

# Legislative Journal

TUESDAY, JANUARY 4, 1977

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161st of the General Assembly

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## HOUSE OF REPRESENTATIVES

### ANNOUNCEMENT

At 11:30 a.m., the Honorable James A. Goodman, the gentleman from Schuylkill County, accompanied by the gentleman from Somerset, the Honorable Kenneth S. Halverson, made the following announcement in the chambers of the House of Representatives:

In accordance with the provisions of Article II, Section 4, of the Constitution of Pennsylvania, the members-elect of the House of Representatives will meet this day at 12 o'clock noon in the hall of the House of Representatives for the purpose of organization.

### CALL TO ORDER

The hour of 12 o'clock having arrived, Honorable Vincent F. Scarcelli, Chief Clerk of the House of Representatives, called the members-elect to order and announced:

This being the day and the hour fixed by Article II, Section 4, of the Constitution of Pennsylvania for the meeting of the General Assembly, the members-elect of the House of Representatives will now come to order.

Prayer will be offered by Rabbi Morris V. Dembowitz of Suburban Jewish Community Center-B'nai Aaron, Havertown, Pennsylvania, who is the guest of the gentleman from Philadelphia, Mr. Fineman.

### PRAYER

RABBI MORRIS V. DEMBOWITZ, rabbi of Suburban Jewish Community Center-B'nai Aaron, offered the following prayer:

Sovereign of the Universe, gathered, as we are, on the threshold of the third century of American democracy to open this 161st Session of the General Assembly of the Commonwealth of Pennsylvania, we offer thanks unto Thee who in former years, in times of tyranny, did provide us with persons of honor, integrity, enlightenment and vision, who with Thy Divine guidance and inspiration did fashion, lead and serve our sovereign Nation.

We humbly pray Thee to once again inspire the leaders of our Nation and this Commonwealth to speak truth, practice mercy, and guard the freedom of all the people. May they become Thy messengers to feed the hungry, shelter the homeless, open the eyes of the blind, educate the untutored, provide self-respecting jobs for the jobless, heal the wounds and establish peace in our communities.

Do Thou, with compassion, judge us for our failings to maintain the high ideals of our democracy, which is rooted in Thy Holy Writ. Forgive us our trespasses and encourage us to affirm with our Founding Fathers "... for the support of this declaration, with a firm Reliance

on the Protection of divine Providence, we mutually pledge to each other our lives, our Fortunes and our sacred Honor."

Bless, we pray Thee, the Governor of this State, the Speaker of this House, and all the members of this General Assembly. Give them the strength of body and the vision of mind to lead the people of this Commonwealth to ever greater achievements for the betterment of all.

May this land under Thy Providence be an influence for good throughout the world, uniting men in peace and freedom and helping to fulfill the vision of Thy Prophets: "Nation shall not lift up sword against nation, neither shall men learn war any more." Amen.

### PRESENTATION OF ELECTION RETURNS

The CHIEF CLERK. The Chair recognizes the Sergeant at Arms of the House to introduce the Honorable C. DeLores Tucker, Secretary of the Commonwealth.

The SERGEANT AT ARMS. Mr. Chief Clerk, the Honorable C. DeLores Tucker, Secretary of the Commonwealth.

The CHIEF CLERK. The Chair recognizes the Honorable C. DeLores Tucker, Secretary of the Commonwealth, who presents the election returns of the members of the House.

HONORABLE C. DeLORES TUCKER. Mr. Chief Clerk, I have the honor to present the returns of the General Election held November 2, 1976, with the exception of the 78th District. The following, having received the highest number of votes in their respective districts, were duly elected members of the House of Representatives of the General Assembly.

The CHIEF CLERK. The Chair thanks the Secretary of the Commonwealth, C. DeLores Tucker.

### ELECTION RETURNS OPENED

The CHIEF CLERK. The Chair recognizes the gentleman, Mr. Berlin.

Mr. BERLIN, a member-elect, offered the following resolution:

In the House of Representatives, January 4, 1977

RESOLVED, That the returns for the election of members of the House of Representatives, held Tuesday, November 2, 1976, be now opened and read.

### IN THE NAME AND BY AUTHORITY OF THE COMMONWEALTH OF PENNSYLVANIA

To the Speaker of the House of Representatives and the Members of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, greetings:

I have the honor to present the returns of the General Election held November 2, 1976. The following, having received the highest number of votes in their respective districts, were duly elected Members of the House of Representatives in the General Assembly.

NAME	DISTRICT	VOTES	NAME	DISTRICT	VOTES
Bernard J. Dombrowski	First	15,765	Joseph A. Petrarca	Fifty-fifth	17,742
Robert E. Bellomini	Second	12,564	John F. Laudadio, Sr.	Fifty-sixth	14,842
David C. DiCarlo	Third	16,658	Amos K. Hutchinson	Fifty-seventh	12,216
Forest W. Hopkins	Fourth	13,161	James J. Manderino	Fifty-eighth	13,298
David S. Hayes	Fifth	11,496	Jess M. Stairs	Fifty-ninth	11,162
H. H. Haskell	Sixth	14,164	Henry Livengood	Sixtieth	11,035
Reid L. Bennett	Seventh	15,699	Patrick J. McGinnis	Sixty-first	12,121
Roy W. Wilt	Eighth	13,570	Paul Wass	Sixty-second	12,701
Thomas J. Fee	Ninth	20,966	David R. Wright	Sixty-third	12,668
Ralph D. Pratt	Tenth	13,575	Joseph Levi II	Sixty-fourth	11,813
Jack R. Arthurs	Eleventh	11,524	Robert J. Kusse	Sixty-fifth	13,648
James M. Burd	Twelfth	12,472	L. Eugene Smith	Sixty-sixth	13,266
Earl H. Smith	Thirteenth	10,700	William D. Mackowski	Sixty-seventh	10,974
Joseph P. Kolter	Fourteenth	14,490	Warren H. Spencer	Sixty-eighth	14,503
Fred R. Milanovich	Fifteenth	15,656	Kenneth S. Halverson	Sixty-ninth	13,082
Charles Laughlin	Sixteenth	16,700	Harry A. Englehart, Jr.	Seventieth	13,454
Robert P. Ravenstahl	Seventeenth	11,266	Adam Bittinger	Seventy-first	11,094
Edward F. Burns, Jr.	Eighteenth	15,574	William J. Stewart	Seventy-second	11,027
K. LeRoy Irvis	Nineteenth	11,708	Paul J. Yahner	Seventy-third	13,895
Michael M. Mullen	Twentieth	11,751	Camille George	Seventy-fourth	13,013
Thomas E. Flaherty	Twenty-first	14,895	William F. Renwick	Seventy-fifth	13,910
Charles T. Logue	Twenty-second	11,593	Russell P. Letterman	Seventy-sixth	12,142
Ivan Itkin	Twenty-third	16,094	Helen D. Wise	Seventy-seventh	14,959
Joseph Rhodes, Jr.	Twenty-fourth	14,932	See Attached Court Order		
Lee C. Taddonio	Twenty-fifth	16,876	John P. Milliron	Seventy-ninth	13,390
Charles N. Caputo	Twenty-sixth	11,152	Michael E. Cassidy	Eightieth	11,925
Robert A. Geisler	Twenty-seventh	16,640	Samuel E. Hayes, Jr.	Eighty-first	14,285
George F. Pott, Jr.	Twenty-eighth	18,024	Walter F. Deverter	Eighty-second	12,589
Ronald P. Goebel	Twenty-ninth	14,631	Anthony J. Cimini	Eighty-third	12,944
Richard J. Cessar	Thirtieth	24,882	Joseph V. Grieco	Eighty-fourth	13,566
Helen D. Gillette	Thirty-first	11,992	Reno H. Thomas	Eighty-fifth	17,499
Phyllis T. Kernick	Thirty-second	15,231	Fred C. Noye	Eighty-sixth	14,946
Roger F. Duffy	Thirty-third	12,523	Harold F. Mowery, Jr.	Eighty-seventh	14,539
Ronald R. Cowell	Thirty-fourth	13,377	John E. Scheaffer	Eighty-eighth	12,744
A. Joseph Valicenti	Thirty-fifth	12,287	R. Harry Bittle	Eighty-ninth	10,684
Donald A. Abraham	Thirty-sixth	21,547	William O. Shuman	Ninetieth	17,182
Emil Mrkonic	Thirty-seventh	13,673	Kenneth J. Cole	Ninety-first	11,128
Bernard R. Novak	Thirty-eighth	15,944	Eugene R. Geesey	Ninety-second	13,982
George Misceovich	Thirty-ninth	19,322	A. Carville Foster, Jr.	Ninety-third	15,708
D. Michael Fisher	Fortieth	20,019	John Hope Anderson	Ninety-fourth	14,211
Joseph V. Zord, Jr.	Forty-first	15,102	Stanford I. Lehr	Ninety-fifth	9,210
H. Sheldon Parker, Jr.	Forty-second	14,963	Marvin E. Miller, Jr.	Ninety-sixth	9,175
James W. Knepper, Jr.	Forty-third	13,507	June N. Honaman	Ninety-seventh	15,935
Ron Gamble	Forty-fourth	12,235	Kenneth E. Brandt	Ninety-eighth	12,032
Fred A. Trello	Forty-fifth	15,290	Noah W. Wenger	Ninety-ninth	9,269
John L. Brunner	Forty-sixth	12,994	Gibson E. Armstrong	One hundredth	14,618
Roger Raymond Fischer	Forty-seventh	13,582	H. Jack Seltzer	One hundred first	12,486
David W. Sweet	Forty-eighth	16,012	Nicholas B. Moehlmann	One hundred second	12,641
A. J. DeMedio	Forty-ninth	18,836	Stephen R. Reed	One hundred third	7,922
H. William Deweese	Fiftieth	16,228			
Fred Taylor	Fifty-first	14,268			
J. William Lincoln	Fifty-second	16,775			
Roosevelt I. Polite	Fifty-third	14,544			
C. L. Schmitt	Fifty-fourth	18,236			

NAME	DISTRICT	VOTES	NAME	DISTRICT	VOTES
Jeffrey E. Piccola	One hundred fourth	13,280	Elinor Zimmerman		
Joseph C. Manmiller	One hundred fifth	15,603	Taylor	One hundred fifty-sixth	16,064
Rudolph Dininni	One hundred sixth	14,474	Peter R. Vroon	One hundred fifty-seventh	15,661
Edward W. Helfrick	One hundred seventh	12,836	Joseph R. Pitts	One hundred fifty-eighth	16,725
George O. Wagner	One hundred eighth	12,702	Francis X. Tenaglio	One hundred fifty-ninth	9,096
Ted Stuban	One hundred ninth	13,894	Ralph A. Garzia	One hundred sixtieth	13,999
Roger A. Madigan	One hundred tenth	13,491	Peter J. O'Keefe	One hundred sixty-first	12,625
Carmel Sirianni	One hundred eleventh	18,523	Gerald J. Spitz	One hundred sixty-second	11,586
William J. McLane	One hundred twelfth	13,056	Joseph Ted Doyle	One hundred sixty-third	16,501
Frank J. Zitterman	One hundred thirteenth	11,243	Francis J. Lynch	One hundred sixty-fourth	14,252
John Wansacz	One hundred fourteenth	14,823	Thomas J. Stapleton, Jr.	One hundred sixty-fifth	14,394
Joseph G. Wargo	One hundred fifteenth	16,581	Stephen F. Freind	One hundred sixty-sixth	16,813
Ronald Gatski	One hundred sixteenth	12,087	Herbert K. Zearfoss	One hundred sixty-seventh	15,486
George C. Hasay	One hundred seventeenth	14,666	Ryan	One hundred sixty-eighth	16,246
Raphael Musto	One hundred eighteenth	18,612	Dennis M. O'Brien	One hundred sixty-ninth	14,195
Fred J. Shupnik	One hundred nineteenth	14,958	Frank A. Salvatore	One hundred seventieth	16,995
Frank J. O'Connell	One hundred twentieth	16,544	Roland Greenfield	One hundred seventy-first	18,369
Bernard F. O'Brien	One hundred twenty-first	12,898	Francis E. Gleeson, Jr.	One hundred seventy-second	14,861
Thomas J. McCall	One hundred twenty-second	12,193	Henry J. Giammarco	One hundred seventy-third	15,265
James A. Goodman	One hundred twenty-third	16,666	Max Pievsky	One hundred seventy-fourth	20,661
William K. Klingaman, Sr.	One hundred twenty-fourth	13,272	Robert A. Borski, Jr.	One hundred seventy-fifth	13,194
William D. Hutchinson	One hundred twenty-fifth	11,670	Alvin Katz	One hundred seventy-sixth	16,197
Harold L. Brown	One hundred twenty-sixth	12,176	Agnes M. Scanlon	One hundred seventy-seventh	12,205
Thomas R. Caltagirone	One hundred twenty-seventh	12,038	James M. McIntyre	One hundred seventy-eighth	12,700
James J. Gallen	One hundred twenty-eighth	14,257	William W. Rieger	One hundred seventy-ninth	11,071
John S. Davies	One hundred twenty-ninth	13,733	Clifford Gray	One hundred eightieth	10,824
Lester K. Fryer	One hundred thirtieth	10,074	Ulysses Shelton	One hundred eighty-first	10,096
James P. Ritter	One hundred thirty-first	12,025	Samuel Rappaport	One hundred eighty-second	11,951
Kurt D. Zwikl	One hundred thirty-second	12,741	Matthew J. Cianciulli, Jr.	One hundred eighty-third	13,847
Frank J. Meluskey	One hundred thirty-third	13,637	Leland M. Beloff	One hundred eighty-fourth	12,659
Joseph R. Zeller	One hundred thirty-fourth	15,342	Ronald R. Donatucci	One hundred eighty-fifth	14,503
J. Michael Schweder	One hundred thirty-fifth	14,152	Edward A. Wiggins	One hundred eighty-sixth	15,280
James F. Prendergast	One hundred thirty-sixth	11,025	Norman S. Berson	One hundred eighty-seventh	15,371
Philip S. Ruggiero	One hundred thirty-seventh	13,507	Aljia Dumas	One hundred eighty-eighth	13,794
Russell Kowalyszyn	One hundred thirty-eighth	13,589	Martin P. Mullen	One hundred eighty-ninth	13,323
William W. Foster	One hundred thirty-ninth	15,757	James D. Barber	One hundred ninetieth	13,318
Theodore Berlin	One hundred fortieth	11,333	Hardy Williams	One hundred ninety-first	18,002
James J. A. Kelly	One hundred forty-first	10,463	Anita Palermo	One hundred ninety-second	16,530
Gallagher	One hundred forty-second	13,911	Kelly	One hundred ninety-third	13,861
James L. Wright, Jr.	One hundred forty-third	15,232	Donald W. Dorr	One hundred ninety-fourth	17,526
Margaret H. George	One hundred forty-fourth	12,742	Herbert Fineman	One hundred ninety-fifth	10,908
Benjamin H. Wilson	One hundred forty-fifth	12,088	Frank L. Oliver	One hundred ninety-sixth	12,974
Marvin D. Weidner	One hundred forty-sixth	10,719	Ruth B. Harper	One hundred ninety-seventh	13,387
William H. Yohn, Jr.	One hundred forty-seventh	12,039	Joel J. Johnson	One hundred ninety-eighth	11,930
G. Sieber Pancoast	One hundred forty-eighth	16,345	Robert W. O'Donnell	One hundred ninety-ninth	13,928
Anthony J. Scirica	One hundred forty-ninth	15,695	John H. Hamilton, Jr.	Two hundredth	18,708
Richard A. McClatchy, Jr.	One hundred fiftieth	12,754	David P. Richardson, Jr.	Two hundred first	15,732
Robert J. Butera	One hundred fifty-first	13,880	Mark B. Cohen	Two hundred second	15,348
Vern Pyles	One hundred fifty-second	16,810	James F. Jones, Jr.	Two hundred third	15,466
Stewart J. Greenleaf	One hundred fifty-third	15,198	C. DeLORES TUCKER Secretary of the Commonwealth		
Joseph M. Hoeffel	One hundred fifty-fourth	16,877	The CHIEF CLERK. We are in receipt of 202 certificates of election and one certified copy of a decision of the Court of Common Pleas of Bedford County in the		
Charles F. Mebus	One hundred fifty-fifth	12,320			
Samuel W. Morris					

matter of the election contest in the 78th legislative district of the Commonwealth of Pennsylvania. This decision of the Court of Common Pleas relates to the election contest in the 78th legislative district.

The election returns for all candidates for membership in the House of Representatives will be printed in the Journal of the House.

IN THE COURT OF COMMON PLEAS OF  
BEDFORD COUNTY, PENNSYLVANIA—  
CIVIL DIVISION

In re: Election Contest  
78th Legislative District  
Commonwealth of Pennsylvania

OPINION and ORDER OF COURT

Two groups of registered electors of the 78th Representative District have filed petitions with this Court questioning the legality of the general election held on November 2, 1976, with respect to the office of Representative in the General Assembly of the Commonwealth of Pennsylvania from said District. A hearing has been duly held, at which the petitioners and the candidates for said office were represented by counsel and testimony was taken. Briefs of argument have also been submitted for our consideration.

The problem at issue is the significance and effect to be attributed to erroneously printed ballots provided for the voters of Todd Township, Huntingdon County. The pertinent facts are relatively simple and are not in dispute. As mandated by Section 1773 of the Pennsylvania Election Code of June 3, 1937, P. L. 1333, 25 P. S. Sect. 3473, the facts deemed by us to be material to our decision are separately and explicitly found to be as follows:

Findings of Fact

1. At the general election held on November 2, 1976, one of the offices to be balloted for was that of Representative in the General Assembly of the Commonwealth of Pennsylvania, from the 78th Representative District.

2. As constituted by the Pennsylvania Legislative Reapportionment Commission, the 78th Representative District is comprised of all of Bedford County and portions of Fulton and Huntingdon Counties.

3. There are 42 election districts in Bedford County, in which 19,479 electors were registered to vote on November 2, 1976; and 16,375 of that number appeared at the polls and cast ballots on that date.

4. In Fulton County, 9 election districts are in the 78th Representative District. On November 2, 1976, there were 3,440 registered electors in said precincts, and at least 2,821 of them exercised their right of franchise.

5. In Huntingdon County, 17 election districts are in the 78th Representative District. On November 2, 1976, there were 2,845 registered electors in said precincts, of whom 2,382 voted at the election in question.

6. At said election, the duly nominated candidates for the office of Representative in the General Assembly from the 78th District were Gary W. Ebersole, Democratic Party, and Clarence E. Dietz, Republican Party. Both of said candidates reside in Bedford County.

7. Except only as stated in finding number 8, *infra*, the names of Ebersole and Dietz, as such candidates, were printed properly and accurately on all of the ballots provided for all of the election districts in the 78th Representative District.

8. The names of Ebersole and Dietz did not appear on the ballots provided for the electors in Todd Township, one of the 78th District precincts in Huntingdon County. This omission was occasioned by an error in preparing the ballots for the various election districts of Huntingdon County, whereby the names of Lona B. Norris and Samuel E. Hayes, Jr., candidates, respectively, of the Democratic Party and the Republican Party for Representative in the General Assembly from the 81st District, were printed on the ballots provided for Todd Township, and the names of Ebersole and Dietz were printed on the ballots provided for Tell Township, a precinct in the 81st Representative District.

9. Of the 239 qualified electors in Todd Township, Huntingdon County, 212 voted at the November 2, 1976, election. The general return sheet submitted by the election officers of Todd Township to the Huntingdon County Board of Elections reported that 53 straight Democratic votes and 75 straight Republican votes had been cast, that Lona Norris polled a total of 83 votes and Samuel E. Hayes, Jr., a total of 124 votes, and that no votes had been cast for any other candidate for Representative in the General Assembly.

10. There were no proceedings instituted to recount the ballots cast in any of the election districts of Huntingdon County; however, at the official computation and canvass of the returns from the election on November 2, 1976, the Huntingdon County Board of Elections disallowed all votes cast in Todd Township for the office of Representative in the General Assembly. Upon completion of its computation and canvass, said Board of Elections determined, and so certified to the Secretary of the Commonwealth, that Ebersole had received 999 votes and Dietz had received 1063 votes in the 78th Representative District precincts in Huntingdon County.

11. In Fulton County, recount proceedings were conducted by order of court with respect to the ballots cast in two of the precincts within the 78th District. Upon completion of its computation and canvass, the Fulton County Board of Elections determined, and so certified to the Secretary of the Commonwealth, that Ebersole had received 1344 votes and Dietz had received 1476 votes in the 78th Representative District precincts in said county, which computation reflects the changes made in the returns to the County Board of Elections from the two Fulton County election districts in which recounts were conducted.

12. In Bedford County, the ballot boxes in two election districts were opened, and the votes cast in said precincts recounted, by the Bedford County Board of Elections in connection with the official computation and canvass of the election returns. Upon completion of its computation and canvass, said Board of Elections determined, and so certified to the Secretary of the Commonwealth, that Ebersole had received 8,171 votes and Dietz had received 7,984 votes in the 78th Representative District precincts in Bedford County.

13. The computation made by the Bedford County Board of Elections, and the certification by it to the Secretary of the Commonwealth as aforesaid, are incorrect in that said computation and certification do not reflect changes that must be made in the tabulation of the votes cast in Bloomfield Township. The ballot box for Bloomfield Township was opened by Order of Court, upon petition of qualified electors of that election district, and all votes cast in said precinct for the office of Representa-

tive in the General Assembly from the 78th District were recounted. The Recount Board found, and on November 20, 1976, this Court so ordered, that whereas the canvass of Bloomfield Township had resulted in 111 votes for Ebersole and 129 votes for Dietz, the correct computation of the votes cast in said precinct was 111 votes for Ebersole and 127 votes for Dietz.

14. No appeals have been taken with respect to any of the canvasses of the three County Boards of Elections, nor with respect to any of the Court ordered recounts in Bedford and Fulton Counties.

15. Excluding Todd Township, Huntingdon County, the correct computation of the votes cast for Representative in the General Assembly from the 78th District at the general election on November 2, 1976, therefore, is as follows:

	Ebersole	Dietz
Bedford County	8,171	7,982
Fulton County	1,344	1,476
Huntingdon County	999	1,063
<b>TOTAL</b>	<b>10,514</b>	<b>10,521</b>

Dietz plurality: 7 votes

16. By reason of the circumstances stated in finding number 8, supra, the ballots provided for the electors of Todd Township, Huntingdon County, were so defectively printed with respect to the office of Representative in the General Assembly as to be calculated to mislead the voters of said election district in regard to the candidates actually nominated for said office.

17. Such defective condition of the ballots provided for Todd Township, Huntingdon County, may have affected the result of the entire election for Representative in the General Assembly from the 78th District as conducted on November 2, 1976, in all of the election districts comprising said Representative District, notwithstanding that such defective condition did not obtain with respect to the ballots provided for the election in any of the other precincts thereof.

18. There is no evidence that any person intentionally committed any fraudulent act or practice in connection with the election in the 78th Representative District on November 2, 1976.

#### Discussion

Our statutory provisions with respect to election contests are set forth in Article XVII of the Pennsylvania Election Code of June 3, 1937, P. L. 1333, 25 P. S. Sects. 3291 to 3477, inclusive. Contested elections are therein classified according to the office to be filled, and those involving elections of Representatives in the General Assembly are included among contests designated as Class IV. Pennsylvania Election Code, supra, Sect. 1711, 25 P. S. Sect. 3291.

With respect to jurisdiction to try contested elections of the fourth class, Section 1741 of the Pennsylvania Election Code, supra, 25 P. S. Sect. 3401, provides as follows:

"Contested . . . elections of . . . Representatives in the General Assembly of this Commonwealth . . . shall be tried and determined by the court of common pleas of the county where the person returned as such shall reside . . ."

Inasmuch as both the candidate who received the plurality of the votes certified to the Secretary of the Commonwealth and his opponent are residents of Bedford County, we have no hesitation in concluding that we have jurisdiction to receive and determine the petitions that are before us. We also conclude that both petitions have been executed by the required number of registered electors, that the petitions are in proper form, and that all procedural requirements of the law have been complied with.

As we indicated at the outset of this opinion, the question for our determination is the significance and effect to be attributed to erroneously printed ballots provided for the voters in one of the sixty-eight election districts comprising the 78th Representative District. The answer to that question depends upon whether the instant election presents a factual situation governed by Section 1772 of the Pennsylvania Election Code, supra, 25 P. S. Sect. 3472, which provides that:

"Whenever in any contested . . . election, the tribunal trying the case shall decide that the ballots or ballot labels used in one or more election districts, by reason of the omission, addition, misplacing, misspelling or misstatement of one or more titles of office, or names of candidates, or parties or bodies represented by them, were so defective as to the office in contest as to be calculated to mislead the voters in regard to any of the candidates nominated . . . for said office, and that the defective condition of the said ballots or ballot labels may have affected the result of the entire . . . election for said office, the said tribunal shall declare the . . . election to be invalid as regards the said office . . ." (emphasis supplied).

One group of petitioners and Mr. Dietz contend that, because the misprinting of the ballots for Todd Township, Huntingdon County, was occasioned by an "honest" error rather than by fraud, we should certify Dietz as having been elected. They argue, with some persuasiveness, that to invalidate an election at which approximately eighty-five per cent. (85%) of the electorate voted is too drastic a measure where only one per cent. (1%) of the electors were disfranchised through a mistake of the election officials.

The second group of petitioners and Mr. Ebersole contend that the legislature has expressly spelled out in Section 1772 conditions which mandate invalidating an election, and that, where the conditions specified are found to have existed, the legislative direction must be carried out without exception.

It seems clear to us that the various ramifications of the erroneous printing of the ballots for the election district of Todd Township, Huntingdon County, demonstrate that those ballots were so defective as to be calculated to mislead the crucially significant number of electors using them. For example, it has been suggested that the straight party votes in Todd Township should be counted for the respective Democratic and Republican nominees notwithstanding that neither the names of the candidates nor the office of Representative in the General Assembly from the 78th District appeared on the ballots. We may suppose that some of the electors casting straight party votes were aware of the nominees of their party, or that they desired to vote the full party ticket regardless of who its nominees may have been. At the same time, we may also suppose that other straight party voters read

their ballots and marked them as they did because they recognized the names of the party candidates printed thereon and wished to signify their approval of all of them. Suffice it to say that the very purpose of the provisions of the Election Code as to the form of ballots and manner of their use is to avoid such speculations. The cast ballot is intended to be self-explanatory. Contested Election of Frank T. Redman, 173 Pa. 59, 33 Atl. 703 (1896).

In the light of the closeness of the race between the two candidates it also seems clear to us that the necessary exclusion of all votes cast in Todd Township because of the defective condition of the ballots used in that election district may have affected the result of the entire election. Inasmuch as a majority of the 212 Todd Township electors who voted on November 2, 1976, indicated their preference for a Representative in the General Assembly who was affiliated with the Republican Party, we might guess that the same preference would have been expressed had the choice between Ebersole and Dietz been presented to them properly. However, such guesswork is impermissible and has been rejected by our Supreme Court. Democratic County Committee Appeal, 415 Pa. 327, 339, 203 A.2d 212, 219, (1964).

The briefs submitted to us and our independent research have disclosed only three lower court opinions which might support the proposition that the provisions of Section 1772 of the Pennsylvania Election Code, supra, should not be followed in the instant case. On close reading, however, none of these opinions can be accepted as a precedent for us to follow.

In Wallingford-Swarthmore School District Election, 66 D. & C. 2d, 616 (1974), a straight party lever on one of two voting machines at a polling place was not operative. The court declined to invalidate the election, holding that Section 1772 was not applicable inasmuch as the names of the candidates were correctly presented to the voters, who could and did express their choice by pulling the individual levers for candidates.

The case of Neshaminy School District Election Contest, 45 D. & C. 2d, 105 (1968), was decided by a four judge court en banc. In a well-reasoned opinion, Judge Monroe of the Bucks County Court, dissented from the opinion of his three fellow judges who applied Section 1772 to invalidate an election. That case involved 26 absentee ballots distributed to electors in three of nine election precincts. The error in the ballots was similar to that involving Todd Township, Huntingdon County, in the instant case. Our reading of Judge Monroe's dissent convinces us that it was based on the fact that only the absentee ballots had been misprinted. Thus, in his view, one of the conditions of Section 1772 was not present, in that only a few, not all of the ballots in one or more election districts were defective.

The case of Upper Adams School District Election Contest, 49 D. & C. 2d, 121 (1969), involved the election of three school directors, and the candidates for those offices were omitted from the ballots used in one election district where 240 electors had voted. The total votes cast in the other precincts comprising the school district resulted in a difference of 139 votes between the third and fourth highest candidates. President Judge MacPhail, of the Adams County Court, declined to invalidate the election. Our study of his opinion convinces us that an essential condition of Section 1772 was not present, in that it did not clearly appear that the defective ballots may have

affected the result of the entire election. Judge MacPhail also found support for his decision in Section 1010 of the Pennsylvania Election Code, supra, 25 P. S. Sect. 2970, which provides that where mistakes have occurred in printing the ballots, the court, upon application made prior to the election, may compel the county board of elections to correct the mistake; whereas, the disappointed candidates in Upper Adams had not availed themselves of the opportunity to discover the error and utilize the statutory procedure to obtain corrective action in advance of the election. We find more persuasive the view that, while failure to pursue the Section 1010 remedy may preclude after-election objections relative to minor ballot preparation errors, such failure does not prevent raising, in an election contest, defects so fundamental as the omission or misstatement of the names of candidates duly nominated by the two major political parties for an elective office of considerable importance. Oncken v. Ewing, 336 Pa. 43, 8 A. 2d 402 (1939); Lanz's Appeal, 94 Pitts. L. J. 286 (1945).

There is, on the other hand, abundant and convincing precedent in cases construing Section 1772 of the Pennsylvania Election Code, supra, and applying this statutory direction, or that of its practically identical predecessors, the Act of June 10, 1893, P. L. 419, Sect. 29, as amended by the Act of April 14, 1897, P. L. 23, now repealed. Erroneous, confusing or ambiguous printing of the names of candidates on the ballot provided the occasion for invoking such statutory provisions and invalidating elections in Foy's Election, 228 Pa. 14, 76 Atl. 713 (1910); Contested Election of Corry School Director, 18 Dist. R. 4, 35 Pa. C. C. 152 (1908); Snodgrass's Contested Election, 29 Dist. R. 562, 49 Pa. C. C. 39 (1920), affirmed 267 Pa. 494 (1920); In re Election of Straban Township School Directors, 30 D. & C. 651 (1937); Lanz's Election, 94 Pitts. L. J. 286, 4 Lawrence 270 (1945); Harmony School District v. Butler Commissioners, 3 Butler 42 (1963); Neshaminy School District Election Contest, 45 D. & C. 2d, 105 (1968).

Elections also have been invalidated pursuant to the statutory directive where the ballot was prepared in a misleading format, or with the result that different classes or terms of the same office were not separated or particularized when more than one class was to be elected. Elizabethville Borough Election, 5 Dist. R. 227 (1896); Upper Mahoney Township Election, 16 Dist. R. 568 (1907); Gallagher's Contested Election, 23 Dist. R. 864 (1912); Danville Election Contest, 29 Dist. R. 946, 48 Pa. C. C. 445 (1920).

"An election is not a private wrestling match between two opposing candidates but a demonstration of the public's electoral choice, and the rights of the public are to be kept paramount." Wilkes-Barre Election Contest, 400 Pa. 507, 162 A. 2d 363 (1960). While we are mindful that the power to invalidate an election should be exercised with reluctance, and always with the idea in mind that neither an individual voter nor a group of voters should be disfranchised except for compelling reasons, instantly both of the conditions precedent to the applicability of Section 1772 of the Pennsylvania Election Code, supra, confront us. Therefore, the admonition of Mr. Justice Moschzisker in Foy's Election, supra, must chart our course:

"A court ought always to be slow to set aside an election for any office, but when the legislature has

ordained that under a certain state of facts it shall so act, and such facts plainly appear upon the record, the duty is clear, and there should be no hesitation about declaring the election invalid." 228 Pa. 14, at page 19.

Our conclusion has been arrived at with regret, not because of partisan considerations, but because it means, in effect, that by reason of the erroneous printing of the 212 ballots employed in one election district, over 21,000 voters will have been thwarted in their right of franchise as to the office in question. However, we see no choice in the matter, inasmuch as the Election Code does not contemplate balancing the number of improperly printed ballots against the number properly printed in those cases where the provisions of Section 1772 are otherwise applicable, nor is the legislative mandate limited to instances where the misprinting was the result of actual fraud.

We are also aware of the expense to which the candidates and the Counties of Bedford, Fulton and Huntingdon will be subjected by reason of the special election that must now be held in view of our decision. In order to minimize that expense, as well as further strain on an electorate currently recovering from a protracted Presidential campaign, we offer the gratuitous suggestion that such special election be set to coincide with the upcoming municipal primary.

Notwithstanding that the prayer of one of the petitions will be denied, we find the complaint of both groups of petitioners to be for probable cause, and therefore, we shall direct that the costs of these proceedings be paid by the Commonwealth as provided in Section 1770 of the Pennsylvania Election Code, supra, 25 P. S. Sect. 3470.

In view of the foregoing, we enter the following:

#### ORDER OF COURT

And now, December 30, 1976, for the reasons stated in the foregoing opinion, it is hereby ordered, decreed and declared that the election held on November 2, 1976, for the office of Representative in the General Assembly of the Commonwealth of Pennsylvania from the 78th Representative District was invalid and of no effect as regards said office, and that the vacancy so created in said office shall be filled in the manner provided by law.

The Prothonotary of this Court is directed to transmit immediately to the Secretary of the Commonwealth and to the Boards of Elections of Bedford, Fulton and Huntingdon Counties, a certified copy of the foregoing opinion and this Order of Court.

The costs of these proceedings shall be paid by the Commonwealth. The Prothonotary of this Court is directed to prepare a bill of such costs and to certify the same to the Auditor General.

By the Court,

/s/ ELLIS W. VAN HORN, Jr.  
P. J.

I HEREBY CERTIFY THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Court, at Bedford, Pa., this 30th day of December, A.D., 1976.

/s/ DICK L. HESS

Dick L. Hess, Prothonotary of Bedford County

My Commission Expires  
First Monday in January 1980

#### ROLL CALL

The CHIEF CLERK. The roll call will now be taken.

The roll was recorded and the following members-elect were present:

#### YEAS—201

Abraham	Gamble	Manderino	Scheaffer
Anderson	Garzia	Manmiller	Schmitt
Armstrong	Gatski	McCall	Schweder
Arthurs	Geesey	McClatchy	Scirica
Barber	Geisler	McGinnis	Seltzer
Bellomini	George, C.	McIntyre	Shelton
Beloff	George, M.	McLane	Shuman
Bennett	Giammarco	Mebus	Shupnik
Berlin	Gillette	Meluskey	Sirianni
Berson	Gleeson	Milanovich	Smith, E.
Bittinger	Goebel	Miller	Smith, L.
Bittle	Goodman	Milliron	Spencer
Borski	Gray	Miscevich	Spitz
Brandt	Greenfield	Moehlmann	Stairs
Brown	Greenleaf	Morris	Stapleton
Brunner	Grieco	Mowery	Stewart
Burd	Halverson	Mrkoncic	Stuban
Burns	Hamilton	Mullen, M. P.	Sweet
Butera	Harper	Mullen, M. M.	Taddonio
Caltagirone	Hasay	Musto	Taylor, E.
Caputo	Haskell	Novak	Taylor, F.
Cassidy	Hayes, D. S.	Noye	Tenaglio
Cessar	Hayes, S. E.	O'Brien, B.	Thomas
Cianciulli	Helfrick	O'Brien, D.	Trello
Cimini	Hoeffel	O'Connell	Valicenti
Cohen	Honaman	O'Donnell	Vroon
Cole	Hutchinson, A.	O'Keefe	Wagner
Cowell	Hutchinson, W.	Oliver	Wansacz
Davies	Irviss	Pancoast	Wargo
DeMedio	Itkin	Parker	Wass
DeVertter	Johnson	Petrarca	Weidher
DeWeese	Jones	Piccola	Wenger
DiCarlo	Katz	Pievsky	White
Dininni	Kelly	Pitts	Wiggins
Dombrowski	Kernick	Polite	Williams
Donatucci	Klingaman	Pott	Wilson
Dorr	Knepper	Pratt	Wilt
Doyle	Kolter	Prendergast	Wise
Duffy	Kowalshyn	Pyles	Wright D.
Dumas	Kusse	Rappaport	Wright, J. L.
Englehart	Laudadio	Ravenstahl	Yahner
Fee	Laughlin	Reed	Yohn
Fischer	Lehr	Renwick	Zearfoss
Fisher	Letterman	Rhodes	Zeller
Flaherty	Levi	Richardson	Zitterman
Foster, A.	Lincoln	Rieger	Zord
Foster, W.	Livengood	Ritter	Zwikl
Freind	Logue	Ruggiero	
Fryer	Lynch	Ryan	Fineman
Gallagher	Mackowski	Salvatore	Speaker
Gallen	Madigan	Scanlon	

#### NOT VOTING—2

Dietz

Hopkins

The CHIEF CLERK. Two hundred one members having indicated their presence, a quorum is present.

#### RESOLUTION

#### OATH OF OFFICE

Mr. WIGGINS, a member-elect, offered the following resolution, which was read, considered and adopted:

In the House of Representatives,  
Tuesday, January 4, 1977

RESOLVED, That the Honorable Genevieve Blatt, a judge learned in the law, of the Commonwealth Court of



Pennsylvania, be requested to administer the oath of office required by Article VI, Section 3, of the Constitution, to be taken by the members of the House of Representatives and that the gentleman from Philadelphia, Mr. Martin P. Mullen, and the gentleman from Erie, Mr. David Hayes, be appointed to escort Judge Blatt to the rostrum for the purpose of administering the oath.

### COMMITTEE APPOINTED TO ESCORT JUDGE BLATT TO ROSTRUM

The CHIEF CLERK. The Chair appoints the gentleman from Philadelphia County, Mr. Martin P. Mullen, and the gentleman from Erie County, Mr. David Hayes, to escort Her Honor, Judge Genevieve Blatt, to the rostrum.

### MR. M. P. MULLEN PRESENTS JUDGE

The CHIEF CLERK. The Chair recognizes the chairman of the committee, Mr. Martin P. Mullen, from Philadelphia County.

Mr. M. P. MULLEN. Mr. Chief Clerk, it certainly is a pleasure on behalf of myself and Representative Hayes to present to you the Honorable Genevieve Blatt.

The CHIEF CLERK. The committee is discharged with the thanks of the House.

A Bible has been placed on the desk of each member for those who swear by the Bible.

Members-elect will rise, place your left hand on the Bible, raise your right hand and remain standing at your desk during the administration of the oath to which each member will swear or affirm.

### OATH OF OFFICE ADMINISTERED TO MEMBERS-ELECT

HONORABLE GENEVIEVE BLATT. Do you solemnly swear, or affirm, that you will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that you will discharge the duties of your office with fidelity? If so, please answer "I do."

(Members asserted oaths.)

### REMARKS BY JUDGE GENEVIEVE BLATT

The CHIEF CLERK. The Chair recognizes the Honorable Genevieve Blatt.

HONORABLE GENEVIEVE BLATT. Mr. Chairman, the Parliamentarian has kindly informed me that I may say a word if I would please, and I certainly would be pleased.

I think that I speak for all of you in the galleries and around the sides in congratulating each and every one of the men and women who has taken the oath of office as a member of this House today. It is an historic occasion for them, for their families and for all of us in the Commonwealth who look forward to a successful and profitable session for all of our citizens.

Thank you very much.

### LEAVES OF ABSENCE

The CHIEF CLERK. Are there any requests for leaves of absence? The gentleman from Westmoreland, Mr. Manderino, do you have any leaves?

Mr. MANDERINO. Mr. Chief Clerk, the majority side reports no leaves of absence this morning.

The CHIEF CLERK. The Chair recognizes the gentleman from Delaware County, Mr. Matthew J. Ryan.

Mr. RYAN. Mr. Chief Clerk, I request leave, temporarily, for the gentleman from Erie, Mr. Forest Hopkins, who may appear later.

The CHIEF CLERK. If there are no objections, leave of absence is granted. If he should appear, his presence will be noted.

### RESOLUTION ELECTION OF SPEAKER

Mr. FLAHERTY offered the following resolution, which was read, considered and adopted:

In the House of Representatives,  
Tuesday, January 4, 1977

RESOLVED, That in accordance with the provisions of Article 2, Section 9, of the Constitution of Pennsylvania, the House do now proceed to the election of a Speaker.

### NOMINATIONS FOR SPEAKER

The CHIEF CLERK. Nominations are now in order for the office of Speaker.

The Chair recognizes the gentleman from Westmoreland, Mr. Laudadio.

Mr. LAUDADIO. Members of the House, distinguished guests, ladies and gentlemen: Today, I have the honor to place in nomination, for the office of Speaker of the House, the gentleman from Philadelphia County, the Honorable Herbert Fineman.

It is a well-known fact that during the many years of his service in this House Herb has been identified as one of the hardest working and most dedicated lawmakers in the Pennsylvania General Assembly. The lights have always burned late wherever Herb Fineman's office has been.

As our floor leader, the Honorable K. Leroy Irvis, has said of Mr. Fineman, and I quote: There is no one who compares favorably with the amount of energy this man puts forward working at the job of being a Representative."

Yet, more often than not, the application of long hours to the responsibilities of his office on behalf of all the members of this House has gone unnoticed by those outside of the legislature and, yes, by even many within the legislature.

I would like to add a personal comment. The institutional changes that have taken place in this House under Herb's leadership have been nationally recognized. There is no one who has worked harder at the job of improving the stature of his fellow lawmakers or in championing their cause as legislators, both individually and collectively, than has Herb Fineman. This is true whether we speak of reforming the legislative process, committee operation, or of making sure that each Representative has adequate staffing and the other required facilities which make the exercise of our responsibilities so much more effective. Herb's contribution has been truly significant in bringing the legislature equal status in fact with the other two branches of government.

We can all look back proudly on the initiation of a new system of managing our time which has been received so favorably by the members and has been given such high marks on its effectiveness by the Eagleton Institute of



Politics. We can look forward with pride and anticipation to the initiation of a new science and technology capacity for the House through the efforts of Mr. Fineman in the creation of the Legislative Office for Research Liaison.

Those who have served with Herb these past 2 years can recall with pride the significant session held by the legislature in Philadelphia in May of 1976 in observance of our Nation's 200th birthday, at which time we had the honor of being addressed by the President of the French Republic. I can honestly say that I know of no one who cares for or who more dearly loves this House and its rich traditions than the man who has served as our Speaker in three prior sessions.

I am pleased to have the honor of placing in nomination for the office of Speaker of the House of Representatives, the Honorable Herbert Fineman.

The CHIEF CLERK. The gentleman from Westmoreland, Mr. Laudadio, places in nomination for the office of Speaker the gentleman from Philadelphia, the Honorable Herbert Fineman.

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

Mr. MORRIS. Mr. Chief Clerk and colleagues of the House: I rise to second the nomination of Herb Fineman as our Speaker. My reason is very simple: He is a great legislative leader.

Herb's most visible achievement has been as Speaker in three terms, but this is only part of the story. In his years in this House, Herb has had a leading part in legislative achievements which, in turn, have made Pennsylvania a national leader in many areas, such as civil rights, civil liberties, the protection of our citizens' privacy, benefits for our poor and unprotected, our youth, our elderly, rights of women, the legislative process, the improvements that have been made in the last few years that my colleague, Representative Laudadio, has mentioned. Our ability to operate successfully, as we do today, is in no small part due to the efforts of Herbert Fineman. These represent the fruits of many years of legislative leadership.

There are many indefinable things which contribute to leadership, but let me enumerate some of those qualities which Herb has in abundance: a clear, incisive mind; knowledge gained from long and active experience; a quick and thorough grasp of both issues and details, of problems and solutions. His capacity for hard work and his willingness to extend himself far beyond ordinary limits are well known to all of us.

There are other qualities too, chief among which I would call his presence, something very hard to define. When Herb is in the chair, he is in command and things go well. This is the very essence of legislative leadership.

Then there is his rare gift of humor which bubbles up in even the most trying circumstances and does so much to smooth our path. It is wonderful what a sense of humor can do when the debate gets hot and heavy and tempers begin to flare. I also think about Herb's kindness and helpfulness to all who have sought his advice or assistance. This is a particularly important ingredient of leadership, from which I personally have benefited. I am proud to count him as a friend.

Finally, and most important, is Herb's essential humanity. His ambitions and his achievements have been for the ultimate benefit of people, particularly those who

for any reason have trouble making it in today's competitive society and who need our help.

For these reasons, I urge Herb Fineman's election to the Speaker's chair for a fourth term, an event unprecedented in the modern history of this General Assembly. Herb deserves this honor because of his qualities of leadership and the record he has established. But even more, we need Herb Fineman as our Speaker.

I, hereby, second his nomination, Mr. Chief Clerk.

The CHIEF CLERK. The gentleman, Mr. Morris, seconds the nomination of Mr. Fineman for the office of Speaker.

The Chair recognizes the gentleman from Delaware County, Mr. Ryan.

Mr. RYAN. Mr. Chief Clerk, my remarks will be brief but my purpose will be clear. I stand here today to nominate a Republican candidate for the office of Speaker of the House. This is not intended as a declaration of war, but rather the offer of an alternative.

Traditionally, until about 10 years ago, the minority party nominated a candidate for the office of Speaker. Today, we renew that tradition. I nominate for the office of Speaker, the most senior Republican member of the House, starting his 11th term in the House, the Republican Appropriations Committee Chairman in both the majority and in the minority, a man knowledgeable in the ways of the legislature, the Honorable H. Jack Seltzer of the county of Lebanon.

The CHIEF CLERK. There is an indication there are no seconds for a nomination and that no seconds are desired and none is necessary.

The Chair recognizes the gentleman from Clearfield, Mr. Camille George.

Mr. GEORGE. Mr. Chief Clerk, I move that the nominations for the Speaker of the House of Representatives be now closed.

The CHIEF CLERK. The gentleman, Mr. George, moves that the nominations now be closed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

## TELLERS APPOINTED

The CHIEF CLERK. The Chair names as tellers for the purpose of tallying the votes for the office of Speaker, the gentleman from Philadelphia, Mr. Henry J. Giammarco, and the gentleman from Montgomery County, Mr. William H. Yohn.

Tellers, please come forward.

The House will now proceed to elect the Speaker.

In order to facilitate this election proceeding, the members will vote by using the electric roll call machine.

Those voting for Mr. Fineman will vote in the affirmative. A green light alongside your name will indicate an affirmative vote. Those voting for Mr. Seltzer will vote in the negative. A red light alongside your name will indicate a vote for Mr. Seltzer.

The votes will be tallied as follows: Every "aye" vote indicated by a green light will be tallied as a vote for Mr. Fineman; every "nay" vote indicated by a red light will be tallied as a vote for Mr. Seltzer.

Only those members in their seats will be permitted to vote. Members will proceed to vote.

The following roll call on the election of Speaker was recorded and verified by the Tellers.

## YEAS—FINEMAN—119

Abraham	Gallagher	Logue	Ritter
Arthurs	Gamble	Manderino	Ruggiero
Barber	Garzia	McCall	Scanlon
Bellomini	Gatski	McIntyre	Schmitt
Beloff	Geisler	McLane	Schweder
Bennett	George, C.	Meluskey	Shelton
Berlin	George, M.	Milanovich	Shuman
Berson	Giammarco	Milliron	Shupnik
Bittinger	Gillette	Miscevich	Stapleton
Borski	Gleeson	Morris	Stewart
Brown	Goodman	Mrkonc	Stuban
Brunner	Gray	Mullen, M. P.	Sweet
Caltagirone	Greenfield	Mullen, M. M.	Taylor, F.
Caputo	Hamilton	Musto	Tenaglio
Cassidy	Harper	Novak	Trello
Cianciulli	Hoeffel	O'Brien, B.	Valicenti
Cohen	Hutchinson, A.	O'Donnell	Wansacz
Cole	Irvis	O'Keefe	Wargo
Cowell	Itkin	Oliver	White
DeMedio	Johnson	Petrarca	Wiggins
DeWeese	Jones	Pievsky	Williams
DiCarlo	Kelly	Pratt	Wise
Dombrowski	Kernick	Prendergast	Wright D.
Donatucci	Kolter	Rappaport	Yahner
Doyle	Kowalyszyn	Ravenstahl	Zeller
Duffy	Laudadio	Reed	Zitterman
Dumas	Laughlin	Renwick	Zwikl
Englehart	Letterman	Rhodes	
Fee	Lincoln	Richardson	Fineman
Flaherty	Livengood	Rieger	Speaker
Fryer			

## NAYS—SELTZER—82

Anderson	Greenleaf	McGinnis	Sirianni
Armstrong	Grieco	Mebus	Smith, E.
Bittle	Halverson	Miller	Smith, L.
Brandt	Hasay	Moehlmann	Spencer
Burd	Haskell	Mowery	Spitz
Burns	Hayes, D. S.	Noye	Stairs
Butera	Hayes, S. E.	O'Brien, D.	Taddonio
Cessar	Helfrick	O'Connell	Taylor, E.
Cimini	Honaman	Pancoast	Thomas
Davies	Hutchinson, W.	Parker	Vroon
DeVerter	Katz	Piccola	Wagner
Dininni	Klingaman	Pitts	Wass
Dorr	Knepper	Polite	Weidher
Fischer	Kusse	Pott	Wenger
Fisher	Lehr	Pyles	Wilson
Foster, A.	Levi	Ryan	Wilt
Foster, W.	Lynch	Salvatore	Wright, J. L.
Freind	Mackowski	Scheaffer	Yohn
Gallen	Madigan	Seirica	Zearfoss
Geesey	Manmiller	Seltzer	Zord
Goebel	McClatchy		

## NOT VOTING—2

Dietz Hopkins

The CHIEF CLERK. The tellers agree in their count and the vote is as follows: The Honorable Herbert Fineman received 118 votes and the Honorable H. Jack Seltzer received 82 votes.

The Honorable Herbert Fineman, having received a majority of all the votes cast, is hereby declared elected Speaker of the House of Representatives.

## MOTION TO MAKE ELECTION UNANIMOUS ADOPTED

The CHIEF CLERK. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Chief Clerk, I move that the vote for the Honorable Herbert Fineman, who has now become our Speaker, be made unanimous.

The CHIEF CLERK. The gentleman, Mr. Garzia, moves that the vote for the Honorable Herbert Fineman, who has now become our Speaker, be made unanimous.

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

The CHIEF CLERK. Herbert Fineman from Philadelphia County, having received all the House votes, is unanimously elected Speaker.

## COMMITTEE APPOINTED TO ESCORT SPEAKER-ELECT TO THE ROSTRUM

The CHIEF CLERK. The Chair appoints the gentleman from Allegheny, Mr. Irvis, and the gentleman from Montgomery, Mr. Butera, to escort Speaker-elect Fineman to the rostrum.

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

Mr. IRVIS. Mr. Chief Clerk, I have the honor of presenting to the House of Representatives, the Speaker-elect and the Speaker of the House, the Honorable Herbert Fineman.

## RESOLUTION

The CHIEF CLERK. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK offered the following resolution, which was read, considered and adopted:

In the House of Representatives  
Tuesday, January 4, 1977

RESOLVED, that the Honorable J. Sydney Hoffman, Judge, Superior Court of Pennsylvania, administer the oath of office to Speaker-elect Fineman and that the gentleman from Westmoreland County, Mr. James J. Manderino, and the gentleman from Butler County, Mr. James Burd, be appointed to escort Judge Hoffman to the rostrum for the purpose of administering the oath.

## COMMITTEE APPOINTED TO ESCORT JUDGE HOFFMAN TO THE ROSTRUM

The CHIEF CLERK. The Chair appoints the gentleman from Westmoreland, Mr. Manderino, and the gentleman from Butler, Mr. Burd, to escort His Honor, Judge Hoffman, to the rostrum.

The committee will proceed with the performance of its duties.

The Chair recognizes the chairman of the committee, Mr. Manderino.

Mr. MANDERINO. Mr. Chief Clerk, the committee appointed to escort the Honorable J. Sydney Hoffman has performed its duty, and it is my pleasure to present to the House, His Honor, Judge J. Sydney Hoffman, judge of the Superior Court of Pennsylvania.

The CHIEF CLERK. The oath of office will now be administered to the Speaker-elect.

## OATH OF OFFICE ADMINISTERED TO THE SPEAKER-ELECT BY HONORABLE J. SYDNEY HOFFMAN

The oath of office was administered to the Honorable Herbert Fineman, Speaker-elect of the House of Representatives, by the Honorable J. Sydney Hoffman.

HONORABLE J. SYDNEY HOFFMAN. Good luck and God bless you, Herb.

This is an extremely exciting moment for me, believe me, to come here for the number of times I have to swear you in as the Speaker of the House.

I envy you because you have a tremendous job to perform. I envy you because you and your colleagues can improve the quality of the life of our entire community by reason of the fact that you can introduce and pass legislation that is going to give us greater police protection, finer socioeconomic life, and that you are going to improve the things that are going to make us happy and self-sufficient.

This should be a halcyon year for all of us. Good luck to you; good luck to your colleagues. I know that with the support of the people in constituted authority, plus the support and active cooperation of all people of the State of Pennsylvania, we are going to surge forward in greater and more far-seeking strides than have ever occurred in our history. These are going to be great years.

Good luck and God bless you all.

### COMMITTEE TO ESCORT THE SPEAKER-ELECT DISCHARGED

The CHIEF CLERK. The escort committee is discharged with the thanks of the House.

### PRESENTATION OF GAVEL

The CHIEF CLERK. The Chair requests the Honorable K. Leroy Irvis to take the Chair for the purpose of presenting the gavel to Speaker Fineman.

### HONORABLE K. LEROY IRVIS IN THE CHAIR

Mr. IRVIS. I thank the Chief Clerk for the honor, as indeed it is an honor, to present to one of the finest men I know, the finest Speaker under whom I have served, the gavel of office as Speaker of the House of Representatives of the Commonwealth of Pennsylvania, Herbert Fineman.

Herb, good luck, best wishes, and I know that you will serve honorably and well as you have in the past.

### THE SPEAKER (Herbert Fineman) IN THE CHAIR

The SPEAKER. I thank my very warm friend, K. Leroy Irvis, for the presentation of this gavel. This presentation from Roy has a very special significance for me, which Roy understands.

Before I marched down this aisle, I consulted with Frank Salvatore to inquire if there was going to be anything amiss today, and Frank assured me that there would not be. So, Frank, you will be happy to learn I left the big gavel downstairs.

Rabbi Dembowitz, distinguished guests, officers and members of this House, ladies and gentlemen:

Let me begin by extending a very warm welcome to all of the families and friends and the very distinguished guests who have gathered here today to share in the excitement and the joy and the splendor of this inauguration day in what I earnestly believe to be one of the most handsome chambers in this Nation. I know full well the immense feeling of pride that surges through the breast of each member and each family friend who is here to see his loved one being sworn into office today.

I particularly welcome and congratulate the 42 new men and women who are being sworn in today for the first time. Actually, there are 44 new members, but two of these members have had previous service in the House. Thus there are only 42 of whom it may be said that they are being sworn in for the first time. Each of these 42 has been given the high responsibility of representing approximately 60,000 constituents and, collectively, the 12 million people of our great Commonwealth. I want to assure these new members that they are embarking upon what can be for each of them one of the most challenging and one of the most fulfilling undertakings of their respective careers. The depth of that challenge and that fulfillment will be determined only by the extent to which they participate in the legislative process.

In an historical sense, this occasion has significance both for the House and for myself. Today, after 22 years of prior service, I begin my last term as a member of this House. More than 10 months ago I promised my family that I would "return home" when the 1977-78 session ended. I am irrevocably committed to keeping that promise.

To be able to close out my tour of service as Speaker once again is indeed most gratifying, especially since there is being accorded to me the unique honor of being elected to this high post for the fourth time. Those who have researched the matter tell me that since the founding of our country, no other member has ever been elected Speaker of the House four times. I thank my colleagues for their support in making the attainment of this milestone, this very significant milestone, possible. The fact is, I find myself unable really to articulate the full measure of gratefulness I feel on one of the proudest days of my life.

I would also like to thank John Laudadio and Sam Morris for placing my name in nomination in so generous and kind a manner as they did and, again, to thank my good friend, K. Leroy Irvis, for the presentation of the gavel to me.

As I look around this very splendid chamber, I cannot help but take notice of the fact that only a handful of those men and women are still here who were present when I first began my career as a legislator. In the short span of just one generation, this House has taken on an entirely new character. That is one of the more remarkable aspects of our government. Each generation has its own goals and dreams to fulfill; each generation has its own commitments to keep; and each generation has its own opportunity to govern.

As we begin our third century as a Nation and as a State, I think it altogether fitting and proper that we pause momentarily to reflect upon where we have been so that we may gain a more perfect understanding of where we are headed. In each year that I have served in this House, Pennsylvania lawmakers have been faced with many new and trying challenges, just as we shall during this coming session. Through war and peace, prosperity and depression, conflict and calm, government has been called upon to respond to the exigencies of the day.

The last 25 years have witnessed an almost unprecedented growth in both the scope and complexity of public issues. Yesterday's science fiction fantasy has become today's legislative concern and reality. As legislators, we are confronted with a whole new range of issues that demand rigorous and thoughtful analysis. The times have demanded of us that we equip ourselves to deal

more effectively with these challenges, and I am pleased to say that we have been responding to that demand.

Today the operation of the Pennsylvania General Assembly is among the most respected of all state legislatures in the Nation. I tell you that unequivocally. I have been around this Nation; I have been to other state capitols; I have witnessed their operations. Indeed, we are regarded as a model for most states in terms of the way we have been operating this Pennsylvania General Assembly. Progress has been made under the leadership of both parties. It is not the result of the efforts of any one or any two men; it is the result of the efforts of both parties working together to move ahead in the field of legislative reform. We have moved steadily ahead in reasserting our role as an independent, coequal branch of government. To paraphrase the cigarette commercial, "We've come a long way, baby." But we know that we still have a long way to go.

On opening day in January of 1969, in my first remarks as Speaker of the House, I noted that—and I am quoting—"... no branch of government has been more maligned, harassed, and criticized than have been state legislatures all across the nation." Although much of the criticism was uninformed, I added, "... no legislator can deny that as an institution the legislature can be improved. If we do not face up to this truth, then we will be unable to face up to the problems of our time and perhaps the escalation of these problems as we move toward the 21st century."

But we have moved ahead. Undeniably we have moved ahead. Let us look at only some of the things we have done together, both parties have done together, by way of enhancing the operation of the legislative process in this House: We have reduced the number of standing committees from 33 to 21; we provided a fairer ratio of majority and minority members on the committees; we increased full-time professional staffing; we opened all committee meetings to the public; we provided for cost estimates to be attached to all legislative proposals before acting on those proposals; and we passed legislation—in this chamber at least—authorizing the General Assembly to begin its deliberations as of December 1 in each odd-numbered year rather than waiting as we do to this day and then to the day of actual commencement of operations sometime in February.

The continuing vitality of this movement of reformation was demonstrated again in the last session. We brought regular television coverage to the House and, perhaps most significantly, we adopted an innovative scheduling system that has streamlined the management of our time, put greater emphasis on committee work and increased the opportunity for public participation in the legislative process. Our new system has won the praise of legislative experts who have studied it, more particularly the Eagleton Institute of Politics operating out of Rutgers University, and it has attracted the attention of other legislatures and lawmakers of those lawmaking bodies who have indicated a very strong desire to want to emulate the system.

In addition, this past session this House significantly, on its own, established a Legislative Office of Research Liaison, which is designed to give us for the first time a science and technological capability. This office will link the House with six of the Commonwealth's institutions of higher learning by computer and will enable us to draw upon their resources and expertise in those six universities and, hopefully as time goes on, additional uni-

versities in dealing with Pennsylvania's problems. The National Science Foundation has called this concept the most comprehensive of its kind in the Nation and has thought so well of it that indeed they have awarded to us a grant for 2 years to help finance its operation.

Another example of our continuing efforts to develop independent means of gathering information is the Benjamin Franklin Symposium, which will open just 2 weeks from today. The symposium is designed to give all members of the House and Senate a look at several of Pennsylvania's major problems as seen by various experts. The presentations, which will take place over a 3-day period, will focus on trends that are expected to emerge in the next 2 decades and will help us anticipate long-range problems and not merely react to immediate crises.

But as we have made progress in Pennsylvania, so have our colleagues in state legislatures all across this Nation. These lawmaking bodies are proving themselves to be aggressive, to be innovative and, indeed, in touch with the mood of the people. The signs are everywhere. The new ideas in American government today, whether they be "sunshine" laws or "sunset" laws, have originated in State Houses. Political Commentator David Broder has written: "In field after field of domestic concern . . . individual states have moved out ahead of the national government, justifying again the claim to being laboratories of democracy."

The phrase "laboratories of democracy" is indeed appropriate, for the men who drafted the Declaration of Independence and the Constitution were chosen and guided by their legislatures, and the Constitution was the base rock from which they operated, and indeed many were legislators themselves. As a matter of fact, all but two of our first 18 Presidents were former state legislators. It is perhaps significant, then, that later this month we will inaugurate the first former state legislator to occupy the White House since Franklin Delano Roosevelt became President.

Last May 19 the General Assembly made an historic journey to our most famous home—Independence Hall in Philadelphia—to observe the Bicentennial Celebration of our Nation's founding. Addressing our extraordinary session that day, Valéry Giscard d'Estaing, President of the French Republic, paid tribute to Pennsylvania by quoting Voltaire's words as follows: "William Penn could boast of having brought to earth the golden age one hears so much about, and which only seems to have existed in Pennsylvania." And Giscard concluded with the gracious wish: "May it exist here forever."

In just 6 years we will mark our tricentennial celebration as a legislative body. I do not plan to be a member of the House when that great day comes, but many of you will still be members, and some of you seated out there will be legislative leaders. I urge you to let this span between two great milestones in our history be one of rededication to our continuing quest to improve our ability to serve the people of Pennsylvania. In so doing, we shall preserve for our children and our grandchildren, if not a golden age, at least the timeless human values on which legislative government is based.

I thank you, ladies and gentlemen.

## PRESENTATION OF COMMEMORATIVE GAVEL

The SPEAKER. The Chair recognizes the Chief Clerk. The CHIEF CLERK. Mr. Speaker, it is indeed an honor

for me today as Chief Clerk to present to you this commemorative gavel presented to you by the members of this great House of Representatives. I know you will have it with justice, fairness and integrity.

May God bless you and keep you in His hands.

The **SPEAKER**. I thank you, Vince, very much, as I thank the members of this General Assembly for making the presentation of a very, very handsome gavel, which is inscribed: "The Honorable Herbert Fineman, Speaker of the House of Representatives, 1969-1972, 1975-1978."

I thank you, ladies and gentlemen.

### ANNOUNCEMENT OF MAJORITY FLOOR LEADERS

The **SPEAKER**. The Chair recognizes the gentleman from Cambria, Mr. Englehart, for the purpose of making an announcement.

Mr. **ENGLEHART**. Mr. Speaker, as chairman of the Democratic caucus, I have been instructed to announce for the information of the House and for the record that the gentleman from Allegheny County, Mr. Irvis, has been elected majority leader by the Democratic caucus and that the gentleman from Westmoreland County, Mr. Manderino, has been elected majority whip.

### REMARKS BY MAJORITY LEADER

The **SPEAKER**. The Chair thanks the gentleman, and the Chair is most pleased indeed to recognize the distinguished majority leader of this chamber, a member of long standing in this House who has made such tremendous impact on the members and on the legislative process, the Honorable K. Leroy Irvis.

Mr. **IRVIS**. I thank you, Mr. Speaker, and I thank all of you who rose to your feet. I had not anticipated that. I am very pleased that it happened.

I do have a few remarks, but I think it advisable that I let you know that my wife and my daughter are present. I would like you to see them. They are over tucked in the corner there someplace, and I would ask them to stand up so they may be seen.

And I know Herb would want me to make sure that Fran is presented to this chamber; otherwise he dare not go home. I would like Fran and the Fineman family to stand. He did not mean to forget you; he could not do that, but being elected Speaker the fourth time is something special.

Mr. Speaker, members of the House of Representatives, and guests: A few days ago I celebrated my 57th birthday. I did not celebrate it from the point of view of having a party or gifts or running around announcing it. I celebrated it doing a considerable amount of thinking, which for any member of the species *Homo sapiens* is a difficult task.

I have now devoted the major part of my life to the service of other people. It did not start out that way. I had not planned it that way. But it happened, and I do not regret it.

If you were in this chamber at about 10 minutes to 12 today, you saw what could be only described as chaos—people scrambling for seats, moving back and forth, apparently aimlessly, not knowing where they were to be or why, and some of them not even knowing what was going to happen.

We are not the most efficient form of government. A democracy is not the most efficient philosophy of govern-

ment. A republic is not the most effective form of government. A dictatorship is far more effective, far more efficient, moves with greater rapidity than any other form of government known to man, whether the dictator be called dictator, emperor, king or simply colonel. But a republic in a democratic philosophy is the best form of government for man, for out of all of the chaos which churned through my mind on the 27th day of December and which was reflected here on the floor of this House on January 4, out of this type of chaos—this interreaction of ideas, ideals, philosophies, hopes, aspirations, fears, mistakes, achievements, desires—there emerges, or I hope there emerges, the strongest, the best form of government to protect the rule of reason and the rule of justice anywhere in this world.

You and I, some of us who have come only recently to Pennsylvania and some who came or whose ancestors came in the 17th century, have every right to be proud of the fact that right here in Pennsylvania the seed of this Nation was sown. It was here in this Commonwealth that men and women decided—because although the women did not vote, if you will reread the history of this country, you will find that they spoke, that they wrote letters and they influenced the men who voted. Our ancestors decided—that we would experiment to see if men and women, free of the restraints of monarchy, could govern themselves, and we have done so.

Many times, when you go home from this celebration, you will curse at our inadequacies; you will fume at the fact that we have not acted quickly enough; you will lacerate us with words because we have not acted in the manner in which you think we should have. But if you will calm down, you will recognize that out of this huge body of men and women representing 11½ million Americans, we finally fuse together into one idea the many ideas which pour forth. And that idea we name a law. And by that law we live and we survive. For if there be no law, there can be no survival of man. The very survival of this Commonwealth, of this Nation, of this world depends upon the fact that man can recognize that there is no place in this world for the destructive capabilities which any one of us can unleash.

Men, women and children depend upon those of us seated here today to keep the peace within the confines of this Commonwealth. Men, women and children depend upon those of us seated here today to make certain that justice is equitable within the confines of this Commonwealth. The men, women and children of Pennsylvania depend upon those of us who have placed our hands on the Holy Writ and our hands to the heart of God to do the best that we as mortals can do to see to it that every child, every woman, every man, regardless of ethnic, geographical, religious, racial or color origin, shall have an equal opportunity to develop in peace with his neighbor in this Commonwealth.

It is a weighty burden. I caution those of you who are young and eager and new that the flowers will wither, the guests will disappear and the ceremonies will be over, but you and I together will still face the problems of this land.

I have every confidence of this. For had I not, I would not have accepted again the leadership of the majority. I have every confidence in the minority party as well as the majority party. Even though we may differ on particulars, even though we may differ on specifics, even though we may differ on semantics, all of us agree, Re-

publicans and Democrats alike, that our prime purpose here in Harrisburg is to serve as best we may the people who have sent us here. I pledge this personally. I pledge it to my son, who could not be here today. I pledge it to your sons, who may not be here. I pledge it to my daughter, who is. And I pledge it to your daughters who may or may not be. I pledge it to you, who presently command Pennsylvania but who must so shortly turn that command over to our children.

I thank you for the honor of the election and I thank you for listening so long to me.

Thank you.

The SPEAKER. Just as the Democratic members of this House point with extreme pride to their floor leader, so do the Republican members of this chamber point with pride to their standard-bearer, the gentleman who has been the leader of the Republican Party for a good number of years, the distinguished gentleman from Montgomery County, Mr. Butera.

Mr. BUTERA. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman, Mr. Butera, be indulgent of an oversight of the Speaker and allow the Speaker at this moment to introduce the gentleman, Mr. Hayes, for the purpose of making an announcement?

### ANNOUNCEMENT OF MINORITY FLOOR LEADERS

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

Mr. Speaker, as chairman of the Republican caucus, I have been instructed to announce for the information of the members of this House of Representatives and for the record that the gentleman from Montgomery, Mr. Robert J. Butera, has been elected Republican leader by the Republican caucus, and that the gentleman from Delaware County, Mr. Matthew Ryan, has been elected Republican whip.

The SPEAKER. The Chair thanks the gentleman.

### REMARKS BY MINORITY LEADER

The SPEAKER. The Chair is now pleased to recognize the minority leader, the distinguished gentleman from Montgomery County, Mr. Butera.

Mr. BUTERA. Thank you very much, Mr. Speaker. First I want to thank those three people who stood up for me. Mr. Speaker, you will get to know them. They are all first termers, and they are really learning quickly.

The SPEAKER. I will have to get out the big gavel, I think.

Mr. BUTERA. I first want to thank you, Mr. Speaker, for the tone of your opening remarks. Just as we go through many traditions on an opening day, the tradition which you have always set, of attempting to set a tone, I think was probably done best today. I think your remarks were very thought provoking, very somber, but at the same time they gave us all hope.

The privilege that all of us have today who have been sworn into the House is one which we take very seriously and one without the sacrifices, I should say, of those of you who are in attendance and of many who are not able to be here today we would not have. The families, the friends, the political supporters, the relatives of all of us are deep in our debt for the many efforts that you have put forth to let us serve here.

Somehow on opening day, regardless of how many times that you go through it—this is my eighth—it seems to blot out all of the negative happenings in one's life as a politician—on our side, the disappointment with the results of the last election; the disillusionment which will pervade each of our lives here in Harrisburg during the coming session; the trials, the tribulations, the criticism, sometimes just, sometimes unjust, are all forgotten as we enter the hall on opening day and we see, particularly those of us who are frustrated horticulturists, the beautiful flowers and plants, the smiling members and, most importantly, the very positive attitude that everyone has on this occasion.

To those of you who have not visited us before, I am sure that you can understand what a joy it is for each of us to enter this hall every day. I have never been in a place so many times, for so many years, of which I never tire; the paintings, the marble, the chandeliers and again, most importantly, the attitudes of the people.

As Pennsylvania is called a "melting pot" of people, ideas and philosophies, so too do the 17 new members of this side represent such to Pennsylvania's people. Butler County sent us Jim Burd. The steel county, Allegheny, sent George Pott and Ron Goebel. Interestingly, Ron Goebel, a new member, Roy Wilt, an old member, and Senator Early, who used to be a member of the House, all come from the same graduating class of—let me see if I can get this straight—North Hills High School in Allegheny County, 1954. How about that?

From Fayette and Westmoreland Counties, in the southwest, Jess Stairs has been sent to us, and Paul Wass from Indiana combined with Jess to give us some new common sense from western Pennsylvania. The Northern tier of McKean and Cameron sent us Bill Mackowski, and Bradford County sent us Roger Madigan. Across the Susquehanna, Hal Mowery from Cumberland County joins us today. And the rich farm county of Lancaster sent us three new members, June Honaman, Noah Wenger and Gib Armstrong. Jeff Piccola is Dauphin County's new Representative, and Ed Helfrick gives us some of the hard-coal toughness of Northumberland and Schuylkill Counties. From the southeastern counties, Philadelphia, Bucks, Montgomery, Chester and Delaware, we have Stu Greenleaf, Elinor Taylor, Jerry Spitz and Dennis O'Brien. These 17 new members join with the 25 Democratic new members and give us a tremendous start, I think, on an enthusiastic and a very positive session. We welcome you all. We welcome your spirit, your hearts and your minds.

My advice, I think, was best articulated today by the Speaker when he was talking about history and the span of a generation that he has served in this House and how new generations and new terms bring new people and new ideas. That should be a lesson not only to the new members, but to all of us. We merely pass through this government in our service here in the House. It is much bigger than all of us as individuals, and we should not disillusion ourselves into thinking that we are more important than we really are.

Our obligation is to all of Pennsylvania, and I would hope that you would find it possible to concern yourselves with matters that do not necessarily apply to your individual districts. As each of us dispells the provincialism which inhibits so many of our actions, so much better will the legislative process and, most importantly, the lives of Pennsylvanians become.

My pledge to you, to the majority party and particularly to the majority leader is to be a positive force as I deem it to challenge your actions and that of the administration, and I think challenge is necessary to preserve our system of checks and balances. But, most importantly, to be cooperative when it comes to serving our common goal, and that is, to raise the quality of life of all Pennsylvanians.

Thank you so much for giving me the privilege of serving once again.

The SPEAKER. The Chair thanks the gentleman.

### PLACING OF MACE

The SPEAKER. The oath of office having been taken by the members of the House and the Speaker elected, the Chair now instructs the sergeant at arms to place on the rostrum the mace, which is the symbol of the authority of this House. When the mace is at the Speaker's right, this House is officially in session.

(Mace was placed on rostrum.)

### COMMITTEE ON THE PART OF THE SENATE

The SPEAKER. The Chair recognizes the sergeant at arms.

The SERGEANT AT ARMS. Mr. Speaker, the committee of the Senate is escorted to the hall of the House.

The SPEAKER. The Chair thanks the sergeant at arms.

For the information of the nonmembers in this Chamber today, the gentleman at the microphone is the distinguished Senator from Allegheny County, Mr. Ed Early, who is a former member of this chamber. The gentleman behind him is Mr. McKinney, a Senator from Philadelphia, and the gentleman behind Mr. McKinney is also a former member of this House, the gentleman from Dauphin County, Senator Gekas.

The Chair is pleased to recognize Senator Early.

Mr. EARLY. Mr. Speaker, we are a committee from the Senate sent to inform the House of Representatives that the Senate is convened and organized in regular session and ready to proceed with business.

The SPEAKER. Thank you.

### SPEAKER THANKS THE CHIEF CLERK

The SPEAKER. The Chair extends the thanks of the House to the Chief Clerk, Mr. Scarcelli, for presiding over the organization of the House.

The Chair also wishes to thank Mr. Thomas F. Sullivan, Secretary of the House, and Mr. Patrick J. McShane, Assistant to the Chief Clerk, for the assistance that they have accorded today to all of the members, their families and their guests.

### RESOLUTION

#### ELECTION OF THE CHIEF CLERK

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

Mr. MILANOVICH. Mr. Speaker, I would like to offer the following resolution:

In the House of Representatives  
Tuesday, January 4, 1977

RESOLVED, That the House do now proceed to the election of a Chief Clerk of the House.

### NOMINATION FOR CHIEF CLERK

The SPEAKER. Nominations are now in order for the office of Chief Clerk of the House.

The Chair is pleased to recognize the majority leader, Mr. Irvis.

Mr. IRVIS. Mr. Speaker, I wish to place in nomination for the office of Chief Clerk of the House of Representatives, Mr. Vincent Scarcelli.

The SPEAKER. The Chair recognizes the minority leader, Mr. Butera.

Mr. BUTERA. Mr. Speaker, it gives me tremendous pleasure to second the nomination of Vincent Scarcelli, and I would hope that everyone will listen very carefully to the pronunciation of all of these names that we are going to be talking of shortly. They have a very beautiful ring to them.

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

Mr. ITKIN. Mr. Speaker, I move that nominations for the office of Chief Clerk of the House of Representatives be now closed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. Vincent F. Scarcelli, from Philadelphia County, is unanimously elected Chief Clerk of the House of Representatives.

### COMMITTEE APPOINTED TO ESCORT CHIEF CLERK-ELECT TO WELL OF HOUSE

The SPEAKER. The Chair appoints the gentleman from Allegheny County, Mr. Cowell, and the gentleman from Philadelphia, Mr. Salvatore, to escort the Chief Clerk-elect to the well of the House.

### RESOLUTION

Mr. MCINTYRE offered the following resolution:

In the House of Representatives  
Tuesday, January 4, 1977

RESOLVED, That the Honorable William J. Lederer, Judge of the Court of Common Pleas, administer the oath of office to the Chief Clerk-elect, Mr. Scarcelli, and that the gentleman from Blair County, Mr. Milliron, and the gentleman from Philadelphia County, Mr. Dennis O'Brien be appointed to escort Judge Lederer to the rostrum for the purpose of administering the oath.

### MILLIRON PRESENTS JUDGE

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Mr. Speaker, I have the honor of presenting the Honorable William J. Lederer, judge of the Philadelphia Common Pleas Court.

The SPEAKER. The Chair thanks the gentleman.

### OATH OF OFFICE ADMINISTERED TO CHIEF CLERK

The SPEAKER. The oath of office required by the Constitution will now be administered to the Chief Clerk-elect, Mr. Vincent Scarcelli, by the Honorable William J.



Lederer, judge of the Court of Common Pleas and a former member of this House.

Honorable William J. Lederer administered the oath of office to Chief Clerk-elect Scarcelli.

JUDGE LEDERER. I understand that I was selected for this honorable task because of the brevity of my nature and remarks for which I am deeply grateful to the officers of this House.

It is good to be back. Once you are a former member of the Assembly, I do not think that it ever leaves your heart, as I hope some of you will ascertain in the farthest future.

I wish to thank all the members of the Assembly, this and the past Assembly, for the cooperation that you have given to the judiciary of Pennsylvania and particularly to our judges in the family court, whom I represent today, and for helping us in this very vital legislation.

We have heard from our distinguished leaders of the House today. I would hope that you would keep in mind that there will be one group in this population of Pennsylvania that will have no lobbyists as you legislate during this session; that will be the children who will appear only when you act on your own rights as their lobbyists. In the words of the poet, you will stand no taller than when you would bend to lend your hand to a child. Please keep them in mind.

Thank you.

### COMMITTEE TO ESCORT CHIEF CLERK TO ROSTRUM

The SPEAKER. The Chair requests Mr. Cowell and Mr. Salvatore to escort the Chief Clerk to his place on the rostrum.

The escort committee has discharged its duty.

### RESOLUTION

#### ELECTION OF SECRETARY OF HOUSE

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

Mr. McCALL. Mr. Speaker, I rise to offer the following resolution:

In the House of Representatives  
Tuesday, January 4, 1977

RESOLVED, That the House do now proceed to the election of a Secretary of the House.

### NOMINATIONS FOR SECRETARY OF HOUSE

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

Mr. ENGLEHART. Mr. Speaker, I place in nomination the distinguished gentleman from Allegheny County, the former three-term member of this House and a former three-term Secretary of this House, Mr. Thomas F. Sullivan, for the office of Secretary of the House of Representatives.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. S. E. Hayes.

Mr. S. E. HAYES. Mr. Speaker, it is with great pleasure that I second the nomination of Thomas F. Sullivan for the office of Secretary for this House of Representatives.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. O'Keefe.

Mr. O'KEEFE. Mr. Speaker, I move that the nomination for the office of Secretary of the House of Representatives be now closed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. Mr. Thomas F. Sullivan, from Allegheny County, is unanimously elected Secretary of the House.

### COMMITTEE APPOINTED TO ESCORT SECRETARY-ELECT TO WELL OF HOUSE

The SPEAKER. The Chair appoints the gentleman from Lawrence, Mr. Pratt, and the gentleman from Montgomery, Mr. McGinnis, to escort the Secretary-elect, Mr. Sullivan, to the well of the House.

### RESOLUTION

#### OATH OF OFFICE

Mr. McLANE offered the following resolution which was read, considered and adopted:

In the House of Representatives  
Tuesday, January 4, 1977

RESOLVED, That the Honorable William J. Lederer, Judge of the Court of Common Pleas, administer the oath of office to the Secretary-elect, Mr. Sullivan.

### MR. PRATT PRESENTS SECRETARY-ELECT

The SPEAKER. The Chair recognizes the chairman of the escort committee who will proceed to the rostrum.

The Chair recognizes the chairman of the committee, Mr. Pratt.

Mr. PRATT. Mr. Speaker, I have the honor of presenting Secretary-elect, Mr. Sullivan.

### OATH OF OFFICE ADMINISTERED TO THE SECRETARY-ELECT

The SPEAKER. The oath of office required by the Constitution will be administered to the Secretary-elect, Thomas F. Sullivan, by the Honorable William J. Lederer, judge of the Court of Common Pleas.

JUDGE LEDERER. Thank you, Mr. Speaker.

Before I administer the oath I would like to pay my respects to both Vincent Scarcelli and Thomas Sullivan for their tenure in this Assembly and for the fact that as executive administrative officers they represent the outstanding type of employee who has been associated with this General Assembly during the recent years.

I know that the public will be pleased to know that my opinion from my service in the three branches of government is that the employees of the House of Representatives as represented by these two officeholders and in their own right can hold their own against any employee in public service in this country.

I shall now administer the oath to Mr. Thomas Sullivan.

(The oath of office was administered to the Honorable Thomas F. Sullivan, by the Honorable William J. Lederer, Judge, Court of Common Pleas.)

### COMMITTEE TO ESCORT CHIEF CLERK AND SECRETARY TO ROSTRUM

The SPEAKER. The Chair requests Mr. Pratt and Mr. McGinnis to escort the Secretary to his place on the rostrum, and the Chair thanks the escort committee.

I think it is worthy of note that Judge Lederer's brother, a former member of this chamber, is today being sworn in as a Member of the United States Congress from the city of Philadelphia, and we wish him well.

### SENATE MESSAGE

The clerk of the Senate presented the following extract from the Journal of the Senate:

In the Senate,  
January 4, 1977

WHEREAS, On January 20, 1977 the Honorable Jimmy Carter will be inaugurated as the President of the United States of America; and

WHEREAS, It is fitting and proper that a delegation represent the General Assembly of the Commonwealth of Pennsylvania at said ceremonies to be held in Washington, D.C.; now therefore be it

RESOLVED, (the House of Representatives concurring), That the President Pro Tempore of the Senate is hereby authorized to appoint twenty-nine Democrat Members of the Senate, and the Speaker of the House of Representatives is hereby authorized to appoint Democrat Members of the House of Representatives who, together, shall constitute a Joint Committee to represent the General Assembly of the Commonwealth of Pennsylvania in the inaugural ceremonies of the Honorable Jimmy Carter.

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.

### LEADERSHIP ANNOUNCED

The SPEAKER. Will the gentleman, Mr. Englehart, and the gentleman, Mr. Hayes, be kind enough to take their microphones for the purpose of announcing the balance of the officers of their respective caucuses who have been elected by their caucuses?

The Chair recognizes the gentleman from Cambria, Mr. Englehart.

Mr. ENGLEHART. Mr. Speaker, I am pleased to introduce the Secretary of the House Caucus, the gentleman, Mr. Wargo; the Majority Administrator, the gentleman, Mr. Prendergast; and the Majority Policy Chairman, the gentleman, Mr. Goodman.

The SPEAKER. Will those gentlemen please rise and be recognized?

The Chair recognizes the gentleman from Blair, Mr. S. E. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

It is with great pleasure that I announce the other officers who have been elected by the Republican caucus for the 1977-78 session: to the position of the Republican Caucus Secretary, the gentleman from York County, Mr. John Hope Anderson; Policy Chairman for the Republican

Caucus, the gentleman from Allegheny, Mr. Richard Cesar; and Republican Administrator, the gentleman from Philadelphia, Mr. Frank Salvatore.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARIAN APPOINTED

The SPEAKER. In compliance with the laws of this Commonwealth authorizing the Speaker to appoint a Parliamentarian, the Chair is pleased to appoint the gentleman from Philadelphia as Parliamentarian for the 1977-78 session, Mr. Thomas J. McCormack.

The Chair would like to take note of the fact that that announcement indeed may come as a surprise in view of the presence of my good friend, Tom Balaban, who has served in the role of Parliamentarian for many, many years and who has done so fairly and with dedication and equitably at all times and with great confidence. It was a sad day for me when Tom informed me that he thought he had reached that milestone in his life when it was time to slow down and perhaps just practice law and not also take on the burdens of acting as Parliamentarian.

I would hope that this House would show its appreciation for the yeoman service, the very fair dedicated service that Tom Balaban has rendered to this House over the years, by a standing round of applause.

This is by way of saying to the members, at least at the early part of the session, do not pose parliamentary inquiries that are very difficult to field.

### RESOLUTION

Mr. SCHWEDER offered the following resolution which was read, considered and adopted:

In the House of Representatives  
Tuesday, January 4, 1977

RESOLVED, That the members of the House of Representatives do hereby extend their thanks to the Honorable J. Sydney Hoffman, Judge of the Superior Court; the Honorable Genevieve Blatt, Judge of the Commonwealth Court; the Honorable William J. Lederer, Judge of the Court of Common Pleas of Philadelphia; the Honorable C. DeLores Tucker, Secretary of the Commonwealth; Mr. Joseph Schneitman, Chief Clerk, Governor's Office, and Rabbi Morris V. Dembowitz, Suburban Jewish Community Center, B'nai Aaron, Havertown, Pennsylvania.

### RESOLUTION

#### COMMITTEE TO INFORM SENATE HOUSE IS ORGANIZED

Mr. STAPLETON offered the following resolution, which was read, considered and adopted:

In the House of Representatives  
Tuesday, January 4, 1977

RESOLVED, That a committee of three members be appointed by the Speaker to wait upon the Senate and inform that body that the House of Representatives is organized and ready to proceed with the business of the Session.

### COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee to notify the Senate that the House is organized, the gentleman from Allegheny, Mr. Mrkonic as chairman; the gen-

tleman from Philadelphia, Mr. Cohen; the gentleman from Luzerne, Mr. Hasay.

The committee will now proceed in the performance of its duties.

### RESOLUTION

#### COMMITTEE TO INFORM THE GOVERNOR THE HOUSE OF REPRESENTATIVES IS ORGANIZED

Mr. TRELLO offered the following resolution, which was read, considered and adopted:

In the House of Representatives  
Tuesday, January 4, 1977

RESOLVED, That a committee of three members be appointed by the Speaker to wait upon His Excellency, the Governor of the Commonwealth, and inform him that the House of Representatives is organized and ready to receive any communications he may wish to make.

### COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee to wait upon the Governor and to notify him that the House is organized and to also extend the invitation of the House to proceed to the House chamber and be welcomed as a guest, the gentleman from Allegheny, Mr. Ravenstahl; the gentleman from Philadelphia, Mr. Cianciulli, and the gentleman from Westmoreland, Mr. Taddonio.

The committee will now proceed with the performance of its duties.

### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor presented the following communication from the Governor:

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

January 4, 1977

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

I have the honor to present herewith, the reasons for pardons and commutations granted by me from January 6, 1976, to date.

MILTON J. SHAPP  
Governor

The SPEAKER. The reasons for Pardons will be printed in the appendix to the Journal.

(For reasons, see Appendix.)

### SENATE MESSAGE

#### JOINT SESSION

The clerk of the Senate presented the following extract from the Journal of the Senate, which was read:

In the Senate,  
January 4, 1977

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Tuesday, January 4, 1977 at 1:30 P.M. in the Hall of the House of Representatives for the purpose of witnessing the opening, counting and computing the official returns of the election for Auditor General and State Treasurer held on Tuesday, November 2, 1976 in the several counties of the Commonwealth; and to elect a Director of the Legislative Reference Bureau.

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?

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

Mr. DUMAS. Mr. Speaker, I move that the House do concur in the resolution adopted by the Senate.

On the question recurring,

Will the House concur in the Senate resolution?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

### RESOLUTION

#### COMMITTEE TO ESCORT THE SENATE

Mr. BITTINGER offered the following resolution which was read, considered and adopted:

In the House of Representatives  
Tuesday, January 4, 1977

RESOLVED, That the Speaker appoint a committee of three to escort the members and officers of the Senate to the Hall of the House for the purpose of attending a Joint Session of the General Assembly.

### COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee to wait upon the Senate, the gentleman from Philadelphia, Mr. Williams; the lady from Bucks, Mrs. George; and the gentleman from Delaware, Mr. Freind.

The Committee will proceed with the performance of its duties.

### RESOLUTION

#### APPOINTMENT OF TELLER

Mr. DeWEESE offered the following resolution, which was read, considered and adopted:

In the House of Representatives  
Tuesday, January 4, 1977

RESOLVED, That the gentleman from Franklin, Mr. Shuman, be appointed Teller on the part of the House of Representatives to open and compute the vote for Auditor General and State Treasurer in a Joint Session of the Senate and House at a time to be fixed by Concurrent Resolution.

### SENATE MESSAGE

#### TIME OF NEXT MEETING

The clerk of the Senate presented the following extract from the Journal of the Senate:

In the Senate,  
January 4, 1977

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 7, 1977 unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, January 17, 1977, 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.

### QUESTION OF INFORMATION

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

Mr. RICHARDSON. I rise to a question of information.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, I would like to know when would it be the proper time for me to address this House to introduce a resolution?

The SPEAKER. There is nothing before the House today, Mr. Richardson, except the inaugural ceremony, but if the members of the House do not object to the presentation of your remarks, the Chair will be pleased to recognize you.

Mr. RICHARDSON. Mr. Speaker, I would hope that the House could suspend their rules today so that I may ask that this resolution be considered, due to the fact that we will not be in session on January 15 to observe Dr. Martin Luther King's birthday.

The SPEAKER. The Chair will be pleased to recognize the gentleman at this time for that particular purpose of presenting a resolution.

Does the Chair understand that the gentleman, Mr. Bittle, likewise has a resolution?

Will the gentleman, Mr. Richardson, send his resolution to the desk?

### RESOLUTION

Mr. RICHARDSON offered the following resolution:

In the House of Representatives,

WHEREAS, The act of December 30, 1974 (P. L. 1037, No. 338), provided for the observance of January 15 of each year as Martin Luther King Day; and

WHEREAS, Contribution and sacrifice of this dedicated American must be always before us; and

WHEREAS, It is appropriate for the General Assembly to renew its dedication to the ideals he represented; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania observes January 15, 1977 as Martin Luther King Day to commemorate the life and the services to the country and his fellow citizens of the Reverend Doctor Martin Luther King, Jr.

DAVID P. RICHARDSON  
JOHN F. WHITE, JR.  
K. LEROY IRVIS  
HARDY WILLIAMS  
ALJIA DUMAS  
JAMES D. BARBER  
JOEL JOHNSON  
EDWARD A. WIGGINS  
ULYSSES SHELTON  
RUTH B. HARPER  
JOSEPH RHODES, JR.  
FRANK LOUIS OLIVER  
JAMES J. MANDERINO  
ROBERT A. BORSKI, JR.

On the question,  
Will the House adopt the resolution?

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

The Chair would hope that the gentleman would endeavor to be brief in view of the Committee to wait upon the Senate having returned.

Mr. RICHARDSON. Thank you very much, Mr. Speaker, and I beg the indulgence of the House.

Mr. Speaker, in 1974 the General Assembly adopted a resolution observing Dr. Martin Luther King's birthday. Today, likewise, in this session of 1977-78, I rise to ask this House to consider this resolution due to the fact that we will not be in session on January 15, which is the birth date of Dr. Martin Luther King, Jr.

I would also like to say, Mr. Speaker, that this resolution results from the fact that the information I would like to put in this resolution—making January 15 a state-wide holiday—can only be done by the introduction of a bill. That bill will be introduced at the proper time when session reconvenes.

I would just like to ask for the unanimous adoption of this resolution by the House to observe Dr. Martin Luther King's birthday on January 15 of this particular year.

Thank you, Mr. Speaker.

On the question recurring,  
Will the House adopt the resolution?  
Resolution was unanimously adopted.

### CITATION

Mr. BITTLE offered the following citation which was read, considered and adopted:

WHEREAS, Mrs. Mary A. Jones of Chambersburg will celebrate her eighty-fifth birthday on January 9, 1977. Mary was born on January 9, 1892, in Fayetteville, the daughter of Joseph and Sarah Lochbaum. She is the mother of ten children; and

WHEREAS, Mrs. Jones is an outstanding citizen who exemplifies the finest virtues of American life and has won the respect of her many friends, neighbors and acquaintances.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania heartily congratulates Mrs. Mary A. Jones on her eighty-fifth birthday and wishes her the best of health and further appreciation from all who have come to know and thus respect and admire her; and further directs that a copy of this citation be delivered to Mrs. Mary A. Jones, 389 Lincoln Way East, Chambersburg, Pennsylvania 17201.

R. HARRY BITTLE

### LEGISLATIVE CITATIONS ADOPTED

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

Mrs. KERNICK, chairman of Select Committee on Legislative Citations, presented citations, which were read, considered, adopted, and forwarded to the following recipients:

John W. McDevitt, Columbus Plaza, New Haven, Connecticut.

Archbishop Carroll High School Football Team, 211 Matson Ford Road, Radnor, Pennsylvania 19087.

Mr. and Mrs. Christopher O'Connell, 825 Bryn Mawr Avenue, Bryn Mawr, Pennsylvania 19010.

Mr. William S. Corey, Merry Meadows Farm, Chester Springs, Pennsylvania 19425.

Radnor High School Football Team, 130 King of Prussia Road, Radnor, Pennsylvania 19087.

Mrs. Annette Antoun, 4910 Earl Drive, Harrisburg, Pennsylvania 17109.

### REPORT OF COMMITTEE TO WAIT UPON SENATE

The SPEAKER. The Chair recognizes the House committee appointed to wait upon the Senate. Will the Chairman of that committee please come forward?

Mr. MRKONIC. Mr. Speaker, the committee appointed to inform the Senate that the House of Representatives is organized has made such a report to the Senate.

The SPEAKER. The Chair thanks the gentleman.

The committee is discharged with the thanks of the House.

### REPORT OF COMMITTEE ESCORTING SENATE

The SPEAKER. The Chair recognizes the Sergeant at Arms of the House.

The SERGEANT AT ARMS. Mr. Speaker, the committee of the House escorting the Senate to the hall of the House.

The SPEAKER. The Chair welcomes the Senate, and the committee is discharged with the thanks of the House.

### LIEUTENANT GOVERNOR ERNEST P. KLINE REQUESTED TO PRESIDE

The SPEAKER. The Chair requests the Lieutenant Governor, the Honorable Ernest P. Kline, to preside over the proceedings of the Joint Session of the General Assembly.

The President pro tempore of the Senate, the Honorable Martin L. Murray, is invited to be seated on the rostrum.

The members of the Senate will please be seated.

### JOINT SESSION OF THE GENERAL ASSEMBLY LIEUTENANT GOVERNOR ERNEST P. KLINE PRESIDING

#### ELECTION RETURNS PRESENTED

The LIEUTENANT GOVERNOR. This Joint Session will come to order.

This being the day and the time agreed upon by a concurrent resolution of the Senate and the House of Representatives and in accordance with the provisions of the Constitution and the laws of this Commonwealth for the opening and computing of the official returns of the election for Auditor General and State Treasurer, held on Tuesday, November 2, 1976, in the several counties of this Commonwealth, the returns will now be opened and read.

The Teller on the part of the Senate is the gentleman from Bucks County, Senator Lewis, and the Teller on the part of the House of Representatives is the gentleman from Franklin County, Mr. Shuman. The Tellers will please come to the desks assigned to them by the Chief Clerk of the House and proceed in the performance of their duty.

The clerk will proceed with the reading of the election returns for Auditor General.

The following returns of election and certificate for Auditor General were opened and read by the clerk:

### GENERAL ELECTION NOVEMBER 2, 1976

#### AUDITOR GENERAL

COUNTIES	DEM. AL BENEDICT	REP. PATRICK A. GLEASON	CONST. JOHN E. BACKMAN	LABOR LOUIS GONZALEZ	OTHERS
Adams,	9,309	11,138	158	98	0
Allegheny,	321,650	242,150	7,060	2,576	90
Armstrong,	14,913	12,801	268	254	6
Beaver,	51,280	25,844	764	1,027	11
Bedford,	6,232	9,474	89	54	0
Berks,	57,505	41,079	1,006	164	0
Blair,	18,215	27,698	321	234	9
Bradford,	7,265	12,355	211	78	0
Bucks,	80,435	76,878	2,057	302	0
Butler,	23,328	22,498	849	120	0
Cambria,	32,082	38,796	297	495	0
Cameron,	1,297	1,559	14	20	0
Carbon,	10,488	7,659	128	35	1
Centre,	17,280	19,779	325	534	0
Chester,	40,893	64,312	802	390	0
Clarion,	8,282	7,019	111	113	0
Clearfield,	13,337	12,977	162	116	4
Clinton,	6,284	5,336	117	60	0
Columbia,	13,278	9,661	241	106	4
Crawford,	15,879	12,430	318	100	0
Cumberland,	23,458	36,411	510	122	3
Dauphin,	32,993	42,799	811	146	0
Delaware,	114,818	136,044	1,425	358	0
Elk,	7,185	5,472	59	69	0
Erie,	71,185	30,068	820	273	0
Fayette,	31,359	16,823	475	114	0
Forest,	1,034	1,042	20	19	1
Franklin,	16,017	17,453	651	163	0
Fulton,	1,868	1,874	57	15	0
Greene,	9,448	3,851	82	131	0
Huntingdon,	5,089	7,577	145	101	0
Indiana,	13,859	15,502	217	236	3
Jefferson,	7,555	8,910	108	108	0
Juniata,	3,259	3,706	73	25	0
Lackawanna,	54,810	37,992	651	123	0
Lancaster,	36,745	67,263	973	195	3
Lawrence,	24,090	15,810	287	264	3
Lebanon,	11,897	19,205	327	53	2
Lehigh,	46,024	40,455	717	163	6
Luzerne,	73,366	48,396	595	155	0
Lycoming,	18,281	20,887	576	157	3
McKean,	6,313	9,384	88	29	0
Mercer,	24,398	18,731	322	68	0
Mifflin,	6,130	7,140	91	27	1
Monroe,	9,252	9,154	161	41	1
Montgomery,	108,159	145,766	1,744	461	0
Montour,	2,848	2,904	78	47	0
Northampton,	43,202	26,747	699	219	0
Northumberland,	17,899	17,585	479	159	0
Perry,	4,863	6,826	122	36	0
Philadelphia,	460,562	188,384	3,169	3,702	0
Pike,	2,616	4,018	64	12	0
Potter,	2,981	3,550	55	45	0
Schuylkill,	34,604	29,206	840	777	0
Snyder,	3,070	6,245	117	54	1
Somerset,	12,430	16,511	194	144	14
Sullivan,	1,434	1,431	11	9	0

Susquehanna,	5,649	8,263	164	47	0
Tioga,	5,072	8,651	116	107	0
Union,	3,471	5,884	113	67	0
Venango,	9,413	10,913	156	155	4
Warren,	7,433	7,752	153	30	0
Washington,	51,645	26,088	861	1,045	0
Wayne,	4,066	7,067	159	23	0
Westmoreland,	71,617	50,871	1,244	309	12
Wyoming,	3,613	5,562	62	39	0
York,	43,737	59,697	710	129	2
<b>TOTAL</b>	<b>2,300,049</b>	<b>1,923,313</b>	<b>36,849</b>	<b>17,647</b>	<b>184</b>

IN THE NAME AND BY AUTHORITY OF THE  
COMMONWEALTH OF PENNSYLVANIA

HIS EXCELLENCY, THE LIEUTENANT GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE MEMBERS OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

Honorable Sirs:

I have the honor to present the official returns of the election for Auditor General of the Commonwealth of Pennsylvania, wherein it was disclosed that

Al Benedict, Democrat,	received 2,300,049 votes
Patrick A. Gleason, Republican,	received 1,923,313 votes
John E. Backman, Constitutional,	received 36,849 votes
Louis Gonzalez, Labor,	received 17,647 votes
Others, (write-in)	received 184 votes

as the same have been certified to and filed with the Secretary of the Commonwealth of Pennsylvania by the return boards.

Respectfully submitted,  
C. DeLORES TUCKER  
Secretary of the Commonwealth

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

1-A No. 19648

Harrisburg, January 4, 1977

Pennsylvania, ss:

I, C. DeLORES TUCKER, Secretary of the Commonwealth of Pennsylvania, having the custody of the Great Seal of Pennsylvania

DO HEREBY CERTIFY, That the attached is a true and correct list of the votes cast by the electorate at the November 2, 1976 General Election for the office of Auditor General as the same appears of record and remains on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of Pennsylvania to be affixed, the day and year above written.

C. DeLORES TUCKER  
Secretary of the Commonwealth

The LIEUTENANT GOVERNOR. The Chair now recognizes the Teller on the part of the Senate, the gentleman from Bucks, Senator Lewis.

Mr. LEWIS. Mr. President, the vote totals are as follows:

Alfred P. Benedict, Democrat	2,300,049
Patrick A. Gleason, Republican	1,923,313
John E. Backman, Constitutional	36,849
Louis Gonzalez, Labor	17,647
Others	184

Mr. President, the Tellers have agreed in their count

and submit their report of the votes cast for the office of Auditor General.

The clerk will proceed with the reading of the election returns for State Treasurer.

The following returns of election and certificates for State Treasurer were opened and read by the clerk:

GENERAL ELECTION NOVEMBER 2, 1976

STATE TREASURER

COUNTIES	DEM. ROBERT E. CASEY	REP. PATRICIA CRAWFORD	CONST. FREDERICK C. SIEGLE	LABOR ROBIN F. TAUB	OTHERS
Adams,	9,608	11,057	126	65	0
Allegheny,	317,686	263,366	5,340	1,807	87
Armstrong,	15,366	12,830	150	163	4
Beaver,	49,814	28,752	599	592	10
Bedford,	7,317	8,542	64	42	0
Berks,	55,898	44,745	793	113	0
Blair,	20,793	25,717	232	147	0
Bradford,	7,248	12,745	106	48	0
Bucks,	77,204	82,824	1,699	220	0
Butler,	22,377	24,546	486	91	0
Cambria,	48,449	22,680	215	334	0
Cameron,	1,485	1,397	13	15	0
Carbon,	10,468	8,163	102	23	0
Centre,	18,299	19,462	244	284	0
Chester,	37,426	70,414	634	193	0
Clarion,	7,229	7,519	91	88	0
Clearfield,	14,518	12,229	128	66	2
Clinton,	6,471	5,498	67	48	0
Columbia,	11,411	11,846	205	90	1
Crawford,	13,949	14,829	310	80	0
Cumberland,	23,695	37,094	421	86	1
Dauphin,	32,024	45,321	674	86	0
Delaware,	114,849	139,884	1,242	303	0
Elk,	7,474	5,254	74	43	0
Erie,	48,586	49,595	926	234	0
Fayette,	31,509	17,650	427	88	0
Forest,	991	1,136	15	8	0
Franklin,	16,774	16,954	575	103	0
Fulton,	1,973	1,812	45	8	0
Greene,	9,574	4,013	79	89	0
Huntingdon,	5,686	7,263	106	58	0
Indiana,	15,835	14,097	144	161	2
Jefferson,	8,650	8,043	88	79	0
Juniata,	3,237	3,867	49	13	0
Lackawanna,	48,957	46,902	650	66	0
Lancaster,	35,379	69,595	877	153	2
Lawrence,	23,884	16,850	239	172	4
Lebanon,	11,598	20,098	236	39	1
Lehigh,	45,969	43,026	549	113	1
Luzerne,	70,052	55,143	484	97	0
Lycoming,	17,848	21,994	425	94	2
McKean,	6,225	9,718	72	16	0
Mercer,	23,679	20,266	281	61	0
Mifflin,	6,382	7,134	78	26	0
Monroe,	9,269	9,777	137	30	0
Montgomery,	109,161	148,844	1,539	407	0
Montour,	2,728	3,166	52	23	0
Northampton,	42,818	28,855	514	172	0
Northumberland,	17,985	18,362	315	89	0

Perry,	4,924	6,955	103	35	0
Philadelphia,	463,835	202,092	2,608	2,543	0
Pike,	2,715	4,053	54	7	0
Potter,	3,013	3,564	41	31	0
Schuylkill,	34,274	30,783	596	320	0
Snyder,	3,054	6,409	95	32	0
Somerset,	15,229	13,996	94	102	3
Sullivan,	1,346	1,526	18	7	0
Susquehanna,	5,321	8,778	143	27	0
Tioga,	5,335	8,600	64	78	0
Union,	3,253	6,320	72	50	0
Venango,	8,661	12,031	114	84	1
Warren,	6,873	8,484	109	21	0
Washington,	49,374	30,138	715	619	0
Wayne,	4,117	7,342	130	14	0
Westmoreland,	74,316	50,836	978	248	16
Wyoming,	3,058	6,223	47	26	0
York,	42,131	53,408	592	104	4
<b>TOTAL</b>	<b>2,276,636</b>	<b>2,022,412</b>	<b>29,490</b>	<b>11,774</b>	<b>141</b>

IN THE NAME AND BY AUTHORITY OF THE  
COMMONWEALTH OF PENNSYLVANIA

HIS EXCELLENCY, THE LIEUTENANT GOVERNOR OF  
THE COMMONWEALTH OF PENNSYLVANIA, THE  
PRESIDENT PRO TEMPORE OF THE SENATE, AND  
THE MEMBERS OF THE GENERAL ASSEMBLY OF  
THE COMMONWEALTH OF PENNSYLVANIA, GREET-  
INGS:

Honorable Sirs:

I have the honor to present the official returns of the  
election for State Treasurer of the Commonwealth of  
Pennsylvania, wherein it was disclosed that

Robert E. Casey, Democrat,	received 2,276,636 votes
Patricia Crawford, Republican,	received 2,022,412 votes
Frederick C. Siegle, Constitutional,	received 29,490 votes
Robin F. Taub, Labor,	received 11,774 votes
Others (write-in)	received 141 votes

as the same have been certified to and filed with the  
Secretary of the Commonwealth of Pennsylvania by the  
return boards.

Respectfully submitted,  
C. DeLORES TUCKER  
Secretary of the Commonwealth

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

1-A No. 19649

Harrisburg, January 4, 1977

Pennsylvania, ss:

I, C. DeLORES TUCKER, Secretary of the Common-  
wealth of Pennsylvania, having the custody of the Great  
Seal of Pennsylvania

DO HEREBY CERTIFY, That the attached is a true  
and correct list of the votes cast by the electorate at the  
November 2, 1976 General Election for the office of  
State Treasurer as the same appears of record and re-  
mains on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my  
hand and caused the Great Seal of Pennsylvania to be af-  
fixed, the day and year above written.

C. DeLORES TUCKER  
Secretary of the Commonwealth

The LIEUTENANT GOVERNOR. The Chair recog-  
nizes the Teller on the part of the House, the gentleman  
from Franklin, Mr. Shuman.

Mr. SHUMAN. Mr. President, the vote totals for the  
office of State Treasurer are as follows: Robert E. Casey,  
Democrat, received 2,276,636 votes; Patricia Crawford,  
Republican, received 2,022,412 votes; Frederick C. Siegle,  
Constitutional, received 29,490 votes; Robin F. Taub,  
Labor, received 11,774 votes; and others received 141 votes.  
Thank you very much.

Commonwealth of Pennsylvania  
January 4, 1977

We, the President of the Senate and Speaker of the  
House of Representatives of the Commonwealth of Penn-  
sylvania, do certify that the President of the Senate did,  
on the fourth day of January, A.D., one thousand nine  
hundred and seventy-seven, in the Hall of the House of  
Representatives at the State Capitol, open the returns of  
the election for Auditor General of this Commonwealth,  
and publish the same in the presence of both Houses of  
the General Assembly, conformably to the provisions of  
the Constitution and laws of said Commonwealth and upon  
counting the votes by a teller appointed on the part of  
each House, it appeared that Alfred P. Benedict had the  
highest number of votes; whereupon the said Alfred P.  
Benedict was declared to have been duly elected Auditor  
General of the Commonwealth.

In testimony whereof, we have hereunto set our hands  
and affixed our seals the day and year above written.

ERNEST P. KLINE  
President of the Senate

HERBERT FINEMAN  
Speaker of the House of Representatives

(Seals)

H. CRAIG LEWIS  
Teller on the part of the Senate

WILLIAM O. SHUMAN  
Teller on the part of the  
House of Representatives

Commonwealth of Pennsylvania  
January 4, 1977

We, the President of the Senate and Speaker of the  
House of Representatives of the Commonwealth of Penn-  
sylvania, do certify that the President of the Senate did,  
on the fourth day of January, A.D., one thousand nine  
hundred and seventy-seven, in the Hall of the House of  
Representatives at the State Capitol, open the returns of  
the election for Treasurer of this Commonwealth, and  
publish the same in the presence of both Houses of  
the General Assembly, conformably to the provisions of  
the Constitution and laws of said Commonwealth and upon  
counting the votes by a teller appointed on the part of  
each House, it appeared that Robert E. Casey had the  
highest number of votes; whereupon the said Robert  
E. Casey was declared to have been duly elected Treas-  
urer of the Commonwealth.

In testimony whereof, we have hereunto set our hands  
and affixed our seals the day and year above written.

ERNEST P. KLINE  
President of the Senate

HERBERT FINEMAN  
Speaker of the House of Representatives

(Seals)

H. CRAIG LEWIS  
Teller on the part of the Senate

WILLIAM O. SHUMAN  
Teller on the part of the  
House of Representatives

The LIEUTENANT GOVERNOR. Robert E. Casey, hav-  
ing received the highest number of votes, is duly elected  
State Treasurer of the Commonwealth of Pennsylvania



for the term of 4 years from the 3rd Tuesday of January, 1977.

The Certificates of Election for Auditor General and State Treasurer have now been signed by the officers and tellers on the part of the Senate and House of Representatives.

May I take a moment at this time not to introduce the new State Treasurer who was unable to be with us, but to recognize the presence here of the State Treasurer today, who will be leaving office after a long and distinguished career of public service, Grace Sloan.

Alfred P. Benedict, having received the highest number of votes, is duly elected Auditor General of the Commonwealth of Pennsylvania for the term of 4 years from the 3rd Tuesday of January 1977.

### REPORT OF COMMITTEE TO WAIT UPON THE GOVERNOR

The LIEUTENANT GOVERNOR. The Chair at this time recognizes the special committee on the part of the House assigned to escort the Governor.

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

Mr. RAVENSTAHL. Mr. Speaker, it is a great honor for me today as a newly elected legislator to present to you the Governor of our great Commonwealth, the Honorable Milton Shapp.

The LIEUTENANT GOVERNOR. At this time, the Chair presents Governor Milton Shapp.

GOVERNOR SHAPP. Thank you very much, Governor Kline.

I am greatly pleased to have this honor of being at this podium on this occasion to welcome back all of the old members of the House and also to welcome the new members who have been elected for the first time to serve in the House of Representatives.

As I indicated to the Senators a few moments ago, 1977 started out in a very wonderful way for Pennsylvania, particularly for you people in the Pittsburgh area. We are now recognized as number one in football. I think Pennsylvania is going to be recognized as number one throughout the nation this year, as well, in many other ways.

To all of you who are here for the first time, I just want to give a couple words of wisdom. When you are told to support measures that I am in favor of, please do so. When you are told to oppose measures that I support, ignore the information wherever it comes from. We will get along fine under those circumstances.

To all of you, good luck, and I am looking forward to working with you constructively throughout the entire session.

Thank you.

### AUDITOR GENERAL BENEDICT WELCOMED

The LIEUTENANT GOVERNOR. The Chair thanks the Governor for the members of the General Assembly.

Before proceeding, the Chair is pleased at this time to present to the members of the General Assembly and the guests, Al Benedict. That fellow you just heard about getting all those votes is with us today.

Mr. Benedict, will you stand, please?

### ELECTION OF DIRECTOR OF THE LEGISLATIVE BUREAU

The LIEUTENANT GOVERNOR. This Joint Assembly will now proceed with the election of a director of the Legislative Reference Bureau. Nominations are now in order and the Chair recognizes the gentleman from Northampton County, Mr. Prendergast.

Mr. PRENDERGAST. Mr. President, at this time it is my privilege to place in nomination for the position of director of the Legislative Reference Bureau the name of Russell J. LaMarca.

For the benefit of the new members of the legislature, Russell LaMarca has been an outstanding member of this body for the past 12 years. His humor and his wit are well known to the older members. He is a heavyweight in every sense of the word, both physically and mentally.

By training and occupation, he is an attorney, a well-respected practitioner before the courts in Berks County. His knowledge of the legislative process and ability to articulate his thoughts and ideas will serve him well in this position.

Mr. President, I nominate Russell J. LaMarca for the position of director of the Legislative Reference Bureau.

The LIEUTENANT GOVERNOR. The Chair now recognizes the Senator from Berks County, Senator O'Pake.

SENATOR O'PAKE. Thank you, Mr. President.

Governor Shapp, distinguished members of the judiciary and clergy, my colleagues and former colleagues and friends:

I wish I had the wisdom of a Herb Fineman or the eloquence of a Leroy Irvis or the wit of a Russell LaMarca to make this seconding nomination.

You know it kind of boggles the mind to be asked to introduce a man of such enormous stature and ability as my former colleague from Berks County. Russell J. LaMarca is a very distinguished member of our bar, the Berks County Bar Association. He is held in high esteem and regard not only by the lawyers of our county but by all those who have any respect for the legislative process at all.

Russ has worked hard both in politics and in community life in Reading. He started as a solicitor for the Reading Redevelopment Authority way back in 1961. He was first elected to the House, as you may recall, back in 1964. And I would like to share with you some of his words of wisdom to me when I came here in 1968 as to how to get along in the legislative process, but I cannot repeat all of those words in public.

Russ certainly knows the job. I can think of no one more capable or qualified to be the director of the Legislative Reference Bureau than a man who has been fighting both for and against legislation. He is very familiar with the practical problems that happen here on the floor of the House and the Senate. He is a very distinguished lawyer, a man of intellectual brilliance, I would say.

I am proud to second the nomination of the former legislator of the 127th district, from my hometown of Reading, one who I know will bring distinction to this House and to the General Assembly as the new director of the Legislative Reference Bureau.

I proudly, Mr. President, second the nomination of the Honorable Russell J. LaMarca.

The LIEUTENANT GOVERNOR. Are there any further nominations?

The Chair hears none. The Chair declares the nominations closed.

All those in favor of former Representative Russell J. LaMarca for director of the Legislative Reference Bureau will please signify by saying "aye"; those opposed "no." The "ayes" have it.

Russell J. LaMarca is unanimously elected the director of the Legislative Reference Bureau.

### COMMITTEE TO ESCORT DIRECTOR-ELECT OF LEGISLATIVE REFERENCE BUREAU

The LIEUTENANT GOVERNOR. Will the gentleman from Berks County, Representative Caltagirone, the gentleman from Northampton County, Representative Prendergast, the Senator from Berks County, Senator O'Pake, and Representative Knepper of Allegheny County please escort former Representative Russell LaMarca to the rostrum for the purpose of taking the oath of office.

Please rise.

(Mr. LaMarca asserted oath of office.)

The LIEUTENANT GOVERNOR. I would not want him to miss this opportunity.

May I present the director of the Legislative Reference Bureau, the Honorable Russell J. LaMarca.

Mr. LaMARCA. Mr. Governor, Mr. President, Mr. Speaker of the House, distinguished guests and former colleagues: I find it difficult to say "former colleagues." I hope that the weight and the responsibilities that I have to face will be made a lot easier by what I learned in this House.

There are two people who have contributed enormously who are here. You have heard me speak of her in many things, and you may rest assured that I was only joking then. My wife and my beloved mother are both here and I wish they would stand for just a moment. She is the one who takes care of Gilligan.

I know that you can be happy for one reason,—the program is now over. I only wish to comment on one factor. You will notice that Mr. Prendergast was late. If I were buying the beer, he would have been there ahead of time. Gentlemen, it is on me tonight. God bless you and thank you, and I will try to do the best I can.

Thank you.

The LIEUTENANT GOVERNOR. The Chair asks that the members of the House and visitors remain seated for just a moment while the members of the Senate leave the hall.

We have additional work to do in the Senate. I ask the members of the Senate to please reassemble immediately in the Senate chamber upon adjournment of this meeting.

### ADJOURNMENT OF JOINT SESSION

The LIEUTENANT GOVERNOR. With thanks to Speaker Fineman and his staff for their support and graciousness, the business for which the joint session has been assembled having been transacted, this joint session is now adjourned.

### THE SPEAKER (Herbert Fineman) IN THE CHAIR

### MOTION TO PRINT PROCEEDINGS OF JOINT SESSION

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

Mr. LOGUE. Mr. Speaker, I move that the proceedings of the Joint Session of the Senate and House of Representatives held this 4th day of January, 1977, be printed in full in this day's Legislative Journal.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### NO FURTHER BUSINESS

The SPEAKER. Has the majority leader any further business to bring before the House?

Mr. IRVIS. Mr. Speaker, I have no further business.

The SPEAKER. The Chair thanks the gentleman.

Has the minority leader any further business to bring before the House?

Mr. BUTERA. Mr. Speaker, I have no further business.

### ADJOURNMENT

Mr. MISCEVICH moved that this House do now adjourn until Monday, January 17, 1977, at 11:30 a.m., e.s.t

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 2:30 p.m., e.s.t.) the House adjourned.