

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, JUNE 9, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 43

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. DR. VICTOR BAER, chaplain of the House of Representatives, pastor of the historic Donegal Presbyterian Church, Mount Joy, Pennsylvania, and president of the United Churches of Elizabethtown, offered the following prayer:

Let us pray:

Lord God, give to legislators, executives, and government workers a knowledge of Thy will for the world. Let them remember that they serve a public trust that is beyond personal glory or gain. May they see that no State, no nation lives for itself alone but is responsible to Thee for the promoting of peace and the well-being of all Thy children.

Almighty God, we pray for our country. Strengthen the spirit of our country.

The first settlers cleared the land, settled the towns, built the roads, and struggled to establish a fair and independent government. Now we are a nation of many millions of people, strong, spirited, but sometimes bewildered. We can be a force for good with our strength, material resources, and strong will. We need Thy guidance. Raise up among us leaders to strengthen our spirit, so that we may truly help others as well as ourselves. And for ourselves as citizens, we ask Thee to make us servants of peace, reluctant to force our wills on others, quick to honor the hopes and dreams of neighbor nations in this small world, and always more ready to build than to destroy.

Now grant us grace to be proud but not arrogant, loyal but not blind, dutiful but not slavish, so that we may honor our flag by giving it second place to Thy peaceful design for the world.

We pray through Jesus Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

STATEMENT BY MR. CIMINI

TERCENTENARY COMMITTEE ON THIS DAY IN HISTORY

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

Mr. CIMINI. On this day in history in 1769, a dispute which would last for more than 15 years arose between the settlers and the provincial government over some of the choicest lands between the present cities of Williamsport and Jersey Shore.

Major differences occurred because of an interpretation of a previous treaty with the Indians which referred to the stream called Tiadaghton. Some thought it was Lycoming Creek; others felt the reference was to Pine Creek, which, when translated into English, meant Tiadaghton.

The dispute resulted in garrisons or forts being built by settlers and troops near the white settlements along the west branch of the Susquehanna River. It was not until more than 15 years later, in October of 1784, that the Pennsylvania commissioners were specifically instructed to inquire of the Indians which stream was Tiadaghton. The Indians informed them that Tiadaghton was the name the whites used for Pine Creek, and thus through treaty, the commissioners gained title to those lands from the Indians. That final treaty, concluded in January of the following year, 1785, resulted in a flood of settlers to the newly opened lands in the West Branch Valley. The treaty also marked the end of the Indians' rights to the soil of any portion of Pennsylvania.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, June 8, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2549 By Representatives MORRIS, LETTERMAN, JOHNSON, RYBAK, MRKONIC, FRAZIER, PRATT, PISTELLA and MERRY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for prohibitions in specified places.

Referred to Committee on TRANSPORTATION, June 8, 1982.

No. 2550 By Representatives WILSON, BURNS, DININNI, KOLTER, PETRARCA, STEIGHNER and GEIST

An Act providing for aviation development, imposing taxes on aviation fuel and jet fuel, creating certain funds and accounts, authorizing the creation of indebtedness and the issuance of bonds, making repeals and providing penalties.

Referred to Committee on TRANSPORTATION, June 8, 1982.

No. 2551 By Representative DININNI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the treatment of motor vehicles which are known as collector motor vehicles.

Referred to Committee on TRANSPORTATION, June 8, 1982.

No. 2552 By Representatives FREIND, POTT, DIETZ, MAIALE, D. R. WRIGHT, NOYE, McVERRY, GLADECK, STEIGHNER, BOYES, CALTAGIRONE, J. L. WRIGHT, WOGAN, VROON, PRATT, LASHINGER, GAMBLE, SPENCER, ARTY, E. Z. TAYLOR and STEVENS

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for copayments by recipients for prescriptions under the medical assistance program.

Referred to Committee on HEALTH AND WELFARE, June 8, 1982.

No. 2553 By Representatives CIVERA, FREIND, DURHAM, ARTY, SALVATORE, SPITZ, MICOZZIE, POTT, GALLAGHER, GANNON and STEVENS

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), providing for the disposition of certain forfeited property and amending the procedures relating to forfeiture.

Referred to Committee on JUDICIARY, June 8, 1982.

No. 2554 By Representatives CIVERA, SPITZ, MICOZZIE and GANNON

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), providing for the disposition of certain forfeited property, and amending the procedures relating to forfeiture.

Referred to Committee on JUDICIARY, June 8, 1982.

No. 2555 By Representatives BITTLE, RITTER, FEE, CESSAR, F. E. TAYLOR, GAMBLE, McVERRY, LESCOVITZ, PETRONE, VAN HORNE, CIMINI, GRIECO, LASHINGER, JOHNSON, STEVENS, COSLETT, GANNON, ARTY, DURHAM, PHILLIPS, DAVIES, HALUSKA, FARGO, WASS, PETERSON, MORRIS, MILLER,

FISCHER, WAMBACH, ARTY and RASCO

An Act amending the "Senior Citizens Rebate and Assistance Act," approved March 11, 1971 (P. L. 104, No. 3), providing for energy credits.

Referred to Committee on HEALTH AND WELFARE, June 8, 1982.

No. 2556 By Representatives DeMEDIO, F. E. TAYLOR, FRYER, MRKONIC, GRABOWSKI and MISCEVICH

An Act amending the "Senior Citizens Rebate and Assistance Act," approved March 11, 1971 (P. L. 104, No. 3), extending provisions of the act to single persons who are fifty years of age or older.

Referred to Committee on HEALTH AND WELFARE, June 8, 1982.

No. 2557 By Representatives COLE, ARTY, RAPPAPORT, SALVATORE, WESTON, PETRARCA, F. E. TAYLOR, STUBAN, SHOWERS, GALLAGHER, ZWIKL, DeVERTER, LUCYK, SNYDER, CLARK, LESCOVITZ, FEE and COLAFELLA

An Act providing for reimbursement by insurance companies and others for outpatient chemotherapy treatment.

Referred to Committee on HEALTH AND WELFARE, June 8, 1982.

No. 2558 By Representatives SIRIANNI, RYAN, MOWERY, McCLATCHY, HAYES, PICCOLA, E. Z. TAYLOR and MANMILLER

An Act authorizing certain educational institutions to operate plans for the deferred payment of certain expenses of their students and setting a maximum interest rate for a loan under a plan.

Referred to Committee on EDUCATION, June 8, 1982.

No. 2559 By Representatives NAHILL, CORDISCO, A. C. FOSTER, JR., HARPER, PETRARCA, SWAIM, MORRIS, TELEK, ARTY, MICHLOVIC, WOGAN, WESTON, OLASZ, SNYDER and HEISER

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), referred to as the State Tax Equalization Board Law, further prescribing its powers and duties to provide for a common level ratio.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1982.

No. 2560 By Representatives NAHILL, CORDISCO, A. C. FOSTER, JR., HARPER, PETRARCA, SWAIM, MORRIS, TELEK, ARTY, MICHLOVIC, WOGAN, WESTON, OLASZ, SNYDER and HEISER

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), providing for the use of actual values in determining the taxability of persons and property.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1982.

No. 2561 By Representatives NAHILL, CORDISCO, A. C. FOSTER, JR., HARPER, PETRARCA, SWAIM, MORRIS, TELEK, ARTY, MICHLOVIC, WOGAN, WESTON, OLASZ, SNYDER and HEISER

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), referred to as the Third Class County Assessment Board Law, providing for the use of actual values in determining the taxability of persons and property.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1982.

No. 2562 By Representatives NAHILL, CORDISCO, A. C. FOSTER, JR., HARPER, PETRARCA, SWAIM, MORRIS, TELEK, OLASZ, SNYDER, HEISER, ARTY, MICHLOVIC, WESTON and WOGAN

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), providing for the use of actual values in determining the taxability of persons and property.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1982.

No. 2563 By Representatives NAHILL, CORDISCO, A. C. FOSTER, JR., HARPER, PETRARCA, SWAIM, MORRIS, TELEK, OLASZ, SNYDER, HEISER, ARTY, MICHLOVIC, WESTON and WOGAN

An Act amending the act of June 27, 1939 (P. L. 1199, No. 404), entitled "An act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; ***; and repealing existing laws," providing for the use of actual values in determining the taxability of persons and property.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1982.

No. 2564 By Representatives NAHILL, CORDISCO, A. C. FOSTER, JR., HARPER, PETRARCA, SWAIM, MORRIS, TELEK, ARTY, MICHLOVIC, WOGAN, WESTON, OLASZ, SNYDER and HEISER

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the Second Class County Assessment Law, adding definitions; providing for the use of actual value and ratios for assessments; further providing for the duties of the board and assessors; and further providing for appeals and notices.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1982.

No. 2566 By Representative STEVENS

An Act amending the "Solid Waste Management Act," approved July 7, 1980 (P. L. 380, No. 97), requiring approval of the governing body for a permit or license for the disposal of hazardous waste.

Referred to Committee on CONSUMER AFFAIRS, June 8, 1982.

No. 2567 By Representatives GANNON, SIEMINSKI, GRUPPO, NOYE, EVANS and SNYDER

An Act providing for a nonbinding referendum relating to a reduction in nuclear arms.

Referred to Committee on JUDICIARY, June 8, 1982.

No. 2568 By Representatives LASHINGER, GALLAGHER, HALUSKA, PISTELLA and PRATT

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting utilities to recoup through the rate base certain expenses.

Referred to Committee on CONSUMER AFFAIRS, June 8, 1982.

No. 2569 By Representatives LASHINGER, GALLAGHER, HALUSKA, PISTELLA and PRATT

An Act amending "The Atomic Energy Development and Radiation Control Act," approved January 28, 1966 (1965 P. L. 1625, No. 578), further defining "radiation"; defining "radiation source user"; *** and providing for administrative procedures and judicial review.

Referred to Committee on JUDICIARY, June 8, 1982.

No. 2570 By Representative LASHINGER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the offense of fleeing or attempting to elude a police officer.

Referred to Committee on TRANSPORTATION, June 8, 1982.

No. 2571 By Representatives COLE, GRIECO, WENGER, STUBAN, FEE, SHOWERS, FARGO, WASS, W. W. FOSTER, MOWERY, HALUSKA, D. R. WRIGHT and PUNT

An Act providing for fair marketing practices relating to apples and imposing powers and duties on the Department of Agriculture, defining and prohibiting certain unfair marketing practices and providing civil penalties.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 8, 1982.

No. 2572 By Representatives LEVIN, SWAIM, DEAL, O'DONNELL, McMONAGLE, PIEVSKY, McINTYRE, BELOFF, EVANS, RIEGER, PISTELLA, BELFANTI, COHEN, OLIVER, BORSKI, DONATUCCI, J. D. WILLIAMS, WIGGINS, BARBER, A. K. HUTCHINSON, HARPER, KOWALYSHYN, RYBAK, MAIALE, RICHARDSON, ROCKS and H. WILLIAMS

An Act relating to the protection of the occupational health and safety of public employees and providing penalties.

Referred to Committee on LABOR RELATIONS, June 8, 1982.

No. 2573 By Representatives GREENFIELD, MANDERINO, McMONAGLE, IRVIS, PIEVSKY, RIEGER, PETRONE, STEWART, McINTYRE, BURNS, BELARDI, HASAY, COSLETT, RITTER, DONATUCCI, TELEK, KOWALYSHYN, MAIALE, GEORGE, DUFFY, PRATT, KUKOVICH, MICOZZIE, COHEN, LUCYK, PETRARCA, SWAIM, PISTELLA, BORSKI, STEIGHNER, OLASZ, LEVIN, ROCKS, OLIVER, DEAL, WIGGINS and BARBER

An Act amending the act of June 2, 1915 (P. L. 762, No. 340), referred to as the State Workmen's Insurance Fund Law, establishing the Pennsylvania Employers' Cooperative to write all workers' compensation liability insurance within the Commonwealth, *** and making repeals.

Referred to Committee on LABOR RELATIONS, June 8, 1982.

No. 2574 By Representatives GREENFIELD, MANDERINO, McMONAGLE, IRVIS, PIEVSKY, RIEGER, PETRONE, STEWART, McINTYRE, BURNS, BELARDI, HASAY, COSLETT, RITTER, DONATUCCI, TELEK, KOWALYSHYN, MAIALE, GEORGE, DUFFY, PRATT, KUKOVICH, MICOZZIE, COHEN, LUCYK, PETRARCA, SWAIM, PISTELLA, BORSKI, STEIGHNER, OLASZ, LEVIN, ROCKS, OLIVER, DEAL, WIGGINS and BARBER

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), amending the short title, further providing for the insurance requirement, for exemptions from insurance, continuing a program of compensation for certain occupational diseases and making conforming editorial revisions.

Referred to Committee on LABOR RELATIONS, June 8, 1982.

No. 2575 By Representatives GREENFIELD, MANDERINO, McMONAGLE, IRVIS, PIEVSKY, RIEGER, PETRONE, STEWART, McINTYRE, BURNS, BELARDI, HASAY, COSLETT, RITTER, DONATUCCI, TELEK, KOWALYSHYN, MAIALE, GEORGE, DUFFY, PRATT, KUKOVICH, COHEN, MICOZZIE, LUCYK, PETRARCA, SWAIM, PISTELLA, BORSKI, STEIGHNER, OLASZ, LEVIN, ROCKS, OLIVER, DEAL, WIGGINS and BARBER

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), deleting provisions relating to workmen's compensation insurance and making an editorial correction.

Referred to Committee on LABOR RELATIONS, June 8, 1982.

No. 2576 By Representatives GREENFIELD, MANDERINO, McMONAGLE, IRVIS, PIEVSKY, RIEGER, PETRONE, STEWART, McINTYRE, BURNS, BELARDI, HASAY, COSLETT, RITTER, DONATUCCI, TELEK, KOWALYSHYN, MAIALE, GEORGE, DUFFY, PRATT, MICOZZIE, KUKOVICH, COHEN, LUCYK, PETRARCA, SWAIM, PISTELLA, BORSKI, STEIGHNER, OLASZ, LEVIN, ROCKS, OLIVER, DEAL, WIGGINS and BARBER

An Act amending the "Workmen's Compensation Security Fund Act," approved July 1, 1937 (P. L. 2532, No. 470), amending the short title, providing for a schedule for the transfer of the moneys in the fund to the Pennsylvania Employer's Cooperative and providing for further powers and duties thereof.

Referred to Committee on LABOR RELATIONS, June 8, 1982.

No. 2577 By Representatives PITTS, RYAN, HAYES, IRVIS, ZWIKL, J. L. WRIGHT and WAMBACH

An Act establishing the Capitol Restoration Trust Fund and providing for its administration.

Referred to Committee on STATE GOVERNMENT, June 8, 1982.

No. 2578 By Representatives BOYES, DOMBROWSKI, POTT, CAPPABIANCA, MERRY and BOWSER

An Act amending the "Mental Health Procedures Act," approved July 9, 1976 (P. L. 817, No. 143), further providing for payment of costs for treatment.

Referred to Committee on HEALTH AND WELFARE, June 8, 1982.

No. 2579 By Representatives RYBAK, KOWALYSHYN, GRUPPO and SIEMINSKI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the offense of driving under influence of alcohol or controlled substance.

Referred to Committee on TRANSPORTATION, June 8, 1982.

No. 2580 By Representatives GANNON, MICOZZIE, GLADECK, CIVERA, R. C. WRIGHT, DURHAM, PERZEL, WOGAN, MARMION, SALVATORE, McVERRY and GRUPPO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for departmental records relating to license suspensions for other than moving traffic violations.

Referred to Committee on TRANSPORTATION, June 8, 1982.

No. 2581 By Representative STEVENS

An Act amending the "Solid Waste Management Act," approved July 7, 1980 (P. L. 380, No. 97), limiting the powers and duties of the department and providing for referendums on the location of hazardous waste facilities.

Referred to Committee on CONSERVATION, June 8, 1982.

No. 2582 By Representative KUKOVICH

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), requiring public hearings prior to closing schools or substantial termination of courses of instruction.

Referred to Committee on EDUCATION, June 8, 1982.

No. 2583 By Representative SNYDER

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for the exclusion of water softeners from the sales and use tax.

Referred to Committee on FINANCE, June 8, 1982.

SENATE BILLS FOR CONCURRENCE

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

SB 128, PN 1849

Referred to Committee on JUDICIARY, June 8, 1982.

SB 506, PN 2021

Referred to Committee on EDUCATION, June 8, 1982.

SB 636, PN 2016

Referred to Committee on FINANCE, June 8, 1982.

SB 730, PN 1879

Referred to Committee on URBAN AFFAIRS, June 8, 1982.

SB 955, PN 2022

Referred to Committee on LOCAL GOVERNMENT, June 8, 1982.

SB 1186, PN 1967

Referred to Committee on JUDICIARY, June 8, 1982.

SB 1487, PN 1968

Referred to Committee on JUDICIARY, June 8, 1982.

SB 1496, PN 2011

Referred to Committee on HEALTH AND WELFARE, June 8, 1982.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 206

(Concurrent) By Representatives J. L. WRIGHT, ITKIN, SWEET and STAIRS

General Assembly encourage Congressional delegation support legislation for low interest loans to assist developers of hydroelectric generating facilities.

Referred to Committee on FEDERAL-STATE RELATIONS, June 8, 1982.

No. 207 By Representatives GANNON, MICOZZIE, CIVERA, ARTY, DURHAM, R. C. WRIGHT, FREIND and PERZEL

House memorialize SEPTA cease training school efforts, and rehire Conrail employees laid off in its stead.

Referred to Committee on RULES, June 8, 1982.

No. 208 By Representatives PITTS, ARMSTRONG, A. C. FOSTER, JR., CORDISCO, BLAUM and MACKOWSKI

House establish a select committee to inventory and evaluate current economic programs of the state.

Referred to Committee on RULES, June 8, 1982.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 2474, PN 3441 (Amended) (Unanimous)

By Rep. GRIECO

An Act creating the Agricultural Development Authority as a governmental instrumentality and as a body corporate and politic; prescribing the rights, powers and duties of such authority; authorizing such authority to acquire by gift or purchase; ***; and making an appropriation.

AGRICULTURE AND RURAL AFFAIRS.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. CESSAR. Thank you, Mr. Speaker.

I do request a leave for today for Mr. DININNI from Dauphin County.

The SPEAKER. Without objection, leave will be granted. The Chair hears none.

It is the understanding of the Chair that the minority has no requests for leaves.

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:

SB 1384, PN 1994; SB 1385, PN 2012; SB 1482, PN 1961; HB 1765, PN 2092; and HB 1764, PN 2974.

MASTER ROLL CALL RECORDED

The **SPEAKER**. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—192

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

ADDITIONS—3

McIntyre	Olasz	Seventy
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NOT VOTING—2

Alden	Emerson
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EXCUSED—2

Borski	Dininni
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BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 528, PN 540**, entitled:

An Act providing for an annual assessment for the necessary expenses of the association of district attorneys in counties of the first class.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—173

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

NAYS—8

Fischer	Hasay	Livengood	Morris
George	Letterman	Lloyd	Wilson

NOT VOTING—16

Alden	Lewis	Olasz	Seventy
Cohen	McClatchy	Pendleton	Shupnik
Emerson	McIntyre	Saurman	Trello
Kolter	Miscevich	Serafini	Williams, H.

EXCUSED—2

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

MEMBER'S PRESENCE RECORDED

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 682, PN 2134**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the definition of "utility realty" and the payment of taxes.

On the question,

Will the House agree to the bill on third consideration?

Mr. GREENWOOD offered the following amendments No. A8242:

Amend Title, page 1, line 11, by striking out "and" and inserting a comma

Amend Title, page 1, line 11, by removing the period after "taxes" and inserting
and excluding transfers to nature conservancies from the realty transfer tax.

Amend Bill, page 4, by inserting between lines 5 and 6

Section 2. The definition of "document" in section 1101-C of the act, added May 5, 1981 (P.L.36, No.14), is amended to read:

Section 1101-C. Definitions.—The following words when used in this article shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

"Document." Any deed, instrument or writing whereby any lands, tenements or hereditaments within this Commonwealth or any interest therein shall be quitclaimed, granted, bargained, sold, or otherwise conveyed to the grantee, purchaser, or any other person, but does not include wills, mortgages, transfers between corporations operating housing projects pursuant to the Housing and Redevelopment Assistance Law and the shareholders thereof, transfers between nonprofit industrial development agencies and industrial corporations purchasing from them, any transfers to nonprofit industrial development agencies, transfers to a nature conservancy or similar organization which possesses a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, and which has as its primary purpose the preservation of land for historic, recreational, scenic, agricultural or open space opportunities, and transfers between husband and wife, transfers between persons who were previously husband and wife but who have since been divorced provided such transfer is made within three months of the date of the granting of the final decree in divorce, or the decree of equitable distribution of marital property, whichever is later, and the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, transfers between parent and child or the spouse of such

a child or between parent and trustee for the benefit of a child or the spouse of such child, transfers between a grandparent and grandchild or the spouse of such grandchild, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, correctional deeds without consideration, transfers to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation, leases, a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied residential premises or any transfer from a purchase money mortgagor to the vendor holding the purchase money mortgage whether pursuant to a foreclosure or in lieu thereof, or conveyances to municipalities, townships, school districts and counties pursuant to acquisition by municipalities, townships, school districts and counties of tax delinquent properties at sheriff sale or tax claim bureau, or any transfer between religious organizations or other bodies or persons holding title to real estate for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes, or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale.

Amend Sec. 2, page 4, line 6, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This amendment provides an exemption from the realty transfer tax, the State share, for property which is donated to a conservancy. This is the other half of some legislation that we passed some time ago which exempts these transfers from the local share, and I would appreciate your support. Thank you.

REMARKS ON VOTE

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

Mr. SAURMAN. Mr. Speaker, I was out of my seat when we voted SB 528. I would like to be recorded in the affirmative.

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

MEMBER'S PRESENCE RECORDED

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

CONSIDERATION OF HB 682 CONTINUED

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

Mr. RITTER. Mr. Speaker, I do not have a copy of that amendment. No one else seems to have one either. Can we get a copy of that before we vote it, please?

The SPEAKER. Will the sponsor of the amendment see that Mr. Ritter gets a copy of it?

Mr. RITTER. Mr. Speaker, the gentleman, Mr. Lloyd, would like to have one, too. I know it is going to be a long day, but at least let us get some amendments so that we know what it is we are voting on.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 682 will be passed over temporarily. The Chair hears no objection.

* * *

The House proceeded to third consideration of SB 831, PN 1905, entitled:

An Act providing for additional capital projects in Allegheny, Beaver, Berks, Clearfield, Indiana, Lackawanna, Lawrence, Luzerne, Mercer and Washington Counties to be financed from the current revenues of the Motor License Fund.

On the question,

Will the House agree to the bill on third consideration?

Mr. DeMEDIO offered the following amendments No. A7899:

Amend Sec. 1, page 1, line 18, by striking out all of said line and inserting

\$104,583,000

Amend Sec. 1, page 8, by inserting between lines 4 and 5

(1) L.R.247:

Construction of 2 lane road from western end of Donora-Monessen Bridge to 6th St.: Length 0.9 mile.

\$3,761,000 \$50,000 \$940,000 \$4,751,000

Amend Sec. 1, page 8, line 5, by inserting before "L.R.247"

(2)

On the question,

Will the House agree to the amendments?

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

Mr. DeMEDIO. Mr. Speaker, this amendment calls for a two-lane road in the borough of Donora in our industrial development site. It measures nine-tenths of a mile, and the cost is \$4,751,000.

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

The following roll call was recorded:

YEAS—180

Table listing members and their names under the YEAS—180 section, including Anderson, Armstrong, Arty, Barber, Belardi, Bellanti, Beloff, Berson, Bittle, Blaum, Bowser, Boyes, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cochran, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeWeese, Daikeler, Davies, Dawida, Deal, Dietz, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fee, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Gray, Greenfield, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hayes, Heiser, Hoeffel, Honaman, Horgos, Hutchison, A., Irvis, Itkin, Jackson, Johnson, Kennedy, Klingaman, Kolter, Kowalyshyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Lewis, Livengood, Lloyd, Lucyk, McClatchy, McMonagle, McVerry, Mackowski, Maiale, Manderino, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Misceveh, Morris, Mowery, Mrkonic, Mullen, Murphy, Nahill, Noye, O'Donnell, Oliver, Perzel, Peterson, Petrarca, Petrone, Piccola, Pievsky, Pistella, Pott, Pratt, Pucciarelli, Punt, Rappaport, Rasco, Reber, Richardson, Rieger, Ritter, Rocks, Rybak, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Smith, B., Smith, E. H., Snyder, Spencer, 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, Wiggins, Williams, J. D., Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Zwickl, and Ryan, Speaker.

NAYS—5

Table listing members under the NAYS—5 section: DeVerter, Hasay, Madigan, Moehlmann, Smith, L. E.

NOT VOTING—12

Table listing members under the NOT VOTING—12 section: Alden, Emerson, Grabowski, McIntyre, Olasz, Pendleton, Phillips, Pitts, Sirianni, Spitz, Williams, H., Wright, R. C.

EXCUSED—2

Table listing members under the EXCUSED—2 section: Borski, Dininni

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

MEMBER'S PRESENCE RECORDED

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

CONSIDERATION OF SB 831 CONTINUED

On the question,

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

Mr. LLOYD offered the following amendments No. A7930:

Amend Sec. 1, page 1, line 18, by striking out all of said line and inserting

\$100,692,250

Amend Sec. 1, page 8, by inserting between lines 3 and 4

IX. Somerset County

(1) L.R.55113, T.R.281:

Bridge over Casselman River in Boro of Confluence: Bridge Replacement: Length 0.1 mile. 450,000 5,500 26,000 481,500

(2) L.R.55029,

Bridge over Casselman River near Village of Markleton: Bridge Replacement: Length 0.1 Mile. 350,000 8,250 20,500 378,750

Amend Sec. 1, page 8, line 4, by striking out "IX." and inserting

X.

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Table listing names of legislators who voted 'YEAS' for amendments A7930 and A8293, including Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Bowser, Boyes, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cochran, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Cunningham, DeMedio, and DeWeese.

Table listing names of legislators who voted 'NAYS' for amendments A7930 and A8293, including Daikeler, Davies, Dawida, Deal, Dietz, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Kolter, Kowalshyn, Kukovich, Lashinger, Laughlin, Lescovitz, Letterman, Levi, Levin, Lewis, Livengood, Lloyd, Pratt, Pucciarelli, Punt, Rappaport, Rasco, Reber, Richardson, Rieger, Ritter, Rocks, Rybak, and Salvatore.

NAYS—5

Table listing names of legislators who did not vote for amendments A7930 and A8293, including DeVerter, Hasay, Heiser, Merry, and Moehlmann.

NOT VOTING—11

Table listing names of legislators who were excused for amendments A7930 and A8293, including Alden, Anderson, Emerson, Freind, Grieco, Lehr, McIntyre, Olasz, and Smith, L. E.

EXCUSED—2

Table listing names of legislators who were excused for amendments A7930 and A8293, including Borski and Dininni.

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

On the question recurring,

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

Mr. LLOYD offered the following amendments No. A8293:

Amend Title, page 1, line 3, by inserting after "MERCER" , Somerset

Amend Sec. 1, page 1, line 18, by striking out all of said line and inserting

\$100,422,000

Amend Bill, page 8, by inserting between lines 3 and 4

IX. Somerset County L.R.50 and L.R.269, Center Ave. from Patriot St. in Somerset Boro. to U.S. 219 Interchange in Somerset Twp: Widen, reconstruct and update traffic signals: Length

3.0 miles 500,000 15,000 75,000 590,000

Amend Sec. 1, page 8, line 4, by striking out "IX" and inserting

X

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

Table listing names of legislators who voted 'YEAS' for amendment A8293, including Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Bowser, Boyes, Brandt, Fee, Fischer, Foster, W. W., Foster, Jr., A., Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Lucyk, McClatchy, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Michlovic, Micozzie, Miller, Morris, Mowery, Mrkoncic, Mullen, Murphy, Nahill, Noye, O'Donnell, Oliver, Pendleton, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spitz, and Stairs.

Brown	Gladeck	Miscevich	Steighner
Burd	Grabowski	Morris	Stevens
Burns	Gray	Mowery	Stewart
Caltagirone	Greenfield	Mrkonc	Stuban
Cappabianca	Greenwood	Mullen	Swaim
Cawley	Grieco	Murphy	Sweet
Cessar	Gruitza	Nahill	Swift
Cimini	Gruppo	Noye	Taddonio
Civera	Hagarty	O'Donnell	Taylor, E. Z.
Clark	Haluska	Olasz	Taylor, F. E.
Clymer	Harper	Oliver	Telek
Cochran	Hayes	Pendleton	Tigue
Cohen	Hoeffel	Perzel	Trello
Colafella	Honaman	Peterson	Van Horne
Cole	Horgos	Petrarca	Vroon
Cordisco	Hutchinson, A.	Petrone	Wachob
Cornell	Iris	Phillips	Wambach
Coslett	Itkin	Piccola	Wargo
Cowell	Jackson	Pievsky	Wass
Cunningham	Johnson	Pistella	Wenger
DeMedio	Kennedy	Pitts	Weston
DeWeese	Klingaman	Pott	Wiggins
Daikeler	Kolter	Pratt	Williams, J. D.
Davies	Kowalshyn	Pucciarelli	Wilson
Dawida	Kukovich	Punt	Wogan
Deal	Lashingier	Rasco	Wozniak
Dietz	Laughlin	Reber	Wright, D. R.
Dombrowski	Lehr	Richardson	Wright, J. L.
Donatucci	Lescovitz	Rieger	Wright, R. C.
Dorr	Letterman	Ritter	Zwikl
Duffy	Levi	Rocks	
Durham	Levin	Rybak	Ryan,
Evans	Livengood	Salvatore	Speaker
Fargo			

NAYS—7

DeVerter	Hasay	Madigan	Mochlmann
Fleck	Heiscr	Merry	

NOT VOTING—7

Alden	Lewis	Rappaport	Williams, H.
Emerson	McIntyre	Spencer	

EXCUSED—2

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

On the question recurring,

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

Mr. LLOYD offered the following amendments No. A7929:

Amend Title, page 1, line 3, by inserting after "MERCER", Somerset

Amend Sec. 1, page 1, line 18, by striking out all of said line and inserting

\$113,520,000

Amend Sec. 1, page 8, by inserting between lines 3 and 4

IX. Somerset County

(1) L.R.1022(A06):

T.R.219: Elk

Lick Township:

4-Lane Reloca-

tion: Maryland

State Line to

Salisbury:

Length

3.2 Miles. 3,550,000 520,000 355,000 4,425,000

(2) L.R.1022(A07):

T.R.219: Elk

Lick and Summit

Townships:
4-Lane Reloca-
tion: Salis-
bury to L.R.51:
South of
Meyersdale:
Length
3.8 Miles. 4,833,000 437,000 483,000 5,753,000
(3) L.R.1022
(C10), T.R.
219:
Brothers-
valley
Township:
4-Lane Re-
location:
Beachdale to
L.R.55044:
South of
Somerset:
Length
2.2 Miles 3,044,000 162,000 304,000 3,510,000
Amend Sec. 1, page 8, line 4, by striking out "IX."
and inserting

X.

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—179

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

Duffy Durham Evans	Levin Lewis	Rocks Rybak	Ryan, Speaker
NAYS—9			
DeVerter Fleck Hasay	Heiser Madigan	Merry Moehlmann	Mowery Sieminski
NOT VOTING—9			
Alden Emerson Foster, Jr., A.	Hutchinson, A. McIntyre	Manderino Sirianni	Stuban Williams, H.
EXCUSED—2			
Borski	Dininni		

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

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

Mr. MISCEVICH offered the following amendments No. A8130:

Amend Sec. 1, page 1, line 18, by striking out all of said line and inserting

\$119,832,000

Amend Sec. 1, page 5, by inserting between lines 21 and 22

(10) Route 136:
In Forward Twp.:
Repair slide located 1 mile southeast of intersection with Route 51:
Length 0.5 Mile. 990,000 10,000 1,000,000

(11) Route 48:
In Elizabeth Twp.: Reconstruct base, curbs, storm sewers and catch basins. resurface:
Length 8 Miles. 7,920,000 80,000 8,000,000

(12) Route 837:
In City of Clairton and Jefferson Boro.: Reconstruct base, curbs, storm sewers and catch basins, resurface:
Length 12 Miles. 3,960,000 40,000 4,000,000

(13) Route 51:
Elizabeth Bridge over Monongahela River in West Elizabeth and Elizabeth Boros.: Bridge repair:
Length 1.3

Miles.	4,950,000	50,000	5,000,000
(14) L.R.02066: In South Park Twp. between Snowdon Rd. and Brownsville Extension: Reconstruct base, curbs, storm sewers and catch basins, resurface: Length 2.5 Miles			
	1,980,000	20,000	2,000,000

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

The following roll call was recorded:

YEAS—184

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

NAYS—3

DeVerter	Hasay	Moehlmann
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NOT VOTING—10

Aiden	Freind	Hutchinson, A.	Spitz
Cessar	Greenwood	McIntyre	Williams, H.
Emerson	Hayes		

EXCUSED—2

Borski Dininni

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

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, on the previous amendment 8130 to SB 831, I would like to be recorded in the affirmative. Thank you.

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

The Chair recognizes the majority whip.

Mr. CESSAR. Mr. Speaker, on the previous amendment 8130 to SB 831, I would like to be recorded in the affirmative. Thank you.

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

MEMBER'S PRESENCE RECORDED

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

CONSIDERATION OF SB 831 CONTINUED

On the question recurring,

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

Mr. MISCEVICH offered the following amendments No. A8222:

Amend Sec. 1, page 1, line 18, by striking out all of said line and inserting

\$120,282,000

Amend Sec. 1, page 5, by inserting between lines 21 and 22

(10) Route 136:

In Forward Twp.:

Repair slide located 1 mile southeast of intersection with Route 51: Length 0.5 Mile.

990,000 10,000 1,000,000

(11) Route 48:

In Elizabeth Twp.: Reconstruct base, curbs, storm sewers and catch basins. resurface: Length 8 Miles.

7,920,000 80,000 8,000,000

(12) Route 837:

In City of

Clairton and Jefferson Boro.:

Reconstruct base, curbs, storm sewers and catch basins, resurface: Length 12 Miles.

3,960,000 40,000 4,000,000

(13) Route 51:

Elizabeth Bridge over Monongahela River in West Elizabeth and Elizabeth Boros.: Bridge repair: Length 1.3 Miles.

4,950,000 50,000 5,000,000

(14) L.R.02066:

In South Park Twp. between Snowdon Rd. and Brownsville Extension: Reconstruct base, curbs, storm sewers and catch basins, re-surface: Length 2.5 Miles.

1,980,000 20,000 2,000,000

(15) L.R.02305:

Between Glassport-Elizabeth Road and Route 48: Replace culvert bridge: Reconstruct base, curbs, storm sewers and catch basins, re-surface: Length 2.5 Miles.

445,000 4,500 450,000

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Anderson	Fischer	McClatchy	Serafini
Armstrong	Fleck	McIntyre	Seventy
Arty	Foster, W. W.	McMonagle	Showers
Barber	Foster, Jr., A.	McVerry	Shupnik
Belardi	Frazier	Mackowski	Sirjanni
Belfanti	Freind	Madigan	Smith, B.
Beloff	Fryer	Maiale	Smith, E. H.
Bittle	Gallen	Manmiller	Smith, L. E.
Blaum	Gamble	Marmion	Snyder
Bowser	Gannon	Michlovic	Spencer
Brandt	Geist	Micozzie	Spitz
Brown	George	Miller	Stairs
Burd	Gladeck	Miscevich	Steighner
Burns	Grabowski	Morris	Stevens
Caltagirone	Gray	Mowery	Stewart
Cappabianca	Greenfield	Mrkonic	Stuban
Cawley	Grieco	Mullen	Swaim
Cessar	Gruitza	Murphy	Sweet
Cimini	Gruppo	Nahill	Swift

Civera	Hagarty	Noye	Taddonio
Clark	Haluska	O'Donnell	Taylor, E. Z.
Clymer	Harper	Olasz	Taylor, F. E.
Cochran	Hayes	Oliver	Telek
Cohen	Heiser	Pendleton	Tigue
Colafella	Hoeffel	Perzel	Trello
Cole	Honaman	Peterson	Van Horne
Cordisco	Horgos	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Johnson	Piccola	Wargo
Cunningham	Kennedy	Pisteila	Wass
DeMedio	Klingaman	Pitts	Wenger
DeWeese	Kolter	Pott	Weston
Daikeler	Kowalshyn	Pratt	Wiggins
Davies	Kukovich	Pucciarelli	Williams, J. D.
Dawida	Lashinger	Punt	Wilson
Deal	Laughlin	Rappaport	Wogan
Dietz	Lehr	Rasco	Wozniak
Dombrowski	Lescovitz	Reber	Wright, D. R.
Donatucci	Letterman	Richardson	Wright, J. L.
Dorr	Levi	Rieger	Wright, R. C.
Duffy	Levin	Ritter	Zwikel
Durham	Lewis	Rocks	
Evans	Livengood	Rybak	Ryan,
Fargo	Lloyd	Salvatore	Speaker
Fee	Lucyk	Saurman	

NAYS—6

Boyes	Hasay	Moehlmann	Sieminski
DeVerter	Merry		

NOT VOTING—10

Alden	Gallagher	Irvis	Pievsky
Berson	Greenwood	Manderino	Williams, H.
Emerson	Hutchinson, A.		

EXCUSED—2

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

On the question recurring,

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

Mr. CLARK offered the following amendments No. A8420:

Amend Sec. 1, page 1, line 18, by striking out all of said line and inserting

\$100,632,000

Amend Sec. 1, page 5, by inserting between lines 21 and 22

(10) Route: Appli-			
cation 9801:			
Tarentum - New			
Kensington Bridge;			
Bridge Rehabilitation:			
Length 0.4			
Mile	740,000	60,000	800,000

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Anderson	Fischer	McClatchy	Seventy
Armstrong	Fleck	McIntyre	Showers
Arty	Foster, W. W.	McMonagle	Shupnik
Barber	Foster, Jr., A.	McVerry	Sieminski
Belardi	Frazier	Mackowski	Sirianni
Beloff	Fryer	Maiale	Smith, B.
Berson	Gallagher	Manderino	Smith, E. H.
Bittle	Gallen	Manmiller	Smith, L. E.

Blaum	Gamble	Marmion	Snyder
Bowser	Gannon	Michlovic	Spencer
Boyes	Geist	Micozzie	Spitz
Brandt	George	Miller	Stairs
Brown	Gladeck	Miscevich	Steighner
Burd	Grabowski	Moehlmann	Stevens
Burns	Gray	Morris	Stewart
Caltagirone	Greenfield	Mowery	Stuban
Cappabianca	Greenwood	Mrkonc	Swaim
Cawley	Grieco	Mullen	Sweet
Cessar	Gruitza	Murphy	Swift
Cimini	Gruppo	Noye	Taddonio
Civera	Haluska	Olasz	Taylor, E. Z.
Clark	Harper	Oliver	Taylor, F. E.
Clymer	Hayes	Pendleton	Telek
Cochran	Hoeffel	Perzel	Tigue
Cohen	Honaman	Peterson	Trello
Colafella	Horgos	Petrarca	Van Horne
Cordisco	Irvis	Petrone	Vroon
Cornell	Itkin	Phillips	Wachob
Coslett	Jackson	Piccola	Wambach
Cowell	Johnson	Pievsky	Wargo
Cunningham	Kennedy	Pistella	Wass
DeMedio	Klingaman	Pitts	Wenger
DeWeese	Kolter	Pott	Weston
Daikeler	Kowalshyn	Pratt	Wiggins
Davies	Kukovich	Pucciarelli	Williams, J. D.
Dawida	Lashinger	Punt	Wilson
Deal	Laughlin	Rappaport	Wogan
Dietz	Lehr	Rasco	Wozniak
Dombrowski	Lescovitz	Reber	Wright, D. R.
Donatucci	Letterman	Richardson	Wright, J. L.
Dorr	Levi	Rieger	Wright, R. C.
Duffy	Levin	Ritter	Zwikel
Durham	Lewis	Rocks	
Evans	Livengood	Rybak	Ryan,
Fargo	Lloyd	Saurman	Speaker
Fee	Lucyk	Serafini	

NAYS—6

DeVerter	Heiser	Merry	Salvatore
Hasay	Madigan		

NOT VOTING—10

Alden	Emerson	Hutchinson, A.	O'Donnell
Belfanti	Freind	Nahill	Williams, H.
Cole	Hagarty		

EXCUSED—2

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

On the question recurring,

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

Mr. WOZNIAK offered the following amendments No. A8138:

Amend Title, page 1, line 2, by inserting after "BERKS," Cambria,

Amend Sec. 1, page 1, line 18, by striking out all of said line and inserting

\$100,957,000

Amend Sec. 1, page 6, by inserting between lines 20 and 21

IV. Cambria County

L.R. 720:

Prospect Viaduct
Bridge over Con-
rail Railroad
and Conemaugh
and Blacklick
Railroad in

City of Johnstown:
Cambria County:
Bridge Replacement
Length 0.2
mile. 1,000,000 25,000 100,000 1,125,000
Amend Sec. 1, page 6, line 21, by striking out "IV."
and inserting
V.
Amend Sec. 1, page 6, line 29, by striking out "V." and insert-
ing
VI.
Amend Sec. 1, page 7, line 7, by striking out "VI." and insert-
ing
VII.
Amend Sec. 1, page 7, line 15, by striking out "VII." and
inserting
VIII.
Amend Sec. 1, page 7, line 24, by striking out "VIII." and
inserting
IX.
Amend Sec. 1, page 8, line 4, by striking out "IX." and insert-
ing
X.

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

The following roll call was recorded:

YEAS—184

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

Fargo	Lloyd	Salvatore	Speaker
Fee	Lucyk		
NAYS—5			
DeVerter	Heiser	Madigan	Merry
Hasay			
NOT VOTING—8			
Alden	Emerson	Hutchinson, A.	Sirianni
Belfanti	Geist	Phillips	Williams, H.
EXCUSED—2			
Borski	Dininni		

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

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

Mr. TRELLO offered the following amendments No. A8415:

Amend Sec. 1, page 1, line 18, by striking out all of said line and inserting

\$104,832,000

Amend Sec. 1, page 5, by inserting between lines 21 and 22

(10) Off-ramp
1-79 South
to Parkway
West, Robin-
son Township:
Construction 4,500,000 300,000 200,000 5,000,000

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

The following roll call was recorded:

YEAS—183

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

Dawida	Kukovich	Punt	Williams, J. D.
Deal	Lashingner	Rappaport	Wilson
Dietz	Lehr	Rasco	Wogan
Dombrowski	Lescovitz	Reber	Wozniak
Donatucci	Letterman	Richardson	Wright, D. R.
Dorr	Levi	Rieger	Wright, J. L.
Durham	Levin	Ritter	Wright, R. C.
Evans	Lewis	Rocks	Zwinkl
Fargo	Livengood	Rybak	
Fee	Lloyd	Salvatore	Ryan,
Fischer	Lucyk	Saurman	Speaker
Fleck			

NAYS—3

DeVerter	Hasay	Merry
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NOT VOTING—11

Alden	Duffy	Laughlin	O'Donnell
Belfanti	Emerson	McVerry	Williams, H.
Cole	Hutchinson, A.	Noye	

EXCUSED—2

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

On the question recurring,

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

Mr. ZWIKL offered the following amendments No. A8345 for Mr. GRUITZA:

Amend Sec. 1, page 1, line 18 by striking out all of said line and inserting

\$100,732,000

Amend Sec. 1, page 7, line 25 by inserting before "L.R.206(01M),"

(1)

Amend Sec. 1, page 8 by inserting between lines 3 and 4

- (2) L.R.238, T.R.418: from Broadway Avenue to Route 18 in the City of Sharon: Reconstruct base, curbs, storm sewers and catch basins, resurface: Length 7 miles. 297,000 3,000 300,000
- (3) L.R.43009: North and South Neshannock Road from Lemur Road to T.R.318 in Hermitage Township: Reconstruct base, curbs, storm sewers and catch basins, resurface: Length 4 miles. 297,000 3,000 300,000
- (3) L.R.238: Walnut Street in Sharksville Boro: Reconstruct base, curbs, storm sewers and catch basins, resurface: Length 0.5 miles. 297,000 3,000 300,000

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

The following roll call was recorded:

YEAS—180

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

NAYS—5

DeVerter	Heiser	Merry	Smith, L. E.
Hasay			

NOT VOTING—12

Alden	Emerson	Hutchinson, A.	Williams, H.
Belfanti	Evans	Lewis	Williams, J. D.
Berson	Greenwood	Petrarca	Wright, D. R.

EXCUSED—2

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

On the question recurring,

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

Mr. STEIGHNER offered the following amendments No. A7940:

Amend Title, page 1, line 2, by inserting after "BERKS,"
Butler,
Amend Sec. 1, page 1, line 18, by striking out "\$99,832,000"
and inserting
\$100,387,000
Amend Sec. 1, page 6, by inserting between lines 20 and 21
IV. Butler County
L.R.10110:
Bridge Recon-
struction and
Widening on the
Old Plank Rd.
in Butler
Township. 480,000 30,000 45,000 555,000
Amend Sec. 1, page 6, line 21, by striking out "IV" and insert-
ing
V
Amend Sec. 1, page 6, line 29, by striking out "V" and insert-
ing
VI
Amend Sec. 1, page 7, line 7, by striking out "VI" and insert-
ing
VII
Amend Sec. 1, page 7, line 15, by striking out "VII" and
inserting
VIII
Amend Sec. 1, page 7, line 24, by striking out "VIII" and
inserting
IX
Amend Sec. 1, page 8, line 4, by striking out "IX" and insert-
ing
X
On the question,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—182

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

Dawida	Kowalshyn	Pott	Wiggins
Deal	Kukovich	Pratt	Williams, J. D.
Dietz	Lashinger	Pucciarelli	Wilson
Dombrowski	Laughlin	Punt	Wogan
Donatucci	Lehr	Rappaport	Wozniak
Dorr	Lescovitz	Rasco	Wright, J. L.
Duffy	Letterman	Reber	Wright, R. C.
Durham	Levi	Richardson	Zwinkl
Evans	Levin	Rieger	
Fargo	Lewis	Ritter	Ryan,
Fee	Livengood	Rocks	Speaker

NAYS—5

DeVerter	Heiser	Madigan	Merry
Hasay			

NOT VOTING—10

Alden	Emerson	Trello	Williams, H.
Belfanti	Hutchinson, A.	Vroon	Wright, D. R.
Berson	Petrone		

EXCUSED—2

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

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

DeWeese	Klingaman	Pistella	Weston
Daikeler	Kolter	Pitts	Wiggins
Davies	Kowalshyn	Pott	Williams, J. D.
Dawida	Kukovich	Pratt	Wilson
Deal	Lashinger	Pucciarelli	Wogan
Dietz	Laughlin	Punt	Wozniak
Dombrowski	Lehr	Rappaport	Wright, D. R.
Donatucci	Lescovitz	Rasco	Wright, J. I.
Dorr	Letterman	Reber	Wright, R. C.
Duffy	Levin	Richardson	Zwikl
Durham	Lewis	Rieger	
Evans	Livengood	Ritter	Ryan,
Fargo	Lloyd	Rocks	Speaker
Fee			

NAYS—2

Heiser Levi

NOT VOTING—4

Aiden Emerson Vroon Williams, H.

EXCUSED—2

Borski Dininni

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.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. Ray Bunt, who is the Republican candidate for the House for the 147th District, here today as the guest of Representative Marilyn Lewis of Montgomery County.

CONSIDERATION OF HB 682 RESUMED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GREENWOOD offered the following amendments No. A8242:

Amend Title, page 1, line 11, by striking out "and" and inserting a comma

Amend Title, page 1, line 11, by removing the period after "taxes" and inserting

and excluding transfers to nature conservancies from the realty transfer tax.

Amend Bill, page 4, by inserting between lines 5 and 6

Section 2. The definition of "document" in section 1101-C of the act, added May 5, 1981 (P.L.36, No.14), is amended to read:

Section 1101-C. Definitions.—The following words when used in this article shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

"Document." Any deed, instrument or writing whereby any lands, tenements or hereditaments within this Commonwealth or any interest therein shall be quitclaimed, granted, bargained, sold, or otherwise conveyed to the grantee, purchaser, or any other person, but does not include wills, mortgages, transfers between corporations operating housing projects pursuant to the

Housing and Redevelopment Assistance Law and the shareholders thereof, transfers between nonprofit industrial development agencies and industrial corporations purchasing from them, any transfers to nonprofit industrial development agencies, transfers to a nature conservancy or similar organization which possesses a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, and which has as its primary purpose the preservation of land for historic, recreational, scenic, agricultural or open space opportunities, and transfers between husband and wife, transfers between persons who were previously husband and wife but who have since been divorced provided such transfer is made within three months of the date of the granting of the final decree in divorce, or the decree of equitable distribution of marital property, whichever is later, and the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, transfers between parent and child or the spouse of such a child or between parent and trustee for the benefit of a child or the spouse of such child, transfers between a grandparent and grandchild or the spouse of such grandchild, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, correctional deeds without consideration, transfers to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation, leases, a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied residential premises or any transfer from a purchase money mortgagor to the vendor holding the purchase money mortgage whether pursuant to a foreclosure or in lieu thereof, or conveyances to municipalities, townships, school districts and counties pursuant to acquisition by municipalities, townships, school districts and counties of tax delinquent properties at sheriff sale or tax claim bureau, or any transfer between religious organizations or other bodies or persons holding title to real estate for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes, or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale.

Amend Sec. 2, page 4, line 6, by striking out "2" and inserting

3

On the question recurring,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This amendment simply exempts from the State share of the realty transfer tax land which is transferred to a conservancy. I would appreciate your support. Thank you.

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

Mr. MORRIS. I urge all the members to vote for this amendment. It is important and useful, and it will cost the Commonwealth virtually nothing.

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—5

Alden	Emerson	Gruitza	Williams, H.
Cunningham			

EXCUSED—2

Borski	Dininni
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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—193

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

NAYS—1

Fleck

NOT VOTING—3

Alden	Emerson	Williams, H.
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EXCUSED—2

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

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I noticed on my calendar, and it may be so marked on yours, that the Democrats have not yet caucused on HB 327. That is not true. We have caucused and we are ready for the vote on that bill. Mr. Lloyd has an amendment to offer.

The SPEAKER. Our calendar, by way of information, shows that you have caucused on that bill, but it is nevertheless marked over temporarily.

Mr. IRVIS. Thank you.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today David and Judy Stewart and their two sons, David and Robbie. They are here today as the guests of Representative Paul Wass.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 754, PN 1680**, entitled:

An Act providing for the creation and operation of a District Attorneys' Commission in the Office of the Attorney General and prescribing its powers and duties.

On the question,

Will the House agree to the bill on third consideration?

Mr. PIEVSKY offered the following amendments No. A8239:

Amend Table of Contents, page 1, by inserting between lines 15 and 16

Section 12. Acceptance of funds.

Amend Table of Contents, page 1, line 16, by striking out "12" and inserting

13

Amend Table of Contents, page 1, line 17, by striking out "13" and inserting

14

Amend Sec. 11, page 4, lines 9 through 12, by striking out "In carrying out its mandate, the commission may accept" in line 9 and all of lines 10 through 12

Amend Bill, page 5, by inserting between lines 10 and 11 Section 12. Acceptance of funds.

In carrying out its mandate, the commission may accept non-federal funds and grants from any public or private source, which funds are hereby appropriated to the commission to defray its expenses. Federal funds may be accepted for up to six months from the date of enactment of this bill. After the six-month period all Federal funds used to defray commission expenses must be specifically appropriated by the General Assembly.

Amend Sec. 12, page 5, line 11, by striking out "12" and inserting

13

Amend Sec. 13, page 5, line 15, by striking out "13" and inserting

14

On the question,

Will the House agree to the amendments?

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, my amendment to SB 754 relates to the procedure by which Federal funds are authorized for use by the District Attorneys' Association. This bill currently contains language that allows the District Attorneys' Association to accept and use funds from any public or private source to defray its operating expenses. In essence, Mr. Speaker, the language is a blanket appropriation authorization to accept certain funds without further review by this General Assembly.

Now, my amendment, Mr. Speaker, authorizes the District Attorneys' Association to accept non-Federal funds from any public or private source without additional review of the General Assembly, but further states that after the association has been in existence for 6 months, all Federal funds must be specifically appropriated by the General Assembly. The 6-month grace period is to insure that the association has maximum flexibility during the period of initial development.

In essence, Mr. Speaker, my amendment establishes the same Federal fund review and appropriation procedure for this State agency as exists for all others. Once the association has been established, it seems to me only fair that it is subjected to the same appropriation review process that we worked so hard to establish for all other State agencies. This amendment does not interfere with any activity of the District Attorneys' Association; it simply subjects it to our standard appropriation review process, and I ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, I request that the members vote against this amendment. The amendment itself I take no position on, but what it will do is effectively kill these bills, because these bills that the District Attorneys' Association has been working on for a long time are now in position, if we vote favorably today, to go to the Governor for signature. If we adopt an amendment with the Senate out, it effectively kills these two measures. Thank you.

MOTION TO TABLE

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

Mr. A. K. HUTCHINSON. Would I be out of order to make a motion to table SB 754? I want to kill it right now. I am not waiting for the amendment.

The SPEAKER. That motion would be in order.

The gentleman, Mr. Hutchinson, moves that **SB 754**, together with amendments, be tabled.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, I would oppose the motion to lay on the table. These bills are necessary to create more efficient district attorneys with the cooperation of the Attorney General's Office. I request the members to vote against this motion. Thank you.

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

Mr. A. K. HUTCHINSON. Mr. Speaker, I voted against the elected Attorney General for that reason. I figured that we would set up another monstrosity that would run all the district attorneys all over Pennsylvania. Right now each person—

The SPEAKER. The gentleman will yield.

The question before the House is the—

Mr. A. K. HUTCHINSON. But he said I was going to kill it. I would like to answer him, please.

The SPEAKER. Go ahead. I surrender.

Mr. A. K. HUTCHINSON. Everybody talks about home rule. If we put these two bills in, SB 754 and the next one, the Attorney General will run it all with the commission set up. This bill has only been on the calendar for 3 days, and I think we ought to wait until maybe Christmas when the Senate Republican Party comes back in to vote on these bills. Thank you very much.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—90

Barber	Evans	Manderino	Ritter
Belfanti	Fee	Michlovic	Rocks
Berson	Fryer	Miller	Saurman
Brown	Gallagher	Miscevich	Seventy
Caltagirone	Gamble	Morris	Shupnik
Cappabianca	George	Mrkonic	Sieminski
Cawley	Grabowski	Mullen	Stairs
Clark	Gruitza	Murphy	Steighner
Cohen	Harper	Nahill	Stewart
Colafella	Horgos	O'Donnell	Swaim
Cole	Hutchinson, A.	Olasz	Taylor, F. E.
Cordisco	Irvis	Oliver	Tigue
Cornell	Itkin	Pendleton	Trello
Coslett	Kolter	Petrarca	Van Horne
Cowell	Kukovich	Petrone	Wargo
DeMedio	Laughlin	Pievsky	Wiggins
DeWeese	Lescovitz	Pistella	Williams, H.
Dawida	Letterman	Pratt	Williams, J. D.
Deal	Livengood	Pucciarelli	Wilson
Dietz	Lucyk	Rappaport	Wozniak
Dombrowski	McIntyre	Richardson	Wright, D. R.
Donatucci	McMonagle	Rieger	Zwilk
Duffy	Maiale		

NAYS—104

Anderson	Foster, Jr., A.	Lewis	Sirianni
Armstrong	Frazier	Lloyd	Smith, B.
Arty	Freind	McClatchy	Smith, E. H.
Belardi	Gallen	McVerry	Smith, L. E.
Beloff	Gannon	Mackowski	Snyder
Bittle	Geist	Madigan	Spencer
Blaum	Gladeck	Manmiller	Spitz
Bowser	Gray	Marmion	Stevens
Boyes	Greenwood	Merry	Suban
Brandt	Grieco	Micozzie	Sweet
Burd	Gruppo	Moehlmann	Swift
Burns	Hagarty	Mowery	Taddonio
Cessar	Haluska	Noye	Taylor, E. Z.

Cimini	Hasay	Perzel	Telek
Civera	Hayes	Peterson	Vroon
Clymer	Heiser	Phillips	Wachob
Cochran	Hoeffel	Piccola	Wambach
Cunningham	Honaman	Pitts	Wass
DeVerter	Jackson	Pott	Wenger
Daikeler	Johnson	Punt	Weston
Davies	Kennedy	Rasco	Wogan
Dorr	Klingaman	Reber	Wright, J. L.
Durham	Kowalshyn	Rybak	Wright, R. C.
Fargo	Lashinger	Salvatore	
Fischer	Lehr	Serafini	Ryan,
Fleck	Levi	Showers	Speaker
Foster, W. W.	Levin		

NOT VOTING—3

Alden	Emerson	Greenfield
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EXCUSED—2

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

On the question recurring,

Will the House agree to the amendments?

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

Mr. PIEVSKY. Mr. Speaker, on the amendment.

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, I see no reason why the gentleman says we have to vote against this amendment because of the Senate. I mean, this is a good amendment. Let the Senate be here. Let the Senate come back in September. I mean, it is a good amendment. It is good legislation; it is responsible legislation, and I urge an affirmative vote. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—119

Barber	Gamble	Maiale	Rybak
Belardi	Geist	Manderino	Saurman
Belfanti	George	Marmion	Seventy
Beloff	Gladeck	Merry	Showers
Berson	Grabowski	Michlovic	Shupnik
Bittle	Gray	Miller	Smith, E. H.
Blaum	Greenfield	Miscevich	Snyder
Brown	Gruitza	Moehlmann	Steighner
Caltagirone	Haluska	Morris	Stewart
Cappabianca	Harper	Mrkonic	Suban
Cawley	Hoeffel	Mullen	Swaim
Cimini	Hutchinson, A.	Murphy	Sweet
Clark	Irvis	O'Donnell	Taylor, F. E.
Colafella	Itkin	Olasz	Telek
Cole	Jackson	Oliver	Tigue
Cordisco	Kolter	Pendleton	Trello
Cowell	Kowalshyn	Peterson	Van Horne
DeMedio	Kukovich	Petrarca	Wachob
DeWeese	Lashinger	Petrone	Wambach
Davies	Laughlin	Phillips	Wargo
Dawida	Lescovitz	Pievsky	Weston
Deal	Letterman	Pistella	Wiggins
Dombrowski	Levi	Pratt	Williams, H.
Donatucci	Levin	Pucciarelli	Williams, J. D.
Duffy	Livengood	Punt	Wilson
Evans	Lucyk	Rappaport	Wogan
Fee		Richardson	Wozniak

Frazier	McClatchy	Rieger	Wright, D. R.
Fryer	McIntyre	Ritter	Zwinkl
Gallagher	McMonagle	Rocks	

NAYS—72

Anderson	Fischer	Lewis	Sirianni
Armstrong	Fleck	McVerry	Smith, B.
Bowser	Foster, W. W.	Mackowski	Smith, L. E.
Boyes	Foster, Jr., A.	Madigan	Spencer
Brandt	Freind	Manmiller	Spitz
Burd	Gallen	Micozzie	Stairs
Burns	Gannon	Mowery	Stevens
Cessar	Greenwood	Nahill	Swift
Clymer	Grieco	Noye	Taddonio
Cochran	Gruppo	Perzel	Taylor, E. Z.
Cornell	Hasay	Piccola	Vroon
Coslett	Hayes	Pitts	Wass
Cunningham	Heiser	Pott	Wenger
DeVerter	Honaman	Rasco	Wright, J. L.
Daikeler	Horgos	Reber	Wright, R. C.
Dietz	Johnson	Salvatore	
Dorr	Kennedy	Serafini	Ryan,
Durham	Klingaman	Sieminski	Speaker
Fargo	Lehr		

NOT VOTING—6

Alden	Civera	Emerson	Hagarty
Arty	Cohen		

EXCUSED—2

Borski Dininni

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—174

Anderson	Fleck	McMonagle	Seventy
Armstrong	Foster, W. W.	McVerry	Showers
Arty	Foster, Jr., A.	Mackowski	Shupnik
Barber	Frazier	Madigan	Sirianni
Belfanti	Freind	Maiale	Smith, B.
Beloff	Fryer	Manderino	Smith, E. H.
Berson	Gallagher	Manmiller	Smith, L. E.
Bittle	Gallen	Marmion	Snyder
Blaum	Gamble	Merry	Spencer
Bowser	Gannon	Michlovic	Spitz
Boyes	Geist	Micozzie	Stairs
Brandt	George	Miscevich	Streighner
Brown	Gladeck	Mowery	Stevens
Burd	Grabowski	Mrkoncic	Stewart
Burns	Gray	Murphy	Stuban
Caltagirone	Greenfield	Nahill	Swaim
Cappabianca	Greenwood	Noye	Sweet
Cawley	Grieco	O'Donnell	Swift
Cessar	Gruitza	Olasz	Taddonio
Cimini	Gruppo	Oliver	Taylor, E. Z.
Civera	Hagarty	Pendleton	Taylor, F. E.
Clark	Haluska	Perzel	Telek
Clymer	Harper	Peterson	Tigue
Cochran	Hayes	Petrarca	Trello
Colafella	Heiser	Petrone	Vroon
Cordisco	Hoeffel	Phillips	Wachob
Cornell	Honaman	Piccola	Wambach

Coslett	Itkin	Pievsky	Wargo
Cunningham	Johnson	Pistella	Wass
DeMedio	Kennedy	Pitts	Wenger
Daikeler	Klingaman	Pott	Weston
Davies	Kolter	Pratt	Wiggins
Dawida	Kowalyszyn	Pucciarelli	Williams, H.
Deal	Kukovich	Punt	Williams, J. D.
Dietz	Lashingier	Rappaport	Wilson
Dombrowski	Laughlin	Rasco	Wogan
Donatucci	Lehr	Reber	Wozniak
Dorr	Lescovitz	Richardson	Wright, D. R.
Duffy	Levi	Rieger	Wright, J. L.
Durham	Levin	Rocks	Wright, R. C.
Evans	Livengood	Rybak	Zwinkl
Fargo	Lloyd	Salvatore	
Fee	McClatchy	Saurman	Ryan,
Fischer	McIntyre	Serafini	Speaker

NAYS—20

Belardi	Hasay	Letterman	Morris
Cole	Horgos	Lewis	Mullen
Cowell	Hutchinson, A.	Lucyk	Ritter
DeVerter	Irvis	Miller	Sieminski
DeWeese	Jackson	Moehlmann	Van Horne

NOT VOTING—3

Alden	Cohen	Emerson
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EXCUSED—2

Borski Dininni

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 755, PN 1727**, entitled:

An Act providing for optional training for district attorneys and assistant district attorneys by the District Attorneys' Commission and authorizing optional advanced training courses for district attorneys and assistant district attorneys to be conducted by the District Attorneys' Commission.

On the question,

Will the House agree to the bill on third consideration?

Mr. CIMINI offered the following amendments No. A8403:

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

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, abolishing judicial immunity in certain cases.

Amend Bill, pages 1 through 4, by striking out all of lines 8 through 19, page 1; all of lines 1 through 30, pages 2 and 3; and all of lines 1 through 13, page 4 and inserting

§ 4103. Judicial immunity abolished in certain cases.
The doctrine of judicial immunity is hereby abolished insofar as it confers immunity for the remarks of an appellate judge given in a written opinion in a civil case.

Section 2. This act shall take effect in 60 days.

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

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

Mr. CIMINI. Mr. Speaker, Joe "Studs" Petrarca should have passed out the candy this morning instead of yesterday to sweeten you guys up.

Since the last vote on this bill, we have amended the bill to satisfy the objections of some of the members. Specifically, the amendment would now apply to written opinions only in civil cases and not in criminal cases. It would also apply only to appellate courts and not the Commonwealth courts.

I have a great concern, as many of you do, that no one should be above the law. Immunity of law is such a privilege. If even one person becomes a victim of judicial immunity, then it is the duty of the lawmakers, this House of Representatives, to protect that person from abuse of that immunity. I would appreciate your affirmative vote on this amendment. Thank you.

The SPEAKER. Does the gentleman from Westmoreland, Mr. Petrarca, desire recognition?

Mr. PETRARCA. Thank you, Mr. Speaker, since you asked.

We discussed this and debated it at length the last time, and in order to get the attorneys in the House to go along with it, it seems they are afraid of their Commonwealth judges back home, so I watered it down for Jim Manderino. It says that it does not—I see that the attorney, Mr. Spencer, got up there, and he is going to shoot it down.

Mr. Speaker, there is a bill in Alabama. It is in the Senate. They cannot get it out there either; there are too many attorneys. It says an attorney should not be a legislator because it is a conflict of interest.

Mr. RAPPAPORT. Mr. Speaker?

Mr. PETRARCA. There is another attorney from Philadelphia getting up, I see.

POINT OF ORDER

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

Mr. RAPPAPORT. A point of order, Mr. Speaker.

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

Mr. RAPPAPORT. I would respectfully suggest to the Chair that what the gentleman is doing is impugning the motives of other members and is not debating the point of the amendment, which I understand is the judicial privilege.

Mr. PETRARCA. Mr. Speaker, I am telling the truth. They are not used to that.

The SPEAKER. The gentleman will yield.

The Chair apologizes to the gentleman, Mr. Rappaport. The Chair was not paying attention to the remarks of the gentleman and is unable to pass on your point of order, but would caution the gentleman as to the—

Mr. PETRARCA. Mr. Speaker, I know you are an attorney, too, but that is okay; I am going to overlook that.

PARLIAMENTARY INQUIRY

Mr. RAPPAPORT. Mr. Speaker, I rise to a point of parliamentary inquiry.

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

Mr. RAPPAPORT. Is the crime of lese majesty part of the rules of this House?

The SPEAKER. Will the gentleman repeat that crime?

Mr. RAPPAPORT. I thank the Speaker for his kind attention.

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

Mr. PETRARCA. Okay. Let us make it simple so the attorneys can understand. Oh, I am sorry. I am sorry, Mr. Speaker.

Anyway, you know what this bill does. I cannot see where anyone should have immunity to lie about something. The judges in my area have no problems with this.

I feel this is something the people should have. We are not living in merry old England. I make a motion that we go along with Mr. Cimini.

The SPEAKER. The Chair recognizes the distinguished chairman of the Judiciary Committee, Mr. Spencer.

Mr. SPENCER. I do not know what that is going to do to the outcome of this vote.

Mr. Speaker, this is the so-called Dragonetti bill. This measure was attempted to be amended into law earlier and was defeated. The Judiciary Committee had extensive research done on judicial immunity. All members of the Judiciary Committee were handed this report. The bill came up before the committee and it was voted down.

This is a severe attack on the independence of the judiciary system of Pennsylvania, and as much as some members may dislike the judiciary and the legal profession, it would certainly hamper justice. I would respectfully request that this amendment be voted down. Thank you.

The SPEAKER. Does the distinguished member from Westmoreland, Mr. Petrarca, care to reply?

Mr. PETRARCA. Thank you, Mr. Speaker.

Let us forget Joe Dragonetti, the 73-year-old retired newspaperman—who incidentally is registered Republican—who tells me that he put Eisenhower in when he ran for President. Forget Joe Dragonetti.

All this bill does is say, should the judge have a right to lie or not to lie? I say no. They tell us, well, we have legislative immunity. I say, I want no immunity that tells the people of this House we are allowed to lie. Anyway, when we have immunity, it is verbal, but when the judge signs that, the man goes to jail. When you say, it is Joe Dragonetti, just because maybe he harassed some of the people, called them, the man is right. All we are asking for is justice. Should a judge have the right to lie? They do not lie in my county. I do not think they should lie in your county either.

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

Mr. LEVIN. Thank you, Mr. Speaker.

Unfortunately, while Mr. Petrarca has made it a very light subject, it is not a funny subject. It is a very expensive proposition, and I hope you will pay attention and you will understand.

No one believes a judge should have the right to lie. No one believes a judge should have the right to libel anybody. The question is not whether he should have that right; the question is simply, what should society's response be to that improper conduct? At present, society, the Pennsylvania society, through this legislature and through its courts has decided that that judge shall be removed from office, either by not being reelected or by a judicial review system which removes a judge for improper activity. What this bill will do will be to allow that judge to be sued for civil damages. He can be sued for monetary damages for libel.

Now, for those of you who do not understand, in libel you do not have to prove damages; all you have to prove is that you were libeled and the jury may set the damages. Can you imagine what would happen if every time a Mr. Dragonetti felt that he was improperly attacked that that response would be a lawsuit?

Let us just review what actually happened to Mr. Dragonetti, because he is in fact the issue on this floor. Mr. Dragonetti was improperly labeled as an officer of a corporation. In a judicial appellate decision the judge repeated the testimony in the lower court and improperly said that Mr. Dragonetti was an officer of a corporation. That is what this is all about. Joe Dragonetti wants to sue that judge because he was libeled, he says, because he was an officer of that corporation. Now, can you just imagine how many sincere Joe Dragonetti's there are in the Commonwealth of Pennsylvania? How many people are there like Joe Dragonetti who, if we give them the right to sue some judge for some imagined injury, would be filing lawsuits in every county? And in every judicial decision the judge would not be able to repeat the evidence on either side. It is not a question that the judge saw that trial or said anything; it is that he repeated what someone else said. How could you write an appellate decision and not say that one side said this and the other side said that and you have reached a decision? If you did that, you could not write an opinion that was meaningful to anybody. That is the reason we have judicial immunity. It is not to protect improper activity by judges.

This was argued in front of the Judicial Committee. It was overwhelmingly defeated. It was not a close vote; it was overwhelmingly defeated. If you proceed to give in on this, you have made a dramatic change, a chilling effect on judges being able to properly adjudicate, and you have done so for a man who sincerely believes he was wrong but on analysis is a case which should have no remedy. Please use good discretion and vote this down.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

The gentleman, Mr. Petrarca, asked us to forget Joe Dragonetti, but I do not believe we can in this instance, and I think Mr. Levin has properly indicated why. Since this

amendment and bill have been before the legislature, I have repeatedly asked Mr. Dragonetti, Mr. Cimini, and Mr. Petrarca to show me where judges in Pennsylvania are abusing the privilege that is conferred upon them. They have yet to show me one single case in Pennsylvania where any judge has libeled anyone in a written opinion, including Mr. Joe Dragonetti. Now, there is an old saying, if it is not broken, do not fix it. This is not broken, and I do not think we should try to tamper with the law in this instance. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Thank you, Mr. Speaker.

Very briefly, the issue this morning on this particular amendment deals with the issue of checks and balances. In our three-branch system of government, we do have checks and balances on the executive branch; we do have checks and balances on the legislative branch, but very apparently we do not have any checks and balances on the judicial branch. Now, if you, Mr. Speaker, want to continue to have the courts run this country and this State, then vote "no," but if you feel that we should have checks and balances on our judges to do a responsible job for which they are elected or appointed, then vote "yes" on this amendment. Thank you.

The SPEAKER. Does the lady from Montgomery, Mrs. Hagarty, desire recognition? The lady is in order.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I have read the actual words of this amendment, which is a new amendment from the one that was previously considered, for the first time. I think it is important to point out that all this amendment does is say that the doctrine of judicial immunity is hereby abolished for the remarks of an appellate judge given in a written opinion. It is important to remember that our appellate judges do not hear trial cases. They do not meet the litigants; they do not know the litigants; they do not hear the testimony. All they do is review the record of the lower court to determine whether there are legal questions and whether the lower court applied the law correctly. To suggest that in any way this would be appropriate for an appellate judge to be sued for his remarks honestly makes no sense whatsoever. It does not even direct itself to the situation of a trial judge misstating facts or anything else that has been discussed. All I can see that it directs itself to is Mr. Dragonetti's personal situation where an appellate court misstated whether or not he was an officer of a corporation, a perfect example of what would be wrong with allowing these suits.

We have to remember that in every lawsuit there are two sides to an issue. One side says one set of facts is true and the other side says the other set of facts is true. It is the lower court judge's job to decide who is telling the truth. The losing side almost always feels the judge was wrong and did not write the right conclusion and the facts are not correct. It will be the Commonwealth's obligation then in all of these cases—and they will be voluminous—to defend that judge.

For those of you who believe that our courts are too involved in our system now and cost too much money, I can

assure you that this will do nothing but to further involve the courts. We will now have courts deciding whether other courts were telling the truth, and our taxpayers are going to be picking up all of these costs. This is utter nonsense. It should be left to the Judicial Review Board and to the voters to decide whether a judge is acting properly and within the bounds of his judicial duties. Thank you.

The SPEAKER. Does the gentleman from Lycoming, Mr. Cimini, desire recognition?

Mr. CIMINI. Once more, yes.

The SPEAKER. The gentleman is in order.

Mr. CIMINI. Mr. Piccola said that we have not presented him with any cases or any abuses whatsoever and that Pennsylvania, since there are none here, really should stay out of this thing. However, if we go back a couple hundred years, Pennsylvania was the leader in this Nation to get rid of slavery even though we had no slavery, so we can also be a leader here whether we have abuse or not. There is abuse across the country. There are many, many cases of abuse across the country. Frank Way of the University of California has analyzed 163 cases of real abuse in this Nation, sterilization of women and several other cases where a judge was able to give an opinion.

Now, I just want to say one more thing in closing. This is not retroactive. Therefore, we are not helping Joe Dragonetti; we are helping the future Joe Dragonettis, which could be you or me or any of our citizens in Pennsylvania.

One other thing: The majority of judges, I am sure, will not even be concerned about this bill. As Mr. Pratt said, it is a matter of balance, of bringing the judicial system back into balance. They have made laws. Judicial immunity supersedes any State or Federal law or any State or Federal Constitution. They have made their own laws, and it is time that we bring this to a halt. Thank you.

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

Mr. FRAZIER. Mr. Speaker, of the members here present, I am going back to practice law in 1983 and 1984, and I should like to testify on this bill against the proposition that there are no checks and balances in the judicial system.

For over 200 years in this country there have been checks and balances in the judicial system provided by the appellate system. To fetter the judges of our courts on the county, State, and Federal levels by the reduction of immunity, we will fetter them to the degree they will no longer be a free judiciary. The appellate system provides the checks and balances, and I would debate against the gentleman who suggests there are no checks and balances in the judicial system. Furthermore, there is a Judicial Review Board and there is a Disciplinary Board which reprimands, disciplines, and sometimes disbars judges and attorneys.

I think that this is a very bad amendment. I think that this would fetter the judicial system. I believe that it would do such damage to the free judicial system that we would have a situation in which judges would be afraid to render decisions. Thank you, Mr. Speaker.

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

Mr. ROCKS. Mr. Speaker, would one of the members of the Judiciary Committee stand for interrogation, either Mr. Levin or the chairman, Mr. Spencer?

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

Mr. ROCKS. Thank you, Mr. Speaker.

Mr. Speaker, I think all of us are trying to make a very serious decision regarding this amendment, and I as one member of this House am not sure that I completely understand its ramifications. Maybe, Mr. Speaker, you could help me with a couple of questions that I would have.

Could you explain to this body by way of a parallel what kind of immunity we have in the legislative branch of government as lawmakers?

Mr. SPENCER. As I understand it, the legislator has immunity from any remarks that he makes on the floor of the House or the Senate from suits of slander.

Mr. ROCKS. So in other words, Mr. Speaker, if, when we are acting in our official capacity as elected lawmakers, we would in fact make remarks that, let us say, would upset a constituent or would cause enough ire in some Pennsylvania citizen's mind, would we be exposed to legal suit while acting in that capacity?

Mr. SPENCER. You may be exposed to a legal suit, but you have the defense of immunity, which would carry the day.

Mr. ROCKS. That would be a proper defense in a courtroom for a legislator?

Mr. SPENCER. That is correct, Mr. Speaker.

Mr. ROCKS. Okay. Now, more directly, regarding the amendment that is in front of us, could you carry over that analogy for those of us who never will serve in the judiciary—and some of us in here may in fact do that—but what in fact is the immunity that is granted today in Pennsylvania to a sitting judge?

Mr. SPENCER. Under the court cases, the judge has immunity under two circumstances - number one, if he has jurisdiction of the case; and number two, if in furtherance of that jurisdiction he does a judicial act, such as writing a decision, then he would carry the immunity. But I might add that if there is willful misconduct— And there have been cases. I think four successful suits have been brought in the past few years against judges outside this reign of jurisdiction and judicial acts. They did recover verdicts against judges.

Mr. ROCKS. Mr. Speaker, if I may, I have two other questions that would help me at least, and if I can continue the interrogation, I would appreciate it. Thank you, Mr. Speaker.

The question of legislative immunity is one that has become a serious question, even in regard to our own body in that we have in fact seen over the years some increase in the number of suits that have been filed against legislators who have involved themselves in what they thought was a matter of some constituent problem or a person they represented bringing to their attention a matter that they thought you or I as their lawmaker should be involved with.

The SPEAKER. Will the gentleman yield?

Has the gentleman concluded his interrogation? He is now making a statement. Is that it?

Mr. ROCKS. No, Mr. Speaker. I am still asking a question, if I may.

The SPEAKER. The gentleman is in order.

Mr. ROCKS. Mr. Speaker—and I do not know that this is a fair question just because Representative Spencer happens to be chairman of the Judiciary Committee, but he would, I think, be as expert as anybody in here regarding this—are you familiar with any of those incidents and how in fact a body of case law was built in this State regarding legislative immunity and our actions as lawmakers?

Mr. SPENCER. I am not sure I understand the question, Mr. Speaker. Did you say am I familiar with any cases against legislators?

Mr. ROCKS. For involvement in what basically we refer to on a daily basis as constituent problems or constituent requests?

Mr. SPENCER. I do not know of any there, but the immunity would not extend to anything other than debate on the floor of the House or remarks made on the floor of the House. In other words, if you were carrying out some duty for a constituent with one of the departments of the government, you would not have that immunity.

Mr. ROCKS. Okay, Mr. Speaker. I need to be very certain about this, and I do not know that the analogy is going to hold up, but I think it becomes important to the amendment that is in front of us regarding the other branch of government that we are going to make a determination on in a few minutes.

Mr. SPENCER. That is correct. It is a very important point. A legislator, in carrying out his legislative duties on the floor of the House, is immune. A judge, in carrying out his judicial duties, if he has jurisdiction of the case and if his remarks are part of a judicial act, has immunity. So there is a parallel there, Mr. Speaker.

Mr. ROCKS. I thank you, Mr. Speaker, and that is in fact what I was trying to gather from the interrogation. Mr. Speaker, I thank you very much.

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

Mr. DAVIES. Mr. Speaker, may I place a few questions of interrogation to the chairman of the Judiciary Committee?

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

Mr. DAVIES. Mr. Speaker, how many judges have been removed for incompetence or any other reason by their own disciplinary body in the Commonwealth of Pennsylvania in the last 10 years, sir?

Mr. SPENCER. Miss Sirianni behind me says she knows of three. Do you mean dismissed by the Judicial Review Board, or do you mean dismissed because of failure to win reelection?

Mr. DAVIES. Yes; not those charged and cleared of such charges, sir, but those removed.

Mr. SPENCER. There are three, to my personal knowledge, who have been removed.

Mr. DAVIES. Three. Thank you.

How many by the process of malfeasance or misfeasance in the past 10 years, which is provided for in law?

Mr. SPENCER. I have no information on that, Mr. Speaker.

Mr. DAVIES. Thank you, sir. And how many have been charged by this House in the history of this Commonwealth and impeached by the Senate and removed by that process?

Mr. SPENCER. There are two pending now.

Mr. DAVIES. Two pending now?

Mr. SPENCER. Yes; on impeachment.

Mr. DAVIES. Not impeachment?

Mr. SPENCER. On impeachment.

Mr. DAVIES. On impeachment.

Mr. SPENCER. Yes.

Mr. DAVIES. In the process of the House that we voted on, and they are now being tried by the Senate?

Mr. SPENCER. The petition has been filed with the House of Representatives, as is required in the Constitution, and the matter was referred, I believe last week, to the Judiciary Committee.

Mr. DAVIES. All right. And as yet that process has not been completed or has not gone through the committee process itself.

Mr. SPENCER. Mr. Speaker, it is a very difficult field because of lack of precedent, and we have to blaze our own trail on this.

Mr. DAVIES. And how many members, sir, of this body or the Senate have been removed in the same interim of time in the last 5 years?

Mr. SPENCER. I do not have the exact number, but there have been members of the House and the Senate removed for conviction of felonies or else resigned because of that conviction under the rules of the House.

Mr. DAVIES. And the ratio, sir, in numbers, comparatively in numbers, would be about what?

Mr. SPENCER. Mr. Speaker, I would be guessing on that. I just do not recall. I am hazy as to the number. I know there was one who was dismissed by vote of the House. I think all others resigned.

Mr. DAVIES. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—82

Arty	Fee	Manmiller	Salvatore
Belardi	Foster, W. W.	Micozzie	Saurman
Belfanti	Foster, Jr., A.	Mrkonic	Serafini
Brown	Gallagher	Mullen	Seventy
Burd	Gamble	Murphy	Sieminski
Caltagirone	Geist	Noye	Stairs
Cessar	Grabowski	Olasz	Steighner
Cimini	Gray	Perzel	Stevens
Civera	Grieco	Peterson	Swift
Clark	Gruppo	Petrarca	Taddonio
Cochran	Harper	Phillips	Taylor, F. E.
Cordisco	Hayes	Pievsky	Telck
Cornell	Itkin	Pistella	Tigue

Cowell	Johnson	Pitts	Trello
DeMedio	Klingaman	Pott	Van Horne
DeVerter	Koiter	Pratt	Wambach
DeWeese	Lescovitz	Punt	Williams, H.
Davies	Letterman	Rasco	Wilson
Dawida	Levi	Richardson	Wogan
Dombrowski	Livengood	Ritter	Zwinkl
Duffy	Madigan		

NAYS—110

Anderson	Fleck	Lucyk	Shupnik
Armstrong	Frazier	McClatchy	Sirianni
Barber	Freind	McIntyre	Smith, B.
Beloff	Gallen	McMonagle	Smith, E. H.
Berson	Gannon	McVerry	Smith, L. E.
Bittle	George	Mackowski	Snyder
Blaum	Gladeck	Maiale	Spencer
Bowser	Greenfield	Manderino	Spitz
Boyes	Greenwood	Marmion	Stewart
Brandt	Gruitza	Merry	Stuban
Burns	Hagarty	Michlovic	Swaim
Cappabianca	Haluska	Miller	Sweet
Cawley	Hasay	Miscevich	Taylor, E. Z.
Clymer	Heiser	Moehlmann	Vroon
Cohen	Hoeffel	Morris	Wachob
Colafella	Honaman	Mowery	Wargo
Cole	Horgos	O'Donnell	Wass
Coslett	Hutchinson, A.	Oliver	Wenger
Cunningham	Irvis	Pendleton	Weston
Daikeler	Jackson	Petrone	Wiggins
Deal	Kennedy	Piccola	Williams, J. D.
Dietz	Kowalshyn	Pucciarelli	Wozniak
Donatucci	Kukovich	Rappaport	Wright, D. R.
Dorr	Lashingier	Reber	Wright, J. L.
Durham	Laughlin	Rieger	Wright, R. C.
Evans	Lehr	Rocks	
Fargo	Levin	Rybak	Ryan,
Fischer	Lloyd	Showers	Speaker

NOT VOTING—5

Alden	Fryer	Lewis	Nahill
Emerson			

EXCUSED—2

Borski	Dininni
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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?
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?

WELCOME

The SPEAKER. The Chair at this time would like to welcome to the hall of the House, prior to their leaving, a group from the Montessori Genesis II School in Philadelphia, here today as the guests of Representative Levin.

REMARKS ON VOTES

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

Mrs. LEWIS. I was out of my seat, Mr. Speaker, on amendment A8403 to SB 755, the last amendment. I would like to be recorded in the negative.

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

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

Mrs. ARTY. Mr. Speaker, I apologize for having pushed the wrong switch. I wish to be recorded in the negative on amendment A8403 to SB 755.

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

The Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. On that general subject, Mr. Speaker, apparently I am recorded in the negative on the final passage vote on the last bill, SB 754. I would like the record to show I certainly intended to vote in the positive.

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

The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. Mr. Speaker, I was not in my seat when we voted SB 755, PN 1727. I would like the record to show that if I had been in my seat, I would have voted in the negative on the Cimini amendment A8403 to that bill.

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

The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Ditto, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Fee, also would have voted in the negative on the Cimini amendment A8403.

CONSIDERATION OF SB 755 CONTINUED

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

Mr. RAPPAPORT. Mr. Speaker, would the gentleman from Tioga, the distinguished chairman of the Judiciary Committee, consent to interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman may proceed.

Mr. RAPPAPORT. Mr. Speaker, I hope the gentleman can enlighten me on several questions that I have.

Am I correct that this bill would say that a district attorney, after he has been elected by the people of his county, can be thrown out of office because of failure to pass a certain training program?

Mr. SPENCER. Mr. Speaker, would you inform me as to the portion of the bill that you are referring to?

Mr. RAPPAPORT. Mr. Speaker, I am relying not only on the bill but what I was told in caucus by staff, and therefore, I wanted to clarify these points, and I am relying upon the good offices of my friend.

Mr. SPENCER. It is my understanding that the counties may opt to have continued education mandated, and if they do, I would assume that if the district attorney did not carry out the continuing education provisions of the mandate by the county, he would be ineligible.

Mr. RAPPAPORT. And would that also apply to assistant district attorneys employed where authorized by the district attorney?

Mr. SPENCER. Yes.

Mr. RAPPAPORT. Could the gentleman inform us, Mr. Speaker, as to whether it is presently required that both the district attorney and assistant district attorney be members of the bar?

Mr. SPENCER. It is my understanding that the district attorney and assistant district attorney must be members of the Supreme Court of Pennsylvania and the respective counties.

Mr. RAPPAPORT. Mr. Speaker, I thank the gentleman and would ask leave to speak further.

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

Mr. RAPPAPORT. Mr. Speaker, this bill is yet another move to take away the conduct of justice from the people of each county. It has been a principle of the law, probably since the Magna Carta, that every defendant had the right to be tried in his own county by his own neighbors, his peers, and this has been a principle of the law of Pennsylvania since colonial times. We have also said, as a result of our experience with the King's judges in colonial Pennsylvania, that judges in this Commonwealth must be elected in Pennsylvania and in and for the counties in which they serve. And we have also said that with respect to prosecutors. A prosecutor must be elected in his or her county, and not even the elected district attorney can come by and supersede capriciously.

Here we have the county commissioners, who are not elected to administer justice, mandating certain other qualifications of law enforcement officers other than those set by the voters in each county. It may very well be, and I believe it is in fact true, that the standards of law enforcement and the method of law enforcement should be entirely different in, say, Butler County than they are in Philadelphia County. We face entirely different problems, and there may be different ways of solving them. The judges and the prosecutors in Butler County may very well know most of the people who appear in front of them, know of them, know them personally, whereas that is, of course, impossible in a major urban county. Our district attorney's office has over 100 assistants. There are other counties in this State with no assistants or one or two assistant district attorneys, again responding to individual needs. In many counties it is difficult to get somebody to serve as a district attorney or as an assistant district attorney, while in other counties people specialize and spend their careers there.

I would suggest that any mandating, even anything in the law on a statewide basis, requiring this kind of training will hobble law enforcement and impede many of the smaller counties in obtaining prosecutors and be ridiculous in the larger counties where people are already highly specialized in the trial of criminal cases.

Mr. Speaker, I ask for the defeat of this bill. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Very briefly, Mr. Speaker, my only comment would be that the district attorneys and the District Attorneys' Association and the Attorney General's Office have all indicated that this bill is necessary, and they would like to see it passed. Thank you.

BILL TABLED

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

Mr. A. K. HUTCHINSON. This bill is another raid on local taxpayers on property. The county commissioners can set this up, and also the commission, and they will get their expenses paid, their tuition, reeducation and everything else, by the taxpayers. I do not think we need that. We are always passing laws to put more on the senior citizens and all the other people on their property, and I urge everybody to vote against it.

But now, Mr. Speaker, I would like to make a motion that we lay this bill on the table.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Hutchinson, that SB 755 be laid upon the table.

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

The following roll call was recorded:

YEAS—107

Anderson	Donatucci	Livengood	Rieger
Barber	Dorr	McIntyre	Ritter
Belardi	Duffy	McMonagle	Rocks
Belfanti	Evans	Maiale	Saurman
Beloff	Fee	Manderino	Serafini
Berson	Fryer	Miller	Seventy
Blaum	Gallagher	Miscevich	Shupnik
Brown	Gamble	Mochlmann	Sieminski
Burd	Grabowski	Morris	Steighner
Caltagirone	Gray	Mrkonjic	Stewart
Cappabianca	Gruitza	Mullen	Stuban
Cawley	Hagarty	Murphy	Swaim
Clark	Harper	Natill	Swift
Cochran	Hasay	O'Donnell	Taylor, F. E.
Cohen	Horgos	Olasz	Telek
Colafrilla	Hutchinson, A.	Oliver	Tigue
Cole	Irvis	Pendleton	Trello
Cordisco	Itkin	Petrarca	Van Horne
Cornell	Jackson	Pievsky	Wargo
Coslett	Kolter	Pistella	Wenger
Cowell	Kukovich	Pitts	Wiggins
DeMedio	Lashinger	Pott	Williams, H.
DeWeese	Laughlin	Pratt	Williams, J. D.
Daikeler	Lehr	Pucciarelli	Wozniak
Dawida	Lescovitz	Rappaport	Wright, D. R.
Deal	Levin	Rasco	Zwikl
Dombrowski	Lewis	Richardson	

NAYS—86

Armstrong	Freind	Lucyk	Sirianni
Arty	Gallen	McClatchy	Smith, B.
Bittle	Gannon	McVerry	Smith, E. H.
Bowser	Geist	Mackowski	Smith, L. E.
Boyes	George	Madigan	Snyder
Brandt	Gtadeck	Manmiller	Spencer
Burns	Greenfield	Marmion	Spitz
Cessar	Greenwood	Merry	Stevens
Cimini	Grieco	Michlovic	Sweet
Civera	Gruppo	Micozzie	Taylor, E. Z.
Clymer	Haluska	Mowery	Vroon

Cunningham	Hayes	Noye	Wachob
DeVerter	Heiser	Perzel	Wambach
Davies	Hoeffel	Peterson	Wass
Dietz	Honaman	Petrone	Weston
Durham	Johnson	Phillips	Wilson
Fargo	Kennedy	Piccola	Wogan
Fischer	Klingaman	Punt	Wright, J. L.
Fleck	Kowalshyn	Reber	Wright, R. C.
Foster, W. W.	Letterman	Rybak	
Foster, Jr., A.	Levi	Salvatore	Ryan,
Frazier	Lloyd	Showers	Speaker

NOT VOTING—4

Alden	Emerson	Stairs	Taddonio
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EXCUSED—2

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Montgomery, Mr. Nahill, rise?

Mr. NAHILL. Mr. Speaker, I was not in my seat for amendment A8403 to SB 755. If I had been, I would have voted in the negative.

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 **SB 674, PN 1439**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting certain ex-prisoners of war and Congressional Medal of Honor winners from assessment of registration fees, and providing for special license plates for recipients of the Congressional Medal of Honor.

On the question,

Will the House agree to the bill on third consideration?

Mrs. ARTY offered the following amendments No. A8269:

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

Requiring certain passenger restraint systems for the protection of young children.

Amend Bill, page 1, lines 8 through 18; page 2, lines 1 through 23, by striking out all of said lines on said pages and inserting Section 1. Short title.

This act shall be known and may be cited as the "Child Passenger Protection Act."

Section 2. Legislative intent.

It is recognized that child restraint systems decrease injuries due to motor vehicle accidents and it is the intent of the General Assembly that the use of child passenger restraint systems by Commonwealth motorists be encouraged.

Section 3. Restraint systems.

Any driver of a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home registered in Pennsylvania who transports a child who is either under 40 pounds in weight or under four years of age, anywhere in the vehicle, including the cargo area, shall fasten such child securely in a child passenger restraint system, as defined in section 5. This

section shall apply to all drivers of vehicles where a seating position is available which is equipped with a safety belt or other means to secure the system or where the seating position was originally equipped with seat safety belts.

Section 4. Hazard warning.

A driver who is not in compliance with section 3 shall be given a hazard warning by the State Police or local law enforcement officer as to the possible danger to children due to failure to use a child passenger restraint system as described in sections 3 and 5. No other penalty shall be assessed against a driver for failure to comply with this act.

Section 5. Standards.

A child passenger restraint system shall be used as designed by the manufacturer of the system in motor vehicles equipped with seat safety belts and shall meet the Federal Motor Vehicle Safety Standard 49 C.R.R. § 572.213.

Section 6. Civil actions.

In no event shall failure to use a child passenger restraint system be considered as contributory negligence nor shall failure to use such a system be admissible as evidence in the trial of any civil action.

Section 7. Exemptions.

Exemptions will be allowed if it is determined, according to the rules and regulations of the Department of Transportation, that the use of a child restraint system would be impractical for physical reasons, including but not limited to, medical problems or body size.

Section 8. Effective date.

This act shall take effect in 120 days.

On the question,

Will the House agree to the amendments?

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

Mrs. ARTY. Mr. Speaker, you will recall and the House will recall that a month or so ago I offered debate on a Senate bill that would have made child safety seats a requirement in motor vehicles in Pennsylvania. This amendment is a very much reduced kind of amendment that makes no mandate, that makes no requirement, but it is our hope that with the adoption of this amendment, the people of Pennsylvania will be part of an educational system that will encourage folks who have children or who transport children under 40 pounds or under the age of 4 years, that those children should be in approved child safety seats.

There is nothing in this amendment, Mr. Speaker, that will send grandmothers to jail because they do not have safety seats in their car. There is nothing that says that folks who are of limited means and economics will have to go out and buy safety seats. It is indeed a system of education to tell all of the people of the Commonwealth that children without safety seats are really, truly in danger, and we are trying to protect their lives.

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

Mr. DeMEDIO. Mr. Speaker, I rise to request that the members vote against any amendments on this bill. This bill is an important bill, because it honors six residents of the State of Pennsylvania who have been recipients of the Medal of Honor. This bill, although I had earlier introduced one which languishes in the Transportation Committee, is an exact copy by Senator Clarence Bell. I feel that any amendment offered at this late date in this session will kill this bill.

Now, there are many transportation bills that are always available to us for the type of amendment which is being offered to this bill, so I would ask the honorable lady on the other side to withdraw her amendment and permit this bill to be passed. It has been kicking around for the last 4 or 5 years, and at this late date I am hopeful that we can pass it and show these resident former veterans who were honored by Congress the recognition that they so highly deserve. Thank you, Mr. Speaker.

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

Mr. MISCEVICH. Thank you, Mr. Speaker.

Mr. Speaker, this amendment in fact says "Requiring certain passenger restraint,..." so there is a requirement here. Now, suppose that someone, just as a Good Samaritan, has no children and there is an emergency somewhere and he decides to drive someone's children to a certain place or as a good favor to somebody who lives in the country somewhere, and he is pulled over and stopped and issued a citation because he is being a Good Samaritan. This gentleman or family is trying to be helpful to somebody else; they have no children of their own, so they have no child restraint seats in their car, and they will be cited for it.

Yesterday we saw fit to raise the interest rates on automobiles. Now, this is tending to increase the cost of the automobile for the average person who goes out and buys one. Now, if they put these restraints in the car, you are talking about approximately another \$50, and it is already tough enough to sell a car. Today, just today, the automobile manufacturers have announced that all auto accessories that are coming out of the factory will have a price increase on them.

I notice that this amendment covers automobiles, trucks of the first and second class, and motor homes, but it exempts motorcycles. Now, I think they are more dangerous than an automobile, and I see a lot of kids riding on motorcycles.

I do not think we should vote for this type of legislation. I think with the sponsor's background in the medical field, she ought to alert the Department of Health that when a birth record is received, they should probably send a pamphlet out to the parent who had a newborn child instructing them as to what safety precautions and what safety measures should be taken to prevent injury or death to their particular child. I think we should vote down this amendment. Thank you very much.

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

Mr. MURPHY. Mr. Speaker, would the author of the amendment stand for interrogation, please?

The SPEAKER. The lady, Mrs. Arty, indicates she will stand for interrogation.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, can you describe for me what would happen if I was driving in a car with a child under 40 pounds, 4 years old, and a police officer stopped me? What would happen, under your bill?

Mrs. ARTY. Mr. Speaker, should a law enforcement officer stop the gentleman from Allegheny County in an auto-

mobile with no child safety seat, a hazard warning would be issued.

Mr. MURPHY. Mr. Speaker, are those hazard warnings collected in any way so that there is a greater penalty in the future?

Mrs. ARTY. Mr. Speaker, the amendment does not speak to that. It does, however, speak to the fact that no other penalty shall be assessed against the driver for failure to comply with this act.

Mr. MURPHY. So therefore, Mr. Speaker, it is my impression that the police officer would have no other recourse but to say you ought to get a child safety restraint and leave it at that.

Mrs. ARTY. Mr. Speaker, I am sorry; I could not hear the gentleman from Allegheny.

The SPEAKER. Will the gentleman repeat his question to the lady?

Mr. MURPHY. Mr. Speaker, is it your expectation that any police officers are going to stop an automobile solely for this purpose, or is it just simply going to be another law on the book that will be used arbitrarily for some other purpose, for harassing or stopping people selectively?

Mrs. ARTY. If for any reason a law enforcement officer does stop an automobile, motor vehicle of any kind, and notes that there is no child safety seat when indeed there are children in that motor vehicle, he may issue the hazard warning and hopefully the education and the encouragement of educating the driver as to the possible danger to the children due to the failure of not having a child safety restraint.

Mr. MURPHY. Thank you.

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

The SPEAKER. The gentleman is in order.

Mr. MURPHY. Thank you, Mr. Speaker.

A few months ago we did deal with a similar amendment, but it did have penalties in it. At that time I had introduced an amendment to strip the bill of the penalties.

I am frankly ambivalent about what Representative Arty has done with this amendment. While I believe it is important that we encourage parents to use child restraint systems, I am also concerned about using police officers and their valuable time to educate. That is what we are doing. We are asking a police officer to stop an automobile, to go up to the driver of the automobile, and basically to educate them to the value of using a child restraint system. I hear time and again from my constituents that there are not enough police officers now to protect them from more serious crimes, so I have some real concern about using the police time to educate such as this.

The other reason is really that it is just another law on the books that will be used arbitrarily in a discriminatory fashion to enforce the law. My concern is that a police officer might take it into account to stop an automobile for no good reason, but maybe the police officer has some suspicions and will use this as the reason. I am not sure that is a good law when it is applied very arbitrarily, as I am sure this law will be.

As I said, I am ambivalent about this law. I would like to hear more debate on it, but I am not convinced that it is either necessary or prudent to put it on the books. Thank you.

MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. Would the gentleman from York, Mr. Anderson, come to the rostrum to preside temporarily?

CONSIDERATION OF SB 674 CONTINUED

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

Mr. BRANDT. Thank you, Mr. Speaker.

I think the most important part of the Arty amendment is that it shows the legislative intent that we do care and we are concerned and encourage the driving public of Pennsylvania to take all the care they can in protecting those children as described in the amendment. It is important also to note that in the Department of Transportation presently, there is an ongoing program to promote these child restraint seats, and they have gone out through the Commonwealth and encouraged local civic associations, particularly in this instance the Jaycettes throughout Pennsylvania, to encourage the use of these seats.

I think that this is a good first step on our part to show a backup to the Department of Transportation that that is a good program, and I think that this amendment is well intended and we should encourage a vote with Mrs. Arty on this amendment.

**THE SPEAKER PRO TEMPORE
(JOHN HOPE ANDERSON) IN THE CHAIR
CONSIDERATION OF SB 674 CONTINUED
GERMANENESS QUESTIONED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would like to suggest to the House that the amendment is not germane and make the appropriate motion.

The SPEAKER pro tempore. The question before the House is the germaneness of the amendment. That question is decided by the House.

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

Obviously the bill deals with license plates for certain veterans. The amendment has nothing to do with that. It deals with child restraints, and I would suggest that the amendment is not germane.

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

Mr. RITTER. Mr. Speaker, although I intend to vote against the amendment, we have fought this battle before about germaneness. It is not my idea to have that rule in there the way it is, but there is no question in my mind that this

amendment is in fact germane, and I say that, Mr. Speaker, as one who intends to vote against the amendment. If we have a problem with germaneness, we ought to change the rules, but I think that the amendment certainly is germane.

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

Mr. ROCKS. Mr. Speaker, on the motion requiring the House to determine germaneness, I know there are some mixed reactions and points of view as to what this amendment may be, but, Mr. Speaker, in fairness to the question that the House is about to determine, in this chamber it is my belief—and I think many others would concur in this—that by code we test germaneness as it comes to an amendment applied to a bill, and there is little doubt that this amendment would be an amendment to the Vehicle Code as is the bill that is in front of us. So I would hope that the question on germaneness would be upheld. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. Mr. Speaker, I rise to ask the members of this House to vote against germaneness of this amendment to the issue before us. This bill primarily deals with a special plate for recipients of the Medal of Honor. I think that this amendment is far afield from that subject matter and that it should be defeated, especially in view of the fact that it is very unlikely that any amendment to this bill will be concurred in by the Senate, which now is in recess at the call of the Chair, which probably will never happen. So I am asking the members on both sides to save a good veterans bill and defeat this bill.

There are many, many bills dealing more closely and more relevantly to the Motor Vehicle Code than this that the amendment can be offered to, so please vote against this amendment. Thank you.

AMENDMENTS WITHDRAWN

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

Mrs. ARTY. Mr. Speaker, I have had several people approach me and ask that I withdraw this amendment, to put it on another bill at another time, purely for the sake of the fact that it could in some way jeopardize the original intent of the bill, and that is in honoring the Congressional Medal of Honor winners. They are making an effort to get this to the desk of the Governor to be signed prior to the recess.

Regretfully, because I feel so strongly about the intent of what we are trying to do to save children, I do, sir—and incidentally, I have discussed this with Senator Bell and he agreed with this amendment—I do so withdraw this amendment at this time.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MERRY offered the following amendments No. A8382:

Amend Title, page 1, line 2, by inserting after "Statutes,"

further defining "resident," providing for burden of proof of residency in proceedings regarding driving an unregistered vehicle, providing for production of proof of residency

Amend Bill, page 1, by inserting between lines 7 and 8

Section 1. The definition of "resident" in section 102 and section 1301 of Title 75, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, are amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Resident." A person dwelling permanently or continuously for a period exceeding 30 consecutive days within this Commonwealth[, except that a person who regularly dwells in two or more states shall declare residence to be in any one of the states].

§ 1301. Driving unregistered vehicle prohibited.

(a) General rule.—It is a summary offense for any person to drive or for an owner knowingly to permit to be driven upon any highway any vehicle of a type required to be registered under this chapter which is not registered or for which the appropriate fee has not been paid when and as required in this title.

(b) Proof of residency.—A person charged under this section shall have the burden of proving that he is a nonresident whenever he asserts a defense based on section 1303 (relating to vehicles of nonresidents exempt from registration). Whenever he produces at the office of the issuing authority satisfactory proof that he is a nonresident within five days of his being charged under this section, the issuing authority shall withdraw the charge.

Amend Sec. 1, page 1, line 8, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 8 and 9, by striking out "ACT OF NOVEMBER 25, 1970 (P.L.707, NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED STATUTES,"

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

3

Amend Bill, page 2, by inserting between lines 22 and 23

Section 4. Section 6308(b) of Title 75 is amended to read:

§ 6308. Investigation by police officers.

(b) Authority of police officer.—[Any] Whenever a police officer has articulable and reasonable grounds to suspect a violation of this title, he may stop a vehicle, upon request or signal, for the purpose of inspecting the vehicle as to its equipment and operation, or vehicle identification number or engine number, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

Amend Sec. 3, page 2, line 23, by striking out "3" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, I have a very important amendment that is before you now, and it flies in the face of certain rhetoric that has just occurred on the previous amendment. But I suggest, in all due respect to Mr. DeMedio, that he had

an opportunity to introduce this legislation at the time that we created special license plates for veterans and people just recently. Now, I have full faith in our legislative process that we are going to have an opportunity to have the Senate confer on this bill before it is done.

Now, with that idea in mind, I want to tell you about an important situation that occurs along the borders of Pennsylvania. We have in Crawford and Erie County over 1,000 people who do not have a Pennsylvania registration plate. These people do not pay sales taxes on their automobiles; they do not have mandatory insurance on their automobiles; they are not inspected, and I suggest to you that they do not pay a good many of our local personal taxes.

I have conferred with a good many of you. There is HB 2511 that has 41 cosponsors on this exact language. It indicates that in all the border counties of our great Commonwealth this problem exists.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. IRVIS. Is the gentleman, Mr. Merry, finished?

Mr. MERRY. No.

Mr. IRVIS. I do not mean to interrupt him. I thought he had finished.

Mr. MERRY. No, Mr. Speaker. I am almost finished.

Mr. Speaker, this legislation has been passed before the State Police, before PennDOT (Pennsylvania Department of Transportation), and before our House Transportation Committee. There is no way that this bill can become law before the end of the year unless it is attached to a Senate bill. I ask your cooperation in voting this much-needed legislation to make every citizen of Pennsylvania a responsible taxpayer in this Commonwealth. Thank you.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, for the same reason that Mrs. Arty withdrew her amendment, I would ask the gentleman, Mr. Merry, to withdraw his.

I am not as certain as he is that the Senate will be back to deal with any bill that is amended. I am certain that before we close out here this week, at least we ought to say to the Congressional Medal of Honor winners and to the POW's (prisoners of war), we have a sufficient respect for you that we have given you the right to drive with special license plates in Pennsylvania.

Mr. Merry is withdrawing? Fine. Then I will not say anything further.

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Merry.

Mr. MERRY. Mr. Speaker, I withdraw amendment A8382.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman from Westmoreland, Mr. Petrarca, have amendments to this bill?

Mr. PETRARCA. Mr. Speaker, after conferring with the leadership here, I am going to withdraw my amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman from Washington, Mr. DeMedio, have amendments to this bill?

Mr. DeMEDIO. For the same reason, Mr. Speaker, that I asked others to defer from submitting amendments, I will not submit mine. Thank you very much.

I want to thank the lady, Mrs. Arty, and Mr. Merry for being so gracious in withdrawing their amendments, which I am sure have plenty of merit. I thank Mr. Pistella, too, who also had an amendment which he did not bring up. Thank you.

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

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

The question is, shall the bill pass finally?

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

Mr. PISTELLA. Mr. Speaker, I would like to bring to the House's attention something that was brought to my attention. I would like to share it with you in all sincerity.

After Mr. DeMedio's first piece of legislation dealing with the special exemptions for POW's and Congressional Medal of Honor winners was first passed by the House, it was brought to my attention by members of various ethnic fraternal organizations in Pittsburgh that the Department of Transportation did not consider prisoners of war of our Allied armed services who are currently residents of the Commonwealth of Pennsylvania as being eligible to qualify for the exemption for the POW license.

Representative Horgos introduced a bill, and the amendment that I wished to offer today, which I am not going to offer, would attempt to deal with that. I wanted to bring that to your attention because this covers many people who live in the Commonwealth of Pennsylvania who fought for the armed services of Poland, the United Kingdom, France, and Australia in World War I, World War II, Korea, and Vietnam.

Now, I would encourage the members that if they could contact the Department of Transportation, in particular the Secretary of Transportation, to inform him that you would like to have the regulations governing the administration of this law to include those POW's who fought with our Allied armed forces, I would appreciate if the membership would do that. Thank you very much, Mr. Speaker, for your very kind attention.

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

Mr. ROCKS. Mr. Speaker, before we finally pass this bill, there will be a story that will never be told in the final passage of this bill, and I thought maybe it would be appropriate before we cast a vote, which will be a very good thing for this House to do in that we will be able to leave by at least passing

a law which will pay some tribute to POW's and to Congressional Medal of Honor winners. However, there were several other very serious matters that were to become part of at least the consideration on the final passage of this bill.

I for one, Mr. Speaker, care very deeply about the issue raised by Representative Arty. I am sure Representative Merry's constituents brought to his concern the matter which he cared to address by amendment. I am certain that the matter that Mr. Pistella just addressed is something that is very important to him and to the people back home in his district, and the truth of the matter is, Mr. Speaker, while we are about doing something good in the final passage of this bill, the Senate of Pennsylvania has walked away from the people's business and in doing so has stymied the concerns of many, many people, not just in this General Assembly but across this Commonwealth. I hope for the sake of the POW's and for the Congressional Medal of Honor winners that we at least can pass this law, but it certainly is a very powerful statement attached to the final passage of this bill that we have certainly stymied the business of this legislature by the actions yesterday of the adjournment resolution of the Senate. I thank the Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—192

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

Dombrowski	Laughlin	Rappaport	Wozniak
Donatucci	Lehr	Rasco	Wright, D. R.
Dorr	Lescovitz	Reber	Wright, J. L.
Duffy	Letterman	Richardson	Wright, R. C.
Durham	Levi	Rieger	Zwinkl
Evans	Levin	Ritter	
Fargo	Lewis	Rocks	Ryan,
Fee	Livengood	Rybak	Speaker
Fischer	Lloyd		

NAYS—0

NOT VOTING—5

Alden	Emerson	Mowery	Sieminski
Brandt			

EXCUSED—2

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

Ordered, That the clerk 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 pro tempore. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, we should recess at this time for the purpose of lunch and meeting on those bills which have come back to us on concurrence in Senate amendments, and I suggest that we complete both lunch and the necessary caucuses by 2 p.m.

It is my hope that we will be able to vote for just a short while this afternoon on those bills that do not cause any furor and long debate. It is not my intention to keep the House in session on and on and on until we reach the magic hour of 12 o'clock. It is necessary for constitutional reasons to be in on Thursday, but Thursday does begin 1 minute after midnight, but I do not intend to have us here debating on and on and on. We can handle some of the concurrences without endless debate, and I would hope that the two caucus chairmen can quickly decide which bills we can agree on so that we can have an abbreviated session this afternoon in wait of Thursday.

We will return at 2. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

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

Mr. O'DONNELL. Mr. Speaker, there will be a Democratic caucus at 1 o'clock. The purpose of the caucus will be to give you an opportunity to find out what we are voting on and what the content of it is, and also to give you an opportunity to express your views on it at that time, since some of these bills may not reach a vote, depending on what happens in the caucus. So please attend at 1 o'clock. Thank you.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

Republicans will likewise caucus at 1 p.m. I would urge all of you, particularly those who have bills on concurrence in Senate amendments, to be there to discuss the possibility of taking those bills up this afternoon.

CONSUMER AFFAIRS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Taddonio.

Mr. TADDONIO. Mr. Speaker, there will be a very brief meeting of the Consumer Affairs Committee in the rear of the House immediately.

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

HOUSE BILL INTRODUCED AND REFERRED

No. 2565 By Representatives NAHILL, CORDISCO, A. C. FOSTER, JR., HARPER, PETRARCA, SWAIM, MORRIS, TELEK, ARTY, MICHLOVIC, WOGAN, WESTON, OLASZ, SNYDER and HEISER

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), providing for the use of actual values in determining the taxability of persons and property.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1982.

SESSION SCHEDULE

The SPEAKER. The Chair gives notice of the following notice in compliance with the Sunshine Act.

I am also including for the record a notice by the Chief Clerk with respect to the circulation of copies of that notice.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE SESSION TIME FOR HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 19, 1974, P.L. 486, No. 175, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

Thursday, June 10, 1982 at 12:01 a.m.

John J. Zubeck
Chief Clerk
House of Representatives

June 9, 1982

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

I hereby certify that thirty copies of the foregoing notice were delivered to the Supervisor of the Newsroom of the State Capitol Building in Harrisburg on June 9, 1982, and a copy was also posted on the bulletin board outside the main entrance to the Chief Clerk's Office on the same date.

John J. Zubeck
Chief Clerk
House of Representatives

June 9, 1982

The SPEAKER. Both caucuses will meet promptly at 1 p.m.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 2 p.m. The Chair hears no objection.

AFTER RECESS

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, reviewing yesterday's roll calls, I find that I was recorded as not voting on HR 200. Obviously my switch was inoperative at the time. I would like to be recorded in the affirmative.

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a delegation from Mercer County, here today as the guests of Representative Gruitza, consisting of Maximo White, Chester Bocook, Richland Bresnan, William Bresnan, Don Emmett, Bob Simpson, and other members of that delegation.

SENATE MESSAGE

**HOUSE-AMENDED SENATE
BILL CONCURRED IN**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1284, PN 2065.**

ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I submit the following list of additions of sponsors for the record:

HB 1803, Wogan; HB 2451, McIntyre; HB 2533, Miller.

CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1427, PN 1895**, entitled:

An Act amending the act of November 30, 1976 (P. L. 1207, No. 265), entitled "Emergency Medical Services Systems Act," extending the expiration date of the act.

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

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

The question is, shall the bill pass finally?

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

YEAS—192

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

Fargo	Lewis	Rieger	Zwilk
		NAYS—1	
Wargo		NOT VOTING—4	
Alden	Harper		
Emerson	Ryan, Speaker		
		EXCUSED—2	
Borski	Dininni		

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.

REMARKS ON VOTE

The SPEAKER. Let the record show that the Speaker neglected to vote himself on SB 1427. Had I voted, I would have voted in the affirmative.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 706, PN 1826, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for release of pupils for religious instruction.

On the question,
Will the House agree to the bill on third consideration?
Mr. GANNON offered the following amendments No. A8407:

Amend Title, page 1, line 5, by inserting after "thereto," " further providing for the reorganization of certain school districts into smaller school districts and

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Article II, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," is amended by adding a subdivision to read:

ARTICLE II. SCHOOL DISTRICTS.

* * *

(j) Reorganization of School Districts.

Section 290-A. Reorganization Plan.—Any school district or combination thereof which became or is part of a reorganized district under subdivision (i) of this article may be reorganized into two or more smaller school districts pursuant to the provisions of this subdivision.

Section 291-A. Preparation of Plan for Reorganization.—(a) A plan for the reorganization of a school district may be prepared by either the existing district's board of directors or by a resident or a group of residents of one or more of the former school districts which were merged into the existing school district pursuant to subdivision (i) of this article. The school district shall within thirty (30) days make available any information, requested in writing by a resident or residents, for the preparation of a plan.

Each proposed plan shall conform to the requirements of subsection (b) and section 292-A.

(b) The plan shall take into account the following factors:

- (1) Topography.
- (2) Pupil population.
- (3) Community characteristics.
- (4) Transportation of pupils.
- (5) Use of existing school buildings.
- (6) Existing administrative units.
- (7) Projected population changes.
- (8) The capability of providing a comprehensive program of education.

(c) Every plan for reorganization prepared by a resident or group of residents shall be accompanied by a petition signed by a majority of the registered electors residing within the boundaries of any one or more of the proposed new school districts. The petition shall be accompanied by a concise summary of the proposal plan highlighting its major provisions. The petition must be signed and completed within forty-five (45) days of its initial circulation. Petitions may be obtained at the county board of elections and shall be certified to and filed with such county board of elections. Upon obtaining the necessary signatures, the plan and copies of the petition shall be presented to the board of directors of the existing school district.

Section 292-A. Contents of Plan.—(a) The proposed reorganization plan shall include for the present district:

- (1) The current budget.
- (2) The current school millage rate and the adjusted millage rate for each attendance area.
- (3) The district audit report for the previous two (2) years.
- (4) An explanation of all bonded debts, other debts and rental agreements.
- (5) The student population by grade and by building for the past three school years.
- (6) A description of all buildings and other facilities.
- (7) A map showing the district boundaries and the location of all facilities.
- (8) A statement of the number of and assignment of employees.
- (9) A description of all current subsidies.

(b) The proposed reorganization plan shall include for the proposed new district or districts:

- (1) The projected millage rate for each new district for the next three (3) years.
- (2) The projected budget for each new district for the next three (3) years.
- (3) The projected balance sheet for each new district.
- (4) An explanation of the apportionment of all bonded debts, other debts and rental agreements to each new district.
- (5) A three-year projected student population by grade and by building for each new district.
- (6) A description of all buildings and other facilities in each new district.
- (7) A map showing the boundaries of each new district and the location of all facilities in each new district.
- (8) A statement of the number of and assignment of employees in each new district in accordance with existing seniority, tenure and pension rights.
- (9) A description of all additional facilities and personnel which will be required as a result of the proposed reorganization.
- (10) The justification for implementation of the reorganization.

(11) The proposed schedule for implementation of the reorganization.

(12) The projected subsidies under current formula for each new district.

Section 293-A. Submission to School Board.—(a) Every plan presented to the board of directors of the existing school district shall be acted on by such board within ninety (90) days following submission.

(b) On a plan submitted by the resident or group of residents, the board shall take action that will recommend approval of the plan as submitted, recommend approval of the plan with proposed modification or recommend rejection of the plan. The board shall not change the plan but may make recommendations thereto.

Section 294-A. Submission to State Board.—(a) Every plan shall on the ninety-first day following submission be transmitted to the State Board of Education by the secretary of the school board along with a certified copy of the transcript which sets forth, in detail, the action taken by the school board.

(b) The State board shall, within thirty (30) days of receipt of the proposed plan, fix a day and time within ninety (90) days of receipt of the plan for a hearing within the district at which the State board may hear and consider testimony from all interested parties. Five or more members of the State board shall constitute a quorum for the State board for any hearing held hereunder. A verbatim transcript of the hearing shall be made by the State board and a copy thereof provided to the school district. Public notice of the hearing shall be given within the district not later than twenty (20) days before the date of the scheduled hearing.

(c) The State board shall, within thirty (30) days, subsequent to the public hearing provided for in subsection (b), prepare a written decision including its finding of facts and conclusions thereon and enter an appropriate order either approving the plan as submitted by the school district, approving a plan modified by the State board, or disapproving any plan for reorganization into smaller administrative units.

(d) The State board shall not approve any plan where it is determined by the State board that:

(1) The millage differential between the proposed new districts is excessive and the new millage rate is beyond the capacity of the proposed new districts.

(2) The plan is racially discriminatory.

(3) The plan is an evasion of any desegregation order of the Human Relations Commission.

Section 295-A. Appeals.—(a) A school district or resident or group of residents which is aggrieved by a decision of the State board under this subdivision may take an appeal therefrom in the manner provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(b) The burden of proof shall be on the appealing party to show that the State board's decision is not in the best interest of the students and taxpayers in each of the affected proposed new districts.

(c) The court, after hearing such additional testimony as the parties may wish to present, and upon a consideration of the entire record, shall enter an order either affirming the plan submitted by the school district, the plan as approved by the State board or, in its discretion, creating a plan consisting of a combination of the elements of both plans that together are in the best interest of the students and taxpayers of the entire undivided larger district. The order of the court shall be a final order.

Section 296-A. Contents of Order of State Board.—An order of the State board approving a plan of reorganization shall set forth all necessary guidelines for the formation of the new districts including a timetable for implementation, including any necessary transition periods wherein certain facilities of the existing district are shared by two or more of the new districts until alternate facilities can be acquired or constructed.

Section 297-A. Allocation of Property and Rights of Creditors.—The plan for division shall include an allocation of the real and personal property of the district to the new school districts. All rights of creditors against the former school district shall be preserved against the new school districts. All property theretofore vested in the former school district, and all debts and taxes owing to the former school district, uncollected in the former school district, and all moneys, unexpended balances, surpluses and reserves in the treasury of the former school district shall be

paid to the appropriate treasurers of the newly constituted school districts.

Section 298-A. Referendum.—(a) Upon final approval of the plan by the State board or the court, the plan shall be certified within five (5) days by the Secretary of the State Board of Education to the county board of elections who shall place the following question on the ballot at the next primary, municipal or general election occurring more than sixty (60) days after such certification:

Shall the school district be reorganized in accordance with the reorganization plan as approved?

(b) If a majority of the electors voting thereon within the geographic boundaries of the existing district approve the question, the school district shall be reorganized in accordance with the resolution.

(c) Any school district that has reorganized pursuant to this act shall not be combined with any other school district.

Section 299-A. Public Notice and Copies of Plans.—

(a) At least two (2) weeks but not more than six (6) weeks prior to the consideration of the question by the electorate, public notice shall be given of the essential elements of the proposed reorganization plan by publishing notice once in a newspaper of general circulation, as defined by 45 Pa. C.S. § 101 et seq. (relating to legal notices), which is published and circulated in the school district, or such newspaper of general circulation which has a bona fide paid circulation equal to or greater than any newspaper published in the school district in each of the three (3) months immediately preceding the submission of the question to the electorate.

(b) In addition, a complete copy of the reorganization plan shall be available to the general public for inspection or copying during normal business hours in the school district administration building and the main office of each school building in the district during the entire period subsequent to its certification to the county board of elections and prior to the consideration of the question by the electorate. The cost of any copies made shall be borne by the person requesting same.

Section 299-A.1. School Directors.—Incumbent school directors of the former school district who reside in the newly formed district shall be school directors of the newly formed school district for the remainder of their terms. The offices of school directors not filled by incumbents shall be filled in the manner prescribed for the filling of vacancies.

Section 2. Section 1546 of the act is amended to read:
Amend Sec. 2, page 2, line 26, by striking out "2" and inserting

3

Amend Sec. 2, page 2, line 26, by removing the period after "days" and inserting
, except for section 1, which shall take effect
September 1, 1982.

On the question,

Will the House agree to the amendments?

AMENDMENTS DIVIDED

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

Mr. GANNON. Mr. Speaker, before going on to consideration of the amendment, I would like to divide the amendment.

What I would like to do, Mr. Speaker, on page 5 of the amendment I would like to take out from consideration beginning with the line "Amend Sec. 2, page 2, line 26..." to the end of the page.

The SPEAKER. Is it the gentleman's desire that, once divided, that portion will be withdrawn?

Mr. GANNON. Yes, Mr. Speaker, and what I would propose to do, should the amendment pass, is offer an amendment to make the act effective immediately, and I can go into my reasons for that if you wish.

The SPEAKER. It is the decision of the Chair that the amendment is divisible, and accordingly it is divided so that the last four lines on page 5 of the amendment are separated from the balance of the amendment, and the gentleman withdraws that portion of the amendment as divided.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. Is that correct?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. GANNON. Mr. Speaker, this amendment is very similar to legislation which last session passed this General Assembly by an overwhelming vote. Let me begin by saying what this amendment does not do. It does not provide for or require the reorganization of one single school district in the Commonwealth. However, it does provide a vehicle whereby an existing school board and the people in that district can make a self-determination in connection with any reorganization. This amendment so far as reorganization is concerned is not mandatory in any way.

This amendment is not complicated. The language is not overly technical. It maps out in straightforward language the procedure which must be followed in order to justify any reorganization of an existing school district.

I stated earlier that very similar legislation passed the General Assembly by an overwhelming majority last session. This amendment, I believe, addresses some of the concerns of those few legislators who had objections to the prior legislation, and I ask for an affirmative vote on this amendment.

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

Mr. STEVENS. Mr. Speaker, I just rise to support this amendment. I think it is a question of local rule, and local people have to pay property taxes which pay for the school districts. As Mr. Gannon said, I do not think that a school district that would be proposed under this demerger bill could come into effect, and it cannot promote any type of excessive millage. I think it could be worthwhile.

In the Hazleton Area School District it is a very unfair situation. We have valley areas that are underrepresented because there has not been a reapportionment in the 1980 census, so people are paying more than their fair share of taxes.

I think that this bill would allow more sports participation, for example, because under the large school districts there are not as many teams as there were before the jointures. This would give students more of an opportunity to participate in sports.

The other problem I would like to briefly mention is the problem of riding around in school buses. We have children who are on school buses for 4 and 5 hours out of a day when, if there were local schools, they could just go to their local schools.

In summary, I just think it is time we took a look at what the 1960's jointures have brought us. They have brought us a

lot of confusion. People are not properly represented in their school districts because of census figures, and there is a lot of extra busing of children, and remember, school buses do not have seat belts. There are a lot of reasons, but I think the sports participation— Just allow the local people to make up their own minds what they want to do since they are bearing the burden of all the taxes.

REMARKS SUBMITTED FOR THE RECORD

Mr. STEVENS. Mr. Speaker, I would like to submit some remarks for the record. Thank you.

The SPEAKER. The gentleman is in order. Send your remarks to the desk for review.

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

COMMENTS OF REP. CORRY STEVENS SUPPORTING THE SCHOOL SPLIT PROPOSAL BEFORE THE HOUSE OF REPRESENTATIVES JUNE 9, 1982

This amendment will allow local people to decide if their present school district is too large. I believe that is a decision that should be left to the local people.

After all, it is the people that pay property taxes and other taxes that fund the school districts.

In the 1960's we saw jointures as the cure-all to problems of education. The result has been chaos.

In sports, for example, there are fewer teams because of the jointures and thus fewer children can participate in organized sports.

In many jointures, such as in the Hazleton Area School District, children in various areas must ride school buses - which by the way do not have seat belts - for hours and hours to reach the school. Needless to say that is an unnecessary risk to the children in travel as well as unnecessary cost to the taxpayers.

And what about areas where the school directors are not elected "at large." A small turnout of voters in a given region elects the school director who will make a decision for the entire district!

In the Hazleton Area School District there has been no reapportionment to reflect the changes in the 1980 census. We have areas in Black Creek Township, Sugarloaf Township, Butler Township, and the Borough of Conyngham that are under-represented which means they are paying more than their fair share of taxes.

There are checks and balances in the proposed demerger amendment. New districts cannot be formed that promote racial discrimination. New districts cannot be formed that interfere with teachers seniority. New districts cannot be formed that would depend on excessive millage.

I know there is always a fear of change in government. But we should have learned from the 1960's jointure movement that big is not necessarily better.

And when change encourages public input and individual involvement, and when change inspires people to seek new and novel solutions, then that change can only lead to quality education.

The present system of education in Pennsylvania is truly excellent. But it can always be better.

We must give the people a chance to solve their own problems. The burden of school district taxes falls, through property taxes, on senior citizens and on middle income people.

They are paying the way, and it is those people that should be able to make the most important decision affecting them and that decision is whether or not to form a new school district.

I respectfully ask for your support for this bill.

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

Mr. BURNS. Mr. Speaker, I hope the House members will listen very carefully not only to my objections to the amendment but my objections to any amendment to this bill.

The maker of this amendment and some other members are trying to amend SB 706. Now, whether you agree with the amendments that they are proposing or you disagree, to amend this bill at this time is the wrong thing to do, and it is wrong because religious organizations throughout the Commonwealth right now are allowed under our present law 36 hours per year of release time from public schools for religious instruction. Right now, the way the law reads, a religious school has to take 1 hour a week for 36 weeks. There has been general agreement in the Commonwealth between superintendents of public schools and local school boards and religious organizations that this is not the way to handle this release-time situation. The religious organizations would like to be able to sit down with the local public school superintendent or the local board of education and work out some schedule other than 1 hour per week. It might be 4 hours per week; it might be 5 hours per week, but they would like to work out something so that this 36 hours could be used in a different way.

The SPEAKER. For what purpose does the gentleman from Delaware, Mr. Gannon, rise?

Mr. GANNON. I would appreciate it if the gentleman would debate the amendment. He appears to be debating the bill.

Mr. BURNS. Thank you, Mr. Speaker. The gentleman is absolutely correct. I probably got a little far afield.

The point that I am trying to make is that if this bill is amended by any amendment, it effectively kills the bill. Even if the Senate were to return at the same time the House returns on September 13, it would kill the bill because the directors of the groups, the CCD (Confraternity of Christian Doctrine) groups and so forth, would not have time to sit down with the superintendents. The school year would be started and the bill would be worthless. So just that purpose alone is a good reason for not amending the bill.

But getting on to the amendment itself, this amendment basically is what used to be called HB 1111. HB 1111 was passed by both Houses of the General Assembly and was vetoed by the Governor. There is no doubt in my mind or in anybody else's mind that if SB 706 is amended, the Governor will again veto it, because this amendment is not as good as the House bill in many respects. HB 1111 would have allowed 12 out of 505 school districts at that time to reorganize, and many of us in the General Assembly admit that those 12 districts have problems. As I recall, Armstrong County, Hazleton, several other districts have some problems, but the Governor in his wisdom chose to veto the bill because it would have, in his words, reversed a 15-year positive trend toward public school consolidation in Pennsylvania.

Now, this bill would open it up for every district in the State. Not only that, the bill is defective in that it does not

mandate the State Board of Education to adopt standards to apply in adjudicating any plan to be submitted to the State Board by a school district. It is further defective in that it only gives a school board, an existing school board, 30 days to come up with all of the facts and figures that they are required to have under this particular bill. It is defective because it then demands that within another 30 days the State Board of Education must come up with some facts and figures and rules and regulations. The fact is that the State Board only meets every other month. What happens, for example, if in the timing of this the local school district sends it to the State Board at a point where the State Board does not meet? What happens if the State Board fails to get a quorum and cannot take action? None of this is addressed in this amendment.

The amendment is extremely defective, and for those reasons and for reasons that I spoke to previously, the reasons that the religious schools need this bill—and if it is amended, you and I all know they are not going to get it—I ask for your support in defeating this amendment. Thank you, Mr. Speaker.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment, and I do so reluctantly, Mr. Speaker, because number one, it has been introduced by my colleague from Delaware County, Mr. Gannon; and secondly, because it is a good amendment. I supported the bill before and I think it is a good amendment.

Mr. Speaker, SB 706 is very important to our religious schools. It has been worked out so that it is supported by the religious schools, by the public schools, by the Department of Education, and by PSEA (Pennsylvania State Education Association).

Now, we know that the Senate recessed. The earliest they are going to come back is September 13. Regardless of what our feelings are, that is a reality. Even if they come back on September 13 and approve the bill as amended, it will be too late to plug it in for the next school year, so we will effectively kill the bill for at least another year. For that reason and that reason alone, Mr. Speaker, I urge us to defeat this amendment this time and come back in the fall and support it. Thank you.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose the amendment offered by Representative Gannon. I urge the members on this side and every side, both sides of the aisle, to oppose this amendment. This would defeat the real effect of SB 706. You have heard enough rhetoric about why; I just urge the members to vote "no." Thank you.

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

Mr. GANNON. Mr. Speaker, I divided the amendment to overcome some of the objections that were made about religious schools. What would happen is the bill would become effective immediately. As the bill is now structured, it becomes effective in 60 days. Also, I do not really think there

is any magic date—somebody had mentioned earlier the beginning of the school year, but I do not think that is any magic date—to implement what is intended in SB 706.

Let me reiterate what I said earlier about what the bill does not do. It was intimated that it would provide for reorganization. It does not provide for the reorganization of any district in the Commonwealth. So far as the veto by the Governor, I think this amendment as drafted has cured some of the objections that the Governor had to HB 1111. So far as the talk about the time frame in the bill, that time frame is not an undue burden on any school district or the State Board, but it was intended to prevent any undue delay, and I believe it accomplishes that and I believe the time frame that is set forth in the amendment is reasonable.

Once again, I understand the importance of this bill to some interests in the Commonwealth; however, I do not think that this amendment will have any adverse effects on those interests. The bill, should it be amended, will go to the Senate. *Hopefully the Senate will concur. I believe they will, and this bill will become effective immediately.* The Senate could conceivably come back earlier than September 13 for consideration of this bill. I urge an affirmative vote on the amendment, Mr. Speaker. Thank you.

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

Mr. LIVENGOOD. Thank you, Mr. Speaker.

I appreciate the concern that has been raised about SB 706, because I also support that bill and would like to see that bill passed. It is an important bill. But at the same time, we have tried dealing in the past with the issue of decentralization. We also have problems with other matters dealing with decentralization in school districts which are of equal importance. There has to be a method of facing up to the problems we are having and having an opportunity to deal with them.

In my school district, which is the Armstrong School District, we have absolute turmoil up there, and we have had turmoil for a number of years. I polled the people in my school district 2 years ago on the question of decentralization, and 78 percent of the people voted in favor of decentralization. Right now our school district is trying to embark on a monstrous building program which the public is highly opposed to. We have had hundreds and hundreds of people in our school district write personal letters to the Department of Education requesting that they come into our school district and help us solve our problems up there, which they have refused to do up to this point. They finally consented to putting it on a referendum vote, our building program, in the May primary. Eighty-one percent of the people in the primary voted against the building program, which is about the same number of people who are in favor of decentralizing or reorganizing our school district.

We have one of the largest school districts in the State. We have 28 buildings which are scattered all over the county. It is impossible to manage the school district properly, and it is only through this type of legislation that we are ever going to be able to get any type of order in the school district, so I ask your support for this amendment. It is extremely important.

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

Mr. RASCO. Mr. Speaker, I rise to support the Gannon amendment. I think it is a good amendment. I think the people in local areas should have this opportunity. If they feel that their school district is too big, then they should have the opportunity to do something about it and make those school districts smaller.

I think one of the detriments to public education in this State was when we went to bigger school districts. We were much better off disciplinewise, teacher-to-student relationship, teacher-to-family relationship where the teachers knew the parents of those kids, and so on. Now what has happened to us is our school districts have gotten so big that the students are unaware of each other. They do not know each other. The teachers do not know the parents. I think that a smaller school district would be of benefit to public education in Pennsylvania.

I think for the people who want to do this in their areas throughout this State, who want to go to a smaller school district, by the Gannon bill, as I read it, it is not easy to do that. There has to be some real dedication and a real need in those areas, and I feel that every school district in Pennsylvania should have that opportunity. I support the Gannon amendment and ask other members of this House to do the same. Thank you, Mr. Speaker.

Mr. GANNON. Mr. Speaker?

The SPEAKER. The gentleman has spoken twice on the issue.

Mr. GANNON. May I speak again?

The SPEAKER. For what purpose does the gentleman, Mr. Gannon, seek recognition?

Mr. GANNON. Mr. Speaker, there was some comment made earlier about the reorganization about a decade or two ago and the happy situation, and I just for a moment would like to read to the House some quotes from a man by the name of John C. Pittenger, who was a noted educator. Mr. Pittenger served as Secretary of Education under Governor Milton Shapp from 1972 to 1977, and prior to his resignation, Secretary Pittenger published an 83-page report to the people of Pennsylvania.

Mr. Speaker, in part V of that report, titled "Some Concerns for the Future," I would like to take some quotes from Mr. Pittenger's report. He said:

The school consolidation movement is an unhappy example of what happens when the American infatuation with size and efficiency gets out of hand.

He states further on:

For years it has been one of the dogmas of conventional educational wisdom...that small schools were incompatible with educational quality...And so school consolidation was pushed as a way of improving academic quality and decreasing per pupil costs...What have been the results? A study...suggests that consolidation has achieved neither of its two principal goals: the improvement of quality or the reduction in costs...But my argument goes one step further. I'm prepared to say, on the basis of what I now know, that even if the proponents of school con-

solidation were basically correct on these two issues, they overlooked some serious drawbacks to big schools and big districts which have only gradually become evident.

Further, he says:

I suspect that school board members in the remaining larger districts are more apt to defer to the judgment of the superintendent and his or her staff of "experts" - with not altogether happy results.

These are just a few of the quotes from Mr. Pittenger's book, a report on "Progress and Problems in Education - A Report to the People of Pennsylvania," and I do not think you could get a better thought from a better authority than John C. Pittenger. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Swift.

Mr. SWIFT. Thank you, Mr. Speaker.

I rise to support the Gannon amendment and urge my colleagues to do the same. Representative Livengood mentioned previously that he polled his people 2 years ago. Well, I polled my people in Crawford County 3 months ago, and the response was in excess of 80 percent for allowing the local districts to have the control over their school districts as to whether or not they decentralize or remain centralized as they are now.

It is also very important for the members to note here, 2 years ago or thereabouts when the bill passed overwhelmingly, as Mr. Gannon mentioned, in this House, I heard Mr. Gallagher and Mr. Burns get up, the same as they did today, and oppose this amendment. I want all the members of this House to know that I polled the teachers in my school district that that bill affected. The result from that survey to my teachers was that in excess of 7 to 1 of the teachers in that large school district were in favor of the decentralization. With that in mind and with the feeling of the people on the homefront in Crawford County, I urge all of my colleagues to vote "yes" for the Gannon amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, for the second time on the issue, the gentleman from Armstrong, Mr. Livengood.

Mr. LIVENGOOD. Thank you, Mr. Speaker.

Mr. Speaker, I have tried in the past to have the Department of Education compile the statistics and what has happened with public education since we got into all these consolidations back in 1965. Up to this point, I have not been able to have this information compiled, and it is obvious why they will not compile this information. I have had extensive research done by educators and LORL (Legislative Office for Research Liaison) in particular on the subject of what has happened in this country since we have gotten into all these consolidations. Basically, what the studies have shown is that bigger does not mean better, and that the ideal size of school districts is under 500 students. Anything over 500 students is not containing costs and is not providing quality education.

One reason why we have so many Christian schools cropping up all over this State is because public education is not meeting the obligations it has to provide quality education. We are going to find more and more and more schools crop-

ping up as an alternative to public education. Until we get to the point where we bring public education back to the people and give the people some say-so into what type of education is going to be provided, we are going to have problems. I support this amendment and ask for your support for it.

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

Mr. MULLEN. Mr. Speaker, I oppose the amendment, not because I particularly object to the amendment, but I think you have to realize, as I think Mr. Burns has said already and Mr. Gallagher, we are leaving the House today and we will not be back until September 13.

Now, this bill, if you look at section 1546, provides for the release of pupils for religious instruction. Now, if this amendment would go into the bill, what would happen is the bill would not be signed into law, and for all practical purposes, the purpose of the bill would be gutted for the next school year. That is why I have to oppose the amendment, because the bill itself is a good bill and we would like to have it go into effect for the September school year of this year. If the amendment goes in, it is impossible to do that. So no matter how meritorious the amendment might appear to be—and it could very well be a good amendment—it would destroy the bill. So I would ask you to vote against the amendment. Thank you.

Mr. GANNON. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Gannon, has spoken three times on the issue. The gentleman is not recognized.

Mr. GANNON. Yes, but, Mr. Speaker—

The SPEAKER. The gentleman is not recognized.

The Chair recognizes the gentleman from Cambria, Dr. Haluska.

Mr. HALUSKA. Mr. Speaker, the concept here might be very good, but I can assure you that there are difficulties that we encounter when we go to dissolve a particular school district, especially its capital assets.

I had an experience like this. We had formed the jointures that were mandated back in the 1960's and we had the first consolidated school district in Pennsylvania, the Prince Gallitzin School District. It was divided - half of it went on tuition to our district and the other half went to the Cresson District. When the districts were mandated, we in turn had to dissolve the assets of that particular district. It so happened that the other half of the district had gotten into capital improvements and they were paying on capital debt. So when we went to make settlement with them, we tried to recover what portion the district that attended our school district had in capital assets in that particular area. The Department of Public Instruction made the ruling that there were no reimbursements, that what would happen, if we so insisted, we either had to waive our rights to that particular new building in the other area or they would retain so many classrooms vacant in that district and we could use them at our discretion. So we had no alternative but to give our capital assets to the other district.

Now, I think this also is going to apply to districts that share vocational educational schools. I think the language has

to be spelled out here. Who is going to assume these obligations? Who is going to continue to assume them? On what proportion? To distribute these assets just cannot be a hearsay situation. I think we have to spell this out before any legislation is passed to make it possible for school districts who take it upon themselves to disassociate themselves and form an independent school district. I thank you, Mr. Speaker.

MOTION TO PLACE ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella, on the question of the Gannon amendment.

Mr. PISTELLA. Mr. Speaker, at this time I would like to make a motion. I would like to move that SB 706 and the amendments be placed on the third consideration postponed calendar.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Pistella, that SB 706, together with amendments, be placed upon the third consideration postponed calendar.

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

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

Mr. GANNON. Mr. Speaker, I oppose the motion to postpone the consideration of this bill. This bill is important to many members of the House. I think in all fairness, we should consider it and get it over with now one way or the other. I think it is unfair to the members who have important concerns about this legislation to ask that this be postponed.

MOTION WITHDRAWN

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

Mr. PISTELLA. I withdraw the motion, Mr. Speaker.
The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—78

Belardi	Fischer	Lewis	Saurman
Belfanti	Fleck	Livengood	Serafini
Beloff	Foster, W. W.	McVerry	Shupnik
Bittle	Foster, Jr., A.	Marmion	Sieminski
Blaum	Frazier	Merry	Sirianni
Bowser	Gamble	Micozzie	Spitz
Burd	Gannon	Morris	Stairs
Caltagirone	Gladeck	Mrkonic	Stevens
Civera	Grabowski	Nahill	Stewart
Clark	Gruppo	Noye	Swaim
Clymer	Hagarty	Pendleton	Swift
Cornell	Hayes	Peterson	Taddonio
Coslett	Heiser	Petrone	Taylor, F. E.
DeVerter	Horgos	Piccola	Tigue
DeWeese	Hutchinson, A.	Pistella	Van Horne
Daikeler	Kennedy	Punt	Wargo
Dawida	Klingaman	Rasco	Wass
Duffy	Letterman	Reber	Williams, H.
Durham	Levi	Rocks	Wright, D. R.

Fargo	Levin	NAYS—115	
Anderson	Fryer	McMonagle	Salvatore
Armstrong	Gallagher	Mackowski	Seventy
Arty	Gallen	Madigan	Showers
Barber	Geist	Maiale	Smith, B.
Berson	George	Manderino	Smith, E. H.
Boyes	Greenfield	Manmiller	Smith, L. E.
Brandt	Greenwood	Michlovic	Snyder
Brown	Grieco	Miller	Spencer
Burns	Gruitza	Miscevich	Steighner
Cappabianca	Haluska	Moehlmann	Suban
Cawley	Harper	Mowery	Sweet
Cessar	Hasay	Mullen	Taylor, E. Z.
Cimini	Hoeffel	Murphy	Telek
Cochran	Honaman	O'Donnell	Trello
Cohen	Irvis	Olasz	Vroon
Colafella	Itkin	Oliver	Wachob
Cole	Jackson	Perzel	Wambach
Cordisco	Johnson	Petrarca	Wenger
Cowell	Kolter	Phillips	Weston
Cunningham	Kowalyszyn	Pievsky	Wiggins
DeMedio	Kukovich	Pitts	Williams, J. D.
Davies	Lashinger	Pott	Wilson
Deal	Laughlin	Pratt	Wogan
Dietz	Lehr	Pucciarelli	Wozniak
Dombrowski	Lescovitz	Rappaport	Wright, J. L.
Donatucci	Lloyd	Richardson	Zwilk
Dorr	Lucyk	Rieger	
Evans	McClatchy	Ritter	Ryan,
Fee	McIntyre	Rybak	Speaker
Freind			

NOT VOTING—4

Alden	Emerson	Gray	Wright, R. C.
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EXCUSED—2

Borski	Dininni
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The question was determined in the negative, and the amendments as divided were not agreed to.

WELCOME

The SPEAKER. The Chair belatedly welcomes to the hall of the House a group of Brownies from New Holland, here today with their leader, Mrs. Smith, here as the guests of Representative Wenger of Lancaster County.

The Chair would like the record to reflect the apology of the Speaker for neglecting to introduce that group earlier.

CONSIDERATION OF SB 706 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. SAURMAN offered the following amendments No. A8458:

- Amend Title, page 1, line 5, by inserting after "for" sabbatical leaves of absences and for
- Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting
- Section 1. Section 1166, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended May 14, 1968 (P.L.119, No.62), is amended to read:
- (f) Sabbatical Leaves of Absence.
- Section 1166. Persons Entitled.—(a) Any person employed in the public school system of this Commonwealth who has completed ten (10) years of satisfactory service as a profes-

sional employe or member of the supervisory, instructional or administrative staff, or as a commissioned officer, of any board of school directors, county board of school directors, or any other part of the public school system of the Commonwealth, shall be entitled to a leave of absence for restoration of health, study or travel, or, at the discretion of the board of school directors, for other purposes. At least five consecutive years of such service shall have been in the school district from which leave of absence is sought, unless the board of school directors shall in its discretion allow a shorter time: Provided, however, That in the case of professional employes of area vocational-technical schools or technical institutes prior service in the participating school districts shall be credited toward such service requirement. Such leave of absence shall be for a [half or] full school term [or for two half school terms during a period of two years, at the option of such person: Provided, however, if a sabbatical leave is requested because of the illness of an employe, a leave shall be granted for a period equivalent to a half or full school term or equivalent to two half school terms during a period of two years: Provided further, That if a sabbatical leave for one half school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the employe, upon written request prior to the expiration of the original leave, shall be entitled to a further sabbatical leave for one half school term or its equivalent]: Provided [further] however, That if a sabbatical leave for a full school term [or its equivalent] has been granted and the employe is unable to return to school service because of illness or physical disability, the board of school directors may extend such sabbatical leave for such periods as it may determine but not to exceed one full school term or its equivalent. Thereafter, one leave of absence shall be allowed after each seven years of service.

(b) A sabbatical leave granted to a regular employe shall also operate as a leave of absence without pay from all other school activities.

Section 2. Section 1546 of the act is amended to read:

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

3

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

This amendment has to do with sabbatical leave of teachers.

Under the present code, a teacher can take a half a year sabbatical leave in one school year and another half a year in the next school year. This has proven to be very detrimental to students, because it requires that two separate classes then will have to have substitute teachers for a half a year. So then two complete school years are disrupted for our students when this happens.

This amendment has nothing to do with the ability of any teacher to get a sabbatical leave. It has nothing to do with the length of time that is required for that. It simply protects our students. We need this immediately for the protection of these youngsters. Thank you, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, again, not on the merits of the proposal but on the fact that the Senate, number one, has rejected this amendment in the past, and they did it when they

talked about school recodification there; the fact that the Senate will apparently not be in at least until after the school term begins; and also the fact that this is one of the things that the Education Committee over the summer is going to look at, this whole question of half-year sabbaticals, and be prepared, hopefully, to move one way or the other in September on this very question, I ask for a negative vote for those reasons.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose Mr. Saurman's amendment for the same reason we opposed the previous amendment. Any amendment adopted to this bill would defeat the bill and defeat the purpose of the original bill. The matter that Mr. Saurman brings to our attention now will be taken up, as Mr. Burns spoke of, during the summer months. So I urge the members on this side to oppose the amendment. Thank you.

The SPEAKER. Does the gentleman from Dauphin, Mr. Piccola, desire recognition? The gentleman is in order and may proceed.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would rise to support the amendment. The remarks of Mr. Saurman are entirely correct. It is a serious problem, and from personal experience I can tell you that it does disrupt the classroom, particularly those students in the elementary schools. I would urge that the House adopt the amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman, for the second time on his amendment.

Mr. SAURMAN. Mr. Speaker, I would just like to make a general comment on the amendment and on the actions of this General Assembly.

Unfortunately, I do not have a list of the number of House bills that we have sent to the Senate that should have been acted on before they left, and I did not hear anyone in the Senate, when I had my speaker box on, saying we have to take care of this because we are leaving and the House bill will not be passed. At this time all I have heard is that if we do not act, the Senate has gone and we are not going to be able to do what we want to do. I think it is time that this House should stand up on its two feet and say this is what we are going to do, not what the Senate wants us to do, and take this action at this time. Thank you.

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

Mr. FREIND. I think there is one point we are missing, Mr. Speaker. In addition to this killing the bill, we have already handled this. We adopted that amendment. It is in HB 1300, which is already in the Senate right now. We took care of the sabbatical problem in that bill, which is in the Senate already. This is superfluous, and it will kill SB 706. I ask for its defeat.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—41

Barber	Greenfield	Marmion	Saurman
Beloff	Hagarty	Merry	Sieminski
Burd	Heiser	Moehlmann	Sirianni
Cornell	Jackson	Noye	Smith, L. E.
Cunningham	Levin	Pendleton	Spencer
Daikeler	Lewis	Perzel	Swaim
Evans	Livengood	Peterson	Swift
Fleck	McClatchy	Piccola	Taddonio
Frazier	McVerry	Pott	Wiggins
Gladeck	Mackowski	Rasco	Williams, J. D.
Grabowski			

NAYS—151

Anderson	Durham	Levi	Serafini
Armstrong	Fargo	Lloyd	Seventy
Arty	Fee	Lucyk	Showers
Belardi	Fischer	McIntyre	Shupnik
Belfanti	Foster, W. W.	McMonagle	Smith, B.
Berson	Foster, Jr., A.	Madigan	Smith, E. H.
Bittle	Freind	Maiale	Snyder
Blaum	Fryer	Manderino	Spitz
Bowser	Gallagher	Manmiller	Stairs
Boyes	Gallen	Michlovic	Steighner
Brandt	Gamble	Micozzie	Stevens
Brown	Gannon	Miller	Stewart
Burns	Geist	Miscevich	Stuban
Caltagirone	George	Morris	Sweet
Cappabianca	Greenwood	Mowery	Taylor, E. Z.
Cawley	Grieco	Mrkonic	Taylor, F. E.
Cessar	Gruitza	Mullen	Telek
Cimini	Gruppo	Murphy	Tigue
Civera	Haluska	O'Donnell	Trello
Clark	Harper	Olasz	Van Horne
Clymer	Hasay	Oliver	Vroon
Cochran	Hayes	Petrarca	Wachob
Cohen	Hoeffel	Petrone	Wambach
Colafella	Honaman	Phillips	Wargo
Cole	Horgos	Pievsky	Wass
Cordisco	Irvic	Pistella	Wenger
Coslett	Itkin	Pitts	Weston
Cowell	Johnson	Pratt	Williams, H.
DeMedio	Kennedy	Pucciarelli	Wilson
DeVerter	Klingaman	Punt	Wogan
DeWeese	Kolter	Rappaport	Wozniak
Davies	Kowalshyn	Reber	Wright, D. R.
Dawida	Kukovich	Richardson	Wright, J. L.
Deal	Lashingier	Rieger	Wright, R. C.
Dietz	Laughlin	Ritter	Zwikl
Dombrowski	Lehr	Rocks	
Donatucci	Lescovitz	Rybak	Ryan,
Dorr	Letterman	Salvatore	Speaker
Duffy			

NOT VOTING—5

Alden	Gray	Hutchinson, A.	Nahill
Emerson			

EXCUSED—2

Borski	Dininni
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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?
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—180

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

NAYS—8

Berson	Evans	Lucyk	Rappaport
Cohen	Greenfield	Pievsky	Wiggins

NOT VOTING—9

Alden	Emerson	Gray	Nahill
Barber	Frazier	McClatchy	Richardson
Deal			

EXCUSED—2

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

REMARKS ON VOTE

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

Mr. McCLATCHY. Mr. Speaker, I was in conversation and missed that vote on SB 706. I would like to be recorded in the affirmative.

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

HB 327 PASSED OVER

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

Mr. WASS. Mr. Speaker, I do rise to suggest that HB 327 be passed over.

May I just make a few remarks?

The SPEAKER. The gentleman is in order.

Mr. WASS. Mr. Speaker, the Christmas Tree Growers Association, representing thousands of acres of Christmas tree plantations with sales of over 2 million trees a year, has great interest in this legislation. But, Mr. Speaker, as I discussed the legislation with my colleagues on the floor, there is great concern about a part of the bill that the Christmas tree growers insist on. In speaking with the tree growers today, they told me to hold the bill over, and we are certainly going to work out some type of compromise by the fall.

The SPEAKER. Without objection, HB 327 will be passed over. The Chair hears no objection.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. HAYES called up for consideration the following Report of the Committee of Conference on **SB 277, PN 1763**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," defining and exempting privately-owned public golf courses from licensing quota, further regulating sales by such golf courses and certain other liquor licensees.

On the question,

Will the House adopt the report of the committee of conference?

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, this is the third time that this bill has appeared before us for passage of a conference committee report. It is in exactly the same form now as it was the two previous times we defeated it. During the House debate on SB 277, we amended the bill to provide for 2 percent of all liquor revenues to the Office of Drug and Alcohol Abuse programs for the treatment and prevention of alcohol abuse and alcoholism. Each time this bill has come before us from the conference committee, that amendment has been missing. It was stripped from the bill by the conferees. Until that amendment is returned to this bill, I must urge nonconurrence.

Some of you have been asking me, just what is my problem? Why do you not let this issue die? The problem is, I put more value on human life than I do on liquor licenses for golf courses.

Every year over 50,000 Americans die on our highways. Better than 50 percent of those deaths can be attributed to drunk drivers. Drug and alcohol abuse by our school-aged children is reaching epidemic proportions. Alcohol or drug involvement is a major factor in the majority of suicides, drownings, spousal abuse, child abuse, and many other problems of our times. Pick up your newspaper almost any day and you can see two, three, or more articles dealing with problems or death as the result from drugs and alcohol abuse.

How do we respond? In 1973 we formed the Governor's Council on Drug and Alcohol Abuse to help deal with these problems. Through 1978, we annually appropriated adequate funds to help deal with these problems. Thousands of people received treatment, and as a result, hundreds of lives were saved.

Since 1978, however, there has been almost no increase in the funds for the treatment of alcohol abuse. As prices have risen over 50 percent and appropriations for libraries and art centers and almost every other State-funded program have increased substantially, we have allowed drug and alcohol funding to remain stagnant. As a result, programs are closing all over this State. Programs will continue to close until we have a source of funding which bears some relationship to alcohol use.

The principle involved in using a funding source to pay for problems associated with the product involved has long been accepted. We use gasoline taxes to pay for highway maintenance and construction. We recently designated a portion of the cigarette tax to be spent on cancer research. Alcohol revenues to treat alcoholism is just as obvious. Aviation fuel tax designations for airports, through a constitutional amendment, is on our calendar.

Some people have been talking about the \$1.7-million increase in funding we passed for 1982-83 as though it has solved the problem. It has not. Treatment programs in this State would require \$2.4 million immediately to retain their current level of treatment without further closings. The \$4-million funding increase represented by the 2-percent mechanism is necessary to provide adequate treatment, education, and prevention programs through 1982 and 1983.

One of 10 people who drink have a problem with alcohol. These problem drinkers purchase in excess of 50 percent of all the liquor bought in this State. Is it so ludicrous to request that 2 percent of the liquor revenues be designated to protect the treatment and prevention programs that can help these problem drinkers?

A Pennsylvania study shows that 77 percent of the drunk drivers are problem drinkers. Just last year a drunk driver in Northumberland County crossed a stretch of land, hit several young children playing in the front of their own home, and it killed one of them. Last year eight teenagers were killed in a single drunk-driving wreck in the Scranton-Wilkes-Barre area. This April a Lancaster college student fell from a cliff and died as a result of a drinking party. In another April incident a Schuylkill County teenager at a drinking party put a gun to his head and shot himself. Last week five people were killed in Cambria County at a railroad crossing. Last night

two students were killed who were going to graduate this evening in the Hanover area, and earlier this year a child was beaten to death in York County by her mother's boyfriend. Studies of these kinds of cases would tend to suggest that he was drunk at the time.

How many of these deaths could have been prevented if we were properly funding the drug and alcohol field? Maybe none; I cannot say. But if we properly fund treatment and prevention of alcohol abuse and alcoholism, lives can and will be saved.

Today we could have an opportunity to try to avert a major human tragedy, but the conferees choose instead to give us only golf courses. I say send the golf courses back to the conference committee until the conferees come to their senses and give us the Richardson amendment. Mr. Speaker, should we trade golf courses for human lives? I urge a negative vote. Thank you, Mr. Speaker.

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—77

Anderson	Gallen	Merry	Saurman
Bittle	Gladeck	Michlovic	Shupnik
Bowser	Hagarty	Miscevich	Smith, B.
Brandt	Hasay	Moehlmann	Snyder
Burd	Hoeffel	Mowery	Spencer
Burns	Horgos	Mullen	Stevens
Cessar	Hutchinson, A.	Murphy	Swaim
Clark	Jackson	Nahill	Sweet
Cohen	Kennedy	Olasz	Swift
Colafella	Kolter	Perzel	Taddonio
Cornell	Lashinger	Petrarca	Trello
Coslett	Lehr	Petrone	Van Horne
DeMedio	Lescovitz	Pott	Wachob
Daikeler	Letterman	Pratt	Wass
Davies	McClatchy	Pucciarelli	Wogan
Donatucci	McIntyre	Rasco	Zwikel
Dorr	McVerry	Reber	
Fargo	Mackowski	Rieger	Ryan,
Fleck	Maiale	Ritter	Speaker
Frazier	Marmion	Salvatore	

NAYS—114

Armstrong	Evans	Levi	Serafini
Arty	Fee	Levin	Seventy
Barber	Fischer	Lewis	Showers
Belardi	Foster, W. W.	Livengood	Sieminski
Belfanti	Foster, Jr., A.	Lloyd	Sirianni
Beloff	Freind	Lucyk	Smith, E. H.
Berson	Fryer	McMonagle	Smith, L. E.
Blaum	Gallagher	Madigan	Spitz
Boyes	Gamble	Manderino	Stairs
Brown	Gannon	Manmiller	Steighner
Caltagirone	Geist	Micozzie	Stewart
Cappabianca	George	Miller	Stuban
Cawley	Grabowski	Morris	Taylor, E. Z.
Cimini	Greenfield	Mrkonic	Taylor, F. E.
Civera	Grieco	Noye	Telek
Clymer	Gruitza	Oliver	Tigue
Cochran	Gruppo	Pendleton	Vroon
Cole	Haluska	Peterson	Wambach
Cordisco	Harper	Phillips	Wargo
Cowell	Hayes	Piccola	Wenger
Cunningham	Heiser	Pievsky	Weston
DeVertter	Honaman	Pistella	Wiggins
DeWeese	Irvis	Pitts	Williams, H.
Dawida	Itkin	Punt	Williams, J. D.

Deal	Johnson	Rappaport	Wilson
Dietz	Klingaman	Richardson	Wozniak
Dombrowski	Kowalyszyn	Rocks	Wright, D. R.
Duffy	Kukovich	Rybak	Wright, R. C.
Durham	Laughlin		

NOT VOTING—6

Alden	Gray	O'Donnell	Wright, J. L.
Emerson	Greenwood		

EXCUSED—2

Borski	Dininni
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the report of the committee of conference was not adopted.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 514, PN 1970**.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. HAYES called up for consideration the following Report of the Committee of Conference on **SB 514, PN 1970**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," excluding from the authority to levy realty transfer taxes transfers between grandparents and grandchildren or the spouse of such grandchild and excluding transfers to conservancies and transfers from industrial development authorities.

On the question,

Will the House adopt the report of the committee of conference?

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

Mr. LEVIN. Mr. Speaker, I oppose this bill.

I would like to call to your attention that this conference committee report amends the Local Tax Enabling Act. That means it applies to everybody except Philadelphia. It applies to all your communities, and the provision I found objectionable before is still in the bill. This provides that a transfer from a nonprofit industrial development agency would be tax free in the future. When this bill came up before, I advised you I thought that that was wise as an incentive for business to locate in your community in the future. I thought it was unwise to give a tax benefit to transactions which had occurred 5, 10, 15 years in the past. It reduces the revenue to your local taxing authorities for no benefit. It confers benefits upon those people who assumed they were going to pay a real estate transfer tax when they entered into a transaction 10 or 15 years ago.

It does not apply to Philadelphia. I am calling it to your attention. I think it is unwise to pass this conference committee report in this form.

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

Mr. GRUITZA. Thank you, Mr. Speaker.

In regard to the comments made by my colleague with the transfer tax provision, the fact of the matter is, Mr. Speaker, that the amendment that was placed into this bill was the intention of this legislature when this legislation was first adopted. These transfers were intended by this legislature to be tax free, but due to ambiguity and the language of the legislation, legal counsels have disagreed on whether or not they are. In some areas I understand that they have been treated as tax free; in others they have not. More conservative legal counsel claims that the language is not sufficient to render these transfers as tax-free transfers.

So I think that it is important that we vote "yes" for this report. We are straightening out the language in a bill to comply with what was the original intent of the legislature when this program was put into effect. There is other legislation which would take care of the other 1 percent going to the State, but this is a step in the right direction as far as the transfer tax on conveyances from the industrial development authorities back to the individual. We have had problems with this provision of the law in my area where we have had a number of projects under the PIDA (Pennsylvania Industrial Development Authority) program.

I would urge your support for this conference committee report. I think in spite of the fact that there may be transactions which are already entered into that would be otherwise subject to this tax, the intent of this legislature was originally to make this an exempt transfer, and it was done so to promote business in the State, to promote reindustrialization, to promote the things that we are here about to try to bring business back to the State, and I am committed to seeing that this particular piece of legislation passes. I appreciate your support.

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I think what we are doing here is comparable to the situation where a minor purchases an automobile and places it in the name of that minor's parents. Sales tax is paid at the time that the vehicle is purchased, and then when the minor reaches the age of majority and wishes to title the automobile in his or her own name, there is certainly no cause to impose a second sales tax. I urge that we adopt the conference report.

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—178

Anderson	Fischer	Lucyk	Showers
Armstrong	Fleck	McClatchy	Shupnik
Barber	Foster, W. W.	McIntyre	Sieminski
Belardi	Foster, Jr., A.	McMonagle	Sirianni

Belfanti	Frazier	McVerry	Smith, B.
Berson	Freind	Mackowski	Smith, E. H.
Bittle	Fryer	Madigan	Smith, L. E.
Blaum	Gallagher	Maiale	Snyder
Bowser	Gallen	Manderino	Spencer
Boyes	Gamble	Manmiller	Spitz
Brandt	Geist	Marmion	Stairs
Brown	George	Merry	Steighner
Burd	Gladeck	Micozzie	Stevens
Burns	Grabowski	Miller	Stewart
Caltagirone	Greenwood	Miscevich	Stuban
Cappabianca	Grieco	Moehlmann	Swaim
Cawley	Gruitza	Morris	Sweet
Cessar	Gruppo	Mowery	Swift
Cimini	Hagarty	Mullen	Taddonio
Civerra	Haluska	Noye	Taylor, E. Z.
Clark	Harper	O'Donnell	Taylor, F. E.
Clymer	Hasay	Olasz	Telek
Cochran	Hayes	Oliver	Tigue
Cohen	Heiser	Pendleton	Trello
Colafella	Hoeffel	Perzel	Van Horne
Cole	Honaman	Peterson	Vron
Cordisco	Horgos	Petrarca	Wachob
Cornell	Hutchinson, A.	Petrone	Wambach
Coslett	Irvis	Phillips	Wargo
Cowell	Itkin	Piccola	Wass
DeMedio	Jackson	Pievsky	Wenger
DeVerter	Johnson	Pitts	Weston
DeWeese	Kennedy	Pott	Wiggins
Daikeler	Klingaman	Pratt	Williams, H.
Davies	Kolter	Pucciarelli	Williams, J. D.
Deal	Kowalyshyn	Punt	Wilson
Dietz	Kukovich	Rasco	Wogan
Dombrowski	Lashingier	Reber	Wozniak
Donatucci	Laughlin	Richardson	Wright, D. R.
Dorr	Lehr	Rieger	Wright, J. L.
Duffy	Lescovitz	Ritter	Wright, R. C.
Durham	Letterman	Rybak	Zwikl
Evans	Levi	Salvatore	
Fargo	Lewis	Saurman	Ryan,
Fee	Livengood	Serafini	Speaker

NAYS—11

Beloff	Greenfield	Mrkonic	Rocks
Cunningham	Levin	Murphy	Seventy
Dawida	Lloyd	Pistella	

NOT VOTING—8

Alden	Emerson	Gray	Nahill
Arty	Gannon	Michlovic	Rappaport

EXCUSED—2

Borski	Dininni
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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.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Schuylkill, Mr. Lucyk, rise?

Mr. LUCYK. Mr. Speaker, on SB 706, final passage, I was inadvertently recorded in the negative. I would like to be recorded in the affirmative.

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

The Chair recognizes the lady from Allegheny, Mrs. Heiser.

Mrs. HEISER. Mr. Speaker, on Monday, June 7, amendment A8073 to SB 847, I inadvertently voted "no." I would like to be recorded as "yes" on this amendment.

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

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

On the Conference Report on SB 277 I had voted in the negative. I inadvertently struck my vote prior to the locking of the roll call and would like to be recorded in the negative. Thank you.

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

RESOLUTIONS ADOPTED

Mr. GALLEN called up HR 195, PN 3439, entitled:

General Assembly memorialize President and Congress help facilitate reduction of nuclear weapons in Soviet Union and United States.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Table listing names of members who voted 'YEAS' for the resolution, including Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, 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, Deal, Dietz, Dombrowski, Donatucci, Fee, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Grabowski, Greenfield, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Heiser, Hoeffel, Honaman, Horgos, Hutchinson, A., Irvis, Itkin, Jackson, Johnson, Kennedy, Klingaman, Kolter, Kowalshyn, Kukovich, Lashing, Laughlin, Lehr, Lescovitz, Lucyk, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Miscovich, Morris, Mowery, Mrkonic, Mullen, Murphy, Nahill, Noye, O'Donnell, Olasz, Oliver, Pendleton, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pratt, Pucciarelli, Punt, Rappaport, Rasco, Reber, Richardson, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Swaim, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Trello, Van Horne, Vroon, Wachob, Wambach, Wargo, Wass, Wenger, Weston, Wiggins, Williams, H., Williams, J. D., Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L.

Table listing names of members who did not vote, including Dorr, Duffy, Durham, Evans, Fargo, Letterman, Levi, Levin, Livengood, Lloyd, Rieger, Ritter, Rocks, Rybak, Salvatore, Wright, R. C., Zwikl, Ryan, Speaker.

NAYS—0

NOT VOTING—7

Table listing names of members who did not vote, including Alden, Emerson, Fryer, Gray, Lewis, Moehlmann, Pott.

EXCUSED—2

Table listing names of excused members, including Borski, Dininni.

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

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

* * *

Mr. SIEMINSKI called up HR 204, PN 3416, entitled:

House memorialize President and Congress amend Federal regulations to waive 10% added cost to American steel products.

On the question, Will the House adopt the resolution?

Mr. SIEMINSKI offered the following amendment No. A8464:

Amend first resolved clause, page 1, line 10, by striking out "(the Senate concurring)"

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

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Sieminski.

Mr. SIEMINSKI. I thank you, Mr. Speaker.

My amendment A8464 merely strikes the language in parentheses, "the Senate concurring." With this amendment, we will make it truly a House resolution and send it on its way today, sir.

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

Amendment was agreed to.

On the question, Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—193

Table listing names of members who voted 'YEAS' for the amendment, including Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Bowser, Boyes, Brandt, Brown, Burd, Burns, Caltagirone, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Grabowski, Greenfield, Greenwood, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Miscovich, Moehlmann, Morris, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stevens, Stewart.

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

NAYS—0

NOT VOTING—4

Alden	Emerson	Gray	Lewis
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EXCUSED—2

Borski	Dininni
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The question was determined in the affirmative, and the resolution as amended was adopted.

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Mr. HAYES called up **SR 231, PN 3440**, entitled:

Bipartisan committee review regulations and policies of the Department of Public Welfare regarding legal services and make recommendations for future funding of legal services programs.

On the question,

Will the House concur in the resolution of the Senate?

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

Mr. McCLATCHY. Mr. Speaker, I oppose the resolution. If you vote for this resolution, you are in effect attacking the concept and voting against the concept of the block grants for adult services back to our local communities.

Mr. Speaker, our concept of the block grant was to give adult services and legal services now in that adult block grant back to the communities to do away with extra and expensive administrative costs here in Harrisburg. In no way, Mr. Speaker, do I feel that the legal services will be damaged. What in effect we are doing is giving to the county commissioners a little more latitude in the whole area with the same amount of money or with the available money coming from the Federal Government, Mr. Speaker. I again ask for a "no" vote on this resolution.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I am not going to go into details. Other people are better prepared than I to do that, but all this resolution does is say to the Department of Public Welfare, form a contract with the existing system statewide of the legal services. In October, no later than October 1982, a committee of 10 people made up of members of the Senate and the House, majority and minority, will report to the General Assembly as to what the future regulations for legal services should be.

By voting for this, all you do is continue the services which we have granted to the poor people of this Commonwealth until October, when new rules and regulations will be formulated. It has nothing whatsoever to do with your county or my county. It will continue just as it is now.

It is not binding on Mrs. O'Bannon. Mrs. O'Bannon is a careful and conservative administrator who has said she thinks the system is working well but she does not know what the General Assembly wants her to do.

It is not binding on the Governor, but the Governor of this State and Leroy Irvis in 1968 were the two people who were responsible for putting into the Constitution of this State the provision that each county should have legal services for the poor. So I am sure the Governor has not changed his mind any more than I have.

One thing more: I understand the antipathy that some of you have had for some of the performances in Harrisburg. Some of that antipathy is justifiable and some of it is not, and I am not arguing those points with you. I am simply saying that if we do not want to destroy the free legal services which we have offered to the poor people of this Commonwealth as of June 30, then you will vote for this resolution and hope that it will guide the Governor and the Secretary of Welfare in their deliberations. It may not; I do not know. But if you vote for it, it is not going to overturn the world and it is not going to lock anybody into any position, but it does say to our poor people, we are not turning our backs on you; we are going to continue the legal services statewide; we are going to reformulate it by October, but at least for June, July, August, and September, it is going to continue as it has been. That is all a vote "aye" for the resolution will do. Thank you, Mr. Speaker.

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

Mr. SPITZ. Mr. Speaker, I rise in support of the resolution. I think that it is important for us to note first of all that the Senate last night passed this resolution, and the sense of the Senate was that there is a problem existing that requires this resolution. I think that there is a problem existing and the sense of this House should be shown by supporting the resolution.

I am concerned that if we change the present method of administering legal services on June 30, we will not have—and I feel certain that we will not have—a uniform system of providing services throughout the State of Pennsylvania to our residents. I feel confident that some counties will act in a reactionary manner, while others may not. I do not think we will be doing our job if we permit that to happen.

I do not recall, when the budget was passed, any great sense in this chamber of favoring the block grant concept that Mr. McClatchy spoke of. I think the block grant concept as it has been developed is a method of packaging some shortfalls of money. I feel that legal services will be cut and cut severely and perhaps a death blow will be administered to the present administration of legal services if we do this.

Lastly, Mr. Speaker, I fear for the continuity of providing legal services. I have not seen anything that tells me that if we do not change the present projected plans, if we do not pass this resolution, I have not seen anything that tells me that those cases, those constituents who are presently being served and can expect something to happen in early July or August of this summer, will be served. To the contrary, I think that it will be a mishmash, possibly handled in 67 different fashions, and absolutely handled in many counties at a cut. The proposed regulations permit a severe 25-percent cut on top of the severe cuts that were administered in the past year. I do support the resolution, and I think that it is imperative that we pass it.

The SPEAKER. Does the gentleman from Westmoreland, Mr. Kukovich, desire recognition on this question?

Mr. KUKOVICH. No, Mr. Speaker. I think Messrs. Irvis and Spitz have said it all quite well.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to get clarification on a couple of points. Perhaps the chairman of the Appropriations Committee, Mr. McClatchy, would stand for interrogation.

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

Mr. COWELL. Mr. Speaker, as you interpret the clauses of this resolution which would instruct the Department of Public Welfare to continue to provide legal services by contract, and as together we recall the budget that was passed several weeks ago, it seemed that there were two adult services block grant items: one was the use of State dollars; the other was the use of Federal dollars. As you interpret this instruction to the Department of Public Welfare, which set of block grant dollars, the State dollars or the Federal dollars, would be utilized to fund this purpose?

Mr. McCLATCHY. It would be both the Federal and State dollars, since it is a State law and we appropriate both.

Mr. COWELL. So from a standpoint of Allegheny County where there was some dispute about inadequate dollars being available for adult services to continue the traditional adult services programs, cerebral palsy and what have you, these funds would be taken from that. Is that correct?

Mr. McCLATCHY. If this resolution passes and the Secretary adheres to it, it is conceivable then that Allegheny County would lose close to \$200,000.

Mr. COWELL. Secondly, in terms of contracts with legal services, in the past and through this current fiscal year, with whom does the Department of Public Welfare actually contract, with several legal services outfits or with Pennsylvania Legal Services only?

Mr. McCLATCHY. With the Pennsylvania Legal Services Center, who then contracts with the different legal services throughout the State. Under the block grant procedure it would go back to the counties and the counties would have the option to do it themselves, to do it with the Bar Association or in fact do it with their local legal services unit. The corporate entity here in Harrisburg would no longer have that job.

Mr. COWELL. So it is not really the Department of Public Welfare that decides to provide X number of dollars through contract with any of the several legal services agencies; it is this entity that we have in Harrisburg called Pennsylvania Legal Services.

Mr. McCLATCHY. The Department of Welfare abrogates that responsibility to this group in Harrisburg at the present time.

Mr. COWELL. Next, for the past couple of years at least, when this legislature has passed an appropriation for legal services, there has been some other language which governed, in my mind, the administration of those legal services dollars, and as I recall, some of the language indicated that if a legal services organization was to receive or to benefit from a court-ordered payment from State Government of legal costs, those legal costs would first come out of the appropriation. Is my recollection correct?

Mr. McCLATCHY. It was done in the appropriation bill last year and it proved ineffective.

Mr. COWELL. But that language would not govern in the case of the contract or contracts that might be provided by the Department of Public Welfare under this language. Is that correct?

Mr. McCLATCHY. That is correct.

Mr. COWELL. Finally, has the Appropriations Committee received from the Department of Welfare—this is something we discussed during the Appropriations hearings—any information, any data, that would indicate the number and kinds of cases that have been handled by legal services during any of the last recent fiscal years?

Mr. McCLATCHY. The Department of Welfare has stated that that information is not available. It is extremely hard to get from the legal services entity and the ones they contract with, and that is one of the reasons we want to change it, so that we can get that information.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, that is the end of my interrogation, and I would like to make some brief remarks, please.

The SPEAKER. The gentleman is in order.

Mr. COWELL. Mr. Speaker, during my several years in the legislature I have always tried to be supportive of funding for legal services. I think that in the traditional sense it is a most appropriate program for this legislature to be assisting. However, there are some instances across this Commonwealth and probably across this State where legal services has not really focused on providing the kinds of one-on-one services that we traditionally like to think about when we talk about the needy person, the poor person, who is looking for help in a fight against a landlord or in a fight against a bad retailer or wholesaler or somebody who has cheated them.

The experience has been—and it has been particularly my experience and the experience of my constituents—that Neighborhood Legal Services has spent a disproportionate amount of its funding on class action suits. I would like to share with the members of this legislature a recent experience that many of my constituents have had as a result of this legislature's funding of legal services. That has been an experience which has resulted in a very much unwanted forced school merger in the east suburban area of Allegheny County.

The history goes back some 10 years. It was a case that was precipitated by Neighborhood Legal Services at that time. I certainly will not begin to recall everything that has happened during the past 10 years, but very briefly, about a year ago a Federal judge ordered that five school districts, as a result of that action, would be forcibly merged into one. We now call it the Woodland Hills District, but Neighborhood Legal Services has not stopped there.

Three points that I would simply share with you. One, after that merger was created and a school board was appointed by a Federal judge, Neighborhood Legal Services was not content to leave the case at that point. Instead, Neighborhood Legal Services in our area has felt compelled to begin to tell parents and tell our school board and tell citizens in our area where young men and women, where students will go to school. To do that, they employed, using some of the tax dollars that we have provided, an outfit called HGH Associates, headquartered somewhere down in Texas, and those folks—consultants who are going to be paid with tax dollars, ultimately—came into Federal court and said, we, working for Neighborhood Legal Services, know better than the local school board and know better than parents where their kids ought to go to school. Frankly, as a parent of a third and fourth grader who is affected by that decision, I am not inclined to reward Neighborhood Legal Services for telling me and telling my neighbors that they know better or some consultant from Texas knows better where my kids ought to go to school.

Secondly, you may recall that last June 30, rather late in the day, the members of this House and the members of the Senate were cooperative enough to help some of us from that area with some emergency legislation that made it clear that some of those school boards and districts that were going to go out of existence and which had a surplus as of June 30, 1981, would have the authority to reopen their budgets and return to the taxpayers who paid those taxes and contributed to that surplus, return those taxes to those same taxpayers in those districts. We passed that legislation in two school districts on June 30, approved action to return \$1.3 million to taxpayers in those two districts. What happened within a matter of a week was that Neighborhood Legal Services in our area, using some of our tax dollars that we provided them again, went into Federal court and had the Federal judge order those two former districts not to make those rebates and instead has ultimately decided that that \$1.3 million in surplus funds will be dumped into the pot for this new school district. The constituents in my area are wondering why we should give more money to a Neighborhood Legal Services that has

already used prior tax dollars to deny them \$1.3 million in tax rebates that they felt and their school boards felt they were entitled to.

Thirdly, I think it should be of interest to the members of this legislature that it is fairly well known, it is fairly acknowledged in our area, that when this case is over, Neighborhood Legal Services intends to go into Federal court and have Federal court order this legislature, this State Government, to pay the legal bills that they have amassed during the past 10 years for those Texas consultants and for all the other funds and all the other programs and all the other efforts that they have undertaken during this 10-year struggle.

I think we should be aware of that as we decide now to put a rubber stamp of approval on what has existed in recent years. I think we should reject what has existed in prior years. We need to fund legitimate purposes of legal services but not the kind of class action suit that they have been engaged in in the last 10 years, not to approve the kind of action they have taken in recent years that have denied taxpayers refunds that have been owed them.

This was a problem that should have been addressed when the budget was addressed several weeks ago. It ought to be addressed as part of an amendment to the budget, not in some rather wishy-washy resolution that tells the Secretary of Welfare, well, we really want you to keep on doing what you have done in the past. We should not be telling them that. If a study is needed, we ought to begin that study now. We ought to be prepared to report back very quickly, but we should absolutely under no circumstances tell the Secretary to continue to contract in the same way that the department has in recent years. Thank you.

The SPEAKER. For what purpose does the minority leader rise?

Mr. IRVIS. When the gentleman, Mr. Cowell, is through, I would like to say just a word.

The SPEAKER. The gentleman is in order.

Mr. IRVIS. You have just heard the gentleman, Mr. Cowell, do precisely what I know is on the floor of the House today, and I have told you about it. I understand that there are many of you who have had problems with the legal services people. When I was a boy, I was a Boy Scout. I thought all the Boy Scout leaders were fair, equitable men. I ran across one who was most unfair and inequitable, but I have not sought to destroy the Boy Scout movement because of that.

What I am saying to you today, we are not asking a rubber stamp; we are asking an opportunity to have a commission of 10 members of the General Assembly formulate guidelines for the legal services, and this is the only way we know to get to that. We do not want you to destroy legal services because you probably have a legitimate reason to be angry with something they did. I beg you to think what you are doing if you vote against this resolution. I ask you, if you think the way I think about what is promised to the people of this Commonwealth, regardless of their wealth and station, I think you will vote with me and for the resolution. Thank you, Mr. Speaker.

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

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

I would just like to speak against this resolution very briefly by saying that after having worked for a brief time as a member of the board of directors of the Legal Services Corporation, I am absolutely convinced that county government is the best place to administer the funding for this program. There will unquestionably be some counties that will spend less on legal services under a block grant system than is true with the statewide administered system. I think that can be a very positive thing. I think there are probably some areas in which we are overfunding legal services. There are some counties in which more money will be spent, and I think that is a very positive thing, because there are some areas of the State in which we are probably underfunding legal services.

The key is that local governmental officials, who are elected officials accountable to the people they represent, are far better qualified to make judgments about how this money should be appropriated than we are at the State level. I feel very strongly that if legal services officials are compelled to justify the quality of the services they are delivering in competition with other service-providing agencies to local elected officials, I think these programs are going to become more efficient. If I felt for a moment that the block grant system was going to erode the integrity of legal services for the poor, I would not support this program. I have more confidence in local elected officials than that. I do believe they are better equipped to make these judgments than we, because they are much, much closer to these operations than we. As a result, I would urge a negative vote on the resolution.

The SPEAKER. Does the gentleman from Westmoreland, Mr. Kukovich, desire recognition at this time?

Mr. KUKOVICH. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. KUKOVICH. I did not want to prolong this debate, but after some of the things I have heard on the floor, I feel compelled to.

The resolution is very straightforward. If anybody believes that their counties will lose money if this resolution passes, they are being misled. There is no comment in this resolution about the amounts of money. What Mr. Spitz is concerned about doing and what the rest of us who have supported this concept are concerned about doing is maintaining the statewide structure of legal services, which according to every independent report and audit has done an excellent job. There might be individual problems in individual areas, but we are talking about maintaining the only viable procedure for giving legal services to poor people and poor working people in this State.

Now, whether or not a county gains or loses money in the adult services block grant is not going to necessarily be changed by this resolution. As a matter of fact, for those members who have had some concerns about legal services, for the first time this resolution puts into place a bipartisan committee made up of House members and Senators to oversee that and come back and report to us if there are any abuses or any changes that need to be made.

Mr. Speaker, we have done in this session a lot of damage to poor people, a lot of damage to women's rights. I would point out to you that this resolution deals with a system that basically represents poor and the working poor, and about 74 percent, almost three-quarters of the clients in legal services in this State, are women. Much of that service deals with domestic matters and spousal abuse.

Mr. Speaker, I think a vote for fairness would be to vote for this resolution. The legal services structure has been cut down significantly already. Their services, their personnel have been drastically cut. They will continue to be cut whether or not this resolution passes. We are asking to maintain the structure so we have some semblance of equity in our legal system for the poor in this State. I am asking for a "yes" vote, Mr. Speaker.

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

Mr. H. WILLIAMS. Mr. Speaker, I want to comment briefly on Representative Cowell's remarks, one aspect. His comments and his arguments, I believe, are basically just a question of separation of powers. Either we accept the separation of powers, the judicial and the legislative branch and the executive, or we do not. The thrust of his remarks totally indicated that there were some legal results that he personally, as a Representative or as a citizen, did not like. It seems to me that the organization of legal services apparently went to court and apparently the judge agreed with them, and that is the only objective standard by which we can judge that they had something serious and bona fide. I do not believe that we can erode what otherwise is a solid effort just because one Representative in one branch of government disagrees with a judge, who by the Constitution has the obligation to render a decision.

I just wanted to make that comment so that the issues are not confused with a personal pique from one person in one branch of the legislature to another person called a judge who has the duty and obligation to render a decision. In the case that he is talking about, that judge rendered a decision based on the litigation of Community Legal Services. I just want to remind Mr. Cowell that we should not establish policy on the basis of a contradiction of our legal and our constitutional system.

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

Mr. LEVIN. Thank you, Mr. Speaker.

I want to make two quick points, hopefully very quick.

This Senate resolution is a compromise. This Senate resolution is an attempt to give this body and the Senate control of the kinds of problems that have occurred in the past. The present block grant to the local counties will not control the problem that Mr. Cowell has raised, and it is obviously a problem, not just in his county but in every county. I have found many of the things done by Community Legal Services to be personally distasteful. That was my personal opinion. I have had no way of stopping that.

This resolution, if you will look at it, provides for a body to oversee the regulations, and on the second page starting on line 4, "...and make recommendations for the future alloca-

tion of legal service funding and the professional judgment standards to be followed by legal services programs....” We are taking into our hands the ability to rein in the excesses that Mr. Cowell is correctly concerned about. This resolution will give us a voice in it and should be passed. The block grants to the local counties will take it out of our hands and will give us no say. We will continue with the same problem unless we pass this resolution.

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

Mr. ITKIN. Mr. Speaker, I think a point has not been made on this floor about this issue.

I find that in my county, Allegheny County, the commissioners do not want to accept this program. They have been forced to accept but so far they have refused to accept the adult services block grant program, which is a 37-percent reduction in moneys to Allegheny County. Now again they are being forced, unless we pass this resolution, to accept a reduced funded appropriation for legal services. The total amount for adult services plus legal services will be less than what the county has received in the past for adult services plus legal services funding.

The chairman of our board of commissioners has said to us, we do not want to accept these programs; we do not want to accept substantially less funding for legal services and then be responsible under mandate to provide the necessary legal services we are supposed to provide. I am sure that this is not only unique to Allegheny County, but most local governments do not want to be told, from now on you are going to be responsible for this; in the past the State has spent X number of dollars, but we are going to give you substantially less than that and we are going to expect you to assume the responsibility for that program and do it with far less money.

Mr. Speaker, I think it is a legitimate objection of county government to have to accept and be forced to accept this responsibility. If the Department of Public Welfare and this legislature deem that they want to provide legal services with less money, then let us be responsible for those actions. Let us not force those counties in the Commonwealth to have to bear that burden. Thank you, Mr. Speaker.

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

Mr. RASCO. Mr. Speaker, I rise in support of SR 231. One of the problems I think we could have with legal services throughout this State—and I have heard this today and, of course, we knew this in the past—they have gotten into some things in class action suits that we are just not happy with, many of us in the House.

The thing that I am reluctant to do is to give this money to the county as a block grant. Now, some of these counties we know are having problems. It is very controversial. So we are taking 67 counties; the county commissioners then have to make this decision in the hotbed of some of these problems. I do not think it is their decision to make. I think we should make this controversial decision.

By this resolution I notice that there is going to be a board to review legal services. I am going to vote for this bill, but I

hope legal services and the people in legal services get their act together so they can avoid this controversy and use that money in legal services for the poor people and not in class action suits. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, for the second time on the question, the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Just in response to a couple of points that have been raised. It has been emphasized that we need to continue to provide funding for legal services in the generic sense rather than legal services organizations. I do not have a problem with that. What this resolution does is insure funding for legal services as a system, a system of several nonprofit organizations that exist around this State that have taken on a character of their own and, in many cases, a mind of their own to the point that they are accountable to no one.

Somebody has suggested that the audits and the accounts suggest that the system is working well. But the chairman of the Appropriations Committee was correct; the Department of Public Welfare has been unable to provide this legislature and the Appropriations Committees of the House and Senate any type of audit, any type of accounting for what legal services has been doing with the funds we have been providing. So there is no accountability; there is no accounting; there has not really been an audit that would allow us to make a judgment. What we are really doing with this is maintaining a few organizations. I understand the infrastructure that has been built up and I understand some of the relationships that exist, but let us not kid ourselves. We are not, through this, insuring the delivery of services. Through this we are insuring the continuation of some people to hold particular jobs and we are insuring the continuation of the life of some nonprofit corporations that have taken on, somewhere in their name, the words “legal services.”

We have also heard the comment about, let us keep in mind the separation of powers. Now, we have never been reluctant to take on the judiciary when we have talked about auto emission inspection programs, for instance, so I do not think, just because the instance I cited resulted in part from some judicial decisions, that we ought to walk away from this. It has been very appropriate for this legislature to take up issues that are relevant to our constituents even though the judiciary may have had some involvement with that.

Finally, I want to note in response to the comment that has been made about October 1, this resolution does not say to the department, provide contracts until October 1. The only time October 1 is mentioned in this resolution is when we speak of the deadline for this study committee to report back to us. In fact, this resolution seems to tell the Department of Welfare, provide for contracts for this whole year. There is no restriction about the next 2 or 3 months in the language that actually appears in this resolution, so it is very likely that the recommendations that our own members would bring back to this committee by October 1 would have no impact whatsoever and no opportunity for impact until we got into the 1984 fiscal year, and I do not think that is appropriate. Thank you, Mr. Speaker.

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

Mr. CAWLEY. Thank you, Mr. Speaker.

I would like to interrogate Mr. McClatchy.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Cawley, may begin.

Mr. CAWLEY. Mr. Speaker, if SR 231 passes this afternoon, will Lackawanna County lose any moneys?

Mr. McCLATCHY. Mr. Speaker, just to clarify the situation and to make sure that all members know exactly what we are talking about.

The Governor originally proposed legal services as this resolution proposes it. That meant in the original adult services line item, for instance, Lackawanna County would have lost about \$153,622. Under the block grant process that we passed in the budget, Lackawanna County has that money restored. So in answer to your question, if this resolution passed, became law, the Secretary followed it, you would in fact lose for adult services in Lackawanna County \$153,622. The same would be true in Luzerne County. Luzerne County would lose \$101,494. The same would be true in Allegheny County. What Mr. Itkin says for Allegheny County is not true. Allegheny County, if this resolution became law, would lose \$230,386. That is a fact, Mr. Speaker. It is not, you know, a matter of fiction; that is a fact.

Does that answer your question?

Mr. CAWLEY. Yes.

Mr. Speaker, I would like to interrogate Mr. Kukovich, please.

The SPEAKER. The gentleman, Mr. Kukovich, indicates he will stand for interrogation. The gentleman, Mr. Cawley, may proceed.

Mr. CAWLEY. Mr. Speaker, Mr. McClatchy just stated that Lackawanna County would lose \$153,000 and Luzerne County would lose \$101,000 if in fact this Senate resolution passed. Do you agree with that?

Mr. KUKOVICH. No, Mr. Speaker. That is totally false.

Mr. CAWLEY. Now, for the record, who are you supposed to believe?

Mr. KUKOVICH. Mr. Speaker, if I could expand on that.

Mr. CAWLEY. Can Mrs. O'Bannon be called over here, please?

Mr. Speaker, can you explain why Lackawanna County and Luzerne County will not lose any moneys if this resolution is passed?

Mr. KUKOVICH. I am sorry. Could the gentleman repeat that question, Mr. Speaker?

The SPEAKER. The gentleman will please repeat his question.

Mr. CAWLEY. I originally asked—

The SPEAKER. Will the gentleman yield?

MOTION FOR PREVIOUS QUESTION

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Grabowski, rise?

Mr. GRABOWSKI. I would like to move the previous question.

The SPEAKER. The Chair does not see the required number of seconds. Is the motion of the gentleman seconded?

The Chair will assume that anyone who is standing is standing for the purpose of seconding the motion.

Mr. CAWLEY. Mr. Speaker?

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

Mr. CAWLEY. If it is in order, I would like to make a motion to table this.

The SPEAKER. There is presently a motion pending before the House.

The gentleman, Mr. Greenfield; the gentleman, Mr. Petrarca; the gentleman, Mr. McIntyre; the gentleman, Mr.—

There obviously is not the required number of seconds. Therefore, the motion falls.

MOTION TO TABLE

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Cawley, who moves that SR 231 be placed upon the table.

On the question,

Will the House agree to the motion?

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

Mr. KUKOVICH. Mr. Speaker, I am against the motion to table, and I would like to take this opportunity to expand on Mr. Cawley's question.

This money—

The SPEAKER. The gentleman will yield.

The question before the House is the motion of the gentleman to table, not to debate the merits of the resolution.

Mr. KUKOVICH. Mr. Speaker, I do not want to debate the merits. I want to respond to his interrogation, because it bears—

The SPEAKER. That is out of order.

Mr. KUKOVICH. Mr. Speaker, while we are—

The SPEAKER. The gentleman will yield.

The gentleman, Mr. Kukovich, is not recognized at this time.

MOTION WITHDRAWN

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

Mr. CAWLEY. Mr. Speaker, can I withdraw that motion until we hear the explanation?

The SPEAKER. The gentleman withdraws his motion.

The gentleman, Mr. Cawley, yields to the gentleman, Mr. Kukovich. The gentleman may proceed.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, the Secretary of Welfare has already allocated that money. We have memos and bulletins that she has already sent out to all the program directors of the 19 Legal Services Corporations throughout this State talking to them about terminating clients without appeal.

Now, Mr. Speaker, there was originally about \$6.4 million earmarked directly for legal services. It is one of the few agencies in this State that has had no increase over the years. They have been cutting back year in, year out. Now, out of this budget in this budget year the Secretary of Welfare has decided to take out roughly \$627,000 to give directly to the counties to make up for other cuts in adult services. That would hold them harmless at about the 80-percent level. She has also indicated that about 25 percent of that legal services money could be used by the county commissioners in those counties for other adult services programs. They also mandate a percentage amount for administration of any legal services.

So we are not talking about dollars here. Whether this resolution passes or fails is going to have no significant impact on the dollar amounts going to those counties. What we are talking about—and I will reiterate what I said earlier—is preserving a system which has served the poor people in this State well. It is not going to serve it as well anymore. We have already seen to that. We have already emasculated it. We are talking just to preserve it, to at least serve some people who deserve those services in this State. I cannot believe that anybody in the interest of fairmindedness could vote “no” on this resolution, in good conscience vote “no.”

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

Mr. McCLATCHY. Mr. Speaker, just as a final analysis, we keep talking about whether in fact some counties are losing money or they are not losing money.

Under the old program, under the Governor’s proposal, the counties would have lost money. When we put the legal services into the entire adult services block grant, we did away with the corporation here in Harrisburg, saving approximately \$700,000. That money was appropriated or apportioned back to the counties under a formula established by the department, and that is where I come up with the figures whereby those counties under the adult services block grant program proposed by the Governor that would have been shorted now will not be shorted and in fact will get more money. It would be Allegheny County, it would be Lackawanna, Luzerne—there is a whole list of them here—and if this resolution passes, is put into law, those counties would in fact lose that money. Now, that is a fact, Mr. Speaker, and I would appreciate somebody understanding that fact.

I would ask for a “no” vote on the resolution.

The SPEAKER. For what purpose does the gentleman from Lackawanna, Mr. Cawley, rise?

Mr. CAWLEY. Mr. Speaker, just for the record, I have just been informed that the executive director of Lackawanna County is for this resolution, and I would like it to be recorded that we will vote “yes.”

The SPEAKER. You and the executive director are you referring to?

Mr. CAWLEY. If he lives in my district.

On the question recurring,

Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—113

Barber	Fee	Livengood	Rasco
Belfanti	Frazier	Lloyd	Richardson
Beloff	Fryer	Lucyk	Rieger
Berson	Gallagher	McIntyre	Ritter
Blaum	Gamble	McMonagle	Rocks
Brown	Gannon	McVerry	Rybak
Burd	George	Maiale	Seventy
Burns	Grabowski	Manderino	Showers
Caltagirone	Gray	Michlovic	Snyder
Cappabianca	Greenfield	Micozzie	Spitz
Cawley	Greenwood	Miller	Steighner
Civera	Gruitza	Miscevich	Stewart
Clark	Haluska	Morris	Swaim
Cochran	Harper	Mrkonic	Sweet
Cohen	Hoeffel	Mullen	Taylor, F. E.
Colafella	Horgos	Murphy	Telek
Cole	Hutchinson, A.	O’Donnell	Tigue
Cordisco	Irvic	Olasz	Van Horne
DeMedio	Itkin	Oliver	Wachob
DeWeese	Jackson	Pendleton	Wambach
Daikeler	Kolter	Petrarca	Weston
Davies	Kowalshyn	Petrone	Wiggins
Dawida	Kukovich	Phillips	Williams, H.
Deal	Lashinger	Pievsky	Williams, J. D.
Dombrowski	Laughlin	Pistella	Wozniak
Donatucci	Lescovitz	Pratt	Wright, D. R.
Duffy	Letterman	Pucciarelli	Wright, R. C.
Durham	Levin	Rappaport	Zwilk
Evans			

NAYS—81

Anderson	Foster, W. W.	Madigan	Smith, B.
Armstrong	Foster, Jr., A.	Manmiller	Smith, L. E.
Arty	Freind	Marmion	Spencer
Belardi	Gallen	Merry	Stairs
Bittle	Geist	Moehlmann	Stevens
Bowser	Gladeck	Mowery	Stuban
Boyes	Grieco	Nahill	Swift
Brandt	Gruppo	Noye	Taddonio
Cessar	Hagarty	Perzel	Taylor, E. Z.
Cimini	Hasay	Peterson	Trello
Clymer	Hayes	Piccola	Vroon
Cornell	Heiser	Pitts	Wargo
Coslett	Honaman	Pott	Wass
Cowell	Johnson	Punt	Wenger
Cunningham	Kennedy	Reber	Wilson
DeVerter	Klingaman	Salvatore	Wogan
Dietz	Lehr	Saurman	Wright, J. L.
Dorr	Levi	Serafini	
Fargo	Lewis	Shupnik	Ryan,
Fischer	McClatchy	Sieminski	Speaker
Fleck	Mackowski	Sirianni	

NOT VOTING—3

Alden	Emerson	Smith, E. H.
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EXCUSED—2

Borski	Dininni
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The question was determined in the affirmative, and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, may I, with unanimous consent, make a brief statement?

The SPEAKER. The gentleman is in order.

Mr. IRVIS. I want to thank the members of the House today. I fully recognize that there are many of you who voted "yes" on this resolution out of compassion and understanding, who did not allow your personal antagonisms to color your views. I understand why some of you have been personally affronted. I have been, too, but we have done the right thing at least for the poor people of this Commonwealth. We have not said to them we do not care what happens to you legally; we are angry with the people who represent you. I will pledge to you that the people whom we ask the Speaker to name to that commission for the Democratic side—and I am sure it will be the same for the Republicans—will work very hard to produce rules and regulations which will satisfy all the members of this House of Representatives. Thank you again.

The SPEAKER. The Chair once again would remind the members that we will return to session at 12:01 tomorrow morning.

RESOLUTIONS ADOPTED CONTINUED

Mr. KOWALYSHYN called up **HR 202, PN 3407**, entitled:

Speaker appoint a special committee to study and investigate operation of the mortgage review bond program.

On the question,

Will the House adopt the resolution?

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

Mr. L. E. SMITH. Mr. Speaker, this is a meaningless resolution. First of all, the value that we used in HB 930 for houses is very close to the limit put on by the Federal Government. The fact that lending institutions did not participate in the last bond issue has nothing to do with this legislature. There is not one thing we can do to change that unless we impose some kind of penalty on banks that do not, and that would, of course, be unconstitutional.

I hope the Speaker, in his judgment, when he appoints this committee, will restrict the activity so that we do not waste a lot of time and money with a meaningless resolution like this.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyszyn.

Mr. KOWALYSHYN. Mr. Speaker, I disagree with the gentleman's statement that this is a meaningless resolution. We have a good program that has been started which is very important for new homeowners so that they can afford to purchase a home, either a used home or a newly constructed home, through low-interest mortgage money which will be available through the Pennsylvania Housing Finance Agency.

Unfortunately, serious problems have appeared in the program, and it is the purpose of this resolution to have a special committee of the House study these problems with a view to making important corrections. I am not criticizing the program; in fact, it is an excellent idea. It is an excellent program, but the shortcomings that have appeared need correction. I want to point out, for example, speaking about a lending institution that I am acquainted with—and I got this

information just last week—it is one of the larger banking systems in eastern Pennsylvania. They are participating in this program to the extent of \$3 million, and the man in charge of processing these mortgages says he is sorry he has ever gotten into the program, considering the fact that it is a nightmare as to paperwork. The customer mortgagor, for example, has to sign his or her name 26 times. Another larger banking system in eastern Pennsylvania did not participate for the reason that it did not receive information directly; it did not receive information on time. All the information it received was late, and that was through homebuilders.

The SPEAKER. Will the gentleman yield?

MR. IRVIS REQUESTED TO PRESIDE

The SPEAKER. The Chair requests the minority leader, Mr. Irvis, to temporarily preside.

THE SPEAKER PRO TEMPORE (K. LEROY IRVIS) IN THE CHAIR

CONSIDERATION OF HR 202 CONTINUED

The SPEAKER pro tempore. The gentleman, Mr. Kowalyszyn, may resume.

Mr. KOWALYSHYN. Mr. Speaker, I am just suggesting some of the problems that have appeared, and I would like to say that members have responded to this resolution from both sides of the aisle, and they think it would be worthwhile to look into the problems. There is a possibility that another and larger bond issue will be floated so that more mortgage money will be available in the fall, and if the House can correct some of these problems, it will be a better working program and will serve the purpose that is intended, so I ask support.

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

Mr. LAUGHLIN. Mr. Speaker, would the gentleman from Jefferson stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Smith, indicates that he will so stand. The gentleman, Mr. Laughlin, may proceed.

Mr. LAUGHLIN. Mr. Speaker, I can recall 4 years ago when we introduced the first legislation to provide bond financing for mortgages in this State, and the bill was held up in committee at that time, and this year we find the time and the effort to bring it out. One of the questions you may recall, Mr. Speaker, that I asked you during the debate when we passed this legislation was, would in fact our counties receive an equal opportunity to take part in this mortgage finance effort? Now, do you recall, Mr. Speaker, your statement that all counties would have an equal opportunity and would have a percentage of the moneys that were available made available to them for mortgages? Do you recall that, Mr. Speaker?

Mr. L. E. SMITH. Yes.

Mr. LAUGHLIN. Mr. Speaker, I believe you told the truth that day when you said that, and I believe that you believed it at the time. But, Mr. Speaker, where did the people of Jefferson have to go to secure a mortgage and to secure help

under this bill? Where did your people have to go to find a bank that would agree to give them the paper?

Mr. L. E. SMITH. In Jefferson County there were no banks that participated. I do not believe there were any in Clearfield County. The checking I did, I found that Warren County was probably the closest to northern Jefferson County.

Mr. LAUGHLIN. And, Mr. Speaker, what is the distance between northern Jefferson County and Warren County?

Mr. L. E. SMITH. Approximately 50 miles.

Mr. LAUGHLIN. And do you believe, Mr. Speaker, for one minute that your people traveled 50 miles to get a mortgage from one of those banks? I do not, and I do not believe you do. So, Mr. Speaker, the implementation of this legislation has not been along the guidelines that you and I discussed and favored on this floor when the bill was passed. The people of Beaver County did not have an opportunity either. There was not one bank in Beaver County that accepted the 14.05 percent that was available. And so for that reason, Mr. Speaker, I say to you Mr. Kowalshyn's resolution is not frivolous. It is needed, and you should support it, because they have not followed your direction either. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Jefferson, Mr. Smith, on the resolution.

Mr. L. E. SMITH. Mr. Speaker, I have no intention of supporting this resolution. The fact is that every lending institution in Pennsylvania was notified. They were invited to lending conferences within 3 weeks after we passed the legislation. Now, the only remedy for that, if you do not do it through the lending institutions, you are going to have to go back and do it through authorities, redevelopment authorities, housing authorities, or whatever, and I do not support that at all.

I really believe that the experience that the banks had throughout Pennsylvania from the last \$100-million bond issue will serve notice on them that because of public pressure, they had better participate. It is very possible that we are going to have another \$200-million bond issue, and I feel sure that the lending institutions will respond in a much different manner than they did to the last bond issue. But there is not anything this legislature can do if they do not do that, short of giving the money to an authority or some other entity in the county.

As far as the ceiling is concerned, the Feds have put that limit on us. If you have a problem about the ceiling or any of the regulations that require 26 signatures, then you want to contact your Congressman and tell him about the problems that Washington creates.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

I supported the Housing Finance Agency Law when it was passed by this House. I believe that the program is good, that it is necessary under the current economic conditions. It provides a means for some segment of our population to get housing. However, I have received numerous complaints

about the program. The regulations seem to be changing almost regularly on a weekly or biweekly basis in many instances. One constituent has had his former employers and present employer contacted at least three times, and they have had to sign the same form at least two or three times. They have had to provide almost as much personal information up until the point of asking where their birthmarks were.

I think that the program has become an example of a bureaucracy going wild with their first attempt to implement this program. I think for the future of this program—and I hope that we can continue it and have subsequent programs for our citizens—we should at least look at the way the program is being operated with light of improving it, not with light of trying to disband it or eliminate the program. Thank you.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—156

Armstrong	Fischer	Lewis	Ritter
Arty	Foster, W. W.	Livengood	Rocks
Barber	Foster, Jr., A.	Lloyd	Rybak
Belfanti	Fryer	Lucyk	Salvatore
Beloff	Gallagher	McIntyre	Saurman
Berson	Gamble	McMonagle	Seventy
Bittle	Gannon	Mackowski	Showers
Blaum	George	Madigan	Shupnik
Brown	Grabowski	Majale	Sieminski
Burd	Gray	Manderino	Smith, B.
Burns	Greenfield	Manmiller	Snyder
Caltagirone	Greenwood	Merry	Steighner
Cappabianca	Grieco	Michlovic	Stevens
Cawley	Gruitza	Miscevich	Stewart
Cessar	Gruppo	Morris	Stuban
Cimini	Haluska	Mrkonic	Swaim
Clark	Harper	Mullen	Sweet
Clymer	Hasay	Murphy	Swift
Cochran	Hayes	Noye	Taddonio
Cohen	Heiser	O'Donnell	Taylor, F. E.
Colafella	Hoeffel	Olasz	Telek
Cole	Horgos	Oliver	Tigue
Cordisco	Hutchinson, A.	Pendleton	Trello
Coslett	Irvis	Peterson	Van Horne
Cowell	Itkin	Petrarca	Wachob
DeMedio	Jackson	Petrone	Wambach
DeWeese	Johnson	Phillips	Wargo
Davies	Kennedy	Piccola	Wass
Dawida	Klingaman	Pievsky	Weston
Deal	Kolter	Pistella	Wiggins
Dietz	Kowalshyn	Pitts	Williams, H.
Dombrowski	Kukovich	Pratt	Williams, J. D.
Donatucci	Lashinger	Pucciarelli	Wilson
Dorr	Laughlin	Punt	Wogan
Duffy	Lehr	Rappaport	Wozniak
Durham	Lescovitz	Rasco	Wright, D. R.
Evans	Letterman	Reber	Wright, J. L.
Fargo	Levi	Richardson	Wright, R. C.
Fee	Levin	Rieger	Zwinkl

NAYS—36

Anderson	Fleck	Micozzie	Spencer
Belardi	Frazier	Miller	Spitz
Bowser	Freind	Moehlmann	Stairs
Boyes	Gallen	Mowery	Taylor, E. Z.
Brandt	Geist	Nahill	Vroon
Civera	Gladeck	Perzel	Wenger
Cornell	Hagarty	Serafini	
Cunningham	Honaman	Sirianni	Ryan,
DeVerter	McVerry	Smith, L. E.	Speaker

Daikeler Marmion
 NOT VOTING—5

Alden McClatchy Pott Smith, E. H.
 Emerson

EXCUSED—2

Borski Dininni

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

* * *

Mr. MISCEVICH called up **HR 205, PN 3432**, entitled:

House memorialize Congress to enact legislation to promote modernization of steel plants.

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—3

Alden Emerson Smith, E. H.

EXCUSED—2

Borski Dininni

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

**BILL ON CONCURRENCE
 IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 178, PN 3337**, 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 "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for hearings on licenses, providing for the waiver of certain late filing fees by the board, further providing for the surrender of club licenses and exempting collectors of miniature bottles from certain provisions of the act and extending licensed premises.

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

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I suggest that the House do not concur in the amendments inserted by the Senate.

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

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

YEAS—0

NAYS—194

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

Coslett	Hutchinson, A.	Peterson	Wachob
Cowell	Iris	Petrarca	Wambach
Cunningham	Itkin	Petrone	Wargo
DeMedio	Jackson	Phillips	Wass
DeVertter	Johnson	Piccola	Wenger
DeWeese	Kennedy	Pievsky	Weston
Daikeler	Klingaman	Pistella	Wiggins
Davies	Kolter	Pitts	Williams, H.
Dawida	Kowalshyn	Pott	Williams, J. D.
Deal	Kukovich	Pratt	Wilson
Dietz	Lashingner	Pucciarelli	Wogan
Dombrowski	Laughlin	Punt	Wozniak
Donatucci	Lehr	Rappaport	Wright, D. R.
Dorr	Lescovitz	Rasco	Wright, J. I.
Duffy	Letterman	Reber	Wright, R. C.
Durham	Levi	Richardson	Zwikl
Evans	Levin	Rieger	
Fargo	Lewis	Ritter	Ryan,
Fee	Livengood	Rocks	Speaker

NOT VOTING—3

Alden	Emerson	Smith, E. H.
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EXCUSED—2

Borski	Dininni
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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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 556, PN 3433**, 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 Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definition of "street rod," for exceptions to vehicle registration and inspection requirements, for contents of drivers' licenses, for exceptions to assignments of points; further limiting the five point penalty upon restoration of operating privileges; exempting certain vehicles from registration fees and providing for lost revenues; requiring a permit for migrant farm vehicles and imposing a fee; further providing for the location of identification markers; providing for exceptions for certain equipment requirements and extending the length of oversize vehicles.

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

The SPEAKER pro tempore. For what purpose does the minority whip rise?

Mr. MANDERINO. I am just trying to remember, Mr. Speaker, whether or not the caucus of the Democratic Party decided that they were going to ask that that be held over, and was there a decision on that.

The SPEAKER pro tempore. I believe I may speak to that, even from the podium. It had been suggested to the majority leader that this might trigger some long debate, but it was his decision to call up the bill.

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

Mr. DAWIDA. Mr. Speaker, just very briefly, my understanding of this bill is that it is another raid on the Lottery Fund; that the money used had previously, for senior citizens' registrations and licenses, come from the Motor License Fund and now will be coming from the Lottery Fund. It will now be coming out of the Lottery Fund.

Now, while I applaud the idea and think it is an excellent idea to expand the income levels for senior citizens under this bill, I would have to be opposed to any additional raiding of the Lottery Fund. I believe that that fund should be sacred to the use of senior citizens, and we should not begin raiding the Lottery Fund for other funds that have been used. For that reason I would have to be opposed to this, and I would think that most of the senior citizens in the Commonwealth would agree with me.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

Just for a brief explanation, I consider the reduced license fee a senior citizen program. In the future, if we pass this bill tonight, the Department of Transportation will be reimbursed the difference between what they are paid, the \$10 fee, and what the license would be for senior citizens who are receiving the \$10 license. It is a senior citizen program. I personally have no problems with it being paid for by the Lottery Fund.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, would Mr. Peterson consent to interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Peterson, indicates he will stand for interrogation. The gentleman from Allegheny may proceed.

Mr. ITKIN. Mr. Speaker, unfortunately, I do not have a copy of the bill. I am just looking at the title and it talks about extending the length of oversized vehicles. Could you explain to the House what these provisions are?

Mr. PETERSON. This relates only to permitted vehicles like cranes, construction equipment, that normally do not run on the highway.

Mr. ITKIN. What would the provisions do?

Mr. PETERSON. Under permit, it would increase the width from 10 feet to 12 feet. Many of the construction vehicles are now 11 or 11.6 and are technically illegal. This would make them legal.

Mr. ITKIN. But right now the department is allowing their use?

Mr. PETERSON. I guess that could be assumed. Your major construction equipment that just occasionally runs on the road. It makes them legal.

Mr. ITKIN. Thank you.

Also, Mr. Speaker, could you tell us just what the loss to the Lottery Fund will be if HB 556 shall pass?

Mr. PETERSON. It is estimated it will be around \$4 million.

Mr. ITKIN. Four million dollars will come annually out of the Lottery Fund for this purpose.

Mr. PETERSON. That is right, to reimburse for the licenses that were given at the reduced rate.

Mr. ITKIN. And how much money would we be saving out of the Motor License Fund? Well, actually we are not taking money out of the Motor License Fund, but what does it cost the department now to provide those— What is the equivalent cost?

Mr. PETERSON. Okay. In the past there have historically been about 220,000 people participating in that license. They anticipate another 76,000 with the increase of the income level, and that would bring it up to slightly over \$4 million.

Mr. ITKIN. Thank you, Mr. Speaker.

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

Mr. COWELL. Would Mr. Peterson stand for a bit more interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Peterson, indicates he will so stand. The gentleman from Allegheny, Mr. Cowell, may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

I would just like to have you clarify the point you discussed with Representative Itkin. I understand the dollars will come from the Lottery Fund rather than from the Motor Vehicle Fund. Is that only for the new costs of this program or for the old and new costs of this program?

Mr. PETERSON. It will be for the total program.

Mr. COWELL. So what has been funded from the Motor License Fund—about 2 million dollars' worth of benefits—that cost will now be transferred to the Lottery Fund. That \$2 million will come from the Lottery Fund, plus any additional costs because of the expansion of the program.

Mr. PETERSON. That is correct.

Mr. COWELL. Mr. Speaker, I would like to make a comment, please.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would urge that we reject the amendments that have been added to this bill. What we are doing is establishing an awful pattern, and we began to do that sometime in the past. But we are continuing a pattern of raiding the Lottery Fund, of tapping the Lottery Fund, not for new benefits for senior citizens but simply as a way of providing for benefits that we have previously funded for seniors, previously funded with general tax revenues in the case of the Area Agencies on Aging and now previously funded from the Motor Vehicle Fund. It is entirely inappropriate. When the lottery program was established, legislators at that time made a commitment to seniors to use the fund for new and expanded benefits. We are not doing that. In this case we are going to use about \$2 million to pay for a benefit that they have had for several years, not to provide for any new or expanded benefit. I think that is inappropriate. I think we should reject this. Thank you.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

I think that we have to recognize in dealing with this resolution that there are a great many other features of it than just the Lottery Fund. I consider it to be a raid on the Lottery Fund. I think we will have to correct that some other time. This is our last chance to get this through.

This is very important to the agricultural community of this State, and I think that those of you who have farmers in your district had better think twice before you vote against this. I urge its support on both sides of the aisle.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Venango, Mr. Peterson, on the question.

Mr. PETERSON. Just to concur with that, there are several measures in here that have been wanted by the farm community. Also, those of you who have coal haulers and milk haulers, the 3-percent tolerance that we allow on our everyday roads, our primary road system, which has not been allowed on our interstate system, will be allowed. So for those of you who represent coal haulers and milk haulers who have had that problem that they were legal on their local roads but were illegal on the interstate system, this bill corrects that problem, and I think you should consider that.

Many have called the other portion a raid on the Lottery Fund. I think the senior citizen license is a senior citizen benefit and should be paid for by the lottery.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Clark.

Mr. CLARK. Thank you, Mr. Speaker.

I rise to oppose the motion to concur in the Senate amendments, specifically for the amendment that would require the Lottery Fund transfer to the Department of Transportation. This is not PennDOT's first move on the Lottery Fund. Those of us who processed these applications know what was done earlier this year on these reduced fees. PennDOT required an entirely new card to be filled out with all of the income information for a lousy \$14 reduction in their fee in order to reduce their costs. But that was not going far enough. Now they want the money from the Lottery Fund.

In light of the increases in property taxes and utility bills that the senior citizens are now paying, I think these funds should be first directed there, and later if we have enough in the fund, we can think about funding PennDOT, but first I would urge a nonconurrence in this. Let the conference committee take this one out and send the others back to us. I am certain we all have more senior citizens than we have trucking companies and farmers. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Letterman, on the question.

Mr. LETTERMAN. Thank you, Mr. Speaker.

May I interrogate Mr. Peterson, please?

The SPEAKER pro tempore. The gentleman, Mr. Peterson, indicates he will so stand for interrogation. The gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I understood you to say that you are now changing the situation for the 3-percent tolerance, and we are now allowed on interstate highways. Is that right?

Mr. PETERSON. That is correct.

Mr. LETTERMAN. Well, Mr. Speaker, I was just reading here. It says, "This tolerance shall not apply on any interstate highway to vehicles having a registered gross weight in excess of 73,280 pounds." It is on the last page, so I am afraid you are wrong.

Mr. PETERSON. Mr. Speaker, it applies to everything under 73,280.

Mr. LETTERMAN. One other thing. I heard you make a statement that this bill would take care of moving the legal widths from 10 feet to 12 feet. Can you tell me where that is in this bill?

Mr. PETERSON. Just a moment.

Mr. LETTERMAN. And what I am interested in is, will this take care of what we call the big wheels?

Mr. PETERSON. That is basically what it was designed for, section 4969.

Mr. LETTERMAN. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger, on the question.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Dawida, raises an excellent point and one that the membership should be closely familiar with. It is a problem that we faced in the Subcommittee on Youth and Aging and paid some serious attention to this year in addressing the funding for the Area Agencies on Aging in the Commonwealth. We provided them the necessary funds to make up the Federal shortfall from the Lottery Fund this year. We set that precedent. I suspect that in establishing that precedent we will continue to carry it out in the next few fiscal years.

The \$4 million that Mr. Peterson estimates it will cost to fund this, not only the existing program, but the increase over the existing program is just about what we estimated we will have to kick our commitment that we made to the Area Agencies on Aging this year up to. With that commitment and an increase in the property tax rent rebate program, we had felt that we had just about exhausted what was considered a surplus in the Lottery Fund.

This is an added feature. This program has not been one of the priority features that we have heard about from older adults in the Commonwealth. There are a number of other pieces of legislation floating around that I think have been considered priority items from the Area Agencies on Aging. It is a program that has been funded from the Motor License Fund for some time now. I think it continues to belong within the Motor License Fund, and I would agree with those previous speakers who have stated we should not be tampering or raiding the Lottery Fund, especially at a time when we have already made a new commitment to the Area Agencies on Aging in the Commonwealth and for fear that we really do not know how far that commitment will be extended next year. For that reason I would ask the House to nonconcur. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, I would like to remind the members of this House that many years ago a similar fund was set up in Washington, D.C., to aid the elderly. It also looked very lucrative and attractive, and then the raids started on that fund called social security. I need not remind you what condition that fund is in today, and let us not forget the original purpose of the Lottery Fund and what it was intended for. I am concerned that now the raid has started here. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Wenger.

Mr. WENGER. Thank you, Mr. Speaker.

I urge concurrence in the bill before us. The bill that is before us has considerable significance to the agricultural community in Pennsylvania. There are several things that have been kind of left dangling as far as the Vehicle Code is concerned dealing with implements of husbandry, dealing with axle weights on trucks that haul farm commodities as well as other types of produce in Pennsylvania, and this bill does address that.

For instance, this bill clarifies an ongoing question concerning the registration of migrant farm vehicles. Presently, when those vehicles come into Pennsylvania, if they are here longer than 30 days they need to be registered in Pennsylvania. Well, sometimes they stay a little longer, perhaps 60 days, and this bill makes provision for a permit for those types of vehicles. They can buy a permit for \$100, and they can use the registration from the State they came from. I think this is a very commendable part of the bill.

It also clarifies the question dealing with rearview mirrors, horns, and bumpers on farm tractors and farm machinery that may be transported on the highway from one field to another, another area that has been in question for some time. This spells out what would be expected on farm equipment in that particular area.

Then, very importantly, it deals with the 3-percent tolerance on axle weights, and it extends it to those trucks that are registered at 73,280 pounds or less. If they are over 73,280, then we really do not have the jurisdiction from the standpoint of the State to dictate to the interstate highway system. But with the passage of this bill, it would say that if that milk truck gets on an interstate highway, it would have the 3-percent tolerance, which it does not presently have. It has it on other State roads but not on the interstates.

I think this again is especially important to the agricultural community, because the problem the milk haulers have is that when they go out to pick up that milk, they are never quite sure what the production will be on any given farm and it can vary from one day to another. So they do need a little tolerance. The 3 percent is working pretty well, and this would give us the opportunity to extend that to that particular time which is usually for a very short haul on the interstate highway.

Now, for these reasons I think the bill is very important to all Pennsylvanians, not only to farmers but to consumers as well, and I would respectfully urge a concurrence vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair, on the question, recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, could I interrogate Mr. Peterson?

The SPEAKER pro tempore. The gentleman, Mr. Peterson, indicates he will so stand for interrogation. The gentleman, Mr. Hutchinson, may proceed.

Mr. A. K. HUTCHINSON. Could you tell me what the last paragraph on this bill says, and why do we need a social security number on my driver's license?

Mr. PETERSON. The last paragraph provides that after this bill is passed, your social security number will be your identification number. I do not think it pertains to people who already have a driver's license, just new people coming into the system. Instead of this department giving you a number, they will use your social security number. Personally, I think it has a lot of merit.

Mr. A. K. HUTCHINSON. Can you give me the reason why?

Mr. PETERSON. Well, we use it on most everything else. I think the business community would certainly appreciate it with all the problems we had with fraudulent welfare checks. That is one of the things that is going to be on our welfare checks, and when you match up a driver's license with a social security number, a picture, and a welfare check with the same social security number, I think for identification purposes it is going to have a lot of positive effects.

I personally have no problem with my social security number being on my driver's license. It will not happen to us. It will just be in the future. I personally do not see anything wrong with it.

Mr. A. K. HUTCHINSON. Well, can they by regulation make everybody have it now, once we pass this?

Mr. PETERSON. *No; it is just for those in the future.*

Mr. A. K. HUTCHINSON. Well, I understand what the law is, but I also know what they do with regulations over there, and if you know the trouble we had with license photos, a lot of people do not want to give everybody their social security number.

Mr. PETERSON. The word says "issued"; it does not say renewed. I do not think it will pertain to those who presently have a license.

Mr. A. K. HUTCHINSON. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes, on the question, the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, over the past several months on three different occasions I had presented an amendment to this body in an effort to try and help those senior citizens who were finding it quite difficult to pay that license fee. The amendment suggested that the reduction license be presented to anyone meeting the qualifications and all the criteria that earned or had income of less than \$9,000. Now I find, Mr. Speaker, that not only was the amount that had been subsidized by the Department of Transportation taken out; now the complete \$9,000 will be subsidized by the Lottery Fund.

It is going to be a difficult choice for those members who keep insisting that the Lottery Fund should not subsidize anything but the ongoing lottery program, and to some degree I concur with that completely. But unfortunately, Mr. Speaker—and this might make you listen a moment—it was the Governor of this State who kept insisting and took great pride in the fact that there was a \$100 rebate paid for the senior citizens. It was not only with great pride that he did this, but he held those checks back for a considerable amount of time and did not send them out with the regular lottery moneys but sent them back and expended almost 700,000 dollars' worth of postage in order to say to the people of Pennsylvania, look what we have done for you in Pennsylvania; we are really giving you additional benefits. Now he comes along and he makes it quite difficult for those of you who agree with me that the reduction license should go to \$9,000, for after all, anyone in Pennsylvania who is earning or has income less than \$9,000 is really not saving any money. So therefore, Mr. Speaker, if you are going to do such as I—

The SPEAKER pro tempore. Will the gentleman, Mr. George, yield?

POINT OF ORDER

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

Mr. DAVIES. Point of order, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman state his point of order.

Mr. DAVIES. What is before us at this time?

The SPEAKER pro tempore. The question before the House is whether the House will concur in amendments inserted by the Senate to HB 556.

Mr. DAVIES. I would question whether or not some of the remarks of the gentleman are to those amendments. They seem to be drifting to another subject matter rather than that point, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and cautions the gentleman, Mr. George, to please restrict his remarks to the question at hand.

Mr. GEORGE. Thank you, Mr. Speaker.

I apologize to the gentleman, Mr. Davies. I was merely trying to bring out that for several years, Mr. Speaker, the Department of Transportation had subsidized the reduction license fee and you were one of the fine people who helped us put this program into effect. That is all I was merely doing. Now I find out that it will be subsidized by the Lottery Fund. That is all I was trying to point out, Mr. Speaker. I apologize if I said something improper.

The SPEAKER pro tempore. Has the gentleman, Mr. George, concluded his remarks?

Mr. GEORGE. No, sir.

The SPEAKER pro tempore. Does the gentleman, Mr. Davies, wish to speak?

Mr. DAVIES. No. My references were to the other points of it and not to that point, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. George, may continue.

Mr. GEORGE. Thank you, Mr. Speaker.

In conclusion, Mr. Speaker, it has been a long time coming, some of the things that are in this bill. Unfortunately, the Senate decided yet to go in the direction to strip the Lottery Fund. I am not going to take blame for it. I am going to let the Governor take the blame for it. He is the one who has to sign it. I am going to vote for this bill simply because it gives those senior citizens an additional benefit. Thank you.

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

Mr. GRIECO. Mr. Speaker, I rise to support HB 556 on concurrence. During the past several years the agricultural community has had serious problems with the haulers of milk, the migrant workers, and just about everything pertaining to the agricultural community. I rise to support the concurrence of HB 556. Thank you.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—125

Anderson	Foster, W. W.	Lescovitz	Shupnik
Armstrong	Foster, Jr., A.	Letterman	Sieminski
Arty	Frazier	Levi	Sirianni
Belardi	Freind	Livengood	Smith, B.
Belfanti	Fryer	Lloyd	Smith, L. E.
Bittle	Gallen	Lucyk	Snyder
Bowser	Gamble	McClatchy	Spencer
Boyes	Gannon	Mackowski	Stairs
Brandt	Geist	Madigan	Stevens
Brown	George	Manmiller	Stewart
Burd	Gladeck	Merry	Stuban
Caltagirone	Greenfield	Micozzie	Swaim
Cimini	Greenwood	Miller	Sweet
Civera	Grieco	Moehlmann	Taddonio
Clymer	Gruitza	Morris	Taylor, E. Z.
Cochran	Gruppo	Mowery	Taylor, F. E.
Colafella	Haluska	Noye	Telek
Cole	Harper	Peterson	Tigue
Coslett	Hasay	Petrarca	Vroon
Cunningham	Hayes	Phillips	Wass
DeMedio	Heiser	Piccola	Wenger
DeVerter	Honaman	Pitts	Williams, H.
DeWeese	Hutchinson, A.	Pott	Wilson
Daikeler	Jackson	Punt	Wozniak
Davies	Johnson	Rappaport	Wright, D. R.
Dietz	Kennedy	Rasco	Wright, J. L.
Dombrowski	Klingaman	Reber	Wright, R. C.
Dorr	Kolter	Ritter	Zwilk
Durham	Kowalyszyn	Rocks	
Fargo	Lashingier	Rybak	Ryan,
Fee	Laughlin	Serafini	Speaker
Fleck	Lehr	Showers	

NAYS—64

Barber	Evans	Michtovic	Rieger
Beloff	Fischer	Miscevich	Salvatore
Berson	Gallagher	Mrkonic	Saurman
Blaum	Gray	Mullen	Seventy
Burns	Hagarty	Murphy	Spitz
Cappabianca	Hoeffel	Nahill	Steighner
Cawley	Horgos	O'Donnell	Swift
Clark	Irvis	Olasz	Trello
Cohen	Itkin	Oliver	Van Horne
Cordisco	Kukovich	Pendleton	Wachob
Cornell	Levin	Perzel	Wambach
Cowell	Lewis	Petrone	Wargo

Dawida	McMonagle	Pievsy	Weston
Deal	McVerry	Pistella	Wiggins
Donatucci	Manderino	Pucciarelli	Williams, J. D.
Duffy	Marmion	Richardson	Wogan

NOT VOTING—8

Alden	Emerson	McIntyre	Pratt
Cessar	Grabowski	Maiale	Smith, E. H.

EXCUSED—2

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. CESSAR. My switch did not work. I wanted to be voted in the affirmative on concurrence in Senate amendments to HB 556.

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

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 972, PN 3410**, 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 "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for special provisions for renewals of hotel liquor licenses.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I urge your concurrence with the Senate amendments to this bill. When the bill passed the House, there was voiced some concern here that it may lead to future cases of arson. When it arrived in the Senate, the Senate shared some of that opinion, but in their wisdom they inserted the words "during 1981." So it limits the permission of the LCB (Liquor Control Board) to authorize the continuation of a hotel license which was destroyed by fire or natural disaster to that particular year.

The other change was that the act will take effect immediately instead of in 60 days. Thank you, Mr. Speaker. I urge concurrence.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—182

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

NAYS—8

Fischer	George	Letterman	Piccola
Foster, Jr., A.	Greenfield	Mullen	Swift

NOT VOTING—7

Alden	Emerson	McIntyre	Telek
Armstrong	Foster, W. W.	Smith, E. H.	

EXCUSED—2

Borski	Dininni
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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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1093, PN 3438**, 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 Mutual Thrift Institutions Tax Act," approved June 22, 1964 (P. L. 16, No. 2), providing for the deduction and carryover of net operating losses in determining net earnings for the tax on mutual thrift institutions.

On the question,

Will the House concur in Senate amendments?

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

Mr. L. E. SMITH. Mr. Speaker, I urge concurrence in the Senate amendments. This is a bill that deals with loss carried forward for savings and loan associations. When the bill went to the Senate, there were four options that savings and loans had about dealing with various loan losses and loss carried forward. The Senate merely eliminated one of those. I urge concurrence in this amendment.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—181

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

NAYS—12

DeMedio	George	Haluska	Miscevich
DeWeese	Greenfield	Lloyd	Richardson
Fee	Gruitza	Manderino	Swaim

NOT VOTING—4

Alden	Emerson	Lewis	McIntyre
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EXCUSED—2

Borski	Dininni
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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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1244, PN 3377**, 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 Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for free licenses and license fees.

On the question,

Will the House concur in Senate amendments?

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

Mr. JACKSON. Mr. Speaker, I would urge concurrence in HB 1244.

The SPEAKER pro tempore. Does the gentleman from Bedford, Mr. Dietz, wish to make a statement?

Mr. DIETZ. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman for his statement.

Mr. DIETZ. Thank you, Mr. Speaker.

I would ask for unanimous consent to address the House.

The SPEAKER pro tempore. Without objection, the gentleman may proceed. The Chair hears none.

Mr. DIETZ. Mr. Speaker, I had prepared two amendments, A8471 and A8472, to amend HB 1244 before this body at this time by suspending rule 30, but, Mr. Speaker, I am going to forego the introduction of these two amendments.

If I may, I would like to speak further in explaining my reasoning.

The SPEAKER pro tempore. The gentleman may proceed. He is under unanimous consent.

Mr. DIETZ. Mr. Speaker, I have some problems supporting HB 1244. My problem is that at the present time we have very uncertain economic conditions, not only in this State but throughout the country. It does not seem reasonable to me for any branch of our government to want a 33 1/3-percent annual increase in funding of their operations. Now, the argument is going to be presented that that is only three packs of cigarettes, and possibly this is true, but, Mr. Speaker, there are many residents who buy fishing licenses who do not smoke. As a matter of fact, Mr. Speaker, they find it very difficult to buy a license for this.

Today we have too many people living on unemployment compensation, black lung, disability, social security, veterans' pensions, minimum wage, and other forms of low income. I think it is incumbent upon the Pennsylvania Fish Commission to see to it that the residents of this Commonwealth have the maximum recreation for the least amount of money possible.

Now, what the Fish Commission is asking for is approximately the same amount of money as was in HB 1713. The only difference, Mr. Speaker, between this bill and HB 1713 is the fact that the trout stamp has been taken out and the 33 1/3-percent increase put on a regular fishing license. Anyway, Mr. Speaker, I have decided, in view of the fact that I have discussed this \$3-million increase with the Fish Commission, I wanted to give them sufficient funding to carry through 1983 instead of 1985 as they have requested in HB 1244 through the Senate, but this was not sufficient money. It fell on deaf ears.

Now, Mr. Speaker, that is exactly what we are going to give in this bill, \$3,086,976 additional funding, and this is an annual funding. This means that our residents will be paying \$12 next year for a fishing license instead of \$9. I have problems, and I had amendments prepared so hopefully, Mr. Speaker, we would pass a bill here today which would otherwise be defeated, because I cannot see the majority of the members of this House voting to give a 33 1/3-percent increase in these adverse times. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wayne, Mr. Foster.

Mr. W. W. FOSTER. Thank you, Mr. Speaker.

I rise in support of concurrence in Senate amendments to HB 1244. This money is vitally needed by the Pennsylvania Fish Commission so that they can continue their programs for the current year coming up, 1983. This is going to be the last opportunity that we have to grant this increase. If we do not do it, there are going to have to be some drastic cuts made in their department.

Now, just let me give you a few of the organizations that are supporting this measure. In recent weeks I received many communications. I am going to list the organizations that have written me and contacted me by phone that are in support of this measure: The Pennsylvania Federation of Sportsmen's Clubs, Trout Unlimited, your Bass Masters' Club, your North Central Alliance. If you fellows have been reading the newspapers lately and been reading the editorials that your outdoor writers have written, almost all of them have supported this increase and back it.

I would also like to tell you that when the Senate considered this measure yesterday, it passed by a vote of 42 to 0. It is a measure that we have to have. We need it vitally, and I respectfully request that members on both sides of the aisle vote in the affirmative on concurrence in these Senate amendments. Thank you.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I also rise in support of this piece of legislation. Earlier this year I had the opportunity to attend my local rod and gun club, which is the Paletown Rod and Gun Club in

Quakertown. During the meeting this particular issue of increased license fees was brought up to the membership. After a very brief discussion by those in attendance, they voted on this subject. The vote was 82 to 0 in favor of any legislation that would increase these particular fees. These members expressed to me personally that they were not opposed to paying additional money. They realize that they have excellent fishing facilities here in Pennsylvania, and they are very proud to be fishermen here. So this was not an issue with them, and they asked me to convey their vote and their support of this bill when it came up for consideration. I ask for a "yes" vote on this measure. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair now recognizes, on the question, the gentleman from Luzerne, Mr. Coslett.

Mr. COSLETT. Thank you, Mr. Speaker.

A little while back we voted on HB 1713 in this House and it was defeated. We brought the bill back into committee. The Fish Commission did not even want to dicker with us one way at all. They wanted their pointblank, full increase. Now, we are in kind of a depressed economy around here, and I do not think it is fair that we should give the Fish Commission—I disagree with Mr. Dietz on 33 1/3 percent, but it is 25 percent. They say they are going to be good until 1985. Would it not be nice if this government of ours could have an increase that we would not have to vote on a budget for the next 3 or 4 years? We offered them a \$1.50 increase; they did not even want to talk to us. I think they should get in line with every other agency of this government, pull in their belts, and take a smaller increase, and if they need another one, come back.

I want to thank you, Mr. Speaker. I would vote against this bill.

I want to make one more comment. I am not against veterans getting a free license, but this was sneaked in on HB 1244 with the Fish Commission raise. I am definitely against that. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, at first I was opposed to this increase. After I had time to go home and go around the district and hear all my organizations tell me that they were supporting a \$3 increase in the fishing license, I have definitely changed my mind. I believe that one thing we have to say about the Fish Commission is that they are putting something in there that we can see. I think fishing is getting better every year, and as long as they continue to show that kind of an increase in the amount of fish we can catch, I think the least we can do is support them. I ask for your "yes" vote. Thank you.

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

Mr. JACKSON. Roll it, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Fargo, at this time.

Mr. FARGO. Thank you, Mr. Speaker.

I want to first say that every sportsman or sportsmen's group that I have heard from involving this, including the federation, is supporting this increase of \$3 in the fishing license.

We delayed this increase from the date they originally requested this, which was January 1982, by putting HB 1713 back into committee. We have now delayed it until January 1983, and we have placed the Fish Commission in a position where they are already reducing some of the services and there is a threatened closedown of some of the fish propagation facilities.

Why do we need it? Because of increased production costs. If you compare 1979 to 1980 as far as the cost of the fish food is concerned, it has gone up 31 percent. Fish food represents a very large part of the cost of propagating fish, and the total propagation of fish is costing somewhere near 40 percent of the total budget that the Fish Commission puts through. The Fish Commission's budget, incidentally, is somewhere in the area of \$13 million, and it is necessary that they have this if they are to continue the services.

Another factor that they have is increased personnel costs, which is the one major single cost that they have, and that is controlled by collective bargaining over which they have very little control. In addition, Federal aid, which has represented 13 percent of their gross income, is going to be gradually phased out at approximately a decrease of 30 percent over the next 5 years; that is, each of those years.

They need this. They need it badly now, and they are going to have to have it now in order to prepare for it at the end of this year and get their licenses out. I support this bill, and I thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—134

Anderson	Freind	Lloyd	Rocks
Armstrong	Gallen	McClatchy	Salvatore
Arty	Gamble	McVerry	Saurman
Barber	Gannon	Madigan	Showers
Berson	Geist	Maiale	Sieminski
Bittle	Gladeck	Manderino	Sirianni
Bowser	Grabowski	Manmiller	Smith, L. E.
Brandt	Greenwood	Marmion	Snyder
Brown	Grieco	Merry	Spencer
Burd	Gruitza	Miller	Spitz
Burns	Gruppo	Miscevich	Stairs
Caltagirone	Hagarty	Moehlmann	Stevens
Cimini	Haluska	Morris	Stewart
Clymer	Hasay	Mowery	Swaim
Cochran	Heiser	Mrkonic	Taddonio
Cohen	Hoeffel	Mullen	Taylor, E. Z.
Cordisco	Honaman	Murphy	Taylor, F. E.
Cornell	Horgos	Nahill	Telek
Cunningham	Hutchinson, A.	Noye	Vroon
DeVerter	Irvis	Oliver	Wambach
Daikeler	Jackson	Pendleton	Wenger
Davies	Johnson	Perzel	Weston
Dawida	Kennedy	Peterson	Wiggins
Deal	Klingaman	Petrone	Williams, H.
Donatucci	Kolter	Phillips	Williams, J. D.
Dorr	Kukovich	Piccola	Wilson
Duffy	Lashinger	Pievsky	Wogan
Durham	Laughlin	Pott	Wozniak
Evans	Lehr	Pratt	Wright, D. R.
Fargo	Letterman	Punt	Wright, J. L.
Fleck	Levi	Rasco	Wright, R. C.
Foster, W. W.	Levin	Reber	
Foster, Jr., A.	Lewis	Richardson	Ryan,
Frazier	Livengood	Rieger	Speaker

NAYS—52

Belardi	Dombrowski	Michlovic	Shupnik
Blaum	Fee	Micozzie	Smith, B.
Cappabianca	Fischer	O'Donnell	Steighner
Cawley	Fryer	Olasz	Stuban
Cessar	Gallagher	Petrarca	Sweet
Civera	George	Pistella	Swift
Colafella	Hayes	Pitts	Tigue
Cole	Itkin	Pucciarelli	Trello
Coslett	Kowalshyn	Rappaport	Van Horne
Cowell	Lescovitz	Ritter	Wachob
DeMedio	Lucyk	Rybak	Wargo
DeWeese	McMonagle	Serafini	Wass
Dietz	Mackowski	Seventy	Zwilk

NOT VOTING—11

Alden	Boyes	Gray	McIntyre
Belfanti	Clark	Greenfield	Smith, E. H.
Beloff	Emerson	Harper	

EXCUSED—2

Borski Dininni

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.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 1268, PN 3389**, 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 "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for countywide transfers of licenses and adding definitions; further providing for Sunday sales permits; permitting certain licensees to be open for business on election days; and further providing for the licensing of establishments near interstate highways.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Anderson.

Mr. ANDERSON. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate to HB 1268.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Will the gentleman, Mr. Anderson, consent to interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Anderson, indicates he will stand for interrogation. The gentleman, Mr. Manderino, is in order and may proceed.

Mr. MANDERINO. Mr. Speaker, can you tell me what the Senate did to this bill?

Mr. ANDERSON. They changed the requirements for the selling of intoxicants on election day by making those places that are eligible for a Sunday license but do not have a Sunday license eligible for sales on election day. I think that is about the only other change.

They defined "clubs" a little more thoroughly than what it was in the original bill. I believe that was all.

Mr. MANDERINO. What were the provisions as to Sunday sales that the Senate may have added to the bill, if any?

Mr. ANDERSON. If they had a place of business that would be eligible for Sunday sales but did not have Sunday sales, they would be eligible to sell on election day.

Mr. MANDERINO. The requirement so far as the 40-percent food sale has not been changed in the bill. Is that correct?

Mr. ANDERSON. They put in the 40-percent requirement on food sales, as I read it, on line 23 on page 2.

Mr. MANDERINO. Is the requirement now that 40 percent of one's gross must be in food and malt beverages?

Mr. ANDERSON. No.

Mr. GALLEN. Mr. Speaker?

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

Mr. GALLEN. Mr. Speaker, I think the gentleman is asking questions to which he has the answers, and I think he ought to—

The SPEAKER pro tempore. Mr. Gallen, the Chair knows personally that the gentleman, Mr. Manderino, actually does not know the answer to this. Seriously, those of us who know the answers figure the answers out on the floor. He was not on the floor at the time, so he is quite innocent in asking these questions, the answers to which a few of us have already obtained.

Mr. MANDERINO. I would be happy for an explanation from anyone who has obtained information. The explanation that I had on this bill in caucus was that the food requirement of 40 percent of the gross sales was being changed to a food and malt beverage requirement of 40 percent, which seemed awfully odd to me, but that was the explanation I had been given.

The SPEAKER pro tempore. Will the gentleman, Mr. Manderino, yield for a moment to the gentleman from Centre, Mr. Letterman?

The gentleman, Mr. Manderino, yields to Mr. Letterman. The Chair recognizes the gentleman, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, there was a misunderstanding, I think, in our caucus, and it was explained that it was on food and malt beverages. If you look, it says "food and nonalcoholic beverages" is what the requirement is for the 40 percent. In other words, if you sold 100 dollars' worth total of food and beverages, you would have to have 40 percent on just food and nonalcoholic beverages. The same as Sunday sales; it is no different.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes again the minority whip.

Mr. MANDERINO. May we be at ease for a minute? I have 14 people trying to tell me what the bill does - one on the phone, one here, one there, and one over there.

The SPEAKER pro tempore. The House will stand temporarily at ease.

Mr. MANDERINO. Mr. Speaker, I think I understand the error that was made, and I have no further questions. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—130

Anderson	Fee	Lucyk	Serafini
Arty	Fleck	McClatchy	Seventy
Barber	Foster, W. W.	McVerry	Showers
Belardi	Frazier	Mackowski	Shupnik
Belfanti	Freind	Madigan	Sieminski
Berson	Fryer	Marmion	Snyder
Bittle	Gallen	Merry	Spencer
Blaum	Gamble	Micozzie	Spitz
Bowser	Gannon	Miller	Steighner
Brown	Gladeck	Miscevich	Stevens
Burd	Grabowski	Morris	Stewart
Burns	Greenfield	Murphy	Stuban
Caltagirone	Greenwood	Nahill	Swaim
Cappabianca	Grieco	Noye	Sweet
Cawley	Gruppo	Olasz	Taddonio
Cessar	Hagarty	Oliver	Taylor, F. E.
Civera	Haluska	Pendleton	Telek
Clark	Harper	Perzel	Tigue
Cohen	Hasay	Petrarca	Trello
Colafella	Heiser	Petrone	Van Horne
Cornell	Hoeffel	Pistella	Vroon
Coslett	Hutchinson, A.	Pott	Wargo
Cowell	Itkin	Pucciarelli	Weston
DeVerter	Johnson	Punt	Wiggins
DeWeese	Kennedy	Rappaport	Williams, H.
Daikeler	Kolter	Rasco	Wilson
Davies	Kowalyszyn	Reber	Wogan
Dawida	Kukovich	Rieger	Wozniak
Donatucci	Lashinger	Ritter	Wright, J. L.
Dorr	Laughlin	Rocks	Zwilk
Durham	Lehr	Rybak	
Evans	Lescovitz	Salvatore	Ryan,
Fargo	Letterman	Saurman	Speaker

NAYS—60

Armstrong	Foster, Jr., A.	McMonagle	Richardson
Boyes	Gallagher	Maiale	Sirianni
Brandt	Geist	Manderino	Smith, B.
Cimini	George	Manmiller	Smith, E. H.
Clymer	Gruitza	Michlovic	Smith, L. E.
Cochran	Hayes	Moehlmann	Stairs
Cole	Honaman	Mowery	Swift
Cordisco	Horgos	Mrkonic	Taylor, E. Z.
Cunningham	Irvis	Mullen	Wachob
DeMedio	Jackson	O'Donnell	Wambach
Deal	Klingaman	Peterson	Wass
Dietz	Levi	Phillips	Wenger
Dombrowski	Levin	Piccola	Williams, J. D.
Duffy	Livengood	Pitts	Wright, D. R.
Fischer	Lloyd	Pratt	Wright, R. C.

NOT VOTING—7

Alden	Emerson	Lewis	Pievsky
Beloff	Gray	McIntyre	

EXCUSED—2

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Haluska. For what purpose does the gentleman rise?

Mr. HALUSKA. Mr. Speaker, on HB 1093 I was recorded in the negative, and I would like to be recorded in the affirmative, please, on concurrence in Senate amendments.

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

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

Mr. CLARK. Thank you, Mr. Speaker.

On concurrence in Senate amendments to HB 1244, I was not recorded. I would like the record to indicate that I would have voted in the negative.

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

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following HB 1394, PN 3414, 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 facilitate vehicular traffic across the Commonwealth by providing for the construction, operation and maintenance of turnpike extensions in southwestern Pennsylvania, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds, notes or other obligations of the Commonwealth, payable solely from revenues of the commission, including tolls, or from such funds as may be available to the commission for that purpose, to pay the cost of such turnpikes; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, notes or other obligations, and for the cost of maintenance, operation and repair of the turnpikes; making such turnpike bonds, notes or other obligations exempt from taxation; constituting the same legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions on which such turnpikes shall become free; providing for grade separations, grade changes, relocations, restorations and vacation of public roads and State highways affected by the turnpike; providing for the purchasing or condemnation of land and procedure for determining damages in condemnation; granting certain powers and authority to municipalities and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

On the question,

Will the House concur in Senate amendments?

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

Mr. POTT. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate to HB 1394, PN 3414.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Seventy.

Mr. SEVENTY. Mr. Speaker, may I ask a member of the conference committee or somebody questions on the conference committee report?

The SPEAKER pro tempore. The gentleman, Mr. Pott, has agreed to stand for interrogation.

Mr. POTT. Mr. Speaker, there was no conference committee. I moved to concur in the amendments inserted by the Senate.

The SPEAKER pro tempore. Yes. The gentleman, Mr. Seventy, intended to ask that the sponsor of the bill, Mr. Pott, stand for interrogation. The sponsor has agreed to stand. The gentleman, Mr. Seventy, is in order and may proceed.

Mr. SEVENTY. Thank you, Mr. Speaker.

Mr. Speaker, is this a feasibility study or is it not?

Mr. POTT. It authorizes the Turnpike Commission to study the feasibility of various additional toll-road projects within the Commonwealth. The Senate inserted two additional projects to what passed the House of Representatives last October by a vote of 164 to 31. Those two projects that were inserted, Mr. Speaker, are an extension from Bedford at exit 11 of the current turnpike to Interstate 80, basically paralleling U.S. Route 220.

The other amendment inserted, Mr. Speaker, is the authorization of a study of the feasibility of constructing a midcounty expressway from King of Prussia in Montgomery County to a point on Interstate 95 near the city of Chester in Delaware County.

Mr. SEVENTY. Mr. Speaker, are these last routes you mentioned directed or are they a feasibility study? Are they directed to be built?

Mr. POTT. All projects in the bill, Mr. Speaker, are feasibility.

Mr. SEVENTY. Where in the bill does it say it is a feasibility study? Can you tell me that?

Mr. POTT. In each section that authorizes the feasibility study. On pages 5, 6, 7, and on; on pages 11, 12. The word "feasibility" is in every lead-in paragraph to every project.

Mr. SEVENTY. Thank you, Mr. Speaker. You will have to bear with me.

Who is going to do the study? Who will actually do the study?

Mr. POTT. The Pennsylvania Turnpike Commission.

Mr. SEVENTY. And how long would that take them? Do you have any idea how long that would take?

Mr. POTT. The Turnpike Commission stated at testimony presented at public hearings held in the House by the House of Representatives and confirmed at public hearings held by the State Senate that it would be approximately 1 year to 18 months. That would be a reasonable time to expect it to take for a feasibility study to be concluded.

Mr. SEVENTY. Okay. Now, after this study, what will happen? They will come back to us, and will we have a chance to vote on their suggestions? How will that work?

Mr. POTT. The Turnpike Commission, if it is deemed feasible, is authorized and empowered to construct the highways.

Of course, they have to issue bonds to support the construction of the highways, the same way they have completed after any other bond authorization the Pennsylvania Turnpike as it now exists. Some of you who travel from western Pennsylvania are aware that major construction projects have been completed at Chestnut Ridge, Laurel Mountain, and Allegheny Mountain in the past 2 or 3 years. This General Assembly authorized the commission to study the feasibility of those projects and to issue bonds for their construction. Once the feasibility was determined, the cost of construction estimated, the commission authorized the existence of bonds, went to the bond market, obtained the borrowed funds, and constructed the highways.

Mr. SEVENTY. In other words, you are saying that if the people who do the study say it is okay to build this certain highway through a certain section, we have no control over them at all. After they get the bonds and the money, they can go right ahead and build this highway then. Is that right?

I could not hear you at first. I am sorry, Mr. Speaker.

Mr. POTT. I am having a problem hearing you, too, Mr. Speaker.

The SPEAKER pro tempore. The House will come to order.

The gentleman, Mr. Seventy, may continue.

Mr. SEVENTY. Stop me if I am wrong. After they do the study—okay?—do they have to come back to the House with this study and do we have a chance to vote on it, or can they go ahead and issue bonds, sell them, and then go right ahead with the project?

Mr. POTT. The Senate made no changes in the provisions of the legislation from the way it passed the House of Representatives in any of those sections. No; they do not.

Mr. SEVENTY. In other words, they can go right ahead and build the road wherever they want to.

Mr. POTT. No; they cannot build roads wherever they want to. They can only build roads where we are authorizing them so to do. This is almost like a capital budget bill.

Mr. SEVENTY. How much would this study cost us right now? Do you have any idea?

Mr. POTT. The chairman of the Pennsylvania Turnpike Commission in testimony before the Senate Transportation Committee is willing to commit \$800,000 of Turnpike Commission funds—Turnpike Commission funds—for the completion of this feasibility study.

Mr. SEVENTY. Do you have any idea what the highway would cost, the proposed highway in the bill?

Mr. POTT. That is the purpose of the feasibility study. That is one of the items that would be determined by construction experts. The cost of the highway varies, as you well know - where bridges would be put in place, which rivers had to be crossed, which gullies had to be crossed, and so forth. There would be no way to determine the cost without the feasibility study. That is the purpose of the feasibility study, to determine what the cost would be and whether the traffic over those highways would be sufficient to amortize the bonded indebtedness in a reasonable period of time.

Mr. SEVENTY. Well, if I recall, when this bill first came up—last fall, was it?

Mr. POTT. Last October.

Mr. SEVENTY. Whenever it was, there was a price mentioned somewhere around \$5 million? Do you recall that?

Mr. POTT. I do not recollect any \$5-million price. You may be missing a few zeros.

Mr. SEVENTY. Well, thank you, sir. I am finished interrogating the gentleman.

The SPEAKER pro tempore. Does the gentleman wish to make a statement on the concurrence? The gentleman is in order and may proceed.

Mr. SEVENTY. Mr. Speaker, I would hope that this House would nonconcur for several reasons, and I would like to mention one at this point.

We have so many problems with our old roads, why put so much money, whatever the cost is, into new roads? Let us fix our old roads. Thank you, sir.

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

Mr. ITKIN. Mr. Speaker, would Representative Pott consent to interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Pott, indicates he will so stand for interrogation. The gentleman from Allegheny, Mr. Itkin, is in order and may proceed.

Mr. ITKIN. Mr. Speaker, I am having trouble understanding your answer that this is just a feasibility study or studies, and that subsequently action will be taken whether or not to construct a highway. I have examined this document rather thoroughly, and what I find to be the case is there seems to be a hodgepodge of different directions and authorizations depending upon where in the bill certain projects have been placed. For example, Mr. Speaker, if we refer to page 5 of the bill, under the title of "Southwestern extensions authorization," we see that what we are saying in this legislation is that the commission "...is hereby authorized, empowered and directed to construct, operate and maintain turnpikes, at such specific locations and according to such schedule as shall be deemed feasible and approved by the commission..." and it lists all the projects.

Now, it seems to me that what is modified by "feasible" is not the project being feasible but the schedule being feasible. And so, Mr. Speaker, if we pass this bill, we are basically giving carte blanche to the Turnpike Commission, not only giving them carte blanche, we—

The SPEAKER pro tempore. Will the gentleman yield.

Is the gentleman prepared to ask a question of the gentleman, Mr. Pott?

Mr. ITKIN. Yes, Mr. Speaker.

In my judgment then, we are mandating to the commission that they do this. Now the question is—

The SPEAKER pro tempore. Will the gentleman yield?

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentleman from Lawrence, Mr. Pratt, rise?

Mr. PRATT. Parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman state the parliamentary inquiry?

Mr. PRATT. What is the matter before the House? What is before the House at this time?

The SPEAKER pro tempore. The only matter before the House would be the amendments inserted by the Senate to HB 1394. All interrogation and speeches ought to be made on that matter only.

Mr. PRATT. Mr. Speaker, I understand that the only changes made by the Senate were the addition of two projects.

The SPEAKER pro tempore. Would the gentleman, Mr. Pratt, care to interrogate the gentleman, Mr. Pott, to see if his understanding is correct?

Mr. PRATT. Yes, Mr. Speaker.

Mr. Speaker, I understand, in looking at the bill, that the only changes the Senate made from the bill we passed here several months ago, in October rather, was the addition of two projects that you, I think, explained a few minutes ago. Is that correct?

Mr. POTT. Yes, it is; one on page 7 of the bill and the other on page 12 of the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

In that case, Mr. Pratt, every member on this floor is restricted to questions or to statements on just those changes.

Mr. PRATT. Then, Mr. Speaker, I suggest that the present speaker from Allegheny County is going far afield in debate.

The SPEAKER pro tempore. The Chair will be careful and watch what the gentleman from Allegheny County says henceforth. The gentleman from Allegheny County is supremely intelligent, and I know he heard what the Chair said.

Mr. ITKIN. Thank you, Mr. Speaker.

Mr. Speaker, then why was it that the Senate placed in, in the new study or the new project, the specific requirement to conduct a feasibility study when in the earlier section it says, empowered and authorized and directed to construct and operate and maintain a highway? Why is one project put in the feasibility study category with the Senate amendments when in the old bill, the old bill called for directing the Turnpike Commission to do a project? Do we have projects in various different categories? Are we saying—

The SPEAKER pro tempore. Will the gentleman yield.

You asked one question. Please give the gentleman, Mr. Pott, a chance to answer the first before you ask the second.

Mr. POTT. At both times when this bill was amended by the Senate, Mr. Speaker, I was attending to my duties on the floor of the House of Representatives and was not privy to the debate in committee and on the floor when those amendments were inserted.

The SPEAKER pro tempore. Now the gentleman, Mr. Itkin, may proceed with the interrogation.

Mr. ITKIN. Mr. Speaker, do you know what the administration's position is on these Senate amendments, because it is my knowledge that this administration strenuously opposes passage of this bill. Do they object to the Senate amendments or do they object to the bill in toto?

Mr. POTT. I have received no communication from the administration indicating objection to the Senate amendments.

Mr. ITKIN. Mr. Speaker, in this morning's Patriot News—

The SPEAKER pro tempore. The Chair recognizes the gentleman. Does he now wish to make a statement on the concurrence?

Mr. ITKIN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman for that purpose. The gentleman may now proceed.

Mr. ITKIN. Mr. Speaker, in this morning's Harrisburg Patriot, it indicates that the Senate did pass the legislation yesterday, and it quotes, "...despite strenuous opposition by the Thornburgh administration." It basically says that the Governor opposes this bill on the basis that it will be too costly.

Now, that is what I have been saying all along, that this particular piece of legislation, which would direct, in most instances, the construction of almost 250 miles of superhighway, is far beyond what we should be authorizing in this legislation. It would be one thing to have a feasibility study. This bill is quite different, because it specifically directs, by mandate of law, for the commission to pursue these projects.

The SPEAKER pro tempore. Will the gentleman yield?

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentleman from Lawrence, Mr. Pratt, rise?

Mr. PRATT. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRATT. I suggest, and could you rule, please, whether or not the speaker is going far afield from the subject at hand?

The SPEAKER pro tempore. In the opinion of the Chair, this time the gentleman, Mr. Itkin, is within the parameters of stating. He is talking about the contrast between what the Senate has done by its amendments and other parts of the bill. I think he is well within the parameters.

The gentleman, Mr. Itkin, may continue.

Mr. ITKIN. Mr. Speaker, beyond just my personal objections to the legislation and the Senate amendments, this bill really needs to be looked at line by line because of the various differences that exist in sections. In the Senate amendments they say one thing, and in various House provisions they say another. No effort was made in the Senate to clean up the bill. It is a very poorly drafted bill at this point in time, a hodgepodge of declarations by this General Assembly. I think this bill ought to go to conference for the purpose of tidying up the bill and making clear what this General Assembly is authorizing the Turnpike Commission to do.

Mr. Speaker, I would oppose concurrence in Senate amendments.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pott.

Mr. POTT. I just, Mr. Speaker, briefly encourage concurrence in Senate amendments. The bill passed the House 164 to 31. After amendments by the Senate, it passed that body 48 to 0. I encourage this body to concur in Senate amendments.

The SPEAKER pro tempore. The Chair recognizes, on the question, the gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Will the gentleman, Mr. Pott, stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Pott, agrees to stand for interrogation and so stands. The gentleman, Mr. Michlovic, is in order and may proceed.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I need a clarification on one phrase to find out whether this turnpike is going to go through my district or not. What is the proposed Mon Valley Expressway as delineated on page 5? Is it going through the Becks Run Road area, or is it going down Route 837 along the Mon River?

Mr. POTT. Could you refer, Mr. Speaker, to the specific page and line you are talking about?

Mr. MICHLOVIC. Page 5, from line 25 through line 29.

Mr. POTT. Well, Mr. Speaker, that is the same language that was originally passed in the House. There was no change by the Senate in that particular section of the bill. The Turnpike Commission is authorized to determine the most feasible route, whether it is on the Becks Run side of the Monongahela River or on the Oakland side of the Monongahela River, or the Hazelwood side of the Monongahela River. There is no direction given in that section as to which specifically. Obviously it would depend on where a bridge would be constructed. It is exactly the same, though, as it was when it passed the House. The Senate did not touch that section.

Mr. MICHLOVIC. Okay. The first time this bill passed the House, I was not clear then which direction it is going, and I am no clearer today.

What I would like to know is, from the point of approximately the Homestead area, is the proposed route going down Route 837 through Homestead, Munhall, Duquesne, Dravosburg, Clairton; is that turnpike going to go down that route?

Mr. POTT. Mr. Speaker, could I yield to the gentleman, Mr. Frazier, to answer this question, since he is more familiar with that area?

The SPEAKER pro tempore. Certainly.

Will the gentleman, Mr. Frazier, stand for interrogation?

The gentleman has indicated he will so stand. The gentleman, Mr. Pott, yields to him. The gentleman from Allegheny, Mr. Michlovic, will address his questions henceforth to Mr. Frazier.

Mr. MICHLOVIC. Mr. Speaker, did you understand the question?

Mr. FRAZIER. Mr. Speaker, could the gentleman repeat the question, please?

Mr. MICHLOVIC. Mr. Speaker, I am inquiring about the lines near the bottom of page 5 from line 25 through 28 or 29. I would like to know if—

The SPEAKER pro tempore. Will the gentleman yield.

Is the gentleman inquiring about those lines which had been changed by amendments inserted by the Senate?

Mr. MICHLOVIC. No, Mr. Speaker, I am not. I would like to know where this road is going.

The SPEAKER pro tempore. Then the gentleman is out of order. The gentleman is restricted in this discussion to inquiring or speaking about only those amendments inserted by the Senate, nothing else. The gentleman will so confine himself.

Mr. MICHLOVIC. Mr. Speaker, does the amendment from the Senate in any way change the direction of that road through the Mon Valley Expressway to go down Route 837, or does it go up Becks Run Road? I would like to know where this turnpike is going.

Mr. POTT. Neither of the Senate amendments dealt with page 5 of the bill.

Mr. MICHLOVIC. Does the Senate amendment then mean that the road is going up Route 837, or does it mean it is going down Becks Run Road? Is it going through my district or not?

The SPEAKER pro tempore. For what purpose does the gentleman from Lawrence, Mr. Pratt, rise?

Mr. PRATT. Mr. Speaker, I think that the Chair has been more than tolerant with the speakers, most recent speakers, in terms of interrogation and statements on this bill. We are dealing merely with changes made by the Senate, and I hope the Chair would admonish the speakers to restrict themselves to the amendments, if you will, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair certainly has and will continue to so admonish.

Does the gentleman, Mr. Michlovic, have pertinent questions to address in interrogation?

Mr. MICHLOVIC. Mr. Speaker, I would like to make a comment on the bill.

The SPEAKER pro tempore. The gentleman is in order and may make his comment.

Mr. MICHLOVIC. Mr. Speaker, I have just learned that the turnpike apparently does not go through my district, but I think that we have to recognize that a turnpike is an inaccessible roadway. In that sense, it is a barrier. And this proposed turnpike is going to be running down existing roads that are now accessible to communities along that route. With the turnpike, they are not going to be accessible. They are going to have to get on at one turnpike station, go all the way out to the next turnpike station and get off there, and that may be many miles.

Now, what you are doing is putting up a barrier right through the middle of communities with this kind of legislation. As the gentleman, Mr. Itkin, had pointed out, this is an approval to do this. It is not a feasibility study; we are approving the project, and they are going to study whether it is feasible or not.

For those reasons I say this is a very, very hot issue. I do not know if the Turnpike Commission is going to ask the people in those communities if they would like a turnpike going through their backyard, and frankly, I do not trust them in their planning to consider those kinds of decisions. I urge your nonconcurrency.

The SPEAKER pro tempore. Does the gentleman, Mr. Pratt, wish to be recognized on the issue?

Mr. PRATT. Only on this side of the aisle, Mr. Speaker, I would ask the members to concur in the Senate amendments. Thank you.

MOTION TO TABLE

The SPEAKER pro tempore. Does the gentleman from Allegheny, Mr. Dawida, ask for recognition? The Chair recognizes Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, very briefly, this embarrassing Christmas wish list was only made worse by the Senate amendments. You know, urban renewal used to mean plowing under neighborhoods and small towns. Hopefully we have gotten more enlightened than that. This proposed highway may well destroy the steel valley outside of Pittsburgh, and it may well destroy large parts of the city of Pittsburgh.

Being that this has only been on the calendar 1 day, I now move that we table this bill for further study.

The SPEAKER pro tempore. The gentleman, Mr. Dawida, has moved that HB 1394, as amended by the Senate, be placed upon the table.

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

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

Mr. POTT. I oppose the motion, Mr. Speaker, and urge all the members to vote in the negative.

The SPEAKER pro tempore. Those who wish to table HB 1394, PN 3414, as amended by the Senate, will vote "aye"; those who do not wish to table, vote "no."

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

The following roll call was recorded:

YEAS—30

Blaum	Itkin	Murphy	Shupnik
Burns	Kowalshyn	Oliver	Sirianni
Cimini	Levi	Peterson	Swaim
Dawida	McMonagle	Pistella	Trello
Duffy	Madigan	Ritter	Wargo
Grieco	Merry	Rybak	Wilson
Hoefel	Michlovic	Seventy	Zwikel
Irvis	Miscevich		

NAYS—154

Anderson	Durham	Levin	Rocks
Armstrong	Fargo	Livengood	Salvatore
Arty	Fee	Lloyd	Saurman
Belardi	Fischer	Lucyk	Serafini
Belfanti	Fleck	McClatchy	Showers
Beloff	Foster, W. W.	McIntyre	Sieminski
Berson	Foster, Jr., A.	McVerry	Smith, B.
Bittle	Frazier	Mackowski	Smith, E. H.
Bowser	Freind	Maiale	Smith, L. E.
Boyes	Fryer	Manderino	Snyder
Brandt	Gallagher	Manmiller	Spencer
Brown	Gallen	Marmion	Spitz
Burd	Gannon	Micozzie	Stairs
Caltagirone	Geist	Miller	Steighner
Cappabianca	George	Moehlmann	Stevens
Cawley	Gladeck	Morris	Stewart
Cessar	Greenfield	Mowery	Stuban
Civera	Gruitza	Mrkonic	Sweet
Clark	Gruppo	Nahill	Swift
Clymer	Hagarty	Noye	Taddonio
Cochran	Haluska	O'Donnell	Taylor, E. Z.
Cohen	Harper	Olasz	Taylor, F. E.
Colafella	Hasay	Pendleton	Telek
Cole	Hays	Perzel	Tigue

Cordisco	Heiser	Petrarca	Van Horne
Cornell	Honaman	Petrone	Vroon
Coslett	Horgos	Phillips	Wachob
Cowell	Hutchinson, A.	Piccola	Wambach
Cunningham	Jackson	Pievsky	Wass
DeMedio	Johnson	Pitts	Wenger
DeVerter	Kennedy	Pott	Weston
DeWeese	Klingaman	Pratt	Williams, H.
Daikeler	Kolter	Pucciarelli	Wogan
Davies	Kukovich	Punt	Wozniak
Deal	Lashinger	Rappaport	Wright, D. R.
Dietz	Laughlin	Rasco	Wright, R. C.
Dombrowski	Lehr	Reber	
Donatucci	Lescovitz	Richardson	Ryan,
Dorr	Letterman	Rieger	Speaker

NOT VOTING—13

Alden	Gamble	Greenwood	Wiggins
Barber	Grabowski	Lewis	Williams, J. D.
Emerson	Gray	Mullen	Wright, J. L.
Evans			

EXCUSED—2

Borski Dininni

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

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

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

YEAS—164

Anderson	Fleck	Lucyk	Saurman
Arty	Foster, W. W.	McClatchy	Serafini
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	Gannon	Manderino	Smith, L. E.
Boyes	Geist	Manmiller	Snyder
Brandt	George	Marmion	Spencer
Burd	Gladeck	Merry	Spitz
Caltagirone	Grabowski	Micozzie	Stairs
Cappabianca	Greenfield	Miller	Steighner
Cawley	Greenwood	Moehlmann	Stevens
Cessar	Grieco	Morris	Stewart
Cimini	Gruitza	Mowery	Stuban
Civera	Gruppo	Mrkonic	Swaim
Clark	Hagarty	Nahill	Sweet
Clymer	Haluska	Noye	Swift
Cochran	Harper	O'Donnell	Taddonio
Colafrilla	Hasay	Olasz	Taylor, E. Z.
Cole	Hayes	Oliver	Taylor, F. E.
Cordisco	Heiser	Pendleton	Telek
Cornell	Hoeffel	Perzel	Tigue
Coslett	Honaman	Petrarca	Van Horne
Cowell	Horgos	Petrone	Vroon
Cunningham	Hutchinson, A.	Phillips	Wachob
DeMedio	Jackson	Piccola	Wass
DeVerter	Johnson	Pievsky	Wenger
DeWeese	Kennedy	Pitts	Weston
Daikeler	Klingaman	Pott	Williams, H.
Davies	Kolter	Pratt	Williams, J. D.
Dietz	Kukovich	Pucciarelli	Wilson
Dombrowski	Lashinger	Punt	Wogan
Donatucci	Laughlin	Rappaport	Wozniak
Dorr	Lehr	Rasco	Wright, D. R.
Duffy	Lescovitz	Reber	Wright, R. C.
Durham	Letterman	Rieger	
Fargo	Levin	Rocks	Ryan,
Fee	Livengood	Salvatore	Speaker
Fischer	Lloyd		

NAYS—23

Bowser	Itkin	Murphy	Seventy
Brown	Kowalshyn	Peterson	Trello
Burns	Levi	Pistella	Wambach
Dawida	Michlovic	Richardson	Wargo
Deal	Miscevich	Ritter	Zwick
Irvis	Mullen	Rybak	

NOT VOTING—10

Alden	Emerson	Gray	Wiggins
Armstrong	Evans	Lewis	Wright, J. L.
Cohen	Gamble		

EXCUSED—2

Borski Dininni

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.

The SPEAKER pro tempore. The Chair now returns the gavel to the Speaker.

THE SPEAKER (MATTHEW J. RYAN)
IN THE CHAIR

The SPEAKER. Now you know how it should be done.

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 1512, PN 3376**, 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 Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), providing for the promotion of energy conservation and the effective utilization of renewable energy sources.

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

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

Mr. J. L. WRIGHT. Mr. Speaker, I suggest that the House do concur 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—192

Anderson	Fleck	McIntyre	Saurman
Armstrong	Foster, W. W.	McMonagle	Serafini
Arty	Foster, Jr., A.	McVerry	Seventy
Barber	Frazier	Mackowski	Showers
Belardi	Freind	Madigan	Shupnik
Belfanti	Fryer	Maiale	Sieminski
Beloff	Gallagher	Manderino	Sirianni
Berson	Gallen	Manmiller	Smith, B.
Bittle	Gannon	Marmion	Smith, E. H.
Blaum	Geist	Merry	Smith, L. E.
Bowser	George	Michlovic	Snyder
Boyes	Gladeck	Micozzie	Spencer
Brandt	Grabowski	Miller	Spitz

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

NAYS—0

NOT VOTING—5

Alden	Emerson	Gamble	Lewis
Brown			

EXCUSED—2

Borski	Dininni
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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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1585, PN 3286**, 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 Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), further providing for the definition of a "subdivision".

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

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

Mr. A. C. FOSTER. Mr. Speaker, I suggest that the House do concur 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—190

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

NAYS—0

NOT VOTING—7

Alden	Emerson	Gray	Lewis
Brown	Gamble	Haluska	

EXCUSED—2

Borski	Dininni
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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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1664, PN 3341**, 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 "Motor Carriers Road Tax Act," approved June 19, 1964 (P. L. 7, No. 1), redefining "motor vehicle"; providing for the retention of records and the filing of a bond; further providing for the failure to pay the tax and making determinations and redeterminations and further providing for exemptions.

On the question,

Will the House concur in Senate amendments?

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

Mr. WILSON. Mr. Speaker, I suggest that the House concur in the amendments inserted by the Senate.

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Michlovic, rise?

Mr. MICHLOVIC. Will the gentleman, Mr. Wilson, stand for interrogation?

The SPEAKER. The gentleman evidently just left the floor. Is someone else familiar with the action of the Senate?

The Chair recognizes the majority whip.

Mr. CESSAR. Yes, Mr. Speaker. The gentleman, Mr. Pott, from Allegheny County will respond to the interrogation.

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

Mr. POTT. I will try to answer any questions.

The SPEAKER. The gentleman may proceed with his interrogation.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, the section that the Senate put in is on page 6, I believe, the last portion of the bill. It deals with the motor carriers tax, and it makes a certain exemption for agricultural vehicles. Do you know what exactly this provision does? Does it exempt all out-of-State vehicles whether they be a singly owned vehicle or a fleet of vehicles?

Mr. POTT. I will yield to the gentleman, Mr. Foster.

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

This particular section addresses itself to the problem of farm vehicles from our neighboring States. Under the changes we made previously in the Motor Carrier Act, we included farm vehicles, including some farm vehicles of two-axle type and the higher weights. As a result, these vehicles, when they cross the State line into Pennsylvania, are required to buy the \$25 registration decal; they are required to file quarterly tax reports and go through a multitude of paperwork, all for virtually no income to the Commonwealth, no revenue. We are exempting those farm vehicles. That is the purpose of that section, and it is something that we should do, because it has caused a lot of hostility in our border areas.

Mr. MICHLOVIC. Mr. Speaker, does this provision exempt those out-of-State farm vehicles or agriculturally related vehicles whether they are a semitractor or not? Does it exempt them from the provision of having that sticker on the truck, the Pennsylvania sticker?

Mr. A. C. FOSTER. It does, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman from Erie, Mr. Bowser, rise?

Mr. BOWSER. I would like to further clarify what that does.

This applies to out-of-State farm trucks only if they are hauling their own product from their own farm. We have a problem all around the border of Pennsylvania, particularly my area and down in York County with Maryland, where they have to buy that \$25 sticker.

Now, I have been told by New York State that if we do not exempt them, they will reciprocate with us. Right now the farmer can haul into New York State his own farm product and does not have to buy their fuel tax sticker over there. So this is what we are trying to avoid, these people coming back at us.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Will the gentleman explain to me how he expects the State Police officer who is supposed to enforce the law regarding the stickers on the trucks, will he explain to me how that State Police officer driving along the highway is supposed to know whether that truck is carrying food or whether he is carrying agricultural goods or steel goods or any other kinds of goods? I think the confusion for the State Police officer, the enforcement officer, is why we got rid of that, why we made everybody have the stickers in the first place.

Mr. BOWSER. No. Farm products are very visible when they are hauled in. They are hauled in in open bins, so you can tell whether they are grapes or apples or corn or whatever. These are coming into processing plants mainly around our State, and they are hauled in in open bins where it is very easily and readily seen what is on that truck. Other than that, if they stop them in a routine check—they do not stop every truck that comes along—and if these people can prove that it is their own farm product, there will be no problem.

Mr. MICHLOVIC. Mr. Speaker, the language in the bill says truck, truck tractor or combination used solely for agricultural or farming purposes. So conceivably a truck carrying cereal or a truck carrying some food product would be exempt from this law. Am I correct?

Mr. BOWSER. No; that is not true. It has got to be the farm product from that farmer's own land. He cannot haul his neighbor's product in; he can only haul his own farm product.

Mr. MICHLOVIC. Mr. Speaker, a comment on the bill.

The SPEAKER. The gentleman is in order.

Mr. MICHLOVIC. Mr. Speaker, 2 years ago this House and the Senate passed SB 10 with a provision in it that dealt with the motor carriers tax. This bill would provide an exemption to that act whereby certain vehicles that have agricultural

products in them, whether they are from the farm— And the language of the bill says agricultural products, so it can be any kind of product. If those vehicles have those products, they do not have to have the sticker. Therefore, the State Police, when they are attempting to enforce the law on the stickers, will not know what they have in the truck.

When we provide an exemption like this, it really damages severely the enforcement capabilities of our State Police in enforcing the motor carriers tax, and for that reason I ask nonconcurrency on the bill. Thank you.

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—172

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

NAYS—12

Clark	McMonagle	O'Donnell	Richardson
Deal	Michlovic	Oliver	Ritter
Itkin	Murphy	Pistella	Williams, J. D.

NOT VOTING—13

Alden	Evans	Kolter	McIntyre
Barber	Gamble	Levin	Rieger
Beloff	Gray	Lewis	Wiggins
Emerson			

EXCUSED—2

Borski Dininni

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.

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 1789, PN 3443**, 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 Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for adoption.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The members should note that their calendar reads HB 1789, PN 3434. The printer's number is 3443.

The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Mr. Speaker, I suggest that the House concur 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—190

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

Davies	Kukovich	Pratt	Williams, H.
Dawida	Lashinger	Pucciarelli	Williams, J. D.
Deal	Laughlin	Punt	Wilson
Dietz	Lehr	Rappaport	Wogan
Dombrowski	Lescovitz	Rasco	Wozniak
Donatucci	Letterman	Reber	Wright, D. R.
Dorr	Levi	Richardson	Wright, J. L.
Duffy	Levin	Rieger	Wright, R. C.
Durham	Livengood	Ritter	Zwikl
Evans	Lloyd	Rocks	
Fargo	Lucyk	Rybak	Ryan,
Fee	McClatchy	Salvatore	Speaker

NAYS—0

NOT VOTING—7

Alden	Emerson	Gray	Lewis
Beloff	Gamble	Hutchinson, A.	

EXCUSED—2

Borski	Dininni
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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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1806, PN 3386**, 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 Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting institutional vandalism; ethnic intimidation and providing for certain related private rights of action.

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

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

Mr. SALVATORE. Mr. Speaker, I suggest that the House do concur 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—184

Anderson	Fischer	McIntyre	Serafini
Armstrong	Fleck	McMonagle	Seventy
Arty	Foster, W. W.	McVerry	Showers
Barber	Foster, Jr., A.	Mackowski	Shupnik
Belardi	Frazier	Madigan	Sieminski
Belfanti	Freind	Majale	Sirianni
Berson	Fryer	Manderino	Smith, B.
Bittle	Gallagher	Manmiller	Smith, E. H.
Blaum	Gallen	Marmion	Smith, L. E.
Bowser	Gannon	Merry	Snyder
Boyes	Geist	Michlovic	Spencer
Brandt	George	Micozzie	Spitz
Brown	Gladeck	Miller	Stairs
Burd	Greenfield	Moehlmann	Steighner
Burns	Greenwood	Morris	Stevens
Caltagirone	Grieco	Mowery	Stewart
Cappabianca	Gruitza	Mrkonic	Stuban
Cawley	Gruppo	Mullen	Swain

Cessar	Hagarty	Murphy	Sweet
Cimini	Haluska	Nahill	Swift
Civiera	Harper	Noye	Taddonio
Clymer	Hasay	O'Donnell	Taylor, E. Z.
Cochran	Hayes	Oliver	Taylor, F. E.
Cohen	Heiser	Perzel	Telek
Colafella	Hoeffel	Peterson	Tigue
Cole	Honaman	Petrarca	Van Horne
Cordisco	Horgos	Petrone	Vroon
Cornell	Hutchinson, A.	Phillips	Wachob
Coslett	Irvis	Piccola	Wambach
Cowell	Itkin	Pievsky	Wargo
Cunningham	Jackson	Pistella	Wass
DeMedio	Johnson	Pitts	Wenger
DeVerter	Kennedy	Pott	Weston
DeWeese	Klingaman	Pratt	Wiggins
Daikeler	Kowalshyn	Pucciarelli	Williams, H.
Davies	Kukovich	Punt	Williams, J. D.
Dawida	Lashinger	Rappaport	Wilson
Deal	Laughlin	Rasco	Wogan
Dietz	Lehr	Reber	Wozniak
Dombrowski	Lescovitz	Richardson	Wright, D. R.
Donatucci	Letterman	Rieger	Wright, J. L.
Dorr	Levi	Ritter	Wright, R. C.
Duffy	Levin	Rocks	Zwikl
Durham	Livengood	Rybak	
Evans	Lloyd	Salvatore	Ryan,
Fargo	Lucyk	Saurman	Speaker
Fee	McClatchy		

NAYS—0

NOT VOTING—13

Alden	Gamble	Kolter	Olasz
Beloff	Grabowski	Lewis	Pendleton
Clark	Gray	Miscevich	Trello
Emerson			

EXCUSED—2

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Gamble, rise?

Mr. GAMBLE. My button was not working on the last three votes on concurrence in HB 1664, HB 1789, and HB 1806.

The SPEAKER. How would the gentleman have voted, in the affirmative?

Mr. GAMBLE. Yes.

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

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

Mr. PENDLETON. Mr. Speaker, on concurrence in HB 1806 I wish to be recorded in the affirmative.

The SPEAKER. The gentleman would also have voted in the affirmative.

Mr. PENDLETON. Yes, Mr. Speaker.

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

Mr. OLASZ. Mr. Speaker, I would have voted in the affirmative on concurrence in HB 1806.

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

Mr. CLARK. I would have voted in the affirmative on concurrence in HB 1806.

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 2362, PN 3412**, 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 Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, adding provisions relating to water resources projects.

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

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

Mr. BITTLE. I suggest that the House do concur 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—192

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

Davies	Kowalyszyn	Pratt	Williams, H.
Dawida	Kukovich	Pucciarelli	Williams, J. D.
Deal	Lashingier	Punt	Wilson
Dietz	Laughlin	Rappaport	Wogan
Dombrowski	Lehr	Rasco	Wozniak
Donatucci	Lescovitz	Reber	Wright, D. R.
Dorr	Letterman	Richardson	Wright, J. L.
Duffy	Levi	Rieger	Wright, R. C.
Durham	Levin	Ritter	Zwikl
Evans	Livengood	Rocks	
Fargo	Lloyd	Rybak	Ryan,
Fee	Lucyk	Salvatore	Speaker
Fischer	McClatchy		

NAYS—0

NOT VOTING—5

Alden	Emrcson	Gray	Lewis
Beloff			

EXCUSED—2

Borski	Dininni
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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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 2372, PN 3393**, 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 "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the appointment of directors to an intermediate unit board of directors.

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

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

Miss SIRIANNI. I suggest that the House do concur 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—189

Anderson	Fleck	McIntyre	Saurman
Armstrong	Foster, W. W.	McMonagle	Serafini
Arty	Foster, Jr., A.	McVerry	Seventy
Barber	Frazier	Mackowski	Showers
Belardi	Freind	Madigan	Shupnik
Belfanti	Fryer	Majale	Sieminski
Berson	Gallagher	Manderino	Sirianni
Bittle	Gallen	Manmiller	Smith, B.
Blaum	Gamble	Marmion	Smith, E. H.
Bowser	Geist	Merry	Smith, L. E.
Boyes	George	Michlovic	Snyder
Brandt	Gladeck	Micozzie	Spencer
Brown	Grabowski	Miller	Spitz
Burd	Greenfield	Miscevich	Stairs
Burns	Greenwood	Moehlmann	Steighner
Caltagirone	Grieco	Morris	Stevens
Cappabianca	Gruitza	Mowery	Stewart

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

NAYS—1

Wargo

NOT VOTING—7

Alden	DeMedio	Gannon	Lewis
Beloff	Emerson	Gray	

EXCUSED—2

Borski Dininni

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.

BILL ON CONCURRENCE IN SENATE AMENDMENTS POSTPONED

The clerk of the Senate, being introduced, returned the following **HB 163, PN 3278**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act providing for a voluntary contribution system to aid in the conservation of certain wild flora and fauna, *** and imposing penalties.

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

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

Mr. BITTLE. I suggest that the House do concur 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—192

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

NAYS—0

NOT VOTING—5

Alden	Gannon	Gray	Lewis
Emerson			

EXCUSED—2

Borski Dininni

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.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, if I may have the attention of the Representatives for just a brief comment while we wait for the ladies to pass out the supplemental calendar.

I would like to thank everyone for being so cooperative and patient for the last couple of days and weeks and for that matter all through the present year. Everybody has worked together real fine, and I personally appreciate it. Thank you, Mr. Speaker.

HB 2386 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gamble, who moves that the House do reconsider the vote by which HB 2386 was passed on June 8, 1982. The motion is seconded by the gentleman from Allegheny, Mr. Pistella.

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR REVERSED

The SPEAKER. Without objection, the Chair reverses its decision as to the bill having been agreed to on third consideration as amended. The Chair hears none.

**SUPPLEMENTAL CALENDAR A
BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2386, PN 3437**, entitled:

An Act amending "The Consumer Discount Company Act," approved April 8, 1937 (P. L. 262, No. 66), further defining capital***; extending the discount rate, increasing the service charge ceiling and modifying the requirement for issuance of a written receipt for payment.

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

AMENDMENT A8426 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, who moves that the vote by which a portion of amendment A8426 to HB 2386 was defeated on June 8, 1982, be reconsidered.

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

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

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

Mr. LAUGHLIN. Mr. Speaker, possibly I could help. The amendment is now agreed to between Mr. Smith and myself and is an accepted amendment.

The SPEAKER. Would the gentleman advise the Chair whether it is amendment A8426 or amendment A8408?

Mr. LAUGHLIN. Mr. Speaker, I do not have the copy of it right in front of me. It is the first portion of the amendment that we voted, 8426, Mr. Speaker.

The SPEAKER. The Chair was accurate on the first reading, amendment A8426.

For what purpose does the gentleman from Allegheny, Mr. Fleck, rise?

Mr. FLECK. Mr. Speaker, is it proper for us to consider this amendment without the amendment being distributed to the House?

The SPEAKER. The amendment has been distributed to the members.

Mr. FLECK. Since the bill was passed and is now being reconsidered, could we also see the amendment?

The SPEAKER. The amendment has been made available and distributed to the members. If the gentleman needs an additional copy, we will see to it that he gets one.

Mr. FLECK. Thank you.

The SPEAKER. While we are awaiting the distribution to the gentleman, Mr. Fleck, would the gentleman, Mr. Laughlin, explain the amendment which he states has been agreed to by the gentleman, Mr. Smith?

Mr. LAUGHLIN. Yes, Mr. Speaker.

Very briefly, as I had indicated yesterday, the amendment is to protect those discount credit companies in the State which this bill is intended for; that is, that it prohibits those companies outside the State of Pennsylvania utilizing mail-order service into this State to be able to use the type of interest rates that they are utilizing at the present time, and it protects the companies within the State to maintain the service that they have, Mr. Speaker, at that level.

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

Mr. L. E. SMITH. Mr. Speaker, so there is no misunderstanding, the agreement I had with Mr. Laughlin was that I had no objection to his offering the amendment. I do not intend to support it, and I do not intend to debate it. I just would ask the members to vote however they feel about it.

The SPEAKER. That is a pretty fair agreement.

On the question recurring,
Will the House agree to Part II of the amendments?

The following roll call was recorded:

YEAS—137

Arty	Evans	Levin	Ritter
Barber	Fargo	Livengood	Rybak
Belardi	Foster, Jr., A.	Lloyd	Serafini
Belfanti	Frazier	Lucyk	Seventy
Beloff	Fryer	McClatchy	Showers
Berson	Gallagher	McIntyre	Shupnik
Bittle	Gamble	McMonagle	Sieminski
Blaum	George	McVerry	Smith, B.
Bowser	Gladeck	Maiale	Spitz
Boyes	Grabowski	Manderino	Stairs
Brown	Gray	Marmion	Steighner
Burns	Greenfield	Michlovic	Stevens
Caltagirone	Greenwood	Miscevich	Stewart
Cappabianca	Gruitza	Morris	Suban
Cawley	Gruppo	Mrkonic	Swaim
Cessar	Haluska	Mullen	Sweet
Cimini	Harper	Murphy	Taddonio
Clark	Hayes	Nahill	Taylor, F. E.
Cohen	Hoeffel	O'Donnell	Tigue

Colafella	Honaman	Olasz	Trello
Cole	Horgos	Oliver	Van Horne
Cordisco	Hutchinson, A.	Pendleton	Vroon
Cornell	Irvis	Petrarca	Wambach
Coslett	Itkin	Petrone	Wargo
Cowell	Johnson	Pievsky	Wass
DeWeese	Klingaman	Pistella	Weston
Daikeler	Kolter	Pitts	Wiggins
Dawida	Kowalshyn	Pott	Williams, H.
Deal	Kukovich	Pratt	Williams, J. D.
Dietz	Lashinger	Pucciarelli	Wilson
Dombrowski	Laughlin	Punt	Wogan
Donatucci	Lehr	Reber	Wozniak
Dorr	Lescovitz	Richardson	Wright, J. L.
Duffy	Letterman	Rieger	Zwikl
Durham			

NAYS—46

Anderson	Geist	Miller	Sirianni
Armstrong	Grieco	Moehlmann	Smith, L. E.
Brandt	Hagarty	Mowery	Spencer
Burd	Hasay	Noye	Swift
Clymer	Heiser	Peterson	Taylor, E. Z.
Cochran	Jackson	Phillips	Telek
Cunningham	Kennedy	Piccola	Wachob
DeVerter	Levi	Rappaport	Wenger
Fischer	Mackowski	Rasco	Wright, D. R.
Fleck	Madigan	Rocks	
Foster, W. W.	Manmiller	Salvatore	Ryan,
Gallen	Merry	Saurman	Speaker

NOT VOTING—14

Alden	Emerson	Lewis	Smith, E. H.
Civera	Fee	Micozzie	Snyder
DeMedio	Freind	Perzel	Wright, R. C.
Davies	Gannon		

EXCUSED—2

Borski Dininni

The question was determined in the affirmative, and Part II of the amendments was agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—151

Anderson	Fargo	McClarchy	Showers
Armstrong	Fleck	McMonagle	Shupnik
Arty	Foster, W. W.	McVerry	Sieminski
Belardi	Foster, Jr., A.	Mackowski	Sirianni
Belfanti	Frazier	Madigan	Smith, B.
Beloff	Freind	Maiale	Smith, L. E.
Berson	Gallagher	Manderino	Snyder
Bittle	Gallen	Manmiller	Spencer
Bowser	Gannon	Marmion	Spitz
Boyes	Geist	Merry	Stairs
Brandt	Gladeck	Moehlmann	Steighner
Brown	Greenwood	Morris	Stevens
Burd	Grieco	Mowery	Stewart
Burns	Gruppo	Mullen	Swaim
Caltagirone	Hagarty	Nahill	Swift
Cappabianca	Haluska	Noye	Taddonio
Cawley	Harper	Pendleton	Taylor, E. Z.
Cessar	Hayes	Perzel	Telek
Cimini	Heiser	Peterson	Van Horne

Civera	Hoeffel	Petrarca	Vroon
Clark	Honaman	Petrone	Wachob
Clymer	Hutchinson, A.	Phillips	Wambach
Cochran	Irvis	Piccola	Wargo
Cohen	Jackson	Pievsky	Wass
Colafella	Johnson	Pitts	Wenger
Cole	Kennedy	Pott	Weston
Cordisco	Klingaman	Pucciarelli	Wiggins
Cornell	Kolter	Punt	Williams, H.
Coslett	Kowalshyn	Rappaport	Wilson
Cunningham	Kukovich	Rasco	Wogan
DeVerter	Lashinger	Reber	Wozniak
DeWeese	Lehr	Rieger	Wright, D. R.
Daikeler	Lescovitz	Ritter	Wright, J. L.
Deal	Letterman	Rocks	Wright, R. C.
Dietz	Levi	Rybak	Zwikl
Donatucci	Livengood	Salvatore	
Dorr	Lloyd	Saurman	Ryan,
Durham	Lucyk	Serafini	Speaker
Evans			

NAYS—35

Blaum	Grabowski	Miller	Richardson
Cowell	Greenfield	Miscevich	Seventy
DeMedio	Gruitza	Mrkonic	Stuban
Dawida	Hasay	Murphy	Sweet
Duffy	Horgos	O'Donnell	Taylor, F. E.
Fee	Itkin	Olasz	Tigue
Fischer	Laughlin	Oliver	Trello
Gamble	Levin	Pistella	Williams, J. D.
George	Michlovic	Pratt	

NOT VOTING—11

Alden	Dombrowski	Gray	Micozzie
Barber	Emerson	Lewis	Smith, E. H.
Davies	Fryer	McIntyre	

EXCUSED—2

Borski Dininni

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. There will be no more votes on this day in June. We will reconvene on Thursday at 12:01 a.m., but the members do not have to stay at this time. We just have some housekeeping chores.

Please return at 12:01 a.m. on Thursday.

The SPEAKER. It is the intention of the Chair to start the session promptly at 12:01.

REMARKS ON VOTES

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

Mr. PIEVSKY. Mr. Speaker, had I been in my seat instead of Mr. Irvis' seat, I would have voted in the affirmative on concurrence in HB 1268.

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

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

Mr. DEAL. Mr. Speaker, on HB 2386 I voted in the affirmative and I intended to vote in the negative.

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

Mr. DEAL. Thank you, Mr. Speaker.

BILLS SIGNED BY SPEAKER

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

HB 163, PN 3278

An Act providing for a voluntary contribution system to aid in the conservation of certain wild flora and fauna, *** and imposing penalties.

HB 556, PN 3433

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definition of "street rod," for exceptions to vehicle registration and inspection requirements, for contents of drivers' licenses, for exceptions to assignments of points; further limiting the five point penalty upon restoration of operating privileges; exempting certain vehicles from registration fees and providing for lost revenues; requiring a permit for migrant farm vehicles and imposing a fee; further providing for the location of identification markers; providing for exceptions for certain equipment requirements and extending the length of oversize vehicles.

HB 972, PN 3410

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for special provisions for renewals of hotel liquor licenses.

HB 1093, PN 3438

An Act amending "The Mutual Thrift Institutions Tax Act," approved June 22, 1964 (P. L. 16, No. 2), providing for the deduction and carryover of net operating losses in determining net earnings for the tax on mutual thrift institutions.

HB 1244, PN 3377

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

HB 1268, PN 3389

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for countywide transfers of licenses and adding definitions; further providing for Sunday sales permits; permitting certain licensees to be open for business on election days; and further providing for the licensing of establishments near interstate highways.

HB 1394, PN 3414

An Act to facilitate vehicular traffic across the Commonwealth by providing for the construction, operation and maintenance of turnpike extensions in southwestern Pennsylvania, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds, notes or other obligations of the Commonwealth, payable solely from revenues of the commission, including tolls, or from such funds as may be available to the commission for that purpose, to pay the cost of such turnpikes; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, notes or other obligations, and for the cost of maintenance, operation and repair of the turnpikes; making such turnpike bonds, notes or other obligations

exempt from taxation; constituting the same legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions on which such turnpikes shall become free; providing for grade separations, grade changes, relocations, restorations and vacation of public roads and State highways affected by the turnpike; providing for the purchasing or condemnation of land and procedure for determining damages in condemnation; granting certain powers and authority to municipalities and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

HB 1512, PN 3376

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), providing for the promotion of energy conservation and the effective utilization of renewable energy sources.

HB 1585, PN 3286

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), further providing for the definition of a "subdivision".

HB 1664, PN 3341

An Act amending the "Motor Carriers Road Tax Act," approved June 19, 1964 (P. L. 7, No. 1), redefining "motor vehicle"; providing for the retention of records and the filing of a bond; further providing for the failure to pay the tax and making determinations and redeterminations and further providing for exemptions.

HB 1789, PN 3434

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for adoption.

HB 1806, PN 3386

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting institutional vandalism; ethnic intimidation and providing for certain related private rights of action.

HB 2362, PN 3412

An Act amending Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, adding provisions relating to water resources projects.

HB 2372, PN 3393

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the appointment of directors to an intermediate unit board of directors.

SB 1, PN 2023

An Act providing for independent oversight and review of regulations, creating an Independent Regulatory Review Commission, providing for its powers and duties, making repeals and making an appropriation.

SB 514, PN 1970

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," excluding from the authority to levy realty transfer taxes transfers between grandparents and grandchildren or the spouse of such grandchild and excluding transfers to conservancies and transfers from industrial development authorities.

SB 528, PN 540

An Act providing for an annual assessment for the necessary expenses of the association of district attorneys in counties of the first class.

SB 706, PN 1826

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for release of pupils for religious instruction.

SB 847, PN 2051

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for the clarification of the taxing power of first class A school districts to conform with the intent of Act 150 of 1975 and Act 46 of 1977, and further providing for temporary special aid for school districts.

SB 1284, PN 2065

An Act amending the act of June 28, 1947 (P. L. 1110, No. 476), entitled "Motor Vehicle Sales Finance Act," further providing for the maximum finance charges and providing for notice and the right to cure a default.

SB 1427, PN 1895

An Act amending the act of November 30, 1976 (P. L. 1207, No. 265), entitled "Emergency Medical Services Systems Act," extending the expiration date of the act.

ADDITION OF SPONSOR

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I submit for the record the addition of a sponsor in accordance with our rules.

HB 2567, Snyder.

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.

ADJOURNMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that this House do now adjourn until Thursday, June 10, 1982, at 12:01 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:12 p.m., e.d.t., the House adjourned.