

Legislative Journal

TUESDAY, MARCH 27, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 18

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER)
IN THE CHAIR

PRAYER

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

Merciful and kind Heavenly Father, as we stand before Thee today we ask Thy blessings upon this session.

Lord, truly we often ask Thee to reward us with mountaintop experiences. But we would ask, Lord, that we then return from such experiences refreshed to our duties in the valley where truly all of Your people live and reside.

Truly, many times, Lord, like the psalmist, our hearts pant after the water brooks and the beauties of nature. But let us return then to the duties that await us refreshed.

And, truly, Lord, we often yearn for the joys and blessings of eternity. But give us the strength and the courage to do those things which will alleviate the sufferings of Your followers here on earth.

Guide us and direct us in our deliberations today, O Lord, we ask in Jesus' name. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, March 26, 1979, will be postponed until printed. The Chair hears none.

HOUSE BILL INTRODUCED AND REFERRED TO COMMITTEE

No. 840 By Mr. R. R. FISCHER

An Act requiring the Department of General Services to make a study of the safety of the Capitol Building.

Referred to Committee on State Government.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Senate presented the following bills for concurrence:

SB 498, PN 514.

Referred to Committee on Transportation.

SB 499, PN 515.

Referred to Committee on Appropriations.

CITATIONS PRESENTED

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

Mr. PICCOLA. Thank you, Mr. Speaker.

You have all heard the commercial line that says, and I quote, "You've come a long way, baby." Well, anyone who does not believe that that is the case has not seen a girls' basketball game recently in Pennsylvania.

The young ladies who you see standing before you this morning, next to me here, believe it or not, comprise the only undefeated Pennsylvania Interscholastic Athletic Association basketball team in this state this year, male or female. What is even more remarkable is that this team has only lost two games in the last 3 years, being three-time Capital Area Conference Champions and two-time District III Class AA Champions. And on Friday night, March 23, they capped a brilliant 33-0 season by defeating Brentwood for the Class AA Girls Basketball State Championship.

It is therefore with pride as their Representative and also as an alumnus that I present to you, the House of Representatives, the Susquehanna Township Indians 1979 State Champion Girls Basketball Team, the only undefeated basketball team in Pennsylvania in 1979, and their remarkable coach, Harriet Jenakovich, affectionately known to all of us in Susquehanna Township as Miss J.

I would like now, Mr. Speaker, to present each of the young ladies with a citation on behalf of the House of Representatives, and as I call their name, I would like them to come forward over here to the podium.

Tracey Gates, Kathleen Quinn (not present), Stacey Dean, Stephanie Nork, Tracey Dean, Brynn Thompson, Amanda Roe, Vicki Mosten, Anne Stutzman, Phyllis Lehr, Mary Endsley, Denise DeFoor and Betsy Drake.

The three managers for the team: Stephanie Aaronson, Laura Quick and Lisa Katz.

The assistant coach: Miss Joan Tomec (not present); and perhaps the best coach, male or female, of any basketball team in this state, Miss Harriet Jenakovich.

I would also like to recognize the principal of the Susquehanna Township High School for a presentation of a citation for the school, Mr. Thomas J. Miles.

Mr. Speaker, if I might be permitted one additional recognition, we have on the floor of the House the Superintendent of Schools in Susquehanna Township, Dr. John Dunlap, and we

have two members of the board of school directors, president of the board, Mr. Jay Braderman, and a member of the board, Mr. Abe Garner.

Thank you very much, Mr. Speaker.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for Mr. DININNI and Mrs. LEWIS for today's session.

The SPEAKER. The Chair recognizes the minority leader.

Mr. MANDERINO. Mr. Speaker, I request leaves of absence for Messrs. GALLAGHER and GREENFIELD for today's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

YEAS—196

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

Durham	Lehr	Richardson	Zord
Earley	Letterman	Rieger	Zwikl
Fee	Levi	Ritter	
Fischer, R. R.	Levin	Rocks	Seltzer,
Fisher, D. M.	Livengood	Rodgers	Speaker
Foster, A.	Lynch, E. R.		

NAYS—0

NOT VOTING—7

Brunner	Gallagher	Lewis	Williams
Dininni	Greenfield	Street	

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

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have on a number of occasions, by separate memorandum or over the microphone here on the floor, advised that Mr. Donald Dorr is going to be handling the rules' changes for the Republican side. I am asking again that any suggestions for changes of rules be submitted to him, and it is our intention to consider the rules the first week we are back after this 3-week recess.

CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 185, PN 197; HB 405, PN 427; HB 462, PN 494; and HB 725, PN 890.

CALENDAR BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of **SB 280, PN 564**, entitled:

An Act amending the act of June 17, 1976 (P. L. 162, No. 81), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to vehicles and pedestrians," further providing for the effective date of certain provisions.

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 provision of the constitution, the yeas and nays will now be taken.

YEAS—187

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

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

NAYS—6

Chess	Dawida	Murphy	Rappaport
Cunningham	Michlovic		

NOT VOTING—10

Brunner	Giammarco	Richardson	White
Dininni	Greenfield	Street	Williams
Gallagher	Lewis		

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

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

ANNOUNCEMENT

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

Mr. THOMAS. Before you leave page 2, I would like to make an announcement to the members of the House pertaining to HB 725.

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

Mr. THOMAS. House bill 725 is clarifying language to the Clean and Green Act. It corrects some deficiencies that the Commonwealth now faces because of court decisions. There is another bill, HB 818, which the Agriculture and Rural Affairs

Committee is going to consider on Monday, April 9, at 10:30 in the morning. If any House member has an amendment other than the changes that are in HB 725, I would like if you would direct those amendments to the next bill, which is HB 818, and it will be considered in our committee meeting on Monday morning, April 9. Please see that our committee gets the amendments to the Clean and Green Act drafted toward that bill rather than this one. If you have any questions, I will be glad to talk to you privately about them.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 177, PN 189**, entitled:

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

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 provision of the constitution, the yeas and nays will now be taken.

YEAS—193

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

Dietz	Knepper	Pott	Wright, D.
Dombrowski	Knight	Pratt	Wright, J. L.
Donatucci	Kolter	Pucciarelli	Yahner
Dorr	Kowalyszyn	Punt	Yohn
Duffy	Kukovich	Pyles	Zeller
Dumas	Lashinger	Rappaport	Zitterman
Durham	Laughlin	Reed	Zord
Earley	Lehr	Rhodes	Zwinkl
Fee	Letterman	Rieger	Seltzer,
Fischer, R. R.	Levi	Ritter	Speaker
Fisher, D. M.	Levin	Rocks	
Foster, A.	Livengood	Rodgers	

NAYS—0

NOT VOTING—10

Berson	Gallagher	Richardson	Wass
Brunner	Greenfield	Street	Williams
Dininni	Lewis		

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

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

The House proceeded to third consideration of **HB 178, PN 190**, entitled:

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

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 provision of the constitution, the yeas and nays will now be taken.

YEAS—192

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

Cohen	Helfrick	Novak	Taylor, F.
Cole	Hoeffel	Noye	Telek
Cornell	Honaman	O'Brien, D.	Thomas
Coslett	Hutchinson, A.	O'Donnell	Trello
Cowell	Hutchinson, W.	Oliver	Vroon
Cunningham	Irvis	Perzel	Wachob
Davies	Itkin	Peterson	Wagner
Dawida	Johnson, E.	Petrarca	Wargo
DeMedio	Johnson, J.	Piccola	Wass
DeVerter	Jones	Pievsky	Weidner
DeWeese	Kanuck	Pistella	Wenger
DiCarlo	Kernick	Pitts	White
Dietz	Klingaman	Polite	Wilson
Dombrowski	Knepper	Pott	Wilt
Donatucci	Knight	Pratt	Wright, D.
Dorr	Kolter	Punt	Wright, J. L.
Duffy	Kowalyszyn	Pyles	Yahner
Dumas	Kukovich	Rappaport	Yohn
Durham	Lashinger	Reed	Zeller
Earley	Laughlin	Rhodes	Zitterman
Fee	Lehr	Rieger	Zord
Fischer, R. R.	Letterman	Ritter	Zwinkl

NAYS—0

NOT VOTING—11

Brunner	Lewis	Richardson	Seltzer,
Dininni	O'Brien, B.	Street	Speaker
Gallagher	Pucciarelli	Williams	
Greenfield			

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

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

The House proceeded to third consideration of **HB 247, PN 267**, entitled:

An Act amending the act of September 18, 1961 (P. L. 1389, No. 615), referred to as the County and Municipal State Highway Law, deleting a route in the City of Greensburg, Westmoreland County.

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 provision of the constitution, the yeas and nays will now be taken.

YEAS—195

Alden	Foster, W.	Lynch, E. R.	Ryan
Anderson	Freind	Lynch, F.	Salvatore
Armstrong	Fryer	Mackowski	Scheaffer
Arty	Gallen	Madigan	Schmitt
Austin	Gamble	Manderino	Schweder
Barber	Gannon	Manmiller	Scirica
Belardi	Gatski	McCall	Serafini
Beloff	Geesey	McClatchy	Seventy
Bennett	Geist	McIntyre	Shadding
Berson	George, C.	McKelvey	Shupnik
Bittle	George, M.	McMonagle	Sieminski
Borski	Giammarco	McVerry	Sirianni
Bowser	Gladeck	Michlovic	Smith, E.
Brandt	Goebel	Micozzie	Smith, L.

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

NAYS—0

NOT VOTING—8

Brunner	Gallagher	Lewis	Street
Dininni	Greenfield	Richardson	Williams

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. Without objection, HB 609 and HB 610 will be passed over. The Chair hears none.

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

Mr. RITTER. Mr. Speaker, on HB 609 and HB 610, I do object to passing the bills over. We have all heard about the desperate need for more money for PennDOT. We are being bombarded every day with the need for more money for PennDOT. These bills carry with them a provision that they become effective the 25th day after the day of passage, and every month we delay means additional loss of revenue. They are part of Governor Thornburgh's tax package. I think we ought to have an opportunity to discuss them, to bring them up, and to see whether we intend to do anything about taking care of PennDOT's problems, and, Mr. Speaker, I would, therefore, like to call up HB 609, PN 660.

The SPEAKER. The Chair rescinds its announcement that the bill was passed over.

The House proceeded to third consideration of HB 609, PN 660, entitled:

An Act amending the "Fuel Use Tax Act," approved January 14, 1952 (1951, P. L. 1965, No. 550), further providing for the imposition and rate of the tax.

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

The SPEAKER. HB 609 has been called up in order by the gentleman from Lehigh, Mr. Ritter.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am certainly encouraged to listen and hear the enthusiasm coming from the other side for the opportunity to solve the problem, and I guess if you only had 102 members, you could do it on your own. I am having a little trouble, however, in my own caucus.

I could not agree more with Mr. Ritter that the time is shortly approaching, and, in fact, it is really here. And I agree with Mr. Ritter, the time is here to enact legislation like this, and with 100 other guys, Jim, we would do that today.

Prior to making a motion, I am wondering if you could advise me, Mr. Speaker, just how much support we can expect from the enthusiastic group to your left, in front and in back of you? No reflection on the comment "to the left."

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

Mr. RITTER. Mr. Speaker, first of all, when the gentleman mentioned if we could get 100 more, I think he should have said if he can get 101 more. He would have been more correct. I did not say I was going to vote for them; I simply said we ought to consider them and see once where the votes are.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, Mr. Ritter points out the problem. There are too many prepared to call up or perhaps ridicule the proposal that is on our calendar now. We all recognize the problems Pennsylvania and Pennsylvanians have with the road system as it presently is constituted. I expect fully that we will have the opportunity to vote on this particular bill. I am going to ask in a moment that it be held over, however, and I am going to tell you why.

You point out, Mr. Speaker, by calling this particular bill up today, the problem. The problem is there are not sufficient votes today to pass it. There probably will not be sufficient votes tomorrow to pass it, and I would hope, however, that I can change that when we return. A memorandum is going out to all of you advising that it is my intention to call up these bills for a vote shortly after we return. I had hoped, when I asked that these bills be brought from the table and put on the calendar, that we would in fact be in a position this week to vote these bills.

I have been around too long and I think I am too practical to bring them up today to go down to a resounding defeat, which I think is probably what would happen today. And I think the reason that would happen is because although each one of us recognizes that additional revenues are needed for the Department of Transportation to correct the problems of Pennsyl-

vania, we all wonder whether or not it is a pie-in-the-sky type of thing, whether it is the other guy's county that is going to get the benefit or whether we are going to get the benefit in our own selfish way, and that is not wrong, because that is why we are here.

I have asked the Governor's office for a breakdown of how much money is going to be spent in each of the counties from the proceeds of any tax-raising measures that are successfully passed. The Governor's capital budget is available. You know what the capital projects are, but the Governor told us in his budget message that there was going to be over \$70 million available for one-shot major maintenance, and I questioned this and I asked him to show us where that maintenance is going to take place. For instance, the first indication is that \$4½ million at least is going into Allegheny County, several millions into Philadelphia County, and on and on and on, but I asked that it be broken down so that each of you and your constituents will know what you are getting for your dollar.

I am going to ask, Mr. Speaker, that this bill be passed over. It was not put on the calendar lightly. It was put on the calendar that each of us could look at it, that our constituents could look at it, that amendments could be drafted, that there would be no surprises, and I am going to provide each of you, through the executive, with the additional information that I think you need and I need to vote on a measure that is as complicated and as far reaching as this one.

We had a meeting today—and I am saying this now for the benefit of the Democratic leadership—with the Washington representative—and I may get this title wrong—of the Appalachia Program, and I think it came as a surprise to many of us who sat at that meeting when we were advised that the Commonwealth of Pennsylvania has as of this date lost millions of dollars because we lacked the money in prior years to match Federal funds. And we were advised—and these numbers are off the top of my head because I have no notes on it—that if we do not do something by June 15, we can lose up to \$50 million in the Appalachia Region of Pennsylvania, which is about two-thirds of this state. That one-third, incidentally, excludes my particular constituency. But for the central and western parts of this state, there are some \$50 million in Federal moneys at stake, and they have to have an answer by June 15 and a subsequent answer by July 15, and that answer cannot just be from the Department of Transportation saying, yes, we want to do it. It has to be enacted. We have to make commitments that are not verbal commitments but rather commitments of law. This is the type of information that is coming down to us today that I never had before. I never knew last year or the year before last—and if I was told, I guess I did not pay attention—that these problems existed.

When we met with this man today, I asked him to make arrangements with the Democratic caucus in the House and in the Senate and with Fred Noye, our caucus chairman, to come into our caucus to explain to our members the problem. We have tentatively scheduled April 24, and we have asked this man if he will come back from Washington—he does not work for the Commonwealth of Pennsylvania; he works for 13 states that make up the Appalachia Region—and bring graphs and prove

to us with demonstrative evidence the effect of our neglecting to provide the matching funds and how much it will cost us and how much it will cost us in roads in the western part of Pennsylvania in the Appalachia Region. And you know better than I whether or not you are in that region.

We do have a serious problem. We are attempting to address it, but we are addressing it hopefully at this time with the provision of information to each and every one of you so that when the time comes, you will know whether or not your communities are going to receive benefit from providing the funds through the liquid fuels tax increases that are on the calendar today.

I really thank you, Mr. Speaker, for calling this to our attention, to my attention, and I think what I have suggested to you is not just the fear of bringing a bill up and watching it go down, because I say to you today I would not expect anyone here to vote for that bill today, because although we all know that it is needed, we all deserve the information that I have requested through the executive to see just how these moneys will be spent, because the people of Pennsylvania, the people of your district deserve your oversight, deserve a commitment that you can rely on that the moneys will be spent wisely. It is this information that we are attempting to get for you, and it is based on this fact that I am asking that it not be called up but rather be—I do not know the parliamentary move—I suppose, just passed over. I would prefer that it not go back on the table, so I am going to make a parliamentary inquiry and ask the Speaker what the proper motion would be.

The SPEAKER. The motion that the gentleman will make at the proper time will be to move that the bill be placed on the third consideration postponed calendar.

Mr. RYAN. All right. I understand that is not debatable, and I know Mr. Manderino wants to address the House on the subject, so at the appropriate time, Mr. Speaker, consider that I have made a motion that this bill be placed on the postponed calendar.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. Is that in fact a nondebatable motion?

The SPEAKER. For the information of the gentleman, it is a debatable motion not to the merits of the legislation before us but only as to the motion before us.

Mr. MANDERINO. I see. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, Saturday night my wife and I had occasion to drive into Pittsburgh on Route 51. Route 51 is what can be considered in the Pittsburgh area as a main artery from the southern portion of that metropolitan area into the big city. It extends from Uniontown into Pittsburgh, which is perhaps 50 miles away from Pittsburgh, and I was amazed—I had not traveled that road for some time, because I had not had occasion to go into Pittsburgh—but it was worse than the Burma Road in potholes.

I am afraid that we here in Harrisburg, at least the executive at this time—and I will not accuse the other side of the aisle or

the Republican Party because I am not sure what their position is—I am afraid we are engaging in pothole politics. There are potholes out there to be repaired. We provided \$9 million through HB 56 because the Governor changed a \$25-million figure to \$9 million to fix potholes. Westmoreland County, my county, has 1400 miles of state roads. That is probably one of the largest network of roads anywhere in the state in a single county. We were allocated \$272,000 out of the moneys in HB 56. As best I can determine, the cost of patching the potholes as bad as they are on 80 percent of the roads needing repair is about \$10,000 per mile; so we can fix 27 miles of those 1400 miles with the money that we have provided so far.

Yesterday, Mr. Speaker, there was a move made on this side of the aisle to call from the table the Governor's veto of HB 56 so that we can put more money into that emergency pothole repair and, to a man, the other side of the aisle voted to keep that veto message on the table. We do not want to provide emergency money by overriding the veto or even giving the members here a chance to express themselves on whether or not they want that full \$25 million spent for potholes because we were unable to get the bill and the veto message from the table by a solid Republican vote so we might express our votes in overriding, to put that money into potholes, and we are not able to find out what your direction is at this time on the House bill that is on the calendar that Mr. Ritter has called up, and we are going to have to wait until April 24 or whatever the date is that we will return to even begin action. Mr. Speaker I think that the people of Pennsylvania are tired of riding those Burma roads that exist in every part of the Commonwealth. If you do not want to consider this bill that is before us on the calendar and you want to pass over it, maybe we ought to consider again whether we ought to remove HB 56 and the veto message of the Governor from the table to provide additional moneys to get out there and fix the potholes.

I am afraid that we in the General Assembly and the people of Pennsylvania are being held hostage, and our roads are going to continue to be in the same condition they are now in until we do what the Governor wants us to do, and I do not think that that is the manner by which the people elected Governor Thornburgh to govern. I would hope that what I suspect is happening is not happening, but until I see more activity on patching the potholes in the roads in Pennsylvania, I would have to think that my suspicions might be correct.

I think that we ought to stop playing pothole politics. I think that we ought to address the question either with HB 609 and begin discussing the merits of additional moneys to PennDOT — Pennsylvania Department of Transportation — on a permanent basis or we ought to remove the Governor's veto from the table and provide additional moneys to fix those potholes, at least as a temporary measure. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I think it is unfortunate that Mr. Ritter is calling this bill up and sets the stage for a debate on PennDOT, but so be it. I look over across the room and I see the reporters anxiously scribbling down all of these wonderful words of wisdom that we choose to throw back and forth at one

another. The cliches of "pothole politics" and the like, and really I am disappointed that it came to this.

I did not intend by my remarks to trump political rhetoric. I said sincerely, and I meant sincerely and will carry out one way or the other the commitment that I have made, and that is, to urge the executive to get the information that I referred to.

I have in my hand a letter from the Secretary of Transportation addressed to Henry Hager, the minority leader in the Senate, and in substance the Secretary points out that with the \$9 million that has been provided through HB 56 to put Band-Aids on the potholes, he cannot spend any more than that in the time required. He points out further—and I will be glad to provide a copy of this letter to any member, and particularly to the Democratic leadership—that the real problem we have is not just taking care of the potholes for the moment but rather a more permanent solution to the problem, and that is, major resurfacing of the roads of Pennsylvania, and this, I think, is the solution that HB 609 addresses. This is where the major moneys are needed so that a pothole is not filled today, refilled tomorrow and refilled the day after, but that rather serious attention is paid to the condition of these roads and that the problem is addressed on a more permanent basis, and that is exactly what the Secretary of Transportation intends to do. All of which costs money.

The criticism leveled by the minority whip, Mr. Manderino, really could be words taken from speeches that we, on this side of the aisle, gave over the past 4 years, and that is, the PennDOT problem exists and what are we going to do about them?

The Thornburgh administration has been in for some 4 months. Secretary Larson, and I am taking this off the top of my head, has probably been confirmed less than 2 months and I think that he is headed in the right direction. I am not suggesting that, quote, trust me, close quote, is the answer to the legislative problems, but the information that we are attempting to get for everyone and the opportunity to vote for these taxes.

I have not heard either Mr. Ritter or Mr. Manderino say that they are prepared to vote for taxes, but we all know that it is necessary and we all know that if any solution is going to be made, it has got to be in conjunction with some tax increase. I will run off copies of this letter rather than spark a political debate. The letter, in effect, explains that that additional \$15 million cannot be used immediately; that the \$9 million is out now on contract and that this should take care of the major problem. I say to you that the more serious problems are also being addressed immediately and that information will be shortly forthcoming to you.

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

Mr. ITKIN. Mr. Speaker, this question on the needs of PennDOT is a very, very serious one. I can understand and appreciate the majority leader's position that we ought to provide for some permanency in the problems of highway maintenance and repair.

The fact still is here that the problem exists now and that no amount of rhetoric, talking about something in the future,

some type of permanent solution, is going to affect the problem of today. It is extremely difficult, as the minority whip stated, to go back to your constituents and tell them that this administration has got a long-range permanent plan when every day that passes their cars and their vehicles run into those potholes, particularly in western Pennsylvania.

What do you do when you have damage to your vehicle? Do you applaud the actions of this administration by saying, do not worry about it; in the future we will provide you with a permanent solution? What about the people who have been injured and the loss of lives that have occurred because of vehicles, sometimes motorcycles, going into potholes?

It is interesting that the month of March was an exceptionally warm month, extremely suitable for this type of work. Whether it was \$9.6 million or \$25 million, you say that that \$9.6 million is enough. We believe it is not and, in view of the number of pothole estimates, it seems that it would not be enough, but not to do very much in this month and still have, as we approach the end of March, these potholes there requires an answer; I guess more than an answer; it requires action. And I cannot understand why this Governor, who has talked about reforming PennDOT now and has had 75 days to call in the troops and get them out on the job, has not done it, and we have met our responsibility, especially on this side of the aisle, by giving him the necessary money.

With respect to the permanent solution, I am not necessarily just interested in where the money is going to go as much as I am concerned as to who is going to pay for it. Is the average motorist going to pay the predominant share, or is the trucking industry, which has caused most of this damage or much of this damage, to pay their equitable fair share? HB 609 does not address the issue as to who pays the taxes, and to consider that as a vehicle alone is to shut off from debate the beginning question, if revenues are required, who should pay for them?

Just yesterday I introduced to the Transportation Committee a bill to provide for an axle-mile tax and an increase in the diesel tax to provide that some of the additional revenues required would be provided by the heavier trucks that cause the damage. I would hope, Mr. Speaker, that when this House decides to deal with this question—and it will have to—the complete options be available to this House, that not only are we able to consider increasing the percentage tax on motor fuels but we will also consider a whole range of revenue-raising options available to us.

I hope that these suggestions will be taken seriously and that in the near future we will have a resolution to this problem. Thank you, Mr. Speaker.

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

Mr. COHEN. Thank you.

Mr. Speaker, would Mr. Ryan submit to interrogation?

Mr. RYAN. I shall.

The SPEAKER. The gentleman may proceed.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, you stated that you were going to seek from the Governor information as to where the money was going to go. I

wonder if you would also be willing to seek from the Governor, on behalf of the members of the House, information as to where the money is going to come from on a county-by-county basis?

Mr. RYAN. Mr. Speaker, if in fact that information is available, I will request it.

Mr. COHEN. Mr. Speaker, we have been told that that information is not available, but it would seem to me that it would be a very simple thing to find out by taking the receipts from each gas station, which is available, and simply totaling the information on a county-by-county basis. I would hope that the majority leader would be able to insist with some firmness that this information be made available so we know how much our taxpayers in our counties are paying. I certainly would find it very instructive to know the cost versus benefits for Philadelphia, and I am sure the majority leader would find it very instructive to know that for Delaware County and I think each member would find it instructive to know that for his county.

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

Mr. LAUGHLIN. Mr. Speaker, I would like to address this interrogation to Mr. Ryan, and I certainly want Mr. Ryan to know that I do not hold him responsible for the problems of the Highway Department or the potholes of this state. Mr. Speaker, we have been charged over the years with representing a position of the majority for the last 4 years, and I think this year you find yourself in the unfortunate circumstance of doing the same thing, and on this particular item it is unfortunate.

Mr. Speaker, are you familiar with the Governor's proposal on this issue that lists a wholesale price of gas at approximately 46.5 cents as of January 1 of this year? Are you familiar with that figure?

Mr. RYAN. Or that the average wholesale price upon which this tax would be based is 46.5 percent?

Mr. LAUGHLIN. That was the figure provided by the Department of Transportation, Mr. Speaker, to the Transportation Committee.

Mr. RYAN. I am not familiar with the exact figure. I know it was in the 40-cent to 50-cent range, yes.

Mr. LAUGHLIN. Mr. Speaker, can you give me an approximate figure to which you believe the figure has escalated in just the last month and a half on the wholesale price?

Mr. RYAN. No. I am unable to do that.

Mr. LAUGHLIN. Mr. Speaker, based on the information that I have received from all over the state from the dealers who handle the petroleum products, we have had an escalation of from 42 cents to 47 cents in just the last 2 months. In some instances, Mr. Speaker, as late as March 26, which was yesterday, the price went up another 1.5 cents to some of these companies, and across the state right now we have had an average increase of approximately 5½ cents to 7 cents in just the last month and a half.

As you know, the Governor's proposal is addressing itself to \$177 million, Mr. Speaker, in increased revenues, and you indicate that you are willing to provide us with the figures as to how this money will be divided county-by-county by the De-

partment of Transportation. But, Mr. Speaker, you do not include and you did not, in your statement, include what we are going to do and what the department is going to do with the approximately \$70 million to \$80 million that will come in addition to the \$177 million. Just based on the escalation we have had thus far and with the OPEC — Organization of Petroleum Exporting Countries — nations raising those prices to us in the next year, we can anticipate as high as a 25-cent increase, which will bring about the \$80-million figure in excess of what the Governor is talking about.

I hope that that is the issue that I address to you and that you can give us some kind of direction from the administration on exactly what that will be, because we have not been able to get it from anyone else, sir. I hope that you will take that under consideration and try to find out what is going to happen with the additional moneys if this legislation in fact becomes law, and, Mr. Speaker, you stated it, and I agree with you. I have great doubts that anything like this will pass with an unknown quantity of approximately 30 percent over and above the estimates we received. Would you kindly give me a response to that, Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have trouble with the gentleman's figures. He starts off by getting me to agree that the base upon which the tax was estimated was 45.5 cents. Shortly thereafter he advises us that the increase went from 42 to 47, I believe, which represents a, call it a, 1 or 1½ cents per gallon increase in the base and then calls that a 30-percent increase in the base. Now I am really not sure what we are talking about, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, may I correct what you understood, Mr. Speaker? That is not what I said. What I said, Mr. Speaker, was that the price of the wholesale gas was estimated originally by the Secretary at 46.5 cents. The figures that come from the dealers, sir, were for December 1 of 1978, prior to him being sworn into office. At the Gulf Company, for instance, the figure was 42.40 cents per gallon. March 16 that figure was 47.40 per gallon, sir. Now in addition to that, that price has escalated from March 16 to March 27 another 1½ cents. Now are you able to follow the figure that I gave you as far as indicating the revenues that the Governor intends to receive? His figure of \$177 million is based on approximately 2½ to 3 cents a gallon escalation if it is recorded as a 6-percent increase. I am saying to you that with the escalation of the gas price over the next year of between 18 cents to 20 cents, we are going to be faced with approximately a 30-percent increase in revenue beyond the \$177 million.

Mr. RYAN. Mr. Speaker, Mr. Laughlin raises a very legitimate point. I just strenuously question the accuracy of his figures. When you talk 30 percent, whether you are using a 42-cent base or a 46-cent base, when you start talking 30 percent you are talking 12 or 13 cents a gallon increase in the base. Now that is a projected increase. You know that is just another number we can all use. It is not an accurate one as of this moment. It cannot be because the prices—I have not heard exactly—have gone into the 50's. But so much for that.

Rather than argue these numbers, I would just say that I will attempt to get an answer for you, Mr. Laughlin, that will make some sense. Off the top of my head, however, my answer to you is this, that the present tax is based on a per-gallon rate. I think everyone of us in this room and everyone in this Commonwealth understands that each car coming off the assembly line today is required to get more miles per gallon than the one they put off the assembly line last year, which means that there is an automatic reduction in the number of gallons that you and I, the average user, will purchase in the future because we are getting more miles to the gallon.

Now on a cent-per-gallon revenue raiser, that should go down. Our revenues should go down because less gallons will be purchased. On top of that, while that revenue is going down and petroleum products are going up, that, too, will act as a curtailment for purchasing. Many people, I suspect, will look to car pools, will look to cutting out some of their excessive driving because the overall cost of fuel is high. In all of this, this increase of fuel costs is the cost of reconstruction and construction, and blacktop is a petroleum product basically. As the cost of petroleum products goes up, the cost of the blacktop goes up, so our revenue from 6 gallons does not go up proportionately to the cost of expenditures for replacement resurfacing because of the asphalt increases. That generally is the philosophy of the answer that I expect will be forthcoming, but I will in fact try to get you a better one.

I think it is ridiculous to take up the time of the House now on this—not that it is a ridiculous question, do not misunderstand me—I would rather first see if in fact HB 609 is going to be held over. If it is up for a vote, then we are going to have a long, long week.

Mr. LAUGHLIN. Thank you, Mr. Speaker, for your response.

Mr. Speaker, just one brief statement. The figures that I gave the House of Representatives come directly from the dealers association across the state. There is nothing fictitious about the approximate 5½ to 7 cents increase per gallon that has been added to the wholesale price of gasoline in just the last 2 months. That is an actual and factual report from those people that it has been solicited from. And I am certain, that based on the action of the OPEC nations, that price is going to escalate far beyond the 7½ cents it has.

That is my concern, the additional money that is coming in. And I want to know if we are going to receive any proportionate share. That was the reason that I addressed the question to Mr. Ryan. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, just in closing.

The 4½ or 5 cents that you just mentioned represents a 10-percent, not a 30-percent, increase as I multiply and divide and do all those other wonderful things.

Mr. LAUGHLIN. Mr. Speaker, you indicate that you are at least knowledgeable of what a 5-cent increase is on that particular price. Would you like to carry it out, sir, for a period of 12 months instead of 2 months and you will find out what it is. Thank you.

**STATEMENT ON LEGISLATION
TO BE INTRODUCED**

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

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

It seems clear from the conversation today that there are a number of alternatives and perhaps a number of alternatives that ought to be considered, and I have one of those alternatives. It simply would take the sales tax collected on vehicles and vehicle accessories and put them in a motor license fund.

There are about 45 sponsors already to this bill which I intend to introduce this morning. If there are others who would like to be on this bill, Mr. Speaker, I would welcome their sponsorship.

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

Mr. KOLTER. Mr. Speaker, the debate between Mr. Laughlin and Mr. Ryan clearly illustrates why we do not have enough tax votes here in this body.

In our committee hearing meeting, no one, and I mean no one, could answer the questions as to what is a wholesaler and what is a wholesale price of the oil. It is our determination that in Philadelphia the wholesale price would be one figure, in Erie a second figure, in Pittsburgh a third figure, and so on and so forth.

What we have here is not a uniform tax structure. Until such time that these questions can be answered, how in the world can we honestly and intelligently vote for this type of tax?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I was hoping we were not going into a full scale discussion of the merits and demerits of the proposed liquid fuel tax. I am really not trying to prolong this, as you can well imagine, but I cannot leave some things go unanswered when you, Mr. Kolter, say that it is an unequal tax.

This is an excise tax on the wholesale fuel price. If you go out today in Pittsburgh and go to one store and buy an article with a 6-percent sales tax on it and pay \$100 for it, you are paying a 6-percent, \$6 tax. Nextdoor at a discount house, that same article may be on sale at \$80, and the 6 percent is imposed on the \$80 sales price. Throughout this state, throughout this nation, where an excise tax or a sales tax is placed on the sales price, it varies. It is not uniform. It is uniform in the sense that it is a flat 6 percent on the sales price. But if the sales price varies, so does the tax revenues.

If you go out to dinner and you have a steak at Lombardo's and you pay your 6 percent and then I go to the local diner and have a steak, I dare say we both had steak but we both paid far different amounts for it. That is the only thing. I say that hopefully in closing.

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

Mr. KOLTER. In answer to Mr. Ryan, Mr. Speaker, perhaps what you say is true and perhaps I may agree with you, but I would suggest you talk this over with your taxpayers back in

your home district. I have done that, and they certainly do not like this program.

In our committee meetings we had hopefully asked to have public hearings so we can intelligently find some of the answers to these problems. But we did not have enough votes on this side of the aisle to do this. Even at this time, Mr. Speaker, I would suggest that if we would have public hearings, perhaps it would make your job and our job on this side a lot easier in voting for a future tax.

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

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

The SPEAKER. The gentleman from Delaware, Mr. Ryan, has indicated that he will permit himself to be interrogated. The gentleman may proceed.

Mr. LETTERMAN. Mr. Speaker, maybe this is not exactly an interrogation, but I think a very good point has been brought before us here today. I think something, Mr. Speaker, that we should start to look at is how much profit some of these companies are making. I understand now that the wholesale price is approximately 47 cents. Is that what you understand from the facts that Mr. Laughlin gave us?

Mr. RYAN. Well, I questioned some of his mathematical computations. For the sake of this debate, I will accept that figure with tongue in cheek.

Mr. LETTERMAN. Well if that is a fact, you add 9 cents on that and sales tax and you come up with 56 cents. Now all of us driving an automobile today know that everybody is ripping us off at about 72 cents a gallon for unleaded gasoline. Some people say that it is 74 cents.

Now the point that I am trying to make is that President Carter is saying that the big companies are certainly not staying within his guidelines. I am starting to believe this more and more everyday. And probably this is one of our biggest problems, and I think we should get the information and point out just who is making the money.

PARLIAMENTARY INQUIRY

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

Mr. SPENCER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPENCER. What is the issue before the House now?

The SPEAKER. There is no question before the House. The Chair has given the membership of the House broad latitude in making all kinds of speeches pertaining to the proposed increases in the motor license fund. There is no question before the House.

Mr. SPENCER. Could we keep our happy hour to its usual position, so that we can get on with today's work, because a lot of us have appointments at other places? I would respectfully request that we get on with the calendar. Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, I would just finish by suggesting that we do try to get the actual figures so that we know who is really getting the profit out of this. And let us not let our people believe that it is because an OPEC nation raises its price. Let us find out why people have laid so many gas station attendants off and are now having you drive in and help yourself for gas. But we have laid a lot of people off to do this. Let us find out where the profits are really going and let the people know where the profits are.

I think you would have the available figures if you would look for them to give us those facts. I would appreciate it. Thank you.

The SPEAKER. Does the gentleman from Lehigh, Mr. Ritter, still object to passing over HB 609?

Mr. RITTER. Mr. Speaker, if you are going to pass over, I would suggest that we have a rollcall vote.

**HB 609 PLACED ON THIRD CONSIDERATION
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 609 be placed on third consideration postponed calendar.

Mr. Speaker, I would suggest that anyone who wants to keep it on the calendar is in favor of voting in the affirmative and I would be interested in monitoring those votes. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—105

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

NAYS—90

Barber	Fryer	Manderino	Rieger
Bennett	Gamble	McCall	Ritter

Berson	Gatski	McIntyre	Rodgers
Borski	George, C.	McMonagle	Schmitt
Brown	George, M.	Michlovic	Schweder
Caltagirone	Giammarco	Milanovich	Seventy
Cappabianca	Goodman	Mullen, M. P.	Shadding
Chess	Grabowski	Murphy	Shupnik
Cianciulli	Gray	Musto	Steighner
Clark, B.	Harper	Novak	Stewart
Cochran	Hoeffel	O'Brien, B.	Stuban
Cohen	Hutchinson, A.	O'Donnell	Sweet
Cole	Irvis	Oliver	Taylor, F.
Cowell	Johnson, J.	Petrarca	Trello
Dawida	Jones	Pievsky	Wachob
DeMedio	Kernick	Pistella	Wargo
DeWeese	Knight	Pratt	White
DiCarlo	Kolter	Pucciarelli	Wright, D.
Dombrowski	Kowalyszyn	Rappaport	Yahner
Donatucci	Kukovich	Reed	Zeller
Duffy	Laughlin	Rhodes	Zitterman
Dumas	Letterman	Richardson	Zwikl
Fee	Livengood		

NOT VOTING—8

Brunner	Dininni	Greenfield	Street
Davies	Gallagher	Lewis	Williams

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 Berks, Mr. Davies, rise?

Mr. DAVIES. Mr. Speaker, I was out of my seat on the last motion, to place NB 609 on third consideration postponed calendar. I would like to be recorded in the affirmative on that vote.

The SPEAKER. His remarks will be spread upon the record.

Mr. DAVIES. Thank you, Mr. Speaker.

HB 610 PASSED OVER

The SPEAKER. Would the gentleman from Lehigh, Mr. Ritter, object to HB 610 being passed over?

Mr. RITTER. Mr. Speaker, I will accept the same vote. I have no objection.

The SPEAKER. Without objection, HB 610 will be passed over.

**MOTION TO REMOVE HB 56 AND VETO MESSAGE
FROM TABLE**

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

Mr. DOMBROWSKI. Mr. Speaker, to make a motion.

The SPEAKER. The gentleman will state his motion.

Mr. DOMBROWSKI. Mr. Speaker, now that there have been so many speeches on the floor that Transportation is in dire need of money and there are a few other things in HB 56 that interest us alongside of Transportation, I now move that HB 56 along with the Governor's veto be removed from the table.

The SPEAKER. The motion made by the gentleman from Erie, Mr. Dombrowski, is out of the order of business of this

House and, therefore, the gentleman will have to move that the rules of the House be suspended so this motion can be taken out of order. Does the gentleman so move?

Mr. DOMBROWSKI. Mr. Speaker, would you recognize me when it is in proper order then?

The SPEAKER. For the information of the gentleman, I have a request by the gentleman from Allegheny, Mr. Trello, that at the proper time he be recognized to remove this from the table.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

REQUEST TO CALL UP HB 211

The SPEAKER. For what purpose does the lady from Allegheny, Mrs. Kernick, rise?

Mrs. KERNICK. Mr. Speaker, I would like to call up HB 211.

The SPEAKER. By the calendar that was given to me, the markings on the calendar by the majority and minority leaders indicate that this bill would be passed over.

Mr. RYAN. Mr. Speaker, by way of explanation to the lady, the calendar, when it was reviewed by the joint leadership prior to actually beginning this session, indicated that amendments were to be offered and that the bill had not been fully caucused on and that is the reason for its going over. We will have an opportunity shortly to vote on the issue though.

Mrs. KERNICK. Mr. Speaker, will we be voting on it tomorrow?

Mr. RYAN. I am afraid to say that because with luck—and I see that luck steadily riding away on the wings of potholes—we were going to get out of here today, and I think though that any of you who checked out better give some thought to checking back in. I do not know the answer to that, Mr. Speaker. There is some thought—and it is to be reviewed by the leadership—that maybe the more prudent thing would be to bring the Senate bill out that has already passed the Senate that does the same thing so that we are sure that it will have full opportunity to be passed upon by that other body.

Mrs. KERNICK. I understand that, Mr. Speaker, but I would like this House to have an opportunity to vote on the House bill as well as the Senate bill and we can see what happens on the House bill and then decide what to do on the Senate bill, but I will forego it right now.

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

Mr. ITKIN. Mr. Speaker, to go to HB 404 back on page 6.

The SPEAKER. The Chair's calendar has been marked over temporarily, which indicates to the Chair that when we break for lunch and caucus, this bill will be further caucused on.

Mr. ITKIN. Mr. Speaker, I have an amendment being drafted to HB 404, which I believe will require a fiscal note, and I doubt whether that information can be available to vote the bill today or even tomorrow, so I would prefer that this bill be held up until that fiscal note is prepared.

The SPEAKER. The Chair thanks the gentleman for his remarks, and when we come back after caucus, a final determination will then be made in conjunction with the gentleman as to what position HB 404 will be held in.

The House proceeded to third consideration of **SB 281, PN 283**, entitled:

An Act authorizing the Department of General Services, with the approval of the Secretary of Environmental Resources, to sell and convey a tract of land formerly within the bed of the West Branch of the Schuylkill River in the Borough of Cresona, Schuylkill County, Pennsylvania, lying within lands now or formerly owned by Aluminum Company of America.

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?

QUESTION OF PERSONAL PRIVILEGE

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise to a point of personal privilege and I would like to pose a question to the Chair in connection with this bill.

The SPEAKER. Will the gentleman yield? The gentleman will state his point of personal privilege.

Mr. W. D. HUTCHINSON. Mr. Speaker, as the members know, this bill relates to a conveyance by the Commonwealth of a portion of the Schuylkill riverbed for an industrial development project in my district.

The point to which I rise and the question I address to the Chair is whether or not I am able to take part and vote on this because I had been engaged as an attorney by the proposed new owners of the project to do work in connection with some local problems that they had prior to this problem becoming apparent. That work has been largely concluded but has not yet been billed and paid, and I pose the question to the Chair as to whether or not that constitutes a conflict of interest which would prohibit me from voting on this bill.

The SPEAKER. The gentleman from Schuylkill, Mr. Hutchinson, before the session discussed this potential problem with the Chair, and the Chair, after careful consideration of the facts as were given to him by the gentleman, Mr. Hutchinson, believes that there is no conflict of interest involved and that it would be proper for the gentleman from Schuylkill, Mr. Hutchinson, to vote on this issue.

Mr. W. D. HUTCHINSON. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays will now be taken.

YEAS—195

Alden	Foster, W.	Lynch, F.	Ryan
Anderson	Freind	Mackowski	Salvatore
Armstrong	Fryer	Madigan	Scheaffer
Arty	Gallen	Manderino	Schmitt
Austin	Gamble	Manmiller	Schweder
Barber	Gannon	McCall	Scirica
Belardi	Gatski	McClatchy	Serafini

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

NAYS—0

NOT VOTING—8

Brunner	Gallagher	Greenfield	Street
Diminni	Gray	Lewis	Williams

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

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

REMARKS ON VOTE

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

Mr. GRAY. Mr. Speaker, my switch is not working and I would like to be recorded in the affirmative on the final passage of SB 281.

The SPEAKER. His remarks will be spread upon the record.

The House proceeded to third consideration of **HB 35, PN 519**, entitled:

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act," approved March 11, 1971 (P. L. 104, No. 3), providing an additional filing period for certain claimants.

On the question,

Will the House agree to the bill on third consideration?

Mr. FREIND offered the following amendments:

Amend Sec. 1, page 1, lines 16 and 17, by striking out "until April 30, 1979." and inserting to and including April 30, 1979. Any claim postmarked on or before such date shall be deemed filed prior to the deadline.

Amend Sec. 1, page 1, line 17, by striking out "act" and inserting supplement

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker. This is a technical amendment to the bill requested by the Department of Revenue. I would think that it would be agreed to.

All that it does is to state that the extension until April 30 means on or before April 30 and that the applications that are postmarked April 30 will be processed by the department.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

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

Dietz	Knight	Pucciarelli	Wright, D.
Dombrowski	Kolter	Punt	Wright, J. L.
Donatucci	Kowalshyn	Pyles	Yahner
Dorr	Kukovich	Rappaport	Yohn
Duffy	Lashinger	Reed	Zeller
Dumas	Laughlin	Rhodes	Zitterman
Durham	Lehr	Richardson	Zord
Earley	Letterman	Rieger	Zwinkl
Fee	Levi	Ritter	Seltzer,
Fischer, R. R.	Levin	Rocks	Speaker
Fisher, D. M.	Livengood	Rodgers	

NAYS—1

Moehlmann

NOT VOTING—8

Brunner	Gallagher	Kernick	Street
Dininni	Greenfield	Lewis	Williams

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Mr. Speaker, would you record me in the affirmative, please, on the Freind amendment numbered A313 to HB 35?

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

On the question,

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

The SPEAKER. Does the gentleman from Beaver, Mr. Laughlin, have amendments?

Mr. LAUGHLIN. Yes, Mr. Speaker, but unfortunately I have not had time to have them circulated. I just received the amendments. Would you kindly hold the bill over until this afternoon to give them an opportunity to be circulated? It is a very short amendment, Mr. Speaker, and it deals with the expenditures from the lottery and the ability to use anticipated revenues in order to meet the indebtedness that is going to occur after June 30 of this year.

The SPEAKER. For what purpose does the gentleman, Mr. Laughlin, rise?

Mr. LAUGHLIN. Mr. Speaker, Mr. Hayes has given me the indication that his concern about getting this legislation through immediately and getting it passed today is of the utmost importance, and rather than wait an additional day, I will forego the amendment and continue the legislation as it has already been introduced.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

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

NAYS—0

NOT VOTING—7

Brunner	Gallagher	Lewis	Williams
Dininni	Greenfield	Street	

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

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

The House proceeded to third consideration of **HB 30, PN 31**, entitled:

An Act amending the act of June 18, 1974 (P. L. 359, No.

120), referred to as the Municipal Police Education and Training Law, providing for courses in municipalities other than cities of the second class and other than officers of counties of the second class, providing that regulations pertaining to such training be sent to the Chairmen of the Local Government Committee***

On the question,

Will the House agree to the bill on third consideration?

Mr. NOYE offered the following amendments:

Amend Title, page 1, line 16, by inserting after "Representatives", requiring police officers to agree to continue employment for a year after training is completed

Amend Sec. 3 (Sec. 10), page 3, line 16, by inserting after "school." A police officer whose salary and training expenses are paid for by the political subdivision shall agree to continue employment as a police officer with the political subdivision for a period of one year after the training is completed.

On the question,

Will the House agree to the amendments?

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

Mr. NOYE. Thank you, Mr. Speaker.

This amendment, A355, would mandate that any individual who takes the police training at the expense—and there is some expense—to the municipality, would then be obligated to that municipality to give them one year's service. What is happening in these small communities is they are getting these people into the training program at their cost. And then after they graduate, they come back and then they move on to a bigger municipality that can pay more money and it does not cost those municipalities anything to send them for the training. So this obligates them to one year's service to the municipality that provides and pays for their training.

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

Mr. PICCOLA. Mr. Speaker, I rise in opposition to the amendment. The agreement that the amendment refers to is already permissible under law. A municipality can enter into an employment contract with a part-time officer for extended employment, and I certainly would hate to see this General Assembly mandate a condition of servitude for a municipality which may or may not want that condition and I would suggest that the amendment be defeated, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, I join with Mr. Piccola in regard to the defeat of this amendment. And one of the reasons is the fact that not only do they have the right to enter into a contract now, but under Act 111 I am sure it is going to be very disturbing to the regular police force to have us down here starting to make rules and regulations for the municipality in dealing with part-time police.

Another point is that some of you people do not want to see this bill go, and there is a move afoot in regard to other amendments to take certain areas out of the bill. This amendment would only strengthen the passage of it. It would give some-

body something to lean on in regard to hanging their hat on passage of the total bill. So I would urge the defeat of it so we can defeat the whole measure. Thank you.

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

Mr. BENNETT. Mr. Speaker, would Mr. Noye, consent to a very brief interrogation?

The SPEAKER. The gentleman, Mr. Noye, indicates he will stand for interrogation. The gentleman, Mr. Bennett, is in order and may proceed.

Mr. BENNETT. Mr. Speaker, I am assuming that the amendment that we are dealing with has to do with part-time policemen.

Mr. NOYE. Any policeman. It is all under the training act at the present time.

Mr. BENNETT. Which would include part-time policemen?

Mr. NOYE. Yes.

Mr. BENNETT. Mr. Speaker, under the terms of your amendment, is there any way that you can foresee that a person could not continue his employment as is suggested in your amendment? I am suggesting to you, Mr. Speaker, that perhaps a part-time employe of a police force, who is working 20 hours a week or whatever, has some other occupation and by means of that other occupation he has been transferred to another area or has been laid off and must move to sustain his family. Can you see that situation arising?

Mr. NOYE. Yes, it could.

Mr. BENNETT. Thank you, Mr. Speaker.

Just on the basis of that interrogation, Mr. Speaker, I think really that the amendment ought to be opposed and I would oppose the amendment.

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

Mr. GAMBLE. Mr. Speaker, would Mr. Noye agree to a brief interrogation?

The SPEAKER. The gentleman, Mr. Noye, indicates that he will, and the gentleman from Allegheny, Mr. Gamble, may proceed.

Mr. GAMBLE. Mr. Speaker, what is the penalty if a police officer who has this training does not comply with the 1-year ruling?

Mr. NOYE. I would think that the municipality would be in a position to recover the cost of the training that they put into that individual.

Mr. GAMBLE. Is that part of your amendment, Mr. Speaker?

Mr. NOYE. No, that is not part of the amendment, but that would give them the authority to recover by legal action that cost incurred.

Mr. GAMBLE. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Mr. Speaker, after reading through the amendment presented by my colleague, Mr. Noye, I find that forcing the police officer to sign a contract could be deemed unconstitutional and, therefore, I consider the amendment in-

appropriate and would suggest a "no" vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—51

Alden	Dumas	Madigan	Sirianni
Anderson	Fischer, R. R.	McClatchy	Spitz
Barber	Fryer	Miller	Stairs
Belardi	Gallen	Moehlmann	Sweet
Beloff	Gannon	Murphy	Taylor, E.
Berson	Hasay	Noye	Vroon
Bittle	Hayes, S. E.	Peterson	Wagner
Cessar	Johnson, E.	Pitts	Wass
Cohen	Kernick	Punt	Yahner
Cole	Klingaman	Reed	Yohn
Cornell	Levi	Rhodes	
Dawida	Levin	Ryan	Seltzer,
Dorr	Lynch, E. R.	Serafini	Speaker
Duffy			

NAYS—143

Armstrong	Gatski	Mackowski	Rodgers
Arty	Geesey	Manderino	Salvatore
Austin	Geist	Manmiller	Scheaffer
Bennett	George, C.	McCall	Schmitt
Bowser	George, M.	McIntyre	Schweder
Brandt	Giammarco	McKelvey	Scirca
Brown	Gladeck	McMonagle	Seventy
Burd	Goebel	McVerry	Shadding
Burns	Goodman	Michlovic	Shupnik
Caltagirone	Grabowski	Micozzie	Sieminski
Cappabianca	Grieco	Milanovich	Smith, E.
Chess	Gruppo	Mowery	Smith, L.
Cianciulli	Halverson	Mrkonic	Spencer
Cimini	Harper	Mullen, M. P.	Steighner
Clark, B.	Hayes, D. S.	Musto	Stewart
Clark, R.	Helfrick	Nahill	Stuban
Cochran	Hoeffel	Novak	Swift
Coslett	Honaman	O'Brien, B.	Taddonio
Cowell	Hutchinson, A.	O'Brien, D.	Taylor, F.
Cunningham	Hutchinson, W.	O'Donnell	Telek
Davies	Irvic	Oliver	Thomas
DeMedio	Itkin	Perzel	Trello
DeVerter	Johnson, J.	Petrarca	Wachob
DeWeese	Jones	Piccola	Wargo
DiCarlo	Kanuck	Pievsky	Weidner
Dietz	Knepper	Pistella	Wenger
Dombrowski	Knight	Polite	White
Donatucci	Kolter	Pott	Wilson
Durham	Kowalyszyn	Pratt	Wilt
Earley	Kukovich	Pucciarelli	Wright, D.
Fee	Lashinger	Pyles	Wright, J. L.
Fisher, D. M.	Laughlin	Rappaport	Zeller
Foster, A.	Lehr	Richardson	Zitterman
Foster, W.	Letterman	Rieger	Zord
Freind	Livengood	Ritter	Zwilk
Gamble	Lynch, F.	Rocks	

NOT VOTING—9

Borski	Gallagher	Greenfield	Street
Brunner	Gray	Lewis	Williams
Dininni			

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

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

Mr. W. D. HUTCHINSON offered the following amendments:

Amend Sec. 1 (Sec. 2), page 1, line 25, by striking out "thirty" and inserting twenty-four

Amend Sec. 2 (Sec. 5), page 2, line 11, by removing the period after "years" and inserting and an additional three hundred sixty hours which shall be completed at the rate of at least thirty hours per year during the next eight consecutive years.

Amend Sec. 2 (Sec. 5), page 2, line 15, by striking out "now one hundred twenty hours"

Amend Sec. 2 (Sec. 5), page 2, by inserting between lines 24 and 25

(8) To adopt as a regulation a sequential type curriculum, beginning with the most important courses, for part-time policemen. Before the curriculum is adopted, it shall be submitted to the Chief Clerk of the Senate and House of Representatives who shall cause the regulations to be printed and distributed among all members of both chambers in the same manner as a reorganization plan. If both bodies fail to act within sixty days of receipt of such regulation, or within ten legislative days after receipt, whichever shall last occur, the regulation shall be promulgated pursuant to the provisions of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law and 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). If either chamber disapproves the regulation, such information shall be certified by the Speaker of the House of Representatives or President pro tempore of the Senate to the department, and such regulation shall not be promulgated as a final regulation.

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

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

Mr. W. D. HUTCHINSON. Mr. Speaker, the amendments which I offer are designed to meet the problems that have been raised in connection with this bill with respect to retreating from the requirement that police officers have adequate training, while at the same time leaving enough flexibility to meet the problem of the local communities in the rural areas which are having difficulty obtaining police who will take the 480 hours. But, more importantly, it is said that if the 480 hours are taken and that small municipality pays for it, then these police officers leave for greener pastures.

What I do in my amendment, which I think addresses all of these problems—there are three parts to the amendment—first of all, the amendment reduces the hours that a police officer can work and still be considered part-time. As the bill now stands, it is 30 hours. My amendment would say that an officer cannot be considered a part-time policeman if he works more than 24 hours per week. I think that is very liberal. I think that, in fact, if anyone is going to be working more than that, really you leave the door open to frustrate all the purposes of the Mu-

municipal Police Training Act because, in effect, a municipality could exist pretty much solely on the part-timer.

Secondly, my amendment says that even though that officer can get by with the initial 120 hours of instruction that he has to take in 2 years under the present bill, he must then make arrangements over an additional period, set in my amendment at 8 years. That gives him a total of 10 years. He must take the other 360 hours to meet the 480 hours, and he has to take that as a kind of continuing education at the rate of at least 30 hours per year. Thirty hours will not come out to the 360, so in some years he would have to take more than the 30 hours. At the end of that period, he is a fully qualified policeman.

Finally, because there has been a great deal of concern and discussion about the content of these courses and what courses are included in the 480 hours, I want the General Assembly to be certain that the agency administering this statute adopts a corps curriculum for the 120 hours so that we are certain that the courses that are taken by the part-timer who is working the first 120 hours are in fact those courses that are really essential to his performing his duties. To do that and in an effort to get legislative oversight, the third part of my amendment would require the agency to set a corps curriculum and submit that to the House and Senate as a reorganization plan so that we would be able to disapprove it, either in the House or the Senate, and it could not go into effect if we did not like the courses that they had there for the 120 hours. That is quite different than the legislative oversight as it now is in the bill which simply says they have to report to the committee, and that means that if we do not like what they do under the bill as it is presently drafted, we have to actually pass legislation in both the House and the Senate to veto that regulation and that content.

That is basically the amendment. I think it represents a very reasonable compromise. I think that it should remove the fears of those who say that we are going to emasculate the act and take away the proper training from policemen, and at the same time I think it meets any legitimate purpose that the smaller communities might have in this bill. I urge support for the amendment.

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

Mr. FRYER. Mr. Speaker, I oppose the amendment offered by the gentleman from Schuylkill. The amendment, apparently well intended, would create havoc with the bill that is being proposed before the House.

I will agree with reducing the number of hours to 24. In fact, I have an amendment which will do precisely that. I would like to concentrate, however, and I would ask the members of the House to look at that amendment, and according to HB 30, it reads as follows: "Provided, That the courses of study and training of a part-time police officer shall be one hundred twenty hours to be completed within two years." That is the provision in the bill. The gentleman from Schuylkill proposes adding to that 120 hours within 2 years the following, and I read: "and an additional three hundred sixty hours which shall be completed at the rate of at least thirty hours per year during the next eight consecutive years." In other words, the gentleman is proposing a 10-year course for part-time police.

I have been in contact with the Boroughs Association, the townships of the first and second class, and they oppose the amendment offered by the gentleman and rightly so, because it does not deal with the problem.

I would particularly request of our city brethren and sisters that they consider the point of the problem that we face. Basically part-time police usually hold full-time jobs, and they must undertake such training during evening hours, on the weekends, and during vacation time. Bear in mind, we are talking about a 10-year plan. The training centers are many times considerable distances for part-time police officers to travel; in fact, in some cases 80 and over 100 miles. Is that not something to look forward to? Ten years. Do you honestly believe that you can get people who will go along with such an arrangement? I do not. In fact, I think we are on a kick in a sense in this training aspect.

Once again yesterday in traveling to the capital, traveling along at the legal speed limit of 55 on Route 78, which is heavily traveled, I constantly had tractor-trailers passing me at an extremely high rate of speed. Oh, yes; oh, yes. Now I do not know exactly what to do about this problem, but let us bring the training into it. While I was moseying along there at this comfortable 55, obeying my President's request, I thought—

Mr. W. D. HUTCHINSON. Mr. Speaker, will the gentleman yield?

Mr. FRYER. Possibly, if it is not detrimental to my cause.

Mr. W. D. HUTCHINSON. Well, I was going to make a suggestion that I would support the gentleman to meet his problem that one of the courses perhaps, that we could insist be included for these part-time policemen is practices and procedures on stopping tractor-trailers exceeding 70 miles per hour on I-78.

Mr. FRYER. I am glad the gentleman brought that up, because I am not an attorney but I think he gave me an opening, because did it not occur to you that in this Commonwealth of Pennsylvania we give our state troopers what is acknowledged to be the finest training in the country? I do not know what we need for them, and I would suggest to the gentleman, who has this great ability to amend, to look possibly and set up a prescribed course for our state troopers. Maybe as they did during the war, I recall, when they had the cards to identify the different types of aircraft, we could have one with passenger cars; we could have one with tractor-trailers; we could have pickup trucks. And I noticed one thing. Occasionally I see someone who is pulled to the side, apparently for a friendly chat with this well-trained person, and invariably it turns out to be a private hauler, none of our major trucking outfits. It seems to me that there is selective law enforcement.

Now bear this in mind: This is the finest training that can be given. Part of it Mr. Hutchinson subscribes to fully, and now he wants to spread this training to part-time police and say, well, now you continue on for 10 years and the professors are going to have courses which, by God, are going to really make a fine law-abiding citizen out of you.

Well, you know, the answer is they are going to say no, because you made them an offer they had to turn down, and you are not dealing with the problem, because in many cases in this Commonwealth you are either giving them part-time police or you are saying no police. And it has been interesting to me to

notice the activity of the police lobby. They have been extremely active, and I cannot understand it, because they are going to say to their different communities in this Commonwealth, our sparsely settled areas, that there shall be no police, and this is from the law-and-order folks.

I do not know. Things get more confusing up here. Possibly I have been up too long.

The SPEAKER. The Chair thanks the gentleman.

Mr. FRYER. Thank you, Mr. Speaker. I will accept that as it is fully intended. I have listened many, many times in this Chamber to addresses which might be listed in my category, so I would just ask for a little patience because this is a vital issue.

Do not accept this amendment, because it does not direct itself to the problem. We have part-time police who are doing an excellent job, excellent, and we have full-time police who fully subscribe to this bill. I would say think it over. You are going to have 10 years of training. The trouble is, the professor will not have any students, and neither will the communities that have at the present time part-time police or no police. Thank you, Mr. Speaker.

HOUSE SCHEDULE

The SPEAKER. For the information of the members of the House, the Chair is about to declare a recess until 3 o'clock for lunch and caucus. When we return, we will take up this bill and the amendment that is currently before us.

One other announcement the Chair would like to make is that we will be in session tomorrow.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

There will be a Democratic caucus called for 2 o'clock, running from 2 until 3 p.m. We shall be discussing among other things the proposed rule change which Mr. Rhodes and Mr. Pott have suggested. We shall also be discussing the structure of the Policy Committee for the Democratic Party, and I would strongly suggest to those Democrats who are interested in having a decision made on these two points that you be present at the caucus at 2 o'clock. Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

There will be a Republican caucus starting at 2 o'clock sharp, and we will cover those bills that we did not caucus on yesterday.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The Senate presented the following resolution for concurrence:

In the Senate,
March 26, 1979.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, April 23, 1979 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, April 23, 1979 unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 3 p.m. The Chair hears none.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 841 By Messrs. ZORD, KNEPPER, BURD, POTT, D. M. FISHER, BARBER, DUMAS, RHODES, GAMBLE, CESSAR, Mrs. ARTY, Messrs. EARLEY, FREIND, WENGER and McVERRY

An Act amending the "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine," approved May 1, 1929 (P. L. 1216, No. 427), further providing for the words appearing on real estate signs.

Referred to Committee on Professional Licensure.

No. 842 By Messrs. GALLAGHER, BURNS and RODGERS

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further regulating the payment of expenses for attendance at meetings.

Referred to Committee on Education.

No. 843 By Messrs. BURNS and GALLAGHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), transferring the finance,*** and recommending that the superintendent of education be made a member of the mayor's cabinet.

Referred to Committee on Education.

No. 844 By Mr. MRKONIC

An Act amending the "Capital Budget Act for Fiscal Year 1973-1974, Highway Project Itemization Supplement," approved December 30, 1974 (P. L. 1160, No. 369), providing for a highway project to be acquired or constructed by the Department of Transportation in Allegheny County.

Referred to Committee on Transportation.

No. 845 By Messrs. DIETZ, WEIDNER, TRELLO, ZELLER, A. C. FOSTER, LEVI, SPITZ, GAMBLE, Miss SIRIANNI and Mr. WENGER

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further providing for applications for incorporation.

Referred to Committee on Local Government.

No. 846 By Messrs. BURNS and MANDERINO

An Act amending the "Mobile Home Park Rights Act," approved November 24, 1976 (P. L. 1176, No. 261), clarifying and further providing for mobile home park rights.

Referred to Committee on Consumer Affairs.

No. 847 By Messrs. YAHNER, THOMAS, Mrs. GEORGE, Messrs. COLE, MADIGAN, STUBAN, ZELLER, WENGER, WILT and CALTAGIRONE

An Act amending the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," approved December 19, 1974 (P. L. 973, No. 319), providing definitions of "roll-back tax" and "split-off."

Referred to Committee on Agriculture and Rural Affairs.

No. 848 By Messrs. MADIGAN, MOWERY, GRIECO, SPENCER, BURD, PETERSON and WEIDNER

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), changing provisions relating to base year, providing for an alternate tax factor, adding provisions relating to a waiting week, further providing for the rate and duration of benefits, and for pensions, vacation and separation pay.

Referred to Committee on Labor Relations.

No. 849 By Messrs. MADIGAN, BURD, MOWERY, PETERSON and DeVERTER

An Act amending the "Inheritance and Estate Tax Act of 1961," approved June 15, 1961 (P. L. 373, No. 207), further providing for certain property held in the names of two or more persons.

Referred to Committee on Judiciary.

No. 850 By Messrs. BENNETT, MACKOWSKI, IRVIS and CIANCIULLI

An Act amending the "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine," approved May 1, 1929 (P. L. 1216, No. 427), requiring persons engaged in the sale of cemetery lots to be licensed, imposing powers upon the real estate commission with respect to cemeteries and providing penalties.

Referred to Committee on Professional Licensure.

No. 851 By Messrs. D. S. HAYES, BOWSER and GLADECK

An Act amending the "Inheritance and Estate Tax Act of 1961," approved June 15, 1961 (P. L. 373, No. 207), providing for the exclusion from taxation of certain transfers to a surviving sibling.

Referred to Committee on Finance.

No. 852 By Messrs. D. S. HAYES, NOYE, BOWSER, J. L. WRIGHT, A. C. FOSTER, MADIGAN, PITTS, PETERSON, VROON, YAHNER, D. R. WRIGHT, and B. F. O'BRIEN

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the gross receipts tax on electricity provided in the Commonwealth.

Referred to Committee on Finance.

No. 853 By Messrs. D. S. HAYES, BOWSER and NOYE

An Act prohibiting the ownership of certain agricultural lands by nonresident aliens and providing penalties.

Referred to Committee on Judiciary.

No. 854 By Messrs. GRIECO, SPENCER, BERSON, W. D. HUTCHINSON, WAGNER, LEVI, D. M. FISHER and LETTERMAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for an additional judge of the court of common pleas in the twenty-ninth judicial district.

Referred to Committee on Judiciary.

No. 855 By Messrs. GRIECO, DAVIES, CIMINI, POLITE, MUSTO, MACKOWSKI, HASAY, COSLETT, A. K. HUTCHINSON, GIAMMARCO, J. J. JOHNSON and HALVERSON

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for the cost-of-living supplements for beneficiary and survivor annuitants.

Referred to Committee on Appropriations.

No. 856 By Messrs. WENGER, BRANDT, YAHNER, WASS, Mrs. HONAMAN, Messrs. GRIECO, BROWN, CALTAGIRONE, STUBAN, Mrs. GEORGE, Messrs. MADIGAN, KLINGAMAN, W. W. FOSTER, ZELLER, ARMSTRONG, E. R. LYNCH, E. H. SMITH, MOEHLMANN, PUNT and THOMAS

An Act amending the act of December 27, 1951 (P. L. 1793, No. 475), referred to as the Liquefied Petroleum Gas Act, providing for the registration of agricultural producers in certain circumstances.

Referred to Committee on Agriculture and Rural Affairs.

No. 857 By Mr. WAGNER

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), changing the filing date for reimbursement.

Referred to Committee on Transportation.

No. 858 By Mr. WAGNER

An Act amending Title 75 (Vehicles) of the Pennsylvania

Consolidated Statutes, changing the time limit for reporting accidents.

Referred to Committee on Transportation.

No. 859 By Mr. WAGNER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of plates on school buses.

Referred to Committee on Transportation.

No. 860 By Mr. WAGNER

An Act amending the "State Highway Law," approved June 1, 1945 (P. L. 1242, No. 428), adding restrictions on the use of chemicals by the Commonwealth or its subdivisions for the removal of snow and ice.

Referred to Committee on Transportation.

No. 861 By Mr. WAGNER

An Act amending the "Motor Carriers Road Tax Act," approved June 19, 1964 (P. L. 7, No. 1), changing certain penalties and duties of the secretary.

Referred to Committee on Transportation.

No. 862 By Mr. WAGNER

An Act amending the "Nursing Home Loan Agency Law," approved July 22, 1974 (P. L. 610, No. 207), permitting nursing homes to change classification without replacing beds required under the prior classification.

Referred to Committee on Health and Welfare.

No. 863 By Mr. WAGNER

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for installment or quarterly payment of the Insurance Premiums Tax.

Referred to Committee on Finance.

No. 864 By Mr. WAGNER

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), excluding solar energy systems in determining the value of real estate.

Referred to Committee on Local Government.

No. 865 By Mr. WAGNER

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), permitting certain political activities by policemen under civil service protection.

Referred to Committee on Local Government.

No. 866 By Mr. WAGNER

An Act amending the "Public Utility Realty Tax Act," approved March 10, 1970 (P. L. 168, No. 66), changing the distribution of the total realty tax equivalent.

Referred to Committee on Finance.

No. 867 By Mr. WAGNER

An Act amending the "Inheritance and Estate Tax Act of 1961," approved June 15, 1961 (P. L. 373, No. 207), changing the rate of inheritance tax for certain heirs.

Referred to Committee on Judiciary.

No. 868 By Mr. WAGNER

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), referred to as the Intangible Personal Property Tax Law, providing for certain exemptions.

Referred to Committee on Finance.

No. 869 By Mr. WAGNER

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), excluding solar energy systems in determining the value of real estate.

Referred to Committee on Local Government.

No. 870 By Messrs. WAGNER and HELFRICK

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the expenses of judges on temporary assignments.

Referred to Committee on Judiciary.

No. 871 By Messrs. DOMBROWSKI, PETRARCA, MILANOVICH, BOWSER, D. S. HAYES and DiCARLO

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), exempting certain real property of senior citizens from school levies.

Referred to Committee on Education.

No. 872 By Messrs. WILSON, BOWSER, D. S. HAYES, BRANDT, Mrs. HONAMAN and Mr. E. R. LYNCH

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for limited wineries.

Referred to Committee on Liquor Control.

No. 873 By Messrs. LEVI, WEIDNER, FRYER, DeMEDIO, A. C. FOSTER and Mrs. TAYLOR

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the Public Official and Employee Ethics Law," changing certain definitions and further providing for restricted activities.

Referred to Committee on State Government.

No. 874 By Messrs. D. R. WRIGHT, STEWART, ZITTERMAN, WILT, MANDERINO, PETRARCA, DeMEDIO, PISTELLA, TRELLO, KNIGHT, CLARK, YAHNER, LIVENGOOD, COLE, GREENFIELD, GIAMMARCO, B. F. O'BRIEN, GOODMAN, McCALL, SHUPNIK, COWELL, MICHLOVIC, COHEN, VROON, SHADDING, SCHWEDER, COCHRAN, KUKOVICH, JONES, STUBAN, CAPPABIANCA, GRAY, McMONAGLE, RIEGER, McINTYRE, SEVENTY, KOWALYSHYN, BROWN, ZWIKL, CALTAGIRONE, STEIGHNER, KOLTER, WACHOB, DUFFY, PETRARCA, SCHMITT, LETTERMAN, DeWEESE and Mrs. HARPER

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the disposition of the proceeds from the sales and use tax on certain items.

Referred to Committee on Finance.

No. 875 By Messrs. PRATT and BURD

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), repealing provisions relating to the Board of State College and University Directors.

Referred to Committee on Education.

No. 876 By Messrs. PRATT and BURD

An Act amending the "Public School Code of 1949," approved March 10, 1949, (P. L. 30, No. 14) removing the functions of the Board of State Colleges and University Directors insofar as they relate to the choosing of State College and University presidents.

Referred to Committee on Education.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 36

(Concurrent) By Messrs. B. F. O'BRIEN, McCALL, HELFRICK, L. E. SMITH, LEHR, BITTLE, SPENCER, DeVERTER, GRIECO, MANMILLER, WASS, ARMSTRONG, MOEHLMANN, W. D. HUTCHINSON, Miss SIRIANNI, Messrs. HALVERSON, ZITTEMAN, GOODMAN, DeMEDIO, SWEET, GEORGE, FEE, GATSKI, WARGO, SHUPNIK, MUSTO and SCHMITT

The General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to grant tax deductions and/or credits to industrial users of oil or natural gas who convert their boilers to coal.

Referred to Committee on Federal-State Relations.

No. 37 By Messrs. MURPHY, MICHOLOVIC, DAWIDA, AUSTIN, Mrs. KERNICK, Messrs. MRKONIC, McVERRY, GRUPPO, SIEMINSKI and PETERSON

Rule 47(b) of the House of Representatives be amended by adding a section.

Referred to Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Senate presented the following bills for concurrence:

SB 59, PN 566

Referred to Committee on State Government.

SB 224, PN 567

Referred to Committee on Urban Affairs.

SENATE MESSAGE

SENATE RESOLUTION FOR CONCURRENCE

The Senate presented the following resolution for concurrence:

SR 206

Referred to Committee on Federal-State Relations.

CONSIDERATION OF AMENDMENTS TO HB 30 RESUMED

The SPEAKER. The House is about to resume its debate on the amendments to HB 30, the amendments introduced by the gentleman from Schuylkill, Mr. Hutchinson.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

To refresh the memory of some of the members concerning the Hutchinson amendment, I would remind the members that the amendment would reduce the present 480 hours of training required to 120 hours plus a makeup period for the additional 360 hours over an 8-year period.

I would like to commend the gentleman, Mr. Hutchinson, for attempting to make the legislation a little bit better, but, unfortunately, I believe the amendment creates more problems than it solves, and I will try to outline those for the membership.

Mr. Fryer addressed the amendment, and I believe he was absolutely correct and reached the right conclusions. However, I believe they were for the wrong reasons for the most part.

Presently the training, which comprises 480 hours, is completed on two different levels, and when I say "levels," I mean it can be completed in two different ways. One is a full-time course in which the 480 hours are completed during a 3-month intensive training period. The other way in which the training can be completed is on a modular basis over an 11-month period, and this is generally the way the part-time or so-called part-time officers train.

The problem created with Mr. Hutchinson's amendment, in my opinion, is that there are presently many difficulties in getting schools to certify or to provide this course with the two different levels of training, and with Mr. Hutchinson's proposal there will be a variety of levels of training, depending on what level a particular officer has reached. I am fearful that many of the schools will find their class size dropping off, and as a result, they will find that it is not in their best interest to continue the course and will no longer offer the training. So instead of having to travel 100 miles or 80 miles, you might have to find yourself traveling even greater distances.

The second problem that is raised is a fiscal one. Presently local government is reimbursed entirely for all costs of tuition and travel expenses for all of the students whom it enrolls in a course. In addition, it is also reimbursed for one-half of the salary of that officer while he is in training. Under the regulations now in effect, which is the law, that reimbursement is made on a one-time basis; namely, at the end of the course when the training is completed, the municipality applies for the reimbursement and it is made at that time. If this amendment would become law, under the current regulations it is conceivable that local government would have an up-to-10-year period before it could claim reimbursement for this cost of training, and I am certain that we do not want to have local government suffer that inconvenience.

I believe this has a severe fiscal impact on local government

under the regulations as they are presently written, and I believe that we should defer the adoption of this amendment, and I would urge that it be defeated.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, it is rather interesting that I find that Mr. Piccola, on the one side of this bill, who probably is not going to vote for the bill at all and does not think that rural areas need this relief, is opposed to the amendment, and on the other hand, Mr. Fryer, who wants the bill in exactly its form as it now exists, opposes the amendment. You know, it is often stated that a good compromise probably does not please either extreme opponent, and by that test I think this is a good compromise.

Just to address a couple of things: Mr. Fryer said that a guy had to go for 10 years. He does not. He can do it more quickly if he wants to. If he wants to take the total of the 10 years, that is up to him to get these courses. With respect to the questions that Mr. Piccola raises, I would say that I think the regulations that he is talking about could be easily changed by the regulatory authority, and we have enough oversight in this bill to insure that they are changed in the right way.

I urge support of the amendment. I think it is a reasonable compromise. I think to go the way the bill is now drafted without this amendment is in fact destroying the philosophy that this House had already decided when it said that local policemen needed training and they needed a certain amount of training. I am trying to meet a problem in a practical, reasonable way, and I think this bill will do it with my amendment.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

As one of the sponsors of HB 30, I rise in support of the Hutchinson amendment. I do so, but like some of my other colleagues, I am not entirely in agreement with the amendment. It might be that I would very well like to see the bill in its present form, but I do recognize the problems that have been set forth by Mr. Hutchinson and by other members of the House, and I would urge support of the amendment, because, number one, it addresses itself to the problem that our municipalities have with hiring part-time policemen, then training them, having them receive their full training, and go on to greener pastures.

Adoption of this amendment will mean that they will not become full-time policemen, as defined, until after completing the required 480 hours. This will solve the problems of our municipalities. I have talked with my local people back at home, and they agreed to accept this concept. They feel it is a valid one. With that in mind, I would urge support of the amendment and then subsequent adoption of the bill.

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

Miss SIRIANNI. Mr. Speaker, I rise in opposition to the amendment and in favor of the bill, and I really would like to have this body's attention. This is extremely important to me.

First of all, I would like to address you regarding a paper that I had sent out now on the floor and is placed on your desks. It

was just placed there within the last 10 minutes. I happened to find it a couple of weeks ago in an old newspaper from back in the 1880's. Jeff Piccola says I am that far behind in the newspapers, but maybe our country would be better if we were that far behind.

If you will notice, too, where I have the first arrow it says: "The tariff question is a case in point. Where high protection is beneficial in one section it is injurious to the interests of another; and it requires deep study, careful consideration and wise statesmanship to adjust it in just the right manner to be acceptable to all portions of the country, or even for the general good of the nation at large." Then if you will move down to the last arrow, it says: "A few years since while Chester county paid only six and one half mills to cover all county and local taxes, on a two thirds basis of valuation, which would be about the same as thirteen mills on our basis of assessment, we were paying here in New Milford Township forty-five mills."

The New Milford Township that was mentioned in there happens to be in my district, and that happens to be the predicament that we are in today with our millage way up above what we can afford because we do not have the valuation that you have in many parts of the state, and I think it behooves us to try to pass bills that will be beneficial to all of the state and not just to one district. It is not right to pass a bill that will help your district and ruin another district.

When Mr. Fryer—

POINT OF ORDER

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

Mr. ZITTERMAN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ZITTERMAN. Mr. Speaker, what are we discussing on the House floor at this time? Are we discussing the Hutchinson amendment?

The SPEAKER. The question before the House is the amendment offered by the gentleman from Schuylkill, Mr. Hutchinson, amendment No. A494, to HB 30.

Mr. ZITTERMAN. Mr. Speaker, may I suggest that we stay on that subject? Thank you.

Miss SIRIANNI. Mr. Speaker, I happen to be on the subject whether he can understand English or not.

The SPEAKER. The Chair thanks the gentleman.

Miss SIRIANNI. When Mr. Fryer was talking about some areas being too far to go to school, perhaps he had in mind a district like mine. For a person to be hired as a part-time policeman, he would have to go to work every day at his usual job. When he comes home from work, he would have to travel a minimum of 85 miles to get to the nearest school. Then after attending school, he would have to travel 85 miles again to get home. I think if the Police Commission was as interested in this bill as they claim they are, they would have done something to make it more convenient for the people to obtain the schooling in the area where they live. I have talked to the Police Commission about this. They promised me repeatedly that they were going to come and see me about it, but to this day nobody has

come. Therefore, I ask you to try to help us do something that we, too, can afford.

You have to take into consideration the size of the township. When this bill was brought up in committee, one of the members said, well, I do not know what you are talking about, Carmel; one of my smallest townships has 20,000 people in it and they can afford it. Twenty thousand people happens to be a metropolis up in my area. The largest district in my area has 2,200 people. Most of my districts have between 300 and 500 people, and it is impossible for them to hire a full-time policeman because they cannot afford it. They need to have this bill as Mr. Fryer has it, not with Mr. Hutchinson's amendment in. Either they have to have the bill as Mr. Fryer has it or Mr. Foster, but without this amendment, or they will have no police protection whatsoever.

I happen to live in an area where there are many lakes. Our biggest problem is that we have weekend visitors, and I might add that the weekend visitors are your constituents from your large areas. If you would keep your constituents home, we would not even need part-time policemen. Every weekend our lakes are surrounded with the people from the cities. Therefore, it is necessary for us to put part-time policemen on on weekends. We cannot afford anything else, and this is better than nothing. When you live in a small area, you know the people; you know enough to pick responsible individuals for this job. You are not going to pick trigger-happy people. You know everyone around you, and you know who is who, and perhaps you know them better than the person who is walking around with all the degrees.

I ask you to take into consideration what is best for all of Pennsylvania. I ask you to vote against Mr. Hutchinson's amendment and for the bill as it was written originally. Thank you very much.

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

Mr. ZELLER. Mr. Speaker, I am very sympathetic to the problems of the rural area. Being in one, I can say that what Mr. Fryer and Miss Sirianni and what others have stated in regard to their desire to have part-time police and the type of training they ask for and the amount of hours, I can understand their plight, but it is unrealistic, and if you give me a little latitude in regard to Mr. Hutchinson's amendment, I say it is unrealistic and the reason is that—and there is no question about it. And I am not trying to be facetious—but you take the training of a doctor or anyone and we can say that we need doctors in the rural areas. Everybody knows that we need doctors and we need them badly.

What you say is we allow these doctors to come in with only a year of medical training and let them train on the job and they can work on your loved ones and get the training and go to school and get it from actual experience out in the field. I do not think that you would hold still for that. I think, realistically, as Miss Sirianni has stated, that up in her area, and I quote, "the weekend visitors from the cities and if they stayed at home we would not have the problems." Let me explain.

I say this respectfully to Miss Sirianni that for years working with a department here in the state, we set up, along the bor-

der, in her area and other areas along the northern sector, especially in region 2 that I am involved with, a strike force to handle well-trained individuals in the narcotic strike force to handle those people coming down from New York. They set up their little trailers and tents in the woods and then started working in the Pocono areas and the various resorts and selling their wares.

The local police do not have the training for it, and the state police are involved, the narcotic strike squads, and we had to do this because they just could not handle the situation. They do not have the manpower for it.

With the high-speed cars and the good highways today, let no one tell you that those specialists in the field of crime are not going to only stay in the cities, they are going out into those areas and we owe it, we owe it to the policeman and his loved ones to give him all of the protection in the world that he can be properly trained and protect himself for his own benefit as well as his family and the people who protect him. That is why I say that I am not in favor of Mr. Hutchinson's amendment.

I was on the phone with the sponsor of the bill in 1974, Mr. Eckensberger, who said that he is not going to get involved in this. I can respect him for it for the simple reason that he realizes that it is a problem; but, as he stated—and I am not fearful of quoting him because Bill will stand for it—it should be studied. It should be studied to come in with a realistic figure that everybody has to abide with before that individual is put on the street. Maybe 480 hours is too much, and I could not agree with Mr. Eckensberger more.

That is what we should do. We should set a committee up that will study this situation and I am willing to go along with Mr. Fryer and Miss Sirianni that there has got to be a realistic figure. That we have got to end those cities and those areas that feel that they need more for various specialized training and can go to more training if they so desire, but there has to be a minimum, a minimum of, say, 240 or whatever we come up with, but not bring it down to an area where you are going to put that part-timer out there alongside of a full-timer who is fully trained and expect that individual to protect that full-timer when he cannot, and that full-timer has got to carry both loads, and I think that it is unrealistic and very unfair.

That is why—and I want to thank you for the latitude that you gave me—I cannot see putting this individual out into the street and expect him or any borough or township to send him to school for the next 8 years. Half of them maybe will not even live that long, but I think that it is unrealistic and therefore I would have to go along with Mr. Fryer and Miss Sirianni to defeat the amendment and then we can go on and work on defeating HB 30 as it is.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. I feel that what we are trying to do can at least make it feasible for the people to send the policeman for some type of training, and they will probably be schooled in the things that they really need, but the additional hours that are added on in the Hutchinson amendment is just not feasible for the small communities, and

there is no possible way that they could pay for this type of training. These people would have to get off from work. They would have to be paid full time to get off and I do not know of any small township or borough that I have that can afford that type of money to be laid out. I hope that everybody takes this into consideration and will help us to defeat this amendment. Thank you.

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

Mr. FRYER. Mr. Speaker, I would urge a "no" vote on the Hutchinson amendment.

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

The following roll call was recorded:

YEAS—43

Alden	Fisher, D. M.	Levin	Rocks
Beloff	Foster, A.	Lynch, F.	Ryan
Bittle	Freind	McClatchy	Salvatore
Chess	Gannon	McKelvey	Scirica
Coslett	Goebel	McVerry	Spitz
Davies	Gruppo	Mowery	Stairs
Dawida	Honaman	Nahill	Taddonio
DeMedio	Hutchinson, W.	O'Brien, D.	Weidner
Dorr	Klingaman	Perzel	Wilt
Durham	Knepper	Punt	Yohn
Fischer, R. R.	Kukovich	Pyles	

NAYS—149

Anderson	Gallen	Madigan	Serafini
Armstrong	Gamble	Manderino	Seventy
Arty	Gatski	Manmiller	Shadding
Austin	Geesey	McCall	Shupnik
Barber	Geist	McIntyre	Sieminski
Belardi	George, C.	McMonagle	Sirianni
Bennett	George, M.	Michlovic	Smith, E.
Berson	Giammarco	Micozzie	Smith, L.
Borski	Gladeck	Milanovich	Spencer
Bowser	Goodman	Moehlmann	Steighner
Brandt	Grabowski	Mrkonic	Stewart
Brown	Grieco	Mullen, M. P.	Stuban
Burd	Halverson	Murphy	Sweet
Burns	Harper	Musto	Swift
Caltagirone	Hasay	Novak	Taylor, E.
Cappabianca	Hayes, D. S.	O'Brien, B.	Taylor, F.
Cessar	Hayes, S. E.	O'Donnell	Telek
Cianciulli	Helfrick	Oliver	Thomas
Cimini	Hoeffel	Peterson	Trello
Clark, B.	Hutchinson, A.	Petrarca	Vroon
Clark, R.	Irvis	Piccola	Wachob
Cochran	Itkin	Pievsky	Wagner
Cole	Johnson, E.	Pistella	Wargo
Cornell	Johnson, J.	Pitts	Wass
Cowell	Jones	Polite	Wenger
Cunningham	Kanuck	Pott	White
DeVerter	Kernick	Pratt	Wilson
DeWeese	Knight	Pucciarelli	Wright, D.
DiCarlo	Kolter	Rappaport	Wright, J. L.
Dietz	Kowalshyn	Reed	Yahner
Dombrowski	Lashinger	Rhodes	Zeller
Donatucci	Laughlin	Richardson	Zitterman
Duffy	Lehr	Rieger	Zord
Dumas	Letterman	Ritter	Zwilk
Earley	Levi	Rodgers	
Fee	Livengood	Scheaffer	Seltzer,
Foster, W.	Lynch, E. R.	Schmitt	Speaker
Fryer	Mackowski	Schweder	

NOT VOTING—11

Brunner	Gallagher	Lewis	Street
Cohen	Gray	Miller	Williams
Diminni	Greenfield	Noye	

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

REMARKS ON VOTE

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

Mr. NOYE. Mr. Speaker, I was out of my seat during the vote on the Hutchinson amendment on HB 30. If I were in my seat, I would have voted in the negative.

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

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. D. M. FISHER offered the following amendments:

Amend Title, page 1, line 11, by inserting after "of" certain municipalities other" in line 11, all of line 12 and "counties of the second class" in line 13

Amend Sec. 1 (Sec. 2), page 1, lines 24 and 25; page 2, lines 1 through 3, by striking out all of said lines and inserting

(7) "Part-time police officer" means a municipal police officer whose average hours of work per week as a police officer is thirty hours or less. However, the special provisions provided for part-time police officers in section 5(1), (1.1) and (7) shall not be applicable to part-time police officers of municipal or county police departments or forces in second class counties.

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

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

Mr. D. M. FISHER. Thank you, Mr. Speaker.

What my amendment does is it changes the wording in what is numbered in the bill as subsection 7 under section 2.

The present bill excludes from the provisions of this bill of officers of a county police force in a county of the second class and officers of a police force from the city of Pittsburgh. What my amendment seeks to do is to expand that exception so that this bill, if it does pass, would not apply to any of the municipal police forces located within Allegheny County. Why am I proposing this amendment?

The principal reason that I am proposing this amendment at this time is a very basic one. In Allegheny County most people I know from the other part of the state are very unfamiliar with the system of government that we have in the county itself. A lot of people will say to you—who think I am from the city of Pittsburgh or think that my colleagues on the other side of the aisle, Mrs. Kernick and Mr. Cowell are from the city of Pittsburgh, and many others. We are not from the city of Pittsburgh; we are from Allegheny County. Located within Allegheny County are 131 different municipalities and in each of those municipalities we have separate police departments. But

for a long time many people have argued—that we should come to grips with the problem of multiplicity of municipalities in the county. I am not addressing that in my amendment but one of the problems with the multiplicity of municipalities is the fact that we have all of these small police forces. Some police forces, such as police forces in Mr. Pott's district, do not have anybody. There is one police officer who is part-time. Somewhere along the line those of us from that county have a responsibility to look at the problem. It is my opinion, from being involved in law enforcement for 5 years as an assistant district attorney during the early part of the seventies, that we should take a role in evaluating some of the problems that have developed in this area, and I think one way that we can take a role is to start with this bill and we should say to these small municipalities that we are not going to give you an exception in which you can continue to hire these part-time police officers.

Part-time police officers in these communities surrounding a city of 550,000 people, like the city of Pittsburgh, just is not good for the criminal justice system. You know, it does not matter how big the community is. We have had crimes in all of those communities. We have had crimes over the last 2 or 3 years, a series of murders in the outlying areas, in one of these communities where are the part-time police officers, and, quite frankly, some of the communities have botched the investigation. So what I am saying is that we have problems back home. I recognize the problems that many of my colleagues have in the rural areas with the part-time police officers.

I am suggesting that we exempt our municipalities and let the bill go as it is for the rest of you. Thank you.

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

Mr. GAMBLE. Mr. Speaker, I rise to oppose the Fisher amendment. My district makes up 10 boroughs and townships. My home borough is a case in point, with 2,000 people. We have probably put four or five policemen through these schools. Every single one that has been put through these 480 hours has gone on to greener pastures, to bigger boroughs and townships, to become a full-time police officer, thus making the small boroughs and townships the training grounds for this program. So what has come to pass is that many of the boroughs and townships cannot get anyone who will go to the school, and the ones who do go to the school move on. So many of the boroughs and townships across the Commonwealth are in violation of the 480 hours and are getting no training whatsoever.

The bill, as it stands, HB 30, will correct that. We want Allegheny County in this bill. As Mr. Fisher said, there are 130 boroughs and townships. Most of those boroughs and townships belong to either the State Boroughs Association or the State Townships Association and they wholeheartedly support HB 30. I ask you to vote down the Fisher amendment.

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

Mr. TRELLO. Mr. Speaker, I rise to support the Fisher amendment. In 1976, in my legislative district and the surrounding areas, there were 28 unsolved murders and rapes. If you recall, at that time I introduced a resolution to create a

special task force to fight that problem.

I think the reason for the number of rapes and murders in that area is because of the lack of expertise in that particular area.

Another good reason why I support the Fisher amendment is that the leading reason for a number of these rapes and murder cases and other crimes being thrown out of court was the lack of credibility of the police officer filing the proper information and how to do it. I think that that is the biggest single factor in criminals being released and not having any charges filed against them, because of the paperwork and the expertise of the arresting officer. I, therefore, support the Fisher amendment and hope my colleagues will support it also. Thank you.

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

MR. FRYER. Mr. Speaker, I rise in opposition to the proposal by the gentleman from Allegheny, Mr. Fisher. I am not a native of that area, but this bill was proposed in the last session, and I have attended several meetings of the Allegheny conference and they have indicated their support for this bill. They indicate that they had boroughs and townships in Allegheny County which need the provisions of this bill, and, therefore, I support the position taken by Mr. Gamble and ask that you vote in opposition to the Fisher amendment.

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

Mr. ZELLER. Mr. Speaker, thank you.

The Fisher amendment is a move in the right direction to—and I say this sincerely—show the need for training. The former assistant district attorney, who has tremendous experience in this area, Mr. Trello—who is an officer of his community, and, I understand, a councilman and mayor of this community know the problems that they ran into in those areas in need of training, and I do not want to get involved in this battle in Allegheny County, but I do wish—and I will support it—to opt them out or opt out any community that wants to be opted out for the simple reason that we are going to prove a point in those communities who show the need. Here he talked of a city with a population of 550,000, Pittsburgh, and the surrounding communities where criminals know no boundaries; they go there. Therefore, we owe it to the police officers to protect them, to give them the proper training so they can do the job to protect their people.

Therefore, I admire the fact that they brought an amendment up that will give us a chance to allow them to opt out of this bill, and I would like to see any area that wants to opt out of this bill, let us get them in there. Let us support this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I rise in opposition to the amendment because there are many municipalities in this Commonwealth that need this bill and need it badly, and I would submit that in second class counties they have the same problem with small municipalities that we

have in my area. I would urge a negative vote on the amendment.

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

The following roll call was recorded:

YEAS—55

Austin	Goebel	Novak	Smith, L.
Beloff	Grabowski	Peterson	Spencer
Bittle	Hutchinson, W.	Piccola	Stairs
Brandt	Itkin	Pistella	Steighner
Burd	Kernick	Polite	Sweet
Cessar	Knepper	Pott	Taddonio
Chess	Kukovich	Punt	Trello
Clark, B.	Levin	Reed	Vroon
Cunningham	McClatchy	Rhodes	Wilt
Dawida	McVerry	Ritter	Yohn
Fischer, R. R.	Miller	Ryan	Zeller
Fisher, D. M.	Mowery	Scirica	Zord
Gannon	Mrkonic	Seventy	Zwikl
Geist	Murphy	Sieminski	

NAYS—136

Alden	Foster, W.	Letterman	Rocks
Anderson	Freind	Levi	Rodgers
Armstrong	Fryer	Livengood	Salvatore
Arty	Gallen	Lynch, E. R.	Scheaffer
Barber	Gamble	Lynch, F.	Schmitt
Belardi	Gatski	Mackowski	Schweder
Bennett	Geesey	Madigan	Serafini
Borski	George, C.	Manderino	Shadding
Bowser	George, M.	Manmiller	Shupnik
Brown	Giammarco	McCall	Sirianni
Burns	Gladeck	McIntyre	Smith, E.
Caltagirone	Goodman	McKelvey	Spitz
Cappabianca	Grieco	McMonagle	Stewart
Cianciulli	Gruppo	Michlovic	Stuban
Cimini	Halverson	Micozzie	Swift
Clark, R.	Harper	Milanovich	Taylor, E.
Cochran	Hasay	Moehlmann	Taylor, F.
Cole	Hayes, D. S.	Mullen, M. P.	Telek
Cornell	Hayes, S. E.	Musto	Thomas
Coslett	Helfrick	Nahill	Wachob
Cowell	Hoeffel	Noye	Wagner
Davies	Honaman	O'Brien, B.	Wargo
DeMedio	Hutchinson, A.	O'Brien, D.	Wass
DeVertter	Irvis	O'Donnell	Weidner
DeWeese	Johnson, E.	Oliver	Wenger
Dietz	Johnson, J.	Perzel	White
Dombrowski	Jones	Petrarca	Wilson
Donatucci	Kanuck	Pitts	Wright, D.
Dorr	Klingaman	Pratt	Wright, J. L.
Duffy	Knight	Pucciarelli	Yahner
Dumas	Kolter	Pyles	Zitterman
Durham	Kowalshyn	Rappaport	
Earley	Lashingner	Richardson	Seltzer,
Fee	Laughlin	Rieger	Speaker
Foster, A.	Lehr		

NOT VOTING—12

Berson	DiCarlo	Gray	Pievsky
Brunner	Dininni	Greenfield	Street
Cohen	Gallagher	Lewis	Williams

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. FRYER offered the following amendment:

Amend Sec. 1 (Sec. 2), page 1, line 25, by striking out "thirty" and inserting twenty-four

On the question,

Will the House agree to the amendment?

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

Mr. FRYER. Mr. Speaker, as I stated earlier I had an amendment which would strike out "thirty" on page 1, line 25, of the bill and insert "twenty-four". In other words, as the bill was originally written, a part-time police officer was one whose average hours of work were 30 per week. In line with Mr. Hutchinson and with other members of the House who felt this figure was too high, we are now proposing that this figure be cut to 24.

Mr. Speaker, I would urge the adoption of the amendment.

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

Mr. ZELLER. Mr. Speaker, very unusually, I will support the amendment for the simple reason that I would like to get it down to zero.

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

Mr. W. D. HUTCHINSON. I support the amendment, Mr. Speaker, and I urge all of the members to vote in favor of it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—187

Alden	Fryer	Mackowski	Scheaffer
Anderson	Gallen	Madigan	Schmitt
Armstrong	Gamble	Manderino	Schweder
Austin	Gannon	Manmiller	Scirica
Barber	Gatski	McCall	Serafini
Belardi	Geesey	McClatchy	Seventy
Bennett	George, C.	McKelvey	Shadding
Bittle	George, M.	McMonagle	Shupnik
Borski	Giammarco	McVerry	Sieminski
Bowser	Gladeck	Michlovic	Sirianni
Brandt	Goebel	Micozzie	Smith, E.
Brown	Goodman	Milanovich	Smith, L.
Burd	Grabowski	Miller	Spencer
Burns	Grieco	Moehlmann	Spitz
Caltagirone	Gruppo	Mowery	Stairs
Cappabianca	Halverson	Mrkonic	Steighner
Cessar	Harper	Murphy	Stewart
Chess	Hasay	Musto	Stuban
Cianciulli	Hayes, D. S.	Nahill	Sweet
Cimini	Hayes, S. E.	Novak	Swift
Clark, B.	Helfrick	Noye	Taddonio
Clark, R.	Hoeffel	O'Brien, B.	Taylor, E.
Cochran	Honaman	O'Brien, D.	Taylor, F.
Cole	Hutchinson, A.	O'Donnell	Telek
Cornell	Hutchinson, W.	Oliver	Thomas
Coslett	Irvis	Perzel	Trello
Cowell	Itkin	Peterson	Vroon
Cunningham	Johnson, E.	Petrarca	Wachob
Davies	Johnson, J.	Piccola	Wagner
Dawida	Jones	Pistella	Wargo
		Pitts	Wass

DeMedio	Kanuck	Polite	Weidner
DeVerter	Klingaman	Pott	Wenger
DeWeese	Knepper	Pratt	White
Dietz	Knight	Pucciarelli	Wilson
Dombrowski	Kolter	Punt	Wilt
Donatucci	Kowalyszyn	Pyles	Wright, D.
Dorr	Kukovich	Rappaport	Wright, J. L.
Duffy	Lashingier	Reed	Yahner
Dumas	Laughlin	Rhodes	Yohn
Durham	Lehr	Richardson	Zeller
Earley	Letterman	Rieger	Zitterman
Fee	Levi	Ritter	Zord
Fischer, R. R.	Levin	Rocks	Zwinkl
Fisher, D. M.	Livengood	Rodgers	
Foster, A.	Lynch, E. R.	Ryan	Seltzer,
Foster, W.	Lynch, F.	Salvatore	Speaker
Freind			

NAYS—1

Kernick

NOT VOTING—15

Arty	DiCarlo	Greenfield	Pievsky
Berson	Dininni	Lewis	Street
Brunner	Gallagher	McIntyre	Williams
Cohen	Gray	Mullen, M. P.	

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

REMARKS ON VOTE

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

Mrs. ARTY. Mr. Speaker, I was absent from my seat during the vote on the Fryer amendment to HB 30. I wish to be recorded as having voted "nay."

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

On the question,

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

Mr. REED offered the following amendments:

Amend Title, page 1, line 12, by inserting after "class", certain cities of the third class

Amend Sec. 1 (Sec. 2), page 2, line 2, by inserting after "class", or a city of the third class with a population of 25,000 or more,

On the question,

Will the House agree to the amendments?

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

Mr. REED. Mr. Speaker, regardless of what side of the issue you may be with regard to the substance of HB 30, I believe most, if not all of us, can agree that this bill ought not to apply to cities in Pennsylvania because they have problems that are far more acute than those of some of the very rural and suburban areas which have been alluded to by proponents of HB 30.

Therefore, this amendment simply says, that this bill ex-

cludes cities of the third class with a population of 25,000 or more.

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

Mr. ZELLER. Again, Mr. Speaker, I support Mr. Reed to have the cities opt out, and we are going to try to get them all opted out. Thank you.

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

Mr. FRYER. Mr. Speaker, throughout the debate we had insisted that our primary problem is with our boroughs and our townships and our sparsely settled communities. In line with that, I have no objection to this amendment, and we would hope that the members would have the same compassion toward our problem on the bill. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

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

NAYS—7

Alden	Kernick	Micozzie	Yohn
Burns	McVerry	Wright, D.	

NOT VOTING—13

Arty	Dininni	Greenfield	Pucciarelli
Borski	Gallagher	Lewis	Street
Brunner	Gray	Miller	Williams
Cohen			

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

REMARKS ON VOTE

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

Mr. BURNS. Mr. Speaker, I just want to note that despite desperate shouts to the Secretary to the contrary, my switch was locked in the negative position. I wanted to vote in the affirmative on the Reed amendment to HB 30. Thank you.

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

RECONSIDERATION OF VOTE

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I move that the vote by which my amendment to HB 30, PN 31, was defeated on the 27th day of March, be reconsidered.

Mr. GEESEY. I second the motion.

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

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

Mr. W. D. HUTCHINSON reoffered the following amendments:

Amend Sec. 1 (Sec. 2), page 1, line 25, by striking out "thirty" and inserting twenty-four

Amend Sec. 2 (Sec. 5), page 2, line 11, by removing the period after "years" and inserting and an additional three hundred sixty hours which shall be completed at the rate of at least thirty hours per year during the next eight consecutive years.

Amend Sec. 2 (Sec. 5), page 2, line 15, by striking out "now one hundred twenty hours"

Amend Sec. 2 (Sec. 5), page 2, by inserting between lines 24 and 25

(8) To adopt as a regulation a sequential type curriculum, beginning with the most important courses, for part-time policemen. Before the curriculum is adopted, it shall be submitted to the Chief Clerk of the Senate and House of Representatives who shall cause the regulations to be printed and distributed among all members of both chambers in the same manner as a reorganization plan. If both bodies fail to act within sixty days

of receipt of such regulation, or within ten legislative days after receipt, whichever shall last occur, the regulation shall be promulgated pursuant to the provisions of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law and 45 Pa. C.S. Part II (relating to publication and effectiveness of Commonwealth documents). If either chamber disapproves the regulation, such information shall be certified by the Speaker of the House of Representatives or President pro tempore of the Senate to the department, and such regulation shall not be promulgated as a final regulation.

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

AMENDMENTS
DIVIDED

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I ask the Chair whether or not the amendment can be divided and, for purposes of aiding the Chair in connection with the ruling on the division, I would divide it as follows: By beginning on line 7 of the amendment where it says, "Amend Sec. 2 (Sec. 5), page 2, by inserting between line 24 and 25", I would divide that portion to the end of the amendment from the rest of the amendment.

The SPEAKER. For the information of the members of the House, the amendment is A494. It is the opinion of the Chair that the amendment is divisible in the manner which has been suggested by the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, the reason for the offering of the reconsideration motion and the division of the question that I have suggested—I guess I have to move that the amendment be divided. Is that correct? As I understand the procedure, that has to be submitted to the House.

PARTS I AND II OF AMENDMENTS
WITHDRAWN

The SPEAKER. For the information of the members, it is my understanding that the gentleman from Schuylkill, Mr. Hutchinson, is withdrawing the first part of the amendment and only wants the House to consider the second part.

Mr. W. D. HUTCHINSON. I am withdrawing the first two parts, Mr. Speaker. The first part is already in by virtue of Mr. Fryer's amendment. I am withdrawing the second part and I want the House to consider only the third part which relates to the legislative oversight and has a different type of legislative oversight than is now in the bill.

PARLIAMENTARY INQUIRY

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

Mr. FRYER. I rise to a point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRYER. Since the gentleman's amendment has been defeated earlier today, would he not have to move to suspend the rules of the House?

The SPEAKER. No. The gentleman moved that the House reconsider the vote by which his amendment was defeated. The House did that. It reconsidered the vote, and the question before the House now is the adoption of the third part of the amendment offered by the gentleman from Schuylkill, Mr. Hutchinson.

The question is on the adoption of the third part of the amendment, and the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Mr. Speaker, the portion of the Hutchinson amendment which we are now considering is labeled section 8 on the amendment. This section falls under powers and duties of the commission and it is a legislative oversight provision.

Now I have nothing against legislative oversight. In fact, I would favor it. However, if you read this proposed section 8 carefully, it will have absolutely no meaning within the context of the bill if we would pass the bill as it is presently written. Section 8 would require a sequential-type curriculum, beginning with the most important courses, and, I suppose, ending up with the least important courses.

The bill would only provide, as it is presently written, for a 120-hour course for part-time policemen. It would not matter what was more important or less important. That would be the curriculum for the part-time police. The other, of course, would be the 480-hour course for the full-time police. There appears to me to be no reason for developing a sequential-type curriculum for this course of study without the rest of the Hutchinson amendment, which was defeated and withdrawn.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I just simply disagree with Mr. Piccola. He is not correctly reading it. It has a place in it I want to see and the purpose of this amendment is to insure that that 120 hours has the right core curriculum, a core curriculum that this House would agree with.

Many people on the floor of this House have raised questions about some of the silly courses that are required in the 480. What I am trying to do here is to insure that we have a look at it and I am trying to insure it so that if they adopt a regulation and say, take any 120 hours of the 480 you want, if they adopt that regulation as the bill now stands, we have got to get a bill through the House and Senate to change the regulation. If you adopt my amendment as it is now divided and proposed, if either House does not like this, it comes on the calendar as a reorganization plan and, within 60 days of the time that it is proposed, either House can say to them, we do not like this and you cannot adopt that regulation. They are not the right courses.

It gives us a chance and makes certain that we will have the chance to come here and take a look and do the kind of study that Mr. Zeller has been talking about. That is all I want, and I think that what we are having here and what we are thinking

about is some unreasoning opposition to any kind of an amendment to this bill and I think that is a mistake. I think this amendment should be there. If you are really interested in the problem, you want their regulation on that core curriculum on the calendar of this house so that you can take a look at it, and my amendment insures that that will happen. Thank you, Mr. Speaker.

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

Mr. PICCOLA. Mr. Speaker, I fully support the intent of Mr. Hutchinson. What I object to is the way the amendment is presently drafted. I do not understand the reason for developing a sequential course with most important courses and least important courses.

What the gentleman should have is an amendment which requires the regulation of the proposed 120-hour course and the 480-hour course brought before the General Assembly, not some sequential-type curriculum, which I think he drafted with the purpose of having the course spread out over 8 years. That is what I am objecting to.

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

Mr. ZELLER. Mr. Speaker, as much as I would like to go along with Mr. Hutchinson on this issue, I feel that it is a Mickey Mouse deal here and not intentionally by him, but what will happen is, with all respect to the members—and I am certain and I know you will think for yourselves—that One of the problems it may say to you, and I hope that it does not, is that, well, now, we got it. Now we got a study.

Although I appreciate what he said in regard to what I am after, this does not do it. All it is is an oversight group, but we still have in HB 30 that 120 hours. My problem is that I want to see, without HB 30, a study that will say that even the 480 hours could be too much and for those cities and areas that have problems and want to go further, that is their business, but they must have a minimum of, say, so much. But I am sure and positive that the proponents of HB 30 will welcome this because this is going to aid and abet their bill passage. That is why you have to watch yourself being Mickey Moused into this deal. So watch yourselves. As far as I am concerned, I agree with Mr. Piccola; we should give this a defeat and then go out and defeat HB 30.

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

Mr. FRYER. Mr. Speaker, in a spirit of compromise and improving slightly a meritorious piece of legislation and in the hopes that it will aid in the final passage of HB 30, I would urge the members to vote "yes."

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

Mr. W. D. HUTCHINSON. Mr. Speaker, beware of the Greeks even though they are bearing gifts.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—172

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

NAYS—20

Austin	Geist	O'Donnell	Stewart
Burns	Hoeffel	Piccola	Sweet
Cappabianca	Kowalshyn	Pratt	Swift
Cochran	Mrkonic	Serafini	Zeller
Dietz	Novak	Sirianni	Zitterman

NOT VOTING—11

Brunner	Gray	McIntyre	Trello
Dininni	Greenfield	Richardson	Williams
Gallagher	Lewis	Street	

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

On the question, recurring,

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

Bill as amended was agreed to.

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

SPECIAL ORDER OF BUSINESS

The SPEAKER. The Chair recognizes the majority leader.
Mr. RYAN. I move that SB 430, on page 10, be called up as a special order of business.

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

The house proceeded to third consideration of **SB 430, PN 461**, entitled:

An Act amending the act of January 30, 1974 (P. L. 13, No. 6), entitled "Loan Interest and Protection Law," further defining "residential mortgage" and "security document."

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 provision of the Constitution, the yeas and nays will now be taken.

YEAS—194

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

Dumas	Laughlin	Rhodes	Zitterman
Durham	Lehr	Richardson	Zord
Earley	Letterman	Rieger	Zwikl
Fee	Levi	Ritter	
Fischer, R. R.	Levin	Rocks	Seltzer,
Fisher, D. M.	Livengood	Rodgers	Speaker

NAYS—0

NOT VOTING—9

Brunner	Gray	Lewis	Street
Dininni	Greenfield	Lynch E. R.	Williams
Gallagher			

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

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

The House proceeded to third consideration of **HB 36, PN 37**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for field trips, and making editorial changes.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

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

Davies	Johnson, J.	Pievsky	Wass
Dawida	Jones	Pistella	Weidner
DeMedio	Kanuck	Pitts	Wenger
DeVerter	Kernick	Polite	White
DeWeese	Klingaman	Pott	Wilson
DiCarlo	Knepper	Pratt	Wilt
Dietz	Knight	Pucciarelli	Wright, D
Dombrowski	Kolter	Punt	Wright, J. L.
Donatucci	Kowalyshyn	Pyles	Yahner
Dorr	Kukovich	Rappaport	Yohn
Duffy	Lashingier	Reed	Zeller
Dumas	Laughlin	Rhodes	Zitterman
Durham	Lehr	Richardson	Zord
Earley	Letterman	Rieger	Zwikl
Fee	Levi	Ritter	
Fischer, R. R.	Levin	Rocks	Seltzer,
Fisher, D. M.	Livengood	Rodgers	Speaker

NAYS—0

NOT VOTING—9

Brunner	Gray	Lewis	Street
Dininni	Greenfield	McIntyre	Williams
Gallagher			

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

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

The House proceeded to third consideration of **HB 140, PN 152**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for work to be done under contract let on bids and making an editorial change.

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

Mr. W. D. HUTCHINSON offered the following amendments:

Amend Sec. 1 (Sec. 751), page 1, line 14, by striking out "or security services"

Amend Sec. 1 (Sec. 751), page 1, line 19, by striking out "or security services"

Amend Sec. 1 (Sec. 751), page 2, line 3, by striking out "and security"

Amend Sec. 1 (Sec. 751), page 3, line 14, by striking out "or security"

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

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

Mr. W. D. HUTCHINSON. Mr. Speaker, the effect of this amendment is to delete from the bidding requirements of the bill bidding for security guards. It is designed to address a problem.

This is a service contract. In many cases, fire, police and other people are used and while perhaps we should have bidding for some of the contracts, it would pose problems as presently drafted. I have discussed it with Mr. Burns, the chief

sponsor of the bill, and I think he is agreeable to the amendment. And I have told Mr. Burns that I would work with him this session later to put in a provision that would handle the problem of the security-guard contract that is left to a detective agency or someone like that but still leaves school districts such as mine free to use fire, police or other community police as security guards without bidding.

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

Mr. BURNS. Mr. Speaker, I have no objection to the amendment and to pulling out the security forces at this time. Thank you.

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

The following roll call was recorded:

YEAS—192

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

NAYS—3

Sweet	Wright, D.	Zeller
-------	------------	--------

NOT VOTING—8

Brunner Dininni	Gallagher Gray	Greenfield Lewis	Street Williams
--------------------	-------------------	---------------------	--------------------

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

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

Mr. MANDERINO offered the following amendments:

Amend Sec. 1 (Sec. 751), page 1, line 17, by inserting after "property," or upon any building or portion of a building leased under the provisions of section 703.1,

Amend Sec. 1 (Sec. 751), page 2, line 4, by inserting after "property," or any building or portion of a building leased under the provision of section 703.1,

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

The SPEAKER. The Chair recognizes the minority whip.
Mr. MANDERINO. Mr. Speaker, in reading HB 140 and HB 141, I had the opinion, and many members share my opinion, and I have discussed it with Mr. Burns, that the purposes of HB 140 and HB 141 could all be accomplished in one piece of legislation.

My amendment, which is amendment A383, attempts to accomplish the purposes of HBs 140 and 141 in this same bill or makes it clear by amending section 751, page 1, line 17, where the bidding requirements have been put in so far as any school building or upon any school property by inserting after the word "property," "or upon any building or portion of a building leased under the provisions of section 703. . . ." I think it makes it clear that we are talking about the bidding procedure the same as it is in 751 for buildings not only used as schools but leased for school purposes. And I think that it makes it clear and it accomplishes what Mr. Burns wants to accomplish all inside of HB 140.

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

Mr. BURNS. Mr. Speaker, I agree with the minority whip. I have no objection to accepting the amendment.

MEMBER'S LEAVE OF ABSENCE CANCELED

The SPEAKER. For the information of the House, the gentleman from Bucks, Mr. Gallagher, who had a leave for today's session, has returned and is eligible to vote for the remainder of today. Will the clerk unlock his switch?

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

The following roll call was recorded:

YEAS—195

Alden	Foster, W.	Lynch, F.	Ryan
Anderson	Freind	Mackowski	Salvatore
Armstrong	Fryer	Madigan	Scheaffer
Arty	Gallagher	Manderino	Schmitt

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

NAYS—1

Laughlin

NOT VOTING—7

Brunner	Gray	Lewis	Williams
Dininni	Greenfield	Street	

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

On the question recurring,

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

Mr. BURNS offered the following amendments:

Amend Sec. 1 (Sec. 751), page 2, line 24, by striking out the bracket before "The"

Amend Sec. 1 (Sec. 751), page 2, line 24, by striking out "] Except as provided in subsection (d), the"

Amend Sec. 1 (Sec. 751), page 3, line 12, by inserting after "may", in addition to the power granted in subsection (b),

On the question,

Will the house agree to the amendments?

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

Mr. BURNS. Mr. Speaker, this is a purely technical amendment that was suggested by the legal staff, changing a couple of words for purely legalistic reasons. It is a technical change and does not in any way affect the intent of the bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—9

Borski	Gray	Lewis	Street
Brunner	Greenfield	McIntyre	Williams
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 as amended on third consideration?

Bill as amended was agreed to.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, what happened to HB 140? Are we preparing it—

The SPEAKER. HB 140? The bill was prepared for final passage.

Mr. MANDERINO. I wonder whether I can interrogate Mr. Burns on HB 140. I have a problem with one section of the bill and I want to understand it. It may be that I would want to prepare additional amendments. I do not think so, but I would like to talk to him.

The SPEAKER. The gentleman from Westmoreland asked the gentleman from Bucks whether he will permit himself to be interrogated. The gentleman indicates he will.

Mr. BURNS. I will.

The SPEAKER. Mr. Manderino may proceed.

Mr. MANDERINO. Mr. Speaker, subsection b at the bottom of page 2 has been amended with your last amendment. I do not think what you did with your last amendment affects the question I am going to ask, but maybe you can better enlighten me on it.

I have some concern, Mr. Speaker, that we had a limitation in the School Code contained in that subsection b that when construction or reconstruction or repairs or any work was to be performed, it must be bid if it exceeded a value of \$5,000. In other words, if the roof of a school building had to be repaired, the school directors could not repair that roof with their own personnel, without bidding the job, if the value was more than \$5,000. Now that was the status of the law before this bill and this amendment and is the status of the law now.

My understanding is that in subsection (d), we are now saying that any school district may utilize its own maintenance or other personnel to perform maintenance—and I guess security is now out—irrespective of the entire cost or value of the work. And if that says what I think it says, I am not sure that it is something that we ought to be doing. I am not sure of what the definition of maintenance would be. For instance, if it is maintenance to engage in a repair of a roof of the school building that might cost \$180,000, I am not sure that a school district, through its school board, ought to be able to do that with its own personnel. We have restricted them heretofore to having to bid anything when the value of the repairs were over \$5,000. Are we in fact taking that kind of a restriction off?

Mr. BURNS. Mr. Speaker, I do not believe we are and I will tell you why. When this bill last session passed the House, that apparently was not a concern, and I do not know why. But when it got to the Senate, the Senate picked it up, and I understand that Senator Romanelli in the Subcommittee on Education or one of the subcommittees of the Education Committee had long meetings over that particular point with both the

PSBA, Pennsylvania School Boards Association, and others who were concerned with that particular problem. I know that the city of Pittsburgh, for example, was concerned, and it was my understanding that that was all worked out; that the language was as clean and so forth as could possibly be and the understandings were pretty clear. When it failed to pass the Senate because it got Christmas-treed to death in dying days of the last session, in this particular session we picked up the exact wording that the Senate had worked on, and the only person to comment on this particular section, and the only person to comment on it to me, was the governmental relations man from the city of Pittsburgh, and he claimed that that was exactly the way they wanted it and would agree to it and so forth.

That is about all I can say, and I am not trying to evade the question, Mr. Speaker. That is about all I really know about it.

Mr. MANDERINO. Let me say, is it your intention at least—and maybe I can check this further overnight—that the word “maintenance” in the last paragraph of the bill does not include construction, reconstruction or repairs?

Mr. BURNS. Yes, really. I think that that would be my interpretation of it.

Mr. MANDERINO. You are talking about, when you talk about maintenance, those kinds of services such as cleaning windows, sweeping of floors—

Mr. BURNS. Right, repairing the pipes that leak under the sink, something like that. I am not talking about major overhauls.

Mr. MANDERINO. I am concerned that we do not put local school boards in the construction building trades by this amendment.

Mr. BURNS. Oh, I agree; I agree wholeheartedly.

Mr. MANDERINO. Thank you, Mr. Speaker.

The House proceeded to third consideration of **HB 59, PN 61**, entitled:

An Act amending the “Capital Budget Act for Fiscal Year 1969-1970, Public Improvement Project Itemization Supplement — Department of Property and Supplies,” approved February 18, 1970 (P. L. 38, No. 16), adding an additional project for acquisition of original movable furniture and equipment.

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?

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

Mr. RAPPAPORT. Mr. Speaker, perhaps the Speaker can answer this question for me without the necessity of going through a formal interrogation. How much money are we borrowing?

Mr. SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

The bill simply provides money for an ongoing project for the

University of Pittsburgh which the General Assembly approved several years ago and the building is under construction. At the time, apparently, there was not approval of equipment, furniture and necessary things in this common facility building. So there is a formula. The money is available in the 1969-70 capital budget, and I am simply asking that we complete the job at the University of Pittsburgh by so allocating this from excess funds already available.

Mr. RAPPAPORT. Mr. Speaker, I would still like to know how much money we are borrowing for this purpose?

Mr. MACKOWSKI. Two hundred and seventy-eight thousand dollars is what we need, and that conforms with the formula that is approved for this type of project.

Mr. RAPPAPORT. In other words this bill involves \$278,000?

Mr. MACKOWSKI. That is correct.

Mr. RAPPAPORT. And this is to provide movable furniture and equipment?

Mr. MACKOWSKI. Yes.

The common facilities building there will have a cafeteria; there will be two classrooms; there will be several administrative offices, a student newsroom and student activities rooms. There are a number of items that would be necessary to provide this.

Mr. RAPPAPORT. Mr. Speaker, I wish to thank the gentleman for the information. I would just like you to know how much I am voting. It sounds like a worthy cause, and we are all in favor of education here, especially for the state-related. Thank you, Mr. Speaker.

Mr. MACKOWSKI. Thank you very much, sir.

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the constitution, the yeas and nays will now be taken.

YEAS—186

Alden	Freind	Lynch E. R.	Ritter
Anderson	Fryer	Lynch, F.	Rocks
Armstrong	Gallagher	Mackowski	Rodgers
Arty	Gallen	Madigan	Ryan
Austin	Gamble	Manderino	Salvatore
Barber	Gannon	Manmiller	Scheaffer
Belardi	Gatski	McCall	Schmitt
Beloff	Geesey	McClatchy	Schweder
Bennett	Geist	McIntyre	Scirica
Berson	George, C.	McKelvey	Serafini
Bittle	George, M.	McMonagle	Seventy
Borski	Giammarco	McVerry	Shadding
Bowser	Gladeck	Michlovic	Shupnik
Brandt	Goebel	Micozzie	Sieminski
Brown	Goodman	Milanovich	Sirianni
Burd	Grabowski	Miller	Smith, E.
Burns	Grieco	Moehlmann	Smith, L.
Caltagirone	Gruppo	Mowery	Spencer
Cappabianca	Halverson	Mrkonic	Spitz
Cessar	Harper	Mullen, M. P.	Stairs
Cianciulli	Hasay	Musto	Steighner
Cimini	Hayes, D. S.	Nahill	Stewart
Clark, R.	Hayes, S. E.	Novak	Stuban
Cochran	Helfrick	Noye	Sweet
Cohen	Hoeffel	O'Brien, B.	Swift
Cole	Honaman	O'Brien, D.	Taddonio

Cornell	Hutchinson, A.	O'Donnell	Taylor, E.
Coslett	Hutchinson, W.	Oliver	Taylor, F.
Cowell	Irviss	Perzel	Telek
Cunningham	Itkin	Peterson	Thomas
Davies	Johnson, E.	Petrarca	Vroon
Dawida	Johnson, J.	Piccola	Wachob
DeMedio	Jones	Pievsky	Wagner
DeVertter	Kanuck	Pistella	Wargo
DiCarlo	Kernick	Pitts	Wass
Dietz	Klingaman	Polite	Weidner
Dombrowski	Knepper	Pott	Wenger
Donatucci	Knight	Pratt	White
Dorr	Kolter	Pucciarelli	Wilson
Duffy	Kowalshyn	Punt	Wilt
Dumas	Kukovich	Pyles	Wright, D.
Durham	Lashingier	Rappaport	Wright, J. L.
Earley	Laughlin	Reed	Yahner
Fee	Lehr	Rhodes	Yohn
Fisher, D. M.	Letterman	Richardson	Zitterman
Foster, A.	Levi	Rieger	Zord
Foster, W.	Levin		

NAYS—9

Chess	Fischer, R. R.	Murphy	Zeller
Clark, B.	Livengood	Trello	Zwilk
DeWeese			

NOT VOTING—8

Brunner	Greenfield	Williams	Seltzer,
Dininni	Lewis		Speaker
Gray	Street		

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

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

The House proceeded to third consideration of **HB 382, PN 820**, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for filing of pre-election reports.

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 provision of the Constitution, the yeas and nays will now be taken.

YEAS—195

Alden	Freind	Lynch, F.	Ryan
Anderson	Fryer	Mackowski	Salvatore
Armstrong	Gallagher	Madigan	Scheaffer
Arty	Gallen	Manderino	Schmitt
Austin	Gamble	Manmiller	Schweder
Barber	Gannon	McCall	Scirica
Belardi	Gatski	McClatchy	Serafini
Beloff	Geesey	McIntyre	Seventy
Bennett	Geist	McKelvey	Shadding
Berson	George, C.	McMonagle	Shupnik
Bittle	George, M.	McVerry	Sieminski
Borski	Giammarco	Michlovic	Sirianni
Bowser	Gladeck	Micozzie	Smith, E.
Brandt	Goebel	Milanovich	Smith, L.

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

NAYS—1

Cianciulli

NOT VOTING—7

Brunner	Gray	Lewis	Williams
Dininni	Greenfield	Street	

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

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

The House proceeded to third consideration of **HB 404, PN 914**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), adding to the sales and use tax definition of "charitable organization" and excluding animals to be used outside the Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendment:

Amend Sec. 2 (Sec. 204), page 2, line 24, by inserting after "USED" for six months or more

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, the amendment is adding a further provision regarding the exclusion from sales tax contained in

the latter part of the bill. It is a technical change because of the existing language and other exclusions involving the sales tax suggested by Mr. Davis of the minority staff.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—8

Brunner	Gray	Lewis	Street
Dininni	Greenfield	Pott	Williams

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

On the question,

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

Mr. ITKIN offered the following amendments:

Amend Title, page 1, line 11, by inserting after "ORGANIZATION" and "charitable purpose," providing for reimbursements

Amend Bill, page 1, lines 15 through 22; page 2 lines 1 through 18, by striking out all of said lines on said pages and inserting

Section 1. Section 201, act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," is amended by adding clauses to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(t) "Charitable organization." An organization, corporation, unincorporated association or other entity devoted to charitable purposes within or without the Commonwealth, or a nonprofit organization, corporation, unincorporated association or other entity which solicits funds for a charitable organization or organizations, whether within or without the Commonwealth.

(u) "Charitable purpose." Religious, educational or other benevolent or eleemosynary purpose.

Amend Bill, page 2, by inserting between lines 27 and 28

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

Section 204.1. Reimbursement.—Any organization, corporation, unincorporated association or other entity which purchases goods or services to be used exclusively for charitable purposes shall be entitled to reimbursement for the tax paid pursuant to section 202 for such purchase. The Department of Revenue shall prepare and provide such forms as are necessary for such reimbursement.

Amend Sec. 3, page 2, line 28, by striking out "3" and inserting 4

Amend Sec. 3, page 2, line 28, by striking out "in 60 days." and inserting July 1, 1979

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, we have been having some problems with the determination as to what constitutes a charitable organization in Pennsylvania. Right now the Federal Government has a section in the Internal Revenue Service Code which defines a very lengthy and extensive list of organizations which are charitable in nature. Our Department of State also licenses many organizations as charitable organizations so that they may go out and solicit funds for their charitable endeavors. However, the Department of Revenue, which we have put in law, saying that charitable organizations are exempt from the sales tax, has chosen a very narrow construction of what constitutes a charitable organization, and many, many organizations which are covered under the IRS Code or have been licensed by the Department of State as charitable organizations, when they approached the Department of Revenue for getting a sales tax exemption, are denied this opportunity.

The present bill, which in part speaks to charitable organiza-

tions, in fact just reiterates the definition of charitable organizations as the Department of Revenue has so promulgated, because we in this legislature have not defined what charitable organizations shall be, except with the one exception, which would provide junior achievement to be also an exemption from this sales tax.

The major concern that I have with this definition is that the Department of Revenue has made a determination that those organizations which collect or raise money for charitable purposes, they themselves, who do not provide the charitable service on their own but rather distribute that money to other groups that provide those services for charity, are not exempt from the sales tax.

Now the amendment that I am offering today provides that those particular organizations, if they are nonprofit, will qualify for this type of exemption. I think it is important that we make this change in the law because our citizens feel that the Commonwealth of Pennsylvania is shortchanging themselves and the groups that they represent. I am, therefore, offering this amendment to change the definition of charitable organizations to encompass the features that I have discussed.

Thank you, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, this amendment has a lot of merit to it and we have discussed this extensively in the Finance Committee today. We decided in the Finance Committee today to table this amendment pending the obtaining of a fiscal note. We do not know how much this kind of an amendment will cost. We were very eager and glad enough to consider the amendment, but we surely feel that this should be evaluated before we vote on it.

Therefore, I would recommend a "no" vote on this amendment so that we can handle it in the proper manner in the Finance Committee. Please vote "no" on this amendment.

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

Mr. ITKIN. Mr. Speaker, I would normally agree with the gentleman, Mr. Vroon. However, since the Finance Committee meeting this morning, I have discussed getting the fiscal impact of this bill with a couple of people who are fiscal experts in this area who claim that it would be impossible to get a fiscal note of any accuracy with respect to this bill.

I think this becomes one of whether you believe that these particular types of charitable organizations that are nonprofit, but raise money, should be exempt.

I would like to point out for example that the United Way, which is an organization that would come under this particular type of definition, presently does not meet the standards under charitable organizations as defined by the Department of Revenue. However, the department has allowed the United Way to allow its original exemptions to continue, even though now their definition should prohibit the United Way from being such a charitable organization because it does not provide any charitable service or function; it just distributes the money that it raises.

So I really feel that at this point we have no alternative but to consider the bill on its merits and I do not think we can make an honest judgment as to what the fiscal impact is going to be. I do not think it is right for us to tax these organizations and, therefore, I think that we ought to exclude them.

The SPEAKER. Did the gentleman from Chester, Mr. Vroon, raise the question as to whether or not a fiscal note is needed for this amendment?

Mr. VROON. Yes, Mr. Speaker, I raised that question. I mention that I did not raise it as a contesting item at this point, but I raised the issue of a fiscal note because we had discussed it in our committee and we felt that it needed a fiscal note.

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

Mr. REED. Mr. Speaker, I assume that we are on amendment A512, and, if so, would Mr. Itkin stand for interrogation?

Mr. ITKIN. It is A506, Mr. Speaker.

Mr. REED. I do not have it over in this row then.

The SPEAKER. Does the gentleman from York, Mr. Dorr, wish to be recognized?

Mr. DORR. Yes, Mr. Speaker.

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

Mr. DORR. Mr. Speaker, I understand the concern which Mr. Itkin has expressed and, frankly, I am not terribly insistent upon the language which is in the bill now. It is, as he pointed out, basically the current regulation of the Department of Revenue in regard to charitable organizations. My feeling in drafting the bill in that manner was that it was very important that the legislature get a handle on that particular aspect of the sales-tax exclusion. I felt that we could more easily get that into law and then deal with the necessary amendments on a comprehensive basis than we could to try and deal with an amendment from nothing.

Therefore, I intend to vote in the negative, but I would urge members to consider the matter that Mr. Itkin proposes in making their own decision on the matter.

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

Mr. VROON. Mr. Speaker, there is another angle to this particular amendment which has not been stated yet.

This language which Mr. Itkin intends to put into this particular bill is language taken from the Internal Revenue Code and applies to personal income in the federal income tax. It is not the kind of language which we saw fit to put into the Sales Tax Act. For that reason, too, we hesitated to approve that amendment this morning in the Finance Committee meeting.

I do not think this is the proper place, and, Mr. Speaker, we submit to you that we are still considering this amendment in the Finance Committee. If it does have true merits, you can be sure we will be reporting it out.

I urge, therefore, at this time, let us vote "no" on this amendment. Let us come out with it later on if it is a good one.

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

Mr. ITKIN. Mr. Speaker, as I understand the gentleman—I was not hearing everything he said—this does not in any way

borrow any federal definition or anything else in the amendment that I am offering today. Basically it allows the Department of Revenue's position to still remain, except that it must now admit those classes of organizations who are strictly fundraising, who raise funds and then distribute those funds exclusively for charitable purposes.

In dealing with the fiscal aspects of the bill, we are not allowing this bill to take effect immediately. It will go into effect July 1, 1979, which is the beginning of the fiscal year, and we will have sufficient time to analyze its impact in the budget process to deal with this particular question.

So I think this is a gross situation which has been allowed to develop and I think we ought to correct it now. Obviously, if this turns out to be \$100 million—which it will not—then obviously we will not be able to deal with this. But I think it is going to end up in a reasonable amount of revenue loss that we can easily absorb. We should not be taxing these types of organizations. Number one, they are nonprofit and they give all their money to charity. So I do not think we should hold this amendment up any further and we should just support it.

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

Mr. SPITZ. Mr. Speaker, Mr. Itkin addresses a problem that needs to be addressed. As Mr. Vroon stated, this matter was considered this morning for the first time, to my knowledge, by the Finance Committee and it was resolved that at the next meeting it would again be addressed. But one of the specific matters that we considered today with this language is that the language in Mr. Itkin's proposal and in this amendment does not necessarily address itself only to those nonprofit institutions that he desires to be exempted. The language specifically in section (t) speaks to the corporations or unincorporated associations which solicit funds for charitable organizations. And there are many profit-seeking corporations whose business it is to seek funds for charitable organizations, and by the language of this amendment, we may very well be exempting profit-making organizations and some fundraising fly-by-night organizations. I do not think that this is exactly the way we should address the problem.

I would urge that we vote "no" on this amendment and then take up at the earliest opportunity the very items that Mr. Itkin wishes us to take up and exempt these valid organizations which should be exempted. But I do not think this language does it. I think it is too broad and I do not think we should support it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—88

Austin	Duffy	Kukovich	Pratt
Barber	Dumas	Laughlin	Pucciarelli
Beloff	Fee	Letterman	Rappaport
Bennett	Fryer	Levin	Rhodes
Berson	Gallagher	Livengood	Richardson
Borski	Gamble	Manderino	Rieger
Brown	Gatski	McCall	Rodgers
Caltagirone	George, C.	McIntyre	Seventy
Cappabianca	Giammarco	McMonagle	Shadding

Chess	Goodman	Michlovic	Shupnik
Cianciulli	Grabowski	Milanovich	Stewart
Clark, B.	Harper	Mrkoncic	Stuban
Cochran	Hoeffel	Mullen, M. P.	Sweet
Cohen	Hutchinson, W.	Murphy	Taylor, F.
Cole	Irvic	Musto	Trello
Cowell	Itkin	Novak	Wachob
Dawida	Johnson, J.	O'Brien, B.	Wagner
DeMedio	Jones	O'Donnell	Wargo
DeWeese	Kernick	Oliver	White
DiCarlo	Knight	Petrarca	Wilson
Dombrowski	Kolter	Pievsky	Wright, D.
Donatucci	Kowalyszyn	Pistella	Yahner

NAYS—107

Alden	Gannon	McKelvey	Sieminski
Anderson	Geesey	McVerry	Sirianni
Armstrong	Geist	Micozzie	Smith, E.
Arty	George, M.	Miller	Smith, L.
Belardi	Gladeck	Moehlmann	Spencer
Bittle	Goebel	Mowery	Spitz
Bowser	Grieco	Nahill	Stairs
Brandt	Gruppo	Noye	Steighner
Burd	Halverson	O'Brien, D.	Swift
Burns	Hasay	Perzel	Taddonio
Cessar	Hayes, D. S.	Peterson	Taylor, E.
Cimini	Hayes, S. E.	Piccola	Telek
Clark, R.	Helfrick	Pitts	Thomas
Cornell	Honaman	Polite	Vroon
Coslett	Johnson, E.	Pott	Wass
Cunningham	Kanuck	Punt	Weidner
Davies	Klingaman	Pyles	Wenger
DeVertter	Knepper	Reed	Wilt
Dietz	Lashinger	Ritter	Wright, J. L.
Dorr	Lehr	Rocks	Yohn
Durham	Levi	Ryan	Zeller
Earley	Lynch E. R.	Salvatore	Zitterman
Fischer, R. R.	Lynch, F.	Scheaffer	Zord
Fisher, D. M.	Mackowski	Schmitt	Zwinkl
Foster, A.	Madigan	Schweder	
Foster, W.	Manmiller	Scirica	Seltzer,
Freind	McClatchy	Serafini	Speaker
Gallen			

NOT VOTING—8

Brunner	Gray	Hutchinson, A.	Street
Dininni	Greenfield	Lewis	Williams

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

On the question recurring,

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

Mr. ITKIN offered the following amendments:

Amend Title, page 1, lines 10 and 11, by striking out "adding TO THE SALES AND USE TAX a definition of "charitable organization," ORGANIZATION" AND"

Amend Title, page 1, line 11, by inserting after "EXCLUDING" from the sales and use tax

Amend Sec. 1, page 1, line 15, by striking out "201" and inserting 204

Amend Sec. 1, page 1, line 17, by striking out "DEFINITION" and inserting clause

Amend Bill, page 1, lines 18 through 22, and page 2, lines 1 through 20, by striking out all of said lines on said pages

Amend Sec. 3, page 2, line 28, by striking out "3." and inserting 2.

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, I have a fall-back position. What I would like to do, in view of the discussions raised on the other side of the aisle—and I do not think that they are totally illegitimate—is that we consider that particular question of charitable organizations in the Finance Committee, but I would prefer at this time not to see this bill pass this House with a definition of charitable organizations which does not satisfy our needs. If we pass this bill today with that particular provision defining charitable organizations, then we will have one bill over in the Senate which already defines charitable organizations and another bill in the Finance Committee which is trying to frame the issue.

So what I would prefer to do and what this amendment does is just eliminate that particular section from the bill—it allows the other part to stand by itself, which it may stand by itself—and just deal with the charitable organization question in the Finance Committee at a later date. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, again, I agree with the concern of Mr. Itkin and I believe that General Assembly needs to address the issue. I think it will be easier and more appropriate for us to do that if we have existing law in effect, which is now existing department regulation because of the absence of statutory law. If we have that existing law in effect, then we can deal with it on an amendatory basis. Therefore, I intend to vote in the negative on the gentleman's amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—100

Austin	Fisher, D. M.	Levin	Rieger
Barber	Fryer	Livengood	Ritter
Beloff	Gallagher	Manderino	Rodgers
Bennett	Gamble	McCall	Schmitt
Berson	Gatski	McIntyre	Schweder
Borski	George, C.	McMonagle	Seventy
Brown	George, M.	Michlovic	Shadding
Caltagirone	Giammarco	Milanovich	Shupnik
Cappabianca	Goodman	Mrkoncic	Steighner
Chess	Grabowski	Mullen, M. P.	Stewart
Cianciulli	Harper	Murphy	Stuban
Clark, B.	Hoeffel	Musto	Sweet
Cochran	Hutchinson, A.	Novak	Taddonio
Cohen	Hutchinson, W.	O'Brien, B.	Taylor, F.
Cole	Irvic	O'Donnell	Trello
Cowell	Itkin	Oliver	Wachob
Dawida	Johnson, J.	Petrarca	Wagner
DeMedio	Jones	Pievsky	Wargo
DeWeese	Kernick	Pistella	White
DiCarlo	Knight	Pratt	Wilson
Dombrowski	Kolter	Pucciarelli	Wright, D.
Donatucci	Kowalyszyn	Rappaport	Yahner
Duffy	Kukovich	Reed	Zeller
Dumas	Laughlin	Rhodes	Zitterman
Fee	Letterman	Richardson	Zwinkl

NAYS—96

Alden	Freind	Madigan	Scirica
-------	--------	---------	---------

Anderson	Gallen	Manmiller	Serafini
Armstrong	Gannon	McClatchy	Sieminski
Arty	Geesey	McKelvey	Sirianni
Belardi	Geist	McVerry	Smith, E.
Bittle	Gladeck	Micozzie	Smith, L.
Bowser	Goebel	Miller	Spencer
Brandt	Grieco	Moehlmann	Spitz
Burd	Gruppo	Mowery	Stairs
Burns	Halverson	Nahill	Swift
Cessar	Hasay	Noye	Taylor, E.
Cimini	Hayes, D. S.	O'Brien, D.	Telek
Clark, R.	Hayes, S. E.	Perzel	Thomas
Cornell	Helfrick	Peterson	Vroon
Coslett	Honaman	Piccola	Wass
Cunningham	Johnson, E.	Pitts	Weidner
Davies	Kanuck	Polite	Wenger
DeVerter	Klingaman	Pott	Wilt
Dietz	Knepper	Punt	Wright, J. L.
Dorr	Lashinger	Pyles	Yohn
Durham	Lehr	Rocks	Zord
Earley	Levi	Ryan	
Fischer, R. R.	Lynch, E. R.	Salvatore	Seltzer,
Foster, A.	Lynch, F.	Scheaffer	Speaker
Foster, W.	Mackowski		

NOT VOTING—7

Brunner	Gray	Lewis	Williams
Dininni	Greenfield	Street	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, is this on final passage?

The SPEAKER. Yes.

Mr. IRVIS. Mr. Speaker, I would like to ask if Mr. Dorr would stand for brief interrogation. I noticed some language in the bill which I do not understand and I would like to have it explained before a vote on final passage. Would the gentleman, Mr. Dorr, stand for interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman from Allegheny is in order and may proceed.

Mr. IRVIS. Mr. Speaker, I am looking at printer's No. 914 to House Bill 404 and I note on page 2, line 24, the following language has been inserted as exclusionary language: "The sale at retail or use of animals to be used outside of Pennsylvania and which are placed in interstate commerce by shipment outside of the Commonwealth of Pennsylvania within twenty days after delivery to the vendee." I am curious to know what animals we are talking about — parakeets, mice, dogs, cats, horses perhaps?

Mr. DORR. Yes, Mr. Speaker.

Mr. IRVIS. What are we talking about?

Mr. DORR. Any of those.

Mr. IRVIS. And what particular animals are we concerned

about being placed in interstate commerce outside of this Commonwealth, the sales of which will not be taxed?

Mr. DORR. Any of those animals, Mr. Speaker, that you mentioned would fall in that category.

Mr. IRVIS. For example, would the sale of—let us just take as a random example—a trotting horse, which might cost about a half-million dollars, to be placed in interstate commerce outside the Commonwealth, would that be a sale which would be excluded from the tax under this language?

Mr. DORR. If it fell within the language of the bill, yes, Mr. Speaker.

Mr. IRVIS. Or the sale of a parakeet for \$5? Either one of those two?

Mr. DORR. Yes, Mr. Speaker.

Mr. IRVIS. Thank you, Mr. Speaker. That answers my question before I vote.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. If I could hopefully allay the gentleman's fears about the expensive animals—I assume he is concerned about a revenue loss—I would just advise the gentleman that the language here is an attempt to place the current practice of the Department of Revenue in respect to those animals that are sold in interstate commerce into law again so that there is some consistency and some degree of assurance for the sellers that their present practice is the case in the future. So there would be no revenue loss.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, the concern that I have is that there has been a revenue loss in the past over such sales. We have not been collecting the tax as I think we should have been, and if we succeed in passing this into law, all we will be doing is ratifying a position which we ought not to have been in in the first place. Now I am not suggesting that there is a revenue loss brought about by such a ratification, but what I am saying is that we have not been collecting taxes which all along should have been collected.

If we now vote in the affirmative on this bill with this particular language in it, it occurs to me that there might be some very expensive animals sold or placed in interstate commerce, the sale of which would not be taxed by law—not by custom—if we were to vote "yes" on this particular bill. I am certainly not going to vote "yes" on this particular bill for that reason and I simply wanted to put that on the record.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I respect the gentleman's position on the matter. I would just like to point out that the fact is that the sale of such animals is a competitive business, and Pennsylvania, like in many other businesses and in our entire economic climate, in fact, competes with all other states. All other states where there is a significant degree of this business done have the kind of exemption in law that we are trying to place in law here. It is a matter of retaining the competitive position of Pennsylvania in this particular aspect of the economy, and I

would urge the members, in the spirit of attempting to keep us in a competitive position in that respect, to vote in favor of the bill. Thank you.

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

Mr. DAVIES. Mr. Speaker, would Mr. Dorr consent to a question of interrogation relative to the same matter?

The SPEAKER. The gentleman, Mr. Dorr, indicates that he will. The gentleman from Berks, Mr. Davies, may proceed.

Mr. DAVIES. Is it not true, Mr. Speaker, that this not only affects the sale of those animals from, let us say, the marketplace of the breeder but also it would affect the sales that are conducted at one of the major racing facilities in western Pennsylvania as well and all other sales that are conducted in the Commonwealth as far as a competitive status with other states, such as New York, which has the same exemption?

Mr. DORR. That is true, Mr. Speaker. As long as the seller and buyer qualify under the provisions of the bill, the sale would be exempt, and it does not matter in what part of Pennsylvania it is sold.

Mr. DAVIES. As long as it was somebody from another state making an offer of a bid or buying at that sale or in any other manner as far as any other part of the Commonwealth, whether it be in Berks County or in Allegheny County or Washington County, they would all be exempt, as I understand it. Is that correct?

Mr. DORR. As long as the horse is going into interstate commerce.

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

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

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

The SPEAKER. The gentleman indicates that he will, and the gentleman from Lehigh, Mr. Ritter, may proceed.

Mr. RITTER. Mr. Speaker, under present law, if I lived in New Jersey and bought a truck manufactured in Pennsylvania, do I not have to pay the sales tax on the truck manufactured in Pennsylvania?

Mr. DORR. It is my understanding, Mr. Speaker, that that is not the case as long as the truck is placed in interstate commerce; that is, moved outside of Pennsylvania and registered in that other state within 20 days. That, as a matter of fact, is the exemption language which is picked up in this bill.

Mr. RITTER. Mr. Speaker, I do not want to quarrel with the gentleman. I am not 100 percent sure, but it is my recollection that if you live outside the state and purchase a taxable item in this Commonwealth, a motor vehicle for instance, and intend to register that in another state, you have to pay the tax. You go back to the particular state where you want to register it, and if their tax rate is different, then they make up some adjustment, but, nevertheless, it has to be paid before you can take it out of there. You say that is not so?

Mr. DORR. No, Mr. Speaker. There is a specific exemption in the law for motor vehicles. If they are transported to an out-

state customer within 20 days and registered in that state within 20 days, it is an exemption under our sales tax law.

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

The SPEAKER. Does the gentleman from Chester, Mr. Vroon, wish to be recognized?

Mr. VROON. Yes, Mr. Speaker.

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

Mr. VROON. Thank you.

May I interrogate Mr. Dorr, please?

The SPEAKER. The gentleman, Mr. Dorr, indicates he is willing to take interrogation. The gentleman from Chester, Mr. Vroon, may proceed.

Mr. VROON. It is not quite clear to me, Mr. Speaker, just exactly what you are trying to accomplish through this bill, so I would like to ask you this question: Where does title to the animals pass?

Mr. DORR. That is the technical question which is always raised in these matters, Mr. Speaker, and that is one of the reasons for trying to place this particular bill into law. It does not matter, under the bill if it is passed, where that technicality occurs. It may occur upon the point of sale, upon the point of payment, upon the point of loading the animal into interstate commerce, or upon receipt by the buyer, under present law, and that is always a question, and that is the reason for putting something into the law to get some clarity for the people who are dealing in the business.

Mr. VROON. Mr. Speaker, if you sell animals to people outside the state and if you actually consummate the sale in Pennsylvania, title passes in Pennsylvania, does it not automatically necessitate the payment of a sales tax to Pennsylvania regardless of where the animals are going to be taken?

Mr. DORR. I would not necessarily agree with the gentleman, no. That is the problem we have currently though. It is a gray area in the law.

Mr. VROON. Do you not agree that that is the general rule insofar as interstate sales are concerned on products generally—all merchandise is subject to the tax?

Mr. DORR. I think that the legal language often used is possession, control, and dominion, and where that passes has traditionally been used as the point of taxation.

Mr. VROON. Do you not agree that if those animals were put on a public carrier and that the title to those animals then is transferred to the buyer where they arrive in his location, and it may be outside the state? Now do you not agree that that is already exempt from the tax?

Mr. DORR. I do, Mr. Speaker. I am not so sure the Department of Revenue does, and that is the basic problem. That is the problem Mr. Irvis faces.

Mr. DAVIES. Yes. Well, I really cannot see the necessity for any kind of a bill if we do have those rules that are being applied now generally, not only to animals but to everything else. I do not see why the necessity for a special ruling regarding animals.

Mr. DORR. The only answer I have for the gentleman is that an animal is a movable item, and the gray areas get greater the more you get into that particular aspect of the situation.

The SPEAKER. The Chair recognizes the gentleman from

Lawrence, Mr. Pratt.

Mr. PRATT. May I interrogate the prime sponsor, Mr. Dorr?

The SPEAKER. Will the gentleman from York, Mr. Dorr, permit himself to be further interrogated? The gentleman from Lawrence, Mr. Pratt, may proceed.

Mr. PRATT. Mr. Speaker, under the definition of "charitable organization," will the department be free to promulgate—

Mr. DORR. Will the gentleman yield, Mr. Speaker? Mr. Itkin's amendment has removed that whole section from the bill, as I understand it.

Mr. PRATT. I am a little late. Excuse my inconveniencing the members. Thank you.

HB 140 RECOMMITTED

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, looking at the background of this bill, the bill was originally referred to State Government Committee on February 21 and reported out and then tabled, and then put back into the Appropriations Committee on March 19, 1979. In reviewing the bill, this act amends the Tax Reform Code of 1971, and it does contain sales tax and loss of revenue. I make a motion that we rerefer this bill back to the Finance Committee for further study.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I would oppose the motion of the gentleman. The Appropriations Committee's fiscal note indicates virtually no loss on the revenue on the matter, and I do not really see the need of its going back to the Finance Committee.

The SPEAKER. Did the gentleman, Mr. Zitterman, move that the bill be rereported to the Committee on Appropriations?

Mr. ZITTERMAN. No, sir, to the Committee on Finance, sir. If horses are being sold, or other animals, and there is no sales tax being collected, naturally there is a loss of revenue, and I would like to rereview the Tax Code of 1971 and have this referred back to the Finance Committee, please.

The SPEAKER. It has been moved by the gentleman from Lackawanna, Mr. Zitterman, that HB 404 and the amendments that have been agreed to by this House be recommitted to the Committee on Finance. The question is on the motion.

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I support the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—114

Austin	Fee	Letterman	Ritter
Barber	Fisher, D. M.	Levin	Rodgers
Belardi	Foster, W.	Livengood	Scheaffer
Beloff	Fryer	Madigan	Schmitt
Bennett	Gallagher	Manderino	Schweder

Berson	Gamble	McCall	Serafini
Borski	Gatski	McIntyre	Seventy
Brown	George, C.	McMonagle	Shadding
Burns	George, M.	McVerry	Shupnik
Caltagirone	Giammarco	Michlovic	Sieminski
Cappabianca	Goebel	Milanovich	Spitz
Cessar	Goodman	Mrkonic	Steighner
Chess	Grabowski	Mullen, M. P.	Stewart
Cianciulli	Grieco	Murphy	Stuban
Cimini	Gruppo	Musto	Sweet
Clark, B.	Harper	Novak	Taylor, F.
Clark, R.	Hoeffel	O'Brien, B.	Telek
Cochran	Hutchinson, A.	Oliver	Trello
Cowell	Irvis	Petrarca	Vroon
Dawida	Itkin	Pievsky	Wachob
DeMedio	Johnson, J.	Pistella	Wargo
DeWeese	Jones	Pott	White
DiCarlo	Kernick	Pratt	Wright, D.
Dietz	Knepper	Pucciarelli	Yahner
Dombrowski	Knight	Rappaport	Zeller
Donatucci	Kolter	Rhodes	Zitterman
Duffy	Kowalyszyn	Richardson	Zord
Dumas	Kukovich	Rieger	Zwilk
Earley	Laughlin		

NAYS—80

Alden	Geesey	McKelvey	Sirianni
Anderson	Geist	Micozzie	Smith, E.
Armstrong	Gladeck	Miller	Smith, L.
Arty	Halverson	Moehlmann	Spencer
Bittle	Hasay	Mowery	Stairs
Bowser	Hayes, D. S.	Nahill	Swift
Brandt	Hayes, S. E.	Noye	Taddonio
Burd	Helfrick	O'Brien, D.	Taylor, E.
Cole	Honaman	Perzel	Thomas
Cornell	Hutchinson, W.	Peterson	Wagner
Coslett	Johnson, E.	Piccola	Wass
Cunningham	Kanuck	Pitts	Weidner
Davies	Klingaman	Plite	Wenger
DeVerter	Lashinger	Punt	Wilson
Dorr	Lehr	Pyles	Wilt
Durham	Levi	Reed	Wright, J. L.
Fischer, R. R.	Lynch, E. R.	Rocks	Yohn
Foster, A.	Lynch, F.	Ryan	
Freind	Mackowski	Salvatore	Seltzer,
Gallen	Manmiller	Scirica	Speaker
Gannon	McClatchy		

NOT VOTING—9

Brunner	Gray	Lewis	Street
Cohen	Greenfield	O'Donnell	Williams
Dininni			

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

The SPEAKER. The bill is so recommitted.

The House proceeded to third consideration of **HB 417, PN 822**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for exceptional children and reimbursements for certain special education services.

On the question,

Will the House agree to the bill on third consideration?

STATEMENT ON MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

The SPEAKER. The Chair recognizes the gentleman from

Montgomery, Mr. Lashinger. Does the gentleman have an amendment?

Mr. LASHINGER. Yes, Mr. Speaker. I think a more reasonable way of doing this, instead of offering amendments, would merely be to make a motion to revert to the prior printer's number on this bill.

The SPEAKER. Would the gentleman yield? Does the gentleman have amendments?

Mr. LASHINGER. No, Mr. Speaker. I do not have an amendment, but I would like to offer a motion.

The SPEAKER. Would the gentleman from Montgomery, Mr. Lashinger, come to the desk, please?

The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Mr. Speaker, I withdraw my motion to revert to the prior printer's number.

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 provision of the Constitution, the yeas and nays will now be taken.

(The following occurred during taking of the roll:)

Mr. WAGNER. Mr. Speaker.

The SPEAKER. There is nothing before the House—

Mr. WAGNER. Mr. Speaker, I would like to ask that the bill be held.

The SPEAKER. There is nothing before the House but the recording of the vote.

The following roll call was recorded:

YEAS—195

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

Cornell	Hutchinson, W.	Perzel	Vroon
Coslett	Irvis	Peterson	Wachob
Cowell	Itkin	Petrarca	Wagner
Cunningham	Johnson, E.	Piccola	Wargo
Davies	Johnson, J.	Pievsky	Wass
Dawida	Jones	Pistella	Weidner
DeMedio	Kanuck	Pitts	Wenger
DeVerter	Kernick	Polite	White
DeWeese	Klingaman	Pott	Wilson
DiCarlo	Knepper	Pratt	Wilt
Dietz	Knight	Pucciarelli	Wright, D.
Dombrowski	Kolter	Punt	Wright, J. L.
Donatucci	Kowalshyn	Pyles	Yahner
Dorr	Kukovich	Rappaport	Yohn
Duffy	Lashinger	Reed	Zeller
Dumas	Laughlin	Rhodes	Zitterman
Durham	Lehr	Richardson	Zord
Earley	Letterman	Rieger	Zwinkl
Fee	Levi	Ritter	
Fischer, R. R.	Levin	Rocks	Seltzer,
Fisher, D. M.	Livengood	Rodgers	Speaker
Foster, A.			

NAYS—0

NOT VOTING—8

Brunner	Gray	Lewis	Street
Dininni	Greenfield	Lynch, F.	Williams

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 gentleman from Montour, Mr. Wagner. For what purpose does the gentleman rise?

Mr. WAGNER. I think it is too late, Mr. Speaker. As I understand the rules, once you announce the final vote, I have no recourse but to ask for a reconsideration. Is that correct?

The SPEAKER. The gentleman is correct.

Mr. WAGNER. Thank you.

The SPEAKER. Does the gentleman wish to send a reconsideration motion to the desk?

RECONSIDERATION OF VOTE ON HB 404.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I move that the vote by which HB 404, PN 914, was recommitted on the 27th day of March be reconsidered.

Mr. S. E. HAYES. I second the motion.

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

The following roll call was recorded:

YEAS—134

Alden	Freind	Lynch, E. R.	Scheaffer
Anderson	Fryer	Lynch, F.	Scirica
Armstrong	Gallen	Mackowski	Serafini
Arty	Gamble	Madigan	Sieminski
Austin	Gannon	Manderino	Sirianni
Belardi	Geesey	Manmiller	Smith, E.

Berson	Geist	McClatchy	Smith, L.
Bowser	George, C.	McKelvey	Spencer
Brandt	Giammarco	McVerry	Spitz
Brown	Gladeck	Micozzie	Stairs
Burd	Goebel	Miller	Steighner
Burns	Grabowski	Moehlmann	Sweet
Cessar	Grieco	Mowery	Swift
Chess	Gruppo	Mullen, M. P.	Taddonio
Cimini	Halverson	Musto	Taylor, E.
Clark, R.	Hasay	Nahill	Taylor, F.
Cole	Hayes, D. S.	Noye	Telek
Cornell	Hayes, S. E.	O'Brien, D.	Thomas
Coslett	Helfrick	Perzel	Wagner
Cowell	Honaman	Peterson	Wargo
Cunningham	Hutchinson, W.	Piccola	Wass
Davies	Irvis	Pievsky	Weidner
DeMedio	Johnson, E.	Pitts	Wenger
DeVerter	Johnson, J.	Polite	White
Dietz	Jones	Pott	Wilson
Dorr	Kanuck	Punt	Wilt
Duffy	Klingaman	Pyles	Wright, D.
Durham	Knepper	Rappaport	Wright, J. L.
Earley	Kolter	Reed	Yohn
Fee	Kowalshyn	Richardson	Zeller
Fischer, R. R.	Lashinger	Ritter	Zord
Fisher, D. M.	Laughlin	Rocks	
Foster, A.	Lehr	Ryan	Seltzer,
Foster, W.	Levi	Salvatore	Speaker

NAYS—56

Barber	Dumas	Livengood	Pucciarelli
Beloff	Gallagher	McCall	Rhodes
Bennett	Gatski	McMonagle	Schmitt
Caltagirone	George, M.	Michlovic	Schweder
Cappabianca	Goodman	Milanovich	Seventy
Cianciulli	Harper	Mrkonic	Shadding
Clark, B.	Hoeffel	Murphy	Shupnik
Cochran	Hutchinson, A.	Novak	Stewart
Cohen	Itkin	O'Brien, B.	Stuban
Dawida	Kernick	O'Donnell	Trello
DeWeese	Knight	Oliver	Wachob
DiCarlo	Kukovich	Petrarca	Yahner
Dombrowski	Letterman	Pistella	Zitterman
Donatucci	Levin	Pratt	Zwikl

NOT VOTING—13

Bittle	Gray	McIntyre	Street
Borski	Greenfield	Rieger	Vroon
Brunner	Lewis	Rodgers	Williams
Dininni			

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

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

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, just briefly, I would urge a negative vote on this. The problem is that there is a need to get this bill over in the Senate for consideration by that body over the recess so that final action can be taken on it as quickly as possible. There is one large operation that I know of which is about to make a decision on whether they will stay in Pennsylvania or not. That decision must be made in the next 30 days. If they have some assurance that their sales-tax situation will be clarified in law, they will stay in Pennsylvania. Otherwise we will lose the revenue from all of the people who come to Penn-

sylvania, spend a week in that particular operation here in the motels and eat the food of Pennsylvania. We will lose the sales tax from the animals that are sold in Pennsylvania because the sale will not be here. I think it is important that we keep this business in Pennsylvania.

I would ask the members to leave the bill on the floor and we will talk about it again tomorrow. I would urge a negative vote, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

It appears that every bill that we work on in this House has some very important need. Either someone is coming from New York to make a quick sale of a horse, someone wants a retail bill passed because Easter is coming and we have to raise the interest rates. For the reasoning I gave before, the loss of revenue, Mr. Speaker, I again wish an affirmative vote on this matter. Thank you.

The SPEAKER. The Chair recognizes the minority leader, Mr. Irvis.

Mr. IRVIS. Mr. Speaker, when I rose to question the gentleman, Mr. Dorr, I had no concept that my questions would stir such a commotion, but, very apparently, we are talking not about laboratory mice and parakeets; we are talking about million-dollar sales. When we are talking about the sales of millions of dollars of horseflesh, we are talking about a very considerable loss in revenue.

I would suggest to the members on the floor of this House that the administration has already indicated the direction it wishes to go, and I assume it is the direction that all the members of the majority party as well as all the members of the minority party would agree upon, and that is that we ought not to go in any direction which causes a loss of revenue to the Commonwealth of Pennsylvania, or threatens the loss of revenue. So, despite the fact that I certainly believe Mr. Dorr, who is a man of integrity and whose integrity I have no cause to doubt, and never have had, when he says that there may be some large firm which is going to decide whether to move in or out of Pennsylvania within the next 30 days, I would suggest to the gentleman, Mr. Dorr, that that sort of threat is one which has been made over and over and over again.

If we fly to pass a piece of legislation which most of us on this floor did not understand and which, I would suggest, a reasonable number still do not understand the portent of, solely because someone says that his business is going to leave Pennsylvania unless we do it, we may as well abdicate our obligation as legislators and simply bow to the wishes of those special interests who threaten.

I do not see where any harm will come to this bill if it is sent back to a committee controlled by the majority party; I do not see where any harm will come to the bill if we wait to send it finally to the Senate, which is going to be in recess for 3 weeks anyway. I cannot see where we ought to rush to judgment on this particular piece of legislation and I do not see this as a death threat if we send it back to the Finance Committee. Therefore, I would support the motion to recommit.

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

Mr. AUSTIN. Yes, Mr. Speaker. Will Mr. Dorr stand for interrogation for a moment?

The SPEAKER. The gentleman indicates that he will and the gentleman from Allegheny, Mr. Austin, may proceed.

Mr. AUSTIN. Mr. Speaker, I am just curious here. What firm is this that we are talking about that is going to leave Pennsylvania?

Mr. DORR. The constituent who contacted me operates the Standard Bred Horse Sales Company, which holds a sale here in the city of Harrisburg annually. There are others, I am assuming, through the state. I think that the gentleman, Mr. Davies, mentioned that there is one held in western Pennsylvania, in Mr. Manderino's area. There are others that I am sure would be affected by the same situation.

Mr. AUSTIN. So this firm is located in what county?

Mr. DORR. Well, the corporate headquarters is located in my district in York County. The sale is held in the city of Harrisburg at the Farm Show arena, which, incidentally, obtains a considerable amount of rent from them.

Mr. AUSTIN. Have they indicated where they are moving to?

Mr. DORR. Mr. Speaker, they have been under some pressure and that particular constituent of mine has been telling me that they have been requested to come to the Meadowlands complex in New Jersey, which I am sure that the gentleman, if he follows horseracing, knows competes very heavily with our eastern Pennsylvania racing complexes. They built a sales complex, as I understand it, to house this kind of thing. I also understand that the New Jersey law specifically exempts the exact situation that we are talking about in this bill. In addition to that, Brandywine Raceway has contacted the company recently and requested that they come to Delaware, which has no sales tax.

Mr. AUSTIN. Have they indicated how much that type of move would cost this large firm?

Mr. DORR. The move would cost them nothing because they are within a few miles of Harrisburg as opposed to Brandywine Raceway, for example, and of course they own no capital here. They rent the Farm Show arena.

Mr. AUSTIN. Thank you.

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

Mr. ZELLER. Mr. Speaker, I am very disturbed over this action of Mr. Dorr in that I am afraid that you people who will vote for this had better be ready to tell the little taxpayers out there that when they have to go buy a refrigerator—I mean they will not understand this interstate bit—that they have to pay 6 percent. They have to pay 6 percent on all kinds of equipment for their homes. And then they are going to let these people who are operating a multi, multi-million dollar operation, they are going to go Scot-free on buying a horse. You try to tell them that and they are not going to listen to you because they are going to be hurt.

Now I am not down here with a story about trying to get even, but, if the Speaker will let me, we had a situation in regard to industries that received PIDA — Pennsylvania Indus-

trial Development Authority — money from the taxpayers and after they met their qualification period, then they laid everybody off and sent all their work to be produced in Puerto Rico or somewhere else and used your taxpayers' money.

Some of the very people who are arguing for this thing were the very people who defeated that measure.

It seems to me it is like the difference between a depression and a recession — depression is when you are out of work; a recession is when your neighbor is out of work. And it bothers me that when it is in your own backyard and you got to take care of constituents, especially millionaires, it is about time to drop this one, and this is a hot potato. I will tell you one thing, I do not want any part of it.

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

Mr. DAVIES. Mr. Speaker, if I might, as far as the consideration of what the gentlemen are addressing themselves to in the loss of taxation, there is no loss of taxation as it stands now. It is not only a question of that, but what we are addressing ourselves to is the survival of an industry in Pennsylvania, a relatively new industry, one in which the gentlemen on the other side have no compulsions about increasing the tax that we take on the ordinary person who goes to the racetrack in the handle and the breakage that we do, and we then distribute that to the breeders to try to encourage the breeders.

Now when we come to an issue that the breeders have to have an incentive to be competitive—and I am not only talking about millionaire standard breeders; I am talking about an ordinary guy who is getting into the business and trying to make this state function on the thoroughbred-racing standards, because there is where our infant industry really is, and something has to come in that provides a fairly substantial chunk of revenue for this Commonwealth. We are going to take some of the things that can make that industry function and grow and now we want to all of a sudden dance away from that issue, not continue, and give them a statute of the status of a protection by the law and now create additional problems for a growing industry.

This industry, as far as the thoroughbred racing in this Commonwealth, can well mean whether or not the industry even survives because it has become that competitive. The losses in the industry have been tremendous in the last few years. This is not a matter of talking about millionaires; this is talking about the common survival of the racing industry in this Commonwealth as we know it. If we do not improve the breed, we do not improve the standards, and we do not raise that for the people of this Commonwealth, that industry is going to die. It is going to die on the vine.

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

Mr. W. D. HUTCHINSON. Would the gentleman from York, Mr. Dorr, consent to a brief interrogation?

The SPEAKER. The gentleman may proceed.

Mr. W. D. HUTCHINSON. Can the gentleman tell me whether surrounding states which have this industry are engaged in the sales of these animals, horses, particularly,

standardbreds and thoroughbreds, whether their sales tax statues, those who have sales tax, have provisions exempting sales similar to the one that you are proposing in your bill?

Mr. DORR. Mr. Speaker, I am advised that they do. People who are familiar with the industry who have talked to me indicate that there has never been any problem such as this raised in any other state except Pennsylvania, which has just started to raise the problem in the last several months, and it apparently is not a problem for them to move to any of those other states because there would be no sales-tax problem there.

Mr. W. D. HUTCHINSON. Then if they moved there, Mr. Speaker, then they would be exempt from tax?

Mr. DORR. Yes, they would be exempt.

Mr. W. D. HUTCHINSON. So that if this bill does not pass and if Pennsylvania subjects them to tax, then that industry in this state would be rendered noncompetitive to the approximately 6 percent, whatever our sales tax is. Is that right?

Mr. DORR. Absolutely none; noncompetitive.

Mr. W. D. HUTCHINSON. Mr. Speaker, a few brief comments. I understand what is before the House is a motion to recommit. Just briefly, in answer to the arguments of the minority leader. He says that we should take a look at this. Now what Mr. Dorr is asking is not that you vote this bill today, because it is late today; He is simply asking that you keep it on the calendar so that these questions can be gone into tomorrow and we have a chance to determine properly whether Pennsylvania needs this provision in order to remain competitive and keep this industry here, and we can discuss that tomorrow. I urge all the members to vote against the motion to recommit.

HB 404 RECOMMITTED

The SPEAKER. Would the gentleman from Lackawanna, Mr. Zitterman, please come to the desk?

The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Mr. Speaker, I withdraw my motion as to recommitting HB 404 to the Committee on Finance and I move that HB 404 be recommitted to the Committee on Appropriations.

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

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Yes, Mr. Speaker, I did agree to withdraw my motion to send this bill to the Finance Committee and re-route it to the Appropriations Committee, but I would like to have an opportunity tomorrow to present an amendment on this bill, and, secondly, I would like to have a vote on this, please.

The SPEAKER. Is the gentleman's request that the recommitment be voted tonight by roll call? The gentleman is in order.

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

The following roll call was recorded:

YEAS—188

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

NAYS—3

Fischer, R. R.	Geesey	Miller
----------------	--------	--------

NOT VOTING—12

Borski	Gray	Lynch, F.	Street
Brunner	Greenfield	Pucciarelli	Sweet
Dininni	Lewis	Rhodes	Williams

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

The SPEAKER. The bill is so recommitted.

BILLS PASSED OVER

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

REQUEST TO CONSIDER RESOLUTION

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

Mr. RHODES. Mr. Speaker, at this time I would like to introduce this resolution and request unanimous consent to make a brief statement and make a motion to suspend the rules.

The SPEAKER. The gentleman from Allegheny, Mr. Rhodes, offers the following resolution and asks for the suspension of the rules for its immediate adoption.

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

Mr. RHODES. Mr. Speaker, I would like to make a brief statement on the motion.

The SPEAKER. Will the gentleman repeat his statement?

Mr. RHODES. I would like to make a brief statement on the motion, Mr. Speaker.

The SPEAKER. The question is on the motion for the suspension of the rules. The Chair recognizes the gentleman from Allegheny, Mr. Rhodes.

Mr. RHODES. Mr. Speaker, I recognize the lateness of the hour. It is often that matters of grave importance to this House are taken up at this time of the day and I apologize to the members for the necessity of bringing it up at this time. However, it is important that we do bring it up today if we are going to have time to have this rule have effect on the budgetary process that is before us. It will begin literally this week on the budget for fiscal year 1980.

Mr. Speaker, this resolution that is before you or would be before you if the motion to suspend the rules passes would represent a fundamental and important change in the way the budget is considered and passed by this House. I will not go into a long history of the substance of the resolution. I understand that is not before the House. The motion before the House is to suspend the rules to allow us to discuss the motion. I would say, Mr. Speaker, however, that if you review the record of the House for the last 2 years, particularly in the year 1977 when we were faced, as we are faced this year, with the prospect of enacting new taxes, you will find that members, leaders on both sides of the aisle, including yourself, Mr. Speaker, spoke out strongly that we needed to change the method of the House procedures on the budget to give the average member input into the budget we were asked to vote for, which at that time, as it will this year, had been requested by the Governor that we enact new taxes.

Mr. Speaker, those of us in the House here at this hour, late as it is today, the roar you hear across this state is the pounding of those who are demanding that we in public office carefully guard what we tax, why we tax it, and how we spend the money we tax on the people. We cannot justify the budgets that we now pass before the people of this state because most of us are not involved in the budget process. Mr. Speaker, the only way to insure that the rank-and-file members of the House have input into the budget is to adopt the resolution that is before us. The only way to insure that we have an opportunity to discuss this resolution and to adopt it in time for consideration of next year's budget is to suspend the rules, which will take 102 votes.

Therefore, Mr. Speaker, I do make the motion to suspend the rules, and I strongly urge the members to think about this vote, because if you vote to not suspend the rules I guarantee what

you will see is what we have seen year after year on this floor of the House, which is that a final product is presented to us and rammed down our throats and we will not have the ability to have the input that we require and need into the budget that we have to vote for in the final analysis. Thank you, Mr. Speaker.

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

Mr. POTT. Thank you, Mr. Speaker. On the motion, I support the motion to suspend the rules because in the resolution which Mr. Rhodes and I have cosponsored, there are significant timing dates. There is not the proper time for the Rules Committee of this House to consider this legislation prior to the April 1 deadline in the resolution. Therefore, we are asking for an opportunity to debate this very important issue.

You do not have to vote on the issue. The issue is simply to consider or not to consider suspension of the rules so that we can consider this resolution. Under the rules, this resolution would normally be referred to the Rules Committee of this House. The Rules Committee will not be meeting to consider this legislation, to bring it to the calendar prior to our anticipated adjournment for 3 weeks. An April 1 deadline contained in the resolution requires this extraordinary request of you in the House of Representatives to consider the resolution. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

I would urge the members on this day in March 1979 to oppose the motion to suspend the rules and consider yet a new, novel way of considering the budget.

The House Committee on Appropriations has already sent to all of us an agenda of hearings which are to be held. The chairman of that committee has encouraged all persons, those on and off the committee, to attend those hearings. I believe that there is an air of openness. Every person who attends those meetings will be given an opportunity to cross-examine those members of the executive branch who are being called before the Appropriations Committee.

I certainly share the enthusiasm of the gentleman from Allegheny, Mr. Rhodes, and also the gentleman from Allegheny, Mr. Pott. But at this moment, as I said before, in March 1979, I think we had better be about the business of beginning our budget hearings, and, therefore, at this moment I urge a "no" vote to suspend the rules. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I am in a peculiar position today. I think I probably have spoken at this microphone more often than most people, for reforms, and I think I have lead the battles more often than most people on the floor for reforms. If I were a professor of political science, dealing only with the philosophical questions for a classroom, I would perforce be in support of what Mr. Rhodes has said. Theoretically, it would work out beautifully. From a practical point of view, all I think would happen if we tried to pass this resolution today or even

this spring is that we would succeed in delaying the entire budgetary process much more than it is going to be delayed ordinarily.

I think also we would have a problem of staffing. I believe there would be a problem of having a sufficient number of competent staff employed on both sides of the aisle in this particular situation to meet the requirements of Mr. Rhodes' and Mr. Pott's resolution.

I encourage the gentlemen in their pursuit of their goal. I think eventually there will have to be changes made in the budgetary process, but I think they have waited entirely too late to change that process at this point in time. Therefore, I would oppose the motion to suspend the rules.

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

Mr. ITKIN. Mr. Speaker, I recognize the lateness of the hour and I feel that many of the members will find it difficult to—

POINT OF ORDER

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

Mr. GALLEN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GALLEN. I feel that this motion is not debatable and I would like to vote it.

Mr. ITKIN. It is debatable.

The SPEAKER. The gentleman from Berks, Mr. Gallen, raised a point of order as to whether a motion to suspend the rules is debatable. Rule 77 of the Pennsylvania House of Representatives is silent on whether or not the motion may be debated. And so the Chair has gone to Mason's Legislative Manual, sec. 283, subsection 6, and it quotes: "A motion to suspend the rules may not be amended, debated, laid on the table, referred to committee, postponed, . . ." et cetera, et cetera, et cetera. And so it is the opinion of the Chair that the motion is not debatable.

For what purpose does the gentleman from Allegheny, Mr. Itkin, rise?

Mr. ITKIN. To make a motion.

The SPEAKER. The gentleman is out of order until the motion that is currently before us is disposed of.

PARLIAMENTARY INQUIRY

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

Mr. ITKIN. Mr. Speaker, let me ask you the following parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ITKIN. Suppose I wish to make a motion that the business at hand today at the present time be deferred. How could I get that motion before the body without interrupting the business at hand?

The SPEAKER. It is the opinion of the Chair that the motion to adjourn is always in order and it would be the Chair's decision that that is the only motion which could be considered.

Mr. ITKIN. Mr. Speaker, I just conferred with Mr. Rhodes, and he prefers to lose it today instead of tomorrow. So let us go ahead with it.

The SPEAKER. The Chair did not understand the gentleman. Would the gentleman care to repeat his remarks?

Mr. ITKIN. I said I just discussed with the prime sponsor of the motion and I asked him whether he would rather lose it today or tomorrow. He said he would prefer to lose it today, so we might as well go on with this.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—65

Table listing names of members who voted YEAS, including Alden, Arty, Austin, Belardi, Brown, Burd, Caltagirone, Cappabianca, Chess, Clark, B., Cohen, Cowell, Cunningham, Dawida, Duffy, Gallagher, Gamble, Gannon, Geist, George, C., George, M., Goebel, Grabowski, Gruppo, Halverson, Harper, Hayes, D. S., Hoeffel, Itkin, Kanuck, Kernick, Knight, Kukovich, Lashinger, Laughlin, Livengood, McVerry, Michlovic, Mrkonic, Mullen, M. P., Murphy, Nahill, Novak, O'Donnell, Pistella, Pott, Pratt, Reed, Rhodes, Richardson, Ritter, Rocks, Seventy, Sieminski, Stairs, Steighner, Stewart, Sweet, Taddonio, Telek, Wachob, Wright, D., Zeller, Zitterman, and Zwikl.

NAYS—131

Table listing names of members who voted NAYS, including Anderson, Armstrong, Barber, Beloff, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Burns, Cessar, Cianciulli, Cimini, Clark, R., Cochran, Cole, Cornell, Coslett, Davies, DeMedio, DeVerter, DeWeese, DiCarlo, Dietz, Dombrowski, Donatucci, Dorr, Dumas, Durham, Earley, Fee, Fischer, R. R., Fisher, D. M., Foster, A., Foster, W., Freind, Fryer, Gallen, Gatski, Geesey, Giammarco, Gladeck, Goodman, Grieco, Hasay, Hayes, S. E., Helfrick, Honaman, Hutchinson, A., Hutchinson, W., Irvis, Johnson, E., Johnson, J., Jones, Klingaman, Knepper, Kolter, Kowalyshyn, Lehr, Letterman, Levi, Levin, Lynch, E. R., Lynch, F., Mackowski, Madigan, Manderino, Manmiller, McCall, McClatchy, McIntyre, McKelvey, McMonagle, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Musto, Noye, O'Brien, B., O'Brien, D., Oliver, Perzel, Peterson, Petrarca, Piccola, Pievsky, Pitts, Polite, Pucciarelli, Punt, Pyles, Rappaport, Rieger, Rodgers, Ryan, Salvatore, Schmitt, Schweder, Scirica, Serafini, Shadding, Shupnik, Sirianni, Smith, E., Smith, L., Spencer, Spitz, Stuban, Swift, Taylor, E., Taylor, F., Thomas, Trello, Vroon, Wagner, Wargo, Wass, Weidner, Wenger, White, Wilson, Wilt, Wright, J. L., Yahner, Yohn, Zord, and Seltzer, Speaker.

NOT VOTING—7

Brunner Dininni	Gray Greenfield	Lewis Street	Williams
--------------------	--------------------	-----------------	----------

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

CONDOLENCE RESOLUTION INTRODUCED

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

Mr. RITTER. Mr. Speaker, I offer the following condolence resolution on the death of a former member of this House.

The clerk read the following resolution:

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

RESOLUTION

WHEREAS, Paul A. DeLong, a former member of the House of Representatives passed away on February 28, 1979, at the age of sixty-seven; and

WHEREAS, Mr. DeLong was first elected to the House in 1946; reelected in 1948; and elected again in 1956. He served as Chief Voter Registration Clerk in Lehigh County in 1960 and in 1975 he was elected Register of Wills in Lehigh County. He was past president and former chairman of the Lehigh County Muscular Dystrophy Association. Mr. DeLong operated a messenger service and insurance business in Allentown for many years. He was also a past business manager for the Lentz Post American Legion baseball team; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn the passing of a former member; and extends its heartfelt condolences to his wife, Joan D.; brothers, William, Charles and LeRoy; and sisters; Mrs. Verna Annoni and Mrs. Anna Roach; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Joan DeLong, 362 Sumner Avenue, Whitehall, Pennsylvania 18052

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable James P. Ritter, Kurt D. Zwickl, George J. Kanuck and Joseph R. Zeller, and adopted by the House of Representatives on the 26th day of March 1979.

H. JACK SELTZER
Speaker

ATTEST:

CHARLES F. MEBUS
Chief Clerk

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

STATEMENT ON RESOLUTION INTRODUCED

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

Mr. LAUGHLIN. Mr. Speaker, I am presenting this resolution today to investigate the Bell Telephone and Western Electric Company dealing with their operations and rates in western Pennsylvania, and I am asking that it be assigned to the Committee on Business and Commerce. Thank you.

The SPEAKER. For the information of the gentleman, the resolution will be referred to the Committee on Rules.

SENATE MESSAGE**HOUSE AMENDED SENATE BILL CONCURRED IN**

The Senate informed that it has concurred in House amendments to **SB 280, PN 564**.

SENATE MESSAGE**HOUSE BILLS CONCURRED IN BY SENATE**

The Senate concurred in and returned **HB 153, PN 698**.

BILLS SIGNED BY SPEAKER

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

HB 153, PN 698

An Act establishing the Pennsylvania Savings Association Insurance Corporation and providing for its powers and duties.

SB 3, PN 3

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania by providing for additional judges for the Superior Court, changing certain provisions relating to initial terms, and further providing for the president judge of the Superior Court.

SB 280, PN 564

An Act amending the act of June 17, 1976 (P. L. 162, No. 81), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to vehicles and pedestrians," further providing for the effective date of certain provisions.

SB 281, PN 283

An Act authorizing the Department of General Services, with the approval of the Secretary of Environmental Resources, to sell and convey a tract of land formerly within the bed of the West Branch of the Schuylkill River in the Borough of Cressona, Schuylkill County, Pennsylvania, lying within lands now or formerly owned by Aluminum Company of America.

SB 430, PN 461

An Act amending the act of January 30, 1974 (P. L. 13, No. 6), entitled "Loan Interest and Protection Law," further defining "residential mortgage" and "security document."

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House as a guest of Mr. Hayes of Erie County, Mr. Ted Shaker of CBS Sports.

The Chair also welcomes to the hall of the House, Mr. Larry Griffin of Norwood, Pennsylvania, the guest of Mr. Gerald Spitz of Delaware County.

The Chair also welcomes to the floor of the House, Dr. John Hopkirk of Widener College with four of his students from his state and local government class. They are the guests of the delegation from Delaware County.

The Chair welcomes to the hall of the House, Mr. Donald Mays of Parkton, Maryland, who is a member of the Republican State Central Committee of Baltimore County, who is the guest of Mr. A. C. Foster from York County.

We have two foreign visitors: Miss Elizabeth Hanslow from

Australia and Bernie Kuchmetzki from Germany, with their hostess, Mary Marsteller.

The Chair would like to welcome to the hall of the House Rev. Lamar Derk, Mr. Fred Nothstein, and eight members of the confirmation class of the First United Church of Christ, Palmerton, Pennsylvania.

The Chair also welcomes to the floor of the House students from the Youth Leadership Institute YMCA with their instructors, the guests of Mr. Richardson and the members of the Black Caucus.

The Chair also welcomes to the floor of the House Mr. Kermit Moore, chairman of the Tioga County Board of Commissioners; Mr. Edgar Carlson, chairman of the Tioga County Republican Committee. They are the guests of Mr. Warren Spencer.

The Chair welcomes to the hall of the House Mr. John Hasay, manager of Hasay's Chevrolet, Inc., from beautiful downtown Shickshinny. He is the guest of his brother, Mr. George Hasay.

The Chair also welcomes to the floor of the House the former

deputy secretary of Education, Dr. Neil Musmanno, who is the guest of the gentleman from Allegheny, Mr. Trello.

The Chair welcomes to the hall of the House Mr. Louis Gerlette of Emmaus, Pennsylvania. He is the guest of the member from Lehigh County, Mr. Zeller.

The Chair would like to welcome to the hall of the House a former, distinguished member of this House from Centre County, Galen Dreibelbis. Galen, welcome.

ADJOURNMENT

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

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:58 p.m., e.s.t., the House adjourned.