 members of this House—excuse me, 201 members of this House—have just voted on a conference committee report on HB 712 without having it in front of them. It is being passed out now, and I would just like to state for the record I voted against it because I did not know what the committee of conference reported to this House. Thank you, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, the report that you are receiving does not have signatures on it. We were having mechanical problems tonight. You waited almost until 2 or 3 o'clock for HB 686, and we had the same problems, but the report is signed and it is on the Speaker's desk.

POINT OF ORDER

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

Mr. RICHARDSON. Mr. Speaker, a point of order.

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

Mr. RICHARDSON. Mr. Speaker, as a matter of fact, the rules of this House state that we are to have in our possession before we vote on a conference committee report the report and the signatures of those who are the conferees. Let me share my frustration.

The SPEAKER. Mr. Richardson, the Chair agrees with the statement of Mr. McClatchy that the original report of the conferees is in the possession of the Speaker and is signed. These reports have been examined by the minority whip, Mr. Manderino, and members of his staff. I assure the gentleman that the copies were signed prior to any vote having been taken. The vote having been taken, it would seem to the Speaker that the questions raised now by the gentleman are statements that may be inserted in the record if he desires but nevertheless will not affect the outcome of that vote.

Mr. RICHARDSON. What I am going to ask for then, Mr. Speaker, since I was just trying to state a frustration, because I think that many of the members who saw the conference committee report on HB 712 on the board did not know what it was and they were unfairly registered "no" on the board, and it would seem to me that if we are not going to get the opportunity to correct that and you are only going to accept them in the record, then I would at this time submit to the desk an opportunity to in fact ask for another roll-call vote on the conference committee report.

VOTE STRICKEN

The SPEAKER. Without objection, the clerk will strike the last roll call. The Chair hears none.

On the question recurring,

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

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

YEAS—150

Table listing names of members who voted 'YEAS' (150 total). Includes Alden, Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Borski, Bowser, Boyes, Brandt, Burd, Burns, Caltagirone, Cessar, Cimini, Civera, Clark, Clymer, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Cunningham, DeVerter, Daikeler, Davies, Deal, Dietz, Dininni, Donatucci, Dorr, Duffy, Durham, Evans, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Gallagher, Gallen, Gamble, Gannon, Geist, Gladeck, Grabowski, Gray, Greenfield, Greenwood, Grieco, Gruppo, Hagarty, Harper, Hasay, Hayes, Heiser, Honaman, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Jackson, Johnson, Kanuck, Kennedy, Klingaman, Lashinger, Lehr, Levi, Levin, Lewis, Lucyk, McCall, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Merry, Micozzie, Miller, Moehlmann, Mowery, Mullen, Murphy, Nahill, Noye, Oliver, Pendleton, Perzel, Peterson, Petrarca, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pucciarelli, Punt, Rappaport, Rasco, Reber, Richardson, Rieger, Rocks, Salvatore, Saurman, Serafini, Seventy, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Stevens, Stuban, Swaim, Sweet, Taddonio, Taylor, E. Z., Telek, Vroon, Wargo, Wass, Wenger, Weston, White, Williams, J. D., Wilson, Wogan, Wright, J. L., Ryan, Speaker.

NAYS—49

Table listing names of members who voted 'NAYS' (49 total). Includes Blaum, Brown, Cappabianca, Cawley, Cochran, Cohen, DeMedio, DeWeese, Dawida, Dombrowski, Fee, Fryer, George, Gruitza, Haluska, Hoeffel, Horgos, Kolter, Kowalshyn, Kukovich, Laughlin, Lescovitz, Letterman, Livengood, Lloyd, Michlovic, Misceovich, Morris, Mrkonic, O'Donnell, Olasz, Petrone, Pratt, Ritter, Rybak, Showers, Steighner, Stewart, Swift, Taylor, F. E., Tigie, Trello, Van Horne, Wachob, Wambach, Williams, H., Wozniak, Wright, D. R., Zwikel.

NOT VOTING—2

Emerson Wiggins

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

**BILL REMOVED FROM TABLE**

The SPEAKER. Without objection, SB 161 shall be removed from the table. The Chair hears none.

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 Somerset, Mr. Lloyd.

Mr. LLOYD. Will the majority leader, Mr. Speaker, consent to very brief interrogation?

The SPEAKER. Is the gentleman seeking to interrogate the majority leader on this bill?

Mr. LLOYD. Yes, sir.

The SPEAKER. The Chair recognizes the gentleman, Mr. Lloyd, who asks to interrogate the majority leader, Mr. Hayes, who consents to such interrogation, and the gentleman may proceed.

Mr. LLOYD. Mr. Speaker, statements have been made—not on the floor of the House but by some people—that when this tax passes, if it does, the money will in fact not be allocated under the formula which was written into the law last year in SB 10 and in accordance with the estimate certified to us by the Governor in May of this year, but that in fact this money is going to be allocated on some other basis, perhaps including a political one.

Mr. Speaker, is it the expectation of the majority leader that this money will be allocated in accordance with the formula in SB 10?

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the maintenance formula referred to by the gentleman is the law of this Commonwealth, and as such, the moneys raised by the franchise levy will be allocated according to that formula.

Mr. LLOYD. Mr. Speaker, also in discussions between members and the Department of Transportation, one of the inducements held out for a favorable vote on this bill was that it would be possible to undertake a substantial number of bridge and highway projects which are on the Governor's proposed capital budget. Mr. Speaker, is it the intention of the majority leader to schedule a vote on the capital budget, including items for highways and bridges, in the near future?

Mr. HAYES. There are currently bridge and highway projects which need no further authorization on the part of this General Assembly, and I believe that most of those projects which you have seen appear in public press attributed to the Secretary of Transportation are projects that have already been approved by previous sessions of the General Assembly.

Mr. LLOYD. Mr. Speaker, would I then be correct that the majority leader is not at this point making any commitment as to when or if this House will be given an opportunity to vote

on the Governor's proposed capital budget for this upcoming fiscal year?

Mr. HAYES. We do not have scheduled a vote in the most immediate future on a new capital budget program. That is not to say that there will never ever be another capital budget, but at the present time in the immediate future there will not be a new capital budget.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman from Luzerne, Mr. Tigue, desire recognition on this question?

Mr. TIGUE. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. TIGUE. I would like to interrogate either the majority leader or Mr. Wilson.

The SPEAKER. Will the gentleman make his choice? Both Mr. Wilson and Mr. Hayes agree to be interrogated.

Mr. TIGUE. Okay. I will interrogate the majority leader.

The SPEAKER. The gentleman may proceed.

Mr. TIGUE. Mr. Speaker, the estimate of \$190-some million, what is that based on? The cost of fuel at what price?

Mr. HAYES. That was based upon the receipts received by companies doing business in Pennsylvania.

Mr. TIGUE. Okay. Fine, Mr. Speaker, but the question was, what was the amount per gallon of gasoline or diesel that was based on to raise the revenues to \$190-some million?

Mr. HAYES. It did not have any relationship to the price per gallon at all.

Mr. TIGUE. It should have.

Okay. The second question would be, what are the estimates of the increased costs for administering and enforcing this new program?

Mr. HAYES. The indication that we have received from the Department of Revenue is that there would not be undue costs incurred through the enactment of the franchise levy.

Mr. TIGUE. There would be undue costs?

Mr. HAYES. There would be no undue costs.

Mr. TIGUE. Okay. Mr. Speaker, I have concluded my interrogation.

Oh, one other question, please. Mr. Speaker, one other question?

The SPEAKER. The gentleman is in order.

Mr. TIGUE. Mr. Speaker, is there a cap on this? Is there a limit as to how much can be raised?

Mr. HAYES. There is no cap on the legislation.

Mr. TIGUE. Mr. Speaker, I have concluded my interrogation. I would like to make a statement, please.

The SPEAKER. The gentleman is in order to debate the bill.

Mr. TIGUE. Mr. Speaker, for the last year at minimum, we have heard about SWAP. SWAP was voted out—

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

Mr. HAYES. Mr. Speaker, I do not know whether it is necessary or not, but to further amplify upon the one gentleman's question, he asked about the price of gasoline at the time that revenue estimates were generated, and the wholesale at that time was \$1.10 per gallon.



The SPEAKER. The gentleman may proceed with his statement.

Mr. TIGUE. For the past 12 months or so, we have heard about SWAP. SWAP was voted out of the Transportation Committee and thereupon died a quick and timely death, fortunately.

What we have in front of us now is a bill. If it is based on \$1.10 per gallon retail or wholesale, we have increased the percentage to 3.5, where SWAP had a cap of 3 cents per gallon. What we have done now is we have eliminated a cap; we have increased the amount of money we will be charging the consumer at the pump.

According to the Petroleum Institute—if in fact you want to believe these people—the cost will be carried through to the consumer. It is complete folly on anyone's part to think that the oil companies will in fact swallow this in the form of a tax writeoff.

What we have done is we have found a cute way of saying to our people, we have not raised the price of gasoline or we have not raised taxes on gasoline. What we in fact have done is increased the price more than on any other formula submitted thus far. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Cordisco. Does the gentleman seek recognition?

Mr. CORDISCO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. CORDISCO. Would the Speaker grant me at this particular time a few minutes to discuss some information with my minority whip, please?

Mr. Speaker, could I interrogate Mr. Hayes at this time?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman, Mr. Cordisco, may proceed.

Mr. CORDISCO. Mr. Speaker, is it true that Secretary Larson and the Department of Transportation are now preparing a capital budget to be delivered to you at 9 o'clock this morning?

Mr. HAYES. I think maybe I misunderstood a previous gentleman's question. I understood the previous gentleman to ask whether or not the revenues to be raised by the franchise levy are to go towards new projects which are not contained in previously enacted capital budgets, and I thought he was making reference to missing links like the Blue Route and things like that. There will be prepared for passage a capital budget bill which will contain some new projects, but by and large, those which we have read so much about, the missing links, many of those have already been authorized in previous budgets. The gentleman speaking now is making reference to a project that he has a great deal of interest in, and that would require General Assembly approval, and there will be that type of budget prepared. I thought the previous speaker was asking about missing links.

Mr. CORDISCO. Thank you, Mr. Speaker, and for the majority leader's sake, it is Representative Cordisco from Bucks County.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, would the majority leader consent to brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Lloyd, may proceed.

Mr. LLOYD. Mr. Speaker, so that I understand before I cast my vote on this bill just exactly what the state of the capital budget is, I am not concerned at this point about missing links; I am concerned about a bridge, the Landstreet Bridge, which is in Somerset County. That bridge appears on the Governor's capital budget included in the budget booklets that we got this year. Does the bill which is going to be presented to this House include that particular project?

Mr. HAYES. That is a better question, Mr. Speaker. The answer to that question is it is my understanding that that project is being prepared for consideration in the next capital budget.

Mr. LLOYD. Mr. Speaker, is there any estimate when we will be able to vote on that capital budget?

Mr. HAYES. That particular budget can be prepared in the not-too-far-distant future. It is in formulation right now.

Mr. LLOYD. Mr. Speaker, is it the intent that since it can be prepared, it will be presented for a vote either before we recess this summer or shortly after we return in the fall?

Mr. HAYES. That is not impossible.

Mr. LLOYD. Mr. Speaker, would I be correct that there is no commitment one way or the other?

Mr. HAYES. I will do my best, sir.

Mr. LLOYD. 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—112

Alden	Frazier	Mackowski	Saurman
Anderson	Freind	Madigan	Seventy
Armstrong	Gallen	Manderino	Showers
Arty	Gamble	Manmiller	Sieminski
Beloff	Geist	Marmion	Sirianni
Bittle	Grabowski	Merry	Smith, B.
Bowser	Greenwood	Michlovic	Smith, E. H.
Boyes	Grieco	Micozzie	Smith, L. E.
Brandt	Gruppo	Miller	Snyder
Burd	Hagarty	Moehlmann	Spencer
Burns	Haluska	Mowery	Spitz
Caltagirone	Hasay	Murphy	Stairs
Cessar	Hayes	Nahill	Stevens
Civera	Heiser	Noye	Sweet
Clymer	Honaman	Pendleton	Swift
Colafella	Hutchinson, A.	Peterson	Taddonio
Cordisco	Hutchinson, W.	Petrarca	Taylor, E. Z.
Coslett	Irvis	Petrone	Telek
Cowell	Itkin	Phillips	Van Horne
Cunningham	Jackson	Piccola	Vroon
DeVerter	Johnson	Pistella	Wass
Daikeler	Kennedy	Pitts	Wenger
Davies	Klingaman	Pott	White
Dininni	Kolter	Punt	Wilson
Dorr	Lashinger	Rasco	Wright, J. L.
Duffy	Lehr	Reber	
Fleck	Levi	Rocks	Ryan,
Foster, W. W.	McClatchy	Rybak	Speaker
Foster, Jr., A.	McVerry		

NAYS—88

Barber	Durham	Levin	Ritter
Belardi	Emerson	Lewis	Salvatore
Belfanti	Evans	Livengood	Serafini
Berson	Fee	Lloyd	Shupnik
Blaum	Fischer	Lucyk	Steighner
Borski	Fryer	McCall	Stewart
Brown	Gallagher	McMonagle	Stuban
Cappabianca	Gannon	Maiale	Swaim
Cawley	George	Miscevich	Taylor, F. E.
Cimini	Gladeck	Morris	Tigue
Clark	Gray	Mrkonic	Trello
Cochran	Greenfield	Mullen	Wachob
Cohen	Gruitza	O'Donnell	Wambach
Cole	Harper	Olasz	Wargo
Cornell	Hoeffel	Oliver	Weston
DeMedio	Horgos	Perzel	Wiggins
DeWeese	Kanuck	Pievsky	Williams, H.
Dawida	Kowalyshyn	Pratt	Williams, J. D.
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Laughlin	Rappaport	Wozniak
Dombrowski	Lescovitz	Richardson	Wright, D. R.
Donatucci	Letterman	Rieger	Zwikl

NOT VOTING—1

McIntyre

EXCUSED—0

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 the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

**CONDOLENCE RESOLUTION ADOPTED**

The SPEAKER. At this time we will take up a privileged condolence resolution. I would appreciate it if the members would remain in their seats.

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

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

The following resolution was read:

HOUSE OF REPRESENTATIVES  
HARRISBURG, PA.  
OFFICE OF THE CHIEF CLERK  
RESOLUTION

WHEREAS, The House of Representatives received the news on June 9, 1981 of the unexpected and untimely death of one of its members, Arthur Franklin Earley, Esquire; and

WHEREAS, Arthur Franklin Earley served as a loyal and luminous purveyor of the truth, both in life and in his legislative career; and

WHEREAS, He so ably served his country amidst the desolate terrain and wearisome struggle against Fascism in the Second World War by his active duty with the United States Marine Corps; and

WHEREAS, His personal and professional career ought to serve as an enduring monument to the fortunes of one who indeed believed in helping those in want; in assisting those unable to assist themselves in their ceaseless strivings for a better and more fulfilled life; and

WHEREAS, He strove mightily to advance the fortunes and increase the happiness of his race through the practice of law in Delaware County; and

WHEREAS, He labored in the vineyards to alleviate the vile stain of racial prejudice from American life through his membership in the National Association for the Advancement of Colored People; and

WHEREAS, His public service especially ought to glow in our minds as a steady beacon to illuminate his memory; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania tenders its heartfelt solace to his children, Claudia and Langston, in this hour of grief; and be it further

RESOLVED, That a copy of this resolution be delivered to Claudia and Langston Earley, 1000 MacDade Boulevard, Chester, Pennsylvania.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable Alphonso Deal, and adopted by the House of Representatives the 10th day of June 1981.

Matthew J. Ryan,  
Speaker  
ATTEST:  
John J. Zubeck,  
Chief Clerk

On the question,

Will the House adopt the resolution?

The SPEAKER. All in favor of the adoption of the resolution will rise and remain standing as a mark of respect.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

**BILL SIGNED BY SPEAKER**

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

**HB 1043, PN 1495**

An Act amending the "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," approved February 11, 1976 (P. L. 14, No. 10), mandating certain intercity rail service and defining local financial responsibilities.

**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.

**WELCOMES**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. Vincent LaCrosse, here today as the guest of Representative Belfanti.

The Chair is pleased to welcome to the hall of the House today Mr. Tom Bowers, here today as the guest of Representative Karl Boyes.

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**ADJOURNMENT**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that this House do now adjourn until Monday, June 15, 1981, at 4 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:27 a.m., e.d.t., June 11, 1981, the House adjourned.