

# Legislative Journal

TUESDAY, FEBRUARY 15, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 14

## HOUSE OF REPRESENTATIVES

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

### THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

#### PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

Almighty God, our heavenly Father, Thou hast made us in Thine own image and dost hate nothing which Thou hast made, but dost forgive the sins of all those who are penitent. We approach Thee as we come to the eve of this penitential season with the prayer that we may look introspectively at ourselves and prepare adequately for the reception of Thy love and grace.

O God, create and make in us humble and contrite hearts, that we, worthily lamenting our sins and acknowledging our wretchedness, may obtain of Thee, the God of all mercy, perfect remission and forgiveness through Thy blest name. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 220** By Representatives SAURMAN, J. L. WRIGHT, STEVENS, CLYMER, PETERSON, MRKONIC, MORRIS, GRUPPO, ALDERETTE, PERZEL, McINTYRE, LETTERMAN, JOHNSON and E. Z. TAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, creating a right of action for damages resulting from the furnishing of alcoholic beverages to certain persons.

Referred to Committee on JUDICIARY, February 15, 1983.

**No. 221** By Representatives SAURMAN, J. L. WRIGHT, HAYES, FARGO, STEVENS, CIMINI, B. SMITH, MERRY, D. W. SNYDER, PETERSON, MRKONIC,

MORRIS, ALDERETTE, PERZEL, NOYE, PHILLIPS, McINTYRE and LETTERMAN

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), further providing for schedules of controlled substances; adding an offense; and providing a penalty.

Referred to Committee on HEALTH AND WELFARE, February 15, 1983.

**No. 222** By Representatives SAURMAN, J. L. WRIGHT, COWELL, PISTELLA, FARGO, STEVENS, MAIALE, CIMINI, HALUSKA, GREENWOOD, SHOWERS, BOYES, PRATT, MERRY, GODSHALL, DORR, D. W. SNYDER, CIVERA, PETERSON, BELARDI, FISCHER, MRKONIC, MORRIS, MAYERNIK, ARTY, ALDERETTE, SWEET, BOOK, DAWIDA, CORNELL, GEIST, BOWSER, TELEK, WOZNIAC, PERZEL, LASHINGER, CAWLEY, NOYE, PHILLIPS, McINTYRE, LETTERMAN, JOHNSON, McVERRY and E. Z. TAYLOR

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, providing for the distribution of certain publications; making editorial changes; and making appropriations.

Referred to Committee on STATE GOVERNMENT, February 15, 1983.

**No. 223** By Representatives FEE, HASAY, LEHR, DUFFY, ALDERETTE and LESCOVITZ

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the waiver of certain late filing fees by the board; and further providing for the surrender of club licenses.

Referred to Committee on LIQUOR CONTROL, February 15, 1983.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 25**  
(Concurrent) By Representatives HALUSKA, LLOYD, BELFANTI, WOZNIAC and WARGO

The General Assembly of Pennsylvania opposes any modifications to the Federal Clean Air Act until such modifications are supported by sound medical and scientific evidence.

Referred to Committee on RULES, February 15, 1983.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, February 14, 1983, will be postponed until the Journal is in print. The Chair hears no objection.

### ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I submit a list of additions of sponsors, in accordance with our rules.

HB 1, Jarolin; HB 2, Wiggins; HB 4, Caltagirone; HB 22, Clymer, McVerry; HB 31, Bowser; HB 36, Book, Mrkonic, McVerry; HB 43, E. Z. Taylor; HB 55, Cordisco, Weston, Durham, Johnson; HB 92, Micozzie, Belardi, E. Z. Taylor, McVerry; HB 95, Belardi; HB 112, Fargo; HB 113, Misceovich, McVerry, Petrone; HB 115, Preston, Hayes; HB 117, Mrkonic, Cornell, Wilson; HB 118, Telek, DeLuca, Perzel, Alderette, Phillips, Miller, Gruppo, Mrkonic, Bowser; HB 119, Gruppo, Cornell, Wilson, Dawida, Telek, Mrkonic, Geist; HB 171, Rybak; HB 172, Rybak; HB 173, Rybak, Civera, Moehlmann; HB 174, Rybak, Civera, Moehlmann; HR 10, Daley, Preston, Battisto, Alderette, McHale, Freeman, Coy, Caltagirone.

### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip for leaves of absence, who indicates he has no leaves for today.

The Chair recognizes the minority whip for leaves of absence, who indicates he has no leaves for today.

### MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to place the master roll call. All members are urged to be in their seats. Members will proceed to vote on the master roll call.

The following roll call was recorded:

#### PRESENT—200

Afflerbach	Fargo	Lucyk	Ryan
Alderette	Fattah	McCall	Rybak
Angstadt	Fee	McClatchy	Saloom
Armstrong	Fischer	McHale	Salvatore
Arty	Flick	McIntyre	Saurman
Baldwin	Foster, W. W.	McMonagle	Scheetz
Battisto	Foster, Jr., A.	McVerry	Schuler
Belardi	Freeman	Mackowski	Semmel
Belfanti	Freind	Madigan	Serafini
Beloff	Fryer	Maiale	Seventy
Blaum	Gallagher	Manderino	Showers
Book	Gallen	Manmiller	Sirianni
Bowser	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marmion	Smith, L. E.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Merry	Snyder, G. M.
Bunt	Gladeck	Michlovic	Spencer
Burd	Godshall	Micozzie	Spitz
Burns	Greenwood	Miller	Stairs
Caltagirone	Grieco	Miscevich	Steighner
Cappabianca	Gruitza	Moehlmann	Stevens

Carn	Gruppo	Morris	Stewart
Cawley	Hagarty	Mowery	Stuban
Cessar	Haluska	Mrkonic	Sweet
Cimini	Harper	Murphy	Swift
Civera	Hasay	Nahill	Taylor, E. Z.
Clark	Hayes	Noye	Taylor, F. E.
Clymer	Herman	O'Brien	Telek
Cohen	Hershey	O'Donnell	Tigue
Colafella	Hoefel	Olasz	Trello
Cole	Honaman	Oliver	Truman
Cordisco	Hutchinson	Perzel	Van Horne
Cornell	Jackson	Peterson	Vroon
Coslett	Jarolin	Petrarca	Wachob
Cowell	Johnson	Petrone	Wambach
Coy	Kasunic	Phillips	Wargo
DeLuca	Kennedy	Piccola	Wass
DeVerter	Klingaman	Pievsky	Weston
DeWeese	Kosinski	Pistella	Wiggins
Daley	Kowalyszyn	Pitts	Williams
Davies	Kukovich	Pott	Wilson
Dawida	Lashinger	Preston	Wogan
Deal	Laughlin	Punt	Wozniak
Dietz	Lehr	Rappaport	Wright, D. R.
Dininni	Lescovitz	Reber	Wright, J. L.
Dombrowski	Letterman	Reinard	Wright, R. C.
Donatucci	Levi	Richardson	Zwikl
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irviss,
Durham	Livengood	Rudy	Speaker
Evans	Lloyd		

ADDITIONS—0

NOT VOTING—1

Pratt

EXCUSED—2

Barber

Itkin

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

HB 81, PN 90

By Rep. F. E. TAYLOR

An Act amending the "Self-service Storage Facility Act," approved December 20, 1982 (No. 325), making editorial changes.

BUSINESS AND COMMERCE.

### BILL REREPORTED FROM COMMITTEE

HB 2, PN 250 (Amended)

By Rep. GALLAGHER

An Act designating Lincoln University a land grant institution.  
EDUCATION.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, who has something important and fatten-  
ing to announce to the House.

Mr. DAVIES. Thank you, Mr. Speaker.

Mr. Speaker, there are about 10 dozen fastnachts that just arrived from Berks County.

The SPEAKER. Ten dozen what?

Mr. DAVIES. Fastnachts.

The SPEAKER. Will the gentleman explain that for those of us whose heritage is not quite the same as the gentleman's?

Mr. DAVIES. Well, I would yield to Mr. Fryer, because my lineage is more Welsh.

The SPEAKER. Welsh; we understand. We were wondering why a Welshman would be talking about fastnachts.

Mr. DAVIES. Well, it is a weakness I have for that kind of food, sir.

The SPEAKER. The Speaker does not share the gentleman's Welsh ancestry but shares his weakness.

Mr. DAVIES. Right. And there will be molasses or sugar, whichever they want to add, to embellish the goodies.

The SPEAKER. The Chair would be delighted to recognize that spokesman for the Pennsylvania Dutch, the gentleman from Boyertown—no, not from Lebanon—the gentleman from Boyertown, Mr. Fryer.

Mr. FRYER. Mr. Speaker, it seems to me that many times here in the House we raise many questions that do not require an answer. I would say in regard to fastnachts, merely eat and enjoy. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. Eat and enjoy and put on at least 16 ounces.

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I understand we have a group which is coming in. I wonder if I could, prior to the group's coming in, just announce to all members, in case any of them should wander, that there will be a caucus of the Democratic Party immediately upon the recess this morning.

There are two important bills on the calendar, one having to do with funding for the Consumer Advocate and one having to do with funding for the PUC (Public Utility Commission), that we intend to take votes on when we return from caucus. In addition to that, we anticipate that we will have, out of the Rules Committee, a resolution requesting that an investigation be conducted on the recent matters in the Department of Environmental Resources. We will take a vote on that resolution when we return from caucus, so we want everyone to be at caucus to discuss these important matters and to return to the floor at the announced time, once that has been done after the presentation here this morning.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, there will also be a Republican caucus on the declaration of the recess.

### RULES COMMITTEE MEETING

The SPEAKER. The Chair now recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, one further announcement. On the declaration of the recess there will be an immediate meeting of the Committee on Rules.

### RESOLUTIONS PRESENTED

The SPEAKER. At this time we are about to present to the family of one of our deceased members a special citation, and

we are about to present in absentia to the family of a second deceased member a special citation. I would ask that the members take their seats.

The Chair at this time asks that Mrs. Pearl Shelton, Mr. Charles Shelton, and Mr. Tony Jenkins come to the Speaker's platform.

The Chair recognizes the gentleman from Philadelphia, Mr. Frank Oliver, to present the special citation.

Mr. OLIVER. Thank you, Mr. Speaker.

I am extremely honored today to present this resolution to a former distinguished member of this House who served with honor and distinction, a man who devoted much of his lifetime to the cause and dedication of especially poor people, a man whom we will long remember here for his distinguished service in this House of Representatives, and I refer to the former member, the Honorable Ulysses Shelton.

I am happy today to say that in spite of the extremely bad weather, his family is here to receive this resolution, which I would like to read. It reads as follows:

WHEREAS, On February 15, 1983, the Pennsylvania Legislative Black Caucus is paying tribute to the late Ulysses Shelton who served as a member of the Pennsylvania House of Representatives from 1960 until 1978; and

WHEREAS, Mr. Shelton, a United States Air Force veteran, was a dedicated and community-minded person. His distinguished public service career included service as a Magistrate's Clerk, Democratic Ward Leader, member of the North Philadelphia Civic League, and aide to Congressman Michael Bradley. He was also actively involved in the Yorktown Civic Association and the North Philadelphia Model City Program; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pays tribute to the late Ulysses Shelton as a distinguished, dedicated and highly respected public servant whose outstanding contributions to this House and the Commonwealth of Pennsylvania will long be remembered and acknowledged with pride and gratitude; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Pearl Shelton.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable David P. Richardson, Jr., and unanimously adopted by the House of Representatives on the 4th day of January 1983.

K. Leroy Irvis

Speaker

ATTEST:

John J. Zubeck

Chief Clerk

I now have the distinguished honor and pleasure of presenting this resolution to Mrs. Shelton.

The SPEAKER. The Chair now recognizes the gentleman from Delaware, Mr. Robert Wright.

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

It gives me great pleasure today, and I certainly deem it an honor, to come before this body to present a resolution during Black History Month to the very first black State Representative from the 159th District, the late Arthur F. Earley.

Many of you knew Art during his short stay here. In fact, because of his untimely death, I have had the opportunity to come here and represent our district. I knew Art for many years prior to his coming to the House. We shared office space as fellow attorneys in Delaware County. Art was well liked by everyone in Chester. Even though shorter than me in stature, I certainly found that I had some big shoes to fill when I came here to Harrisburg.

The resolution reads:

WHEREAS, On February 15, 1983, the Pennsylvania Legislative Black Caucus is paying tribute to the late Arthur F. Earley who served as a member of the Pennsylvania House of Representatives from 1978 to 1980; and

WHEREAS, Mr. Earley, a Temple University Law School graduate and United States Marine Corps veteran, was a dedicated and community-minded person as evidenced by his involvement in the South Chester Optimist Club and NAACP. A recipient of the 1972 Outstanding Citizen Award, Mr. Earley served as Assistant District Attorney for Delaware County from 1971 to 1978, when he was elected to the Pennsylvania House of Representatives; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pays tribute to the late Arthur F. Earley as a distinguished, dedicated and highly respected public servant, whose outstanding contributions to this House and the Commonwealth of Pennsylvania will long be remembered and acknowledged with pride and gratitude; and be it further

RESOLVED, That a copy of this resolution be delivered to Claudia and Langston Earley.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable David P. Richardson, Jr., and unanimously adopted by the House of Representatives on the 4th day of January 1983.

K. Leroy Irvis  
Speaker

ATTEST:  
John J. Zubeck  
Chief Clerk

I was under the impression and had hoped that Art's family would be able to be here today; however, they were not able to be present. I will see to it that a copy of this resolution is personally presented to them, in addition to which I have the notes of testimony from a memorial service that was held in Delaware County by the Delaware County Bar Association which I will also be presenting to them. Thank you, Mr. Speaker.

#### ANNOUNCEMENT BY MR. GEORGE

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George, to make an announcement.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, it is true that I intend to introduce a resolution today that will investigate the Department of Environmental Resources, and for all of those on both sides of the aisle who have heard the plea from those who believe that the

Environmental Resources Department has not been acting in the best interests and have not been giving us or providing us the answers that really our people insist should be forthcoming, the legislation will be here this morning, and feel free to become a sponsor of it. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

#### WELCOME AND STATEMENT BY MR. PITTS

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts, to make an announcement.

Mr. PITTS. Thank you, Mr. Speaker.

I would like to make a brief speech introducing some legislation and introduce a couple of guests, if I may.

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

Mr. PITTS. Thank you, Mr. Speaker.

I have with me from the city of Philadelphia Attorney Sherman Kreiner, who is the executive director of the Philadelphia Association for Cooperative Enterprise, and Mr. Herman Wooden, who is here on behalf of Mr. Wendall Young, who is the president of the United Food and Commercial Workers Local 1357. These gentlemen, as a result of hearings which the Labor Relations Committee held last session, helped us to develop a piece of legislation, which I am introducing today, known as the workers' cooperative corporation law. I would like them to stand and be recognized, if possible, Mr. Speaker.

The SPEAKER. The gentlemen will stand.

Mr. PITTS. Thank you, Mr. Speaker.

It is a well-discussed fact that Pennsylvania's economy is undergoing significant structural change, and that change is causing great hardship for our people. If we are to master this change, as we must, and if we are to make any significant contribution toward the revitalization of Pennsylvania's economy and its competitive position in domestic and foreign markets, to a large extent it will depend upon what we ourselves in Pennsylvania are willing to do to improve productivity and the quality of work life.

Our deep and continuing recession has caused the closing of many businesses and industrial operations, forcing thousands out of work. Clearly there are businesses and industries which have been reduced to bankruptcy and which cannot be expected to reopen, but some businesses and plants have been closed for financial reasons, because they are not profitable enough in comparison to other investments, regardless of their viability and regardless of the toll those closings take on individuals and communities.

Although it is not a panacea, worker ownership is a most important and fundamental alternative to the plant-closing and job loss problem. Where a business or industrial facility is financially viable, worker ownership can provide continued employment, job security, with dignity for our people and stability for our communities. Moreover, certain studies indicate that worker ownership improves productivity and profitability.

The legislation which I am introducing today, to be known as the workers' cooperative corporation law, will provide the fundamental statutory framework for worker ownership. It is based on the testimony, as I mentioned earlier, received by the Labor Relations Committee last session and, to a large extent, on the testimony of the two gentlemen whom we have introduced today. Our committee concluded, after investigation and research, that a proper statutory framework was absolutely necessary for the structuring and operation of workers' cooperative corporations and to resolve all of the uncertainties about the attendant legal arrangements of worker ownership and about the borrowing and other financial authority of such corporate entities.

This legislation contains many provisions similar to those found in our Business Corporation Law, but there are important differences indicative of a corporation owned by its workers. Ownership of a workers' co-op corporation is limited to members who must work for the corporation. Each member is issued one share of common stock, a membership share, for a fixed fee, and is entitled to one vote on stockholder matters. Individual internal capital accounts will be established for each member, which will reflect membership fees, additional paid-in capital, and the apportionment of retained net earnings or net losses. Net earnings are allocated and distributed to members on the basis of the number of hours worked. The corporation will be governed by a board of directors elected by the members, and corporate officers will be elected by the board. The corporation may issue non-voting preferred stock. Finally, as an incentive for investment, the stock and debt instruments of a workers' cooperative corporation will be exempt from corporate capital stock taxation.

Many concepts have been offered in the past and more recently as solutions to the plant-closing and the job loss problem. None of them have addressed the most essential and the most critical aspect of that problem; that is, the statutory framework for workers to own their own corporate business, not the so-called plant-closing legislation and not the so-called community capital legislation. Within a recognizable legal framework for local worker ownership, feasibility funding and investment capital can and will be found.

This, I think, is a new and exciting legislative step for Pennsylvania. It provides for a new updated form of corporate ownership suited to the needs of our changing economic times, and I would, Mr. Speaker, at this time ask the members to join me in cosponsorship of this legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Oliver, for the purposes of making an announcement.

Mr. OLIVER. Thank you, Mr. Speaker.

There will be a meeting of the State Government Committee immediately upon the call of the recess. This will be a brief

meeting, so would everyone please leave immediately for room 401.

The SPEAKER. The Chair thanks the gentleman.

### LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Fryer, for purposes of making an announcement.

Mr. FRYER. Mr. Speaker, I wish to announce that there will be a meeting of the Local Government Committee tomorrow at 10 o'clock in the majority caucus room.

The SPEAKER. The Chair thanks the gentleman.

### STATEMENT BY MR. TRELLO

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

Mr. TRELLO. Mr. Speaker, I rise to address this General Assembly today because of an article I read in the paper today, and I can assure you I am very upset about it.

Do you all remember about the young lady, the neighbor of mine, who got hit by the brick on the turnpike during the truckers strike? Well, first of all, I would like to congratulate the State Police for their investigation, finding the culprit, and arresting him, but when I read what he was being charged with today, it really upset me to no extent. He is charged with aggravated assault.

We passed a bill several years ago that was called homicide by vehicle. In my opinion, this should be called homicide by brick. Here is a young lady, and I know many of you have young ladies who live next door to you, 14 years old, innocent, lovely young ladies, looking forward to serving the world and their country. She lies in a hospital today needing surgery of all kinds just to make her look like she used to look before. I just cannot understand the charge of aggravated assault.

I am going to introduce legislation as soon as I leave the floor mandating that anybody who causes violence on the turnpike by shooting, throwing a brick, or anything be charged with attempted murder, and I would appreciate everybody on this floor cosponsoring the bill with me. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

### LINCOLN UNIVERSITY CHORALE PRESENTED

The SPEAKER. The House welcomes at this time the Lincoln University Chorale, led by Professor Robert W. Emery, associate director, and Professor Theresa Saunders, accompanist.

The Lincoln University Chorale.

(A musical program was presented.)

The SPEAKER. I want to thank the Lincoln University Chorale for coming in today and to remind the young people that when I was 14 years old and growing up in Albany, New York, one of the universities that I hoped to attend was

Lincoln University but could not afford it. I never dreamed that the day would come when I would introduce the chorale group from that university and would hold an honorary doctorate from it. I hope that each one of these young people who came here today will go much further than the Speaker has ever been able to. We thank them again for coming.

#### ANNOUNCEMENT BY MR. RICHARDSON

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

Mr. RICHARDSON. Mr. Speaker, I would like to know whether or not I may be in order to make an announcement?

The SPEAKER. The gentleman may make the announcement.

Mr. RICHARDSON. Mr. Speaker, I want to indicate to the members of this House that at 12 o'clock the Third Annual Commemoration of Black History program will be held in the rotunda, and for those members who have time, would they please stop by. I think it would be a worthwhile feature. You will be able to hear the Lincoln Choir again.

The SPEAKER. The Chair thanks the gentleman.

#### HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 29 By Representatives GEORGE, MANDERINO, MICHLOVIC, IRVIS, FREEMAN, MORRIS, McHALE, WOZNAK, RYBAK, SHOWERS, KOWALYSHYN, KUKOVICH, STEIGHNER, LLOYD, GRUITZA, WACHOB, MURPHY and WARGO

Directing the House Conservation Committee to investigate special interest influence in the Department of Environmental Resources.

Referred to Committee on RULES, February 15, 1983.

#### HOUSE SCHEDULE

The SPEAKER. There will be an immediate caucus of both the Republican and the Democratic Parties on the declaration of the recess. The Chair would suggest to members on both sides of the aisle that they attend the caucuses, because we shall be calling up three controversial votes this afternoon. There will be a supplemental calendar. We shall return to the floor of the House in 1 hour and 10 minutes. We shall return to the floor of the House precisely at 1 o'clock.

#### REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

The Republicans will caucus immediately. If you get there promptly, we will get you out in time so you can get a chance to get some lunch before we come back on the floor at 1. Thank you, Mr. Speaker.

#### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, there will be an immediate Democratic caucus. Thank you.

#### RECESS

The SPEAKER. This House stands in recess until 1 p.m.

#### AFTER RECESS

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

#### MISS PENNSYLVANIA PRESENTED

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist, to do one of his most difficult jobs in this session. It is very apparent to the Chair that regardless of where the beauty comes from, Rick Geist manages to introduce her. The Chair recognizes Mr. Geist to introduce to the floor of the House the lady who has been named as Miss Pennsylvania.

Mr. GEIST. Thank you, Mr. Speaker.

This is really rough duty, but I will try to get through it.

This is my opportunity to introduce the fifth Miss Pennsylvania to you, the members of the General Assembly, but before I do, I would like to introduce a native Altoonian who is the escort for Miss Pennsylvania and a really fine lady, Sandy Durbin.

I am sure that you people would not like to hear me, so without further ado I will give you Altoona's pride, Miss Pennsylvania of 1982, Laurie Ann Hixenbaugh.

Miss HIXENBAUGH. Thank you, Mr. Speaker, Mr. Geist, honorable members of the House, and distinguished guests.

I am proud to be a Pennsylvanian and especially honored to be your guest here this afternoon. However, standing before this great assembly of ladies and gentlemen responsible for the governance and management of this Commonwealth, I feel extremely humble. As your representative of our great State, I am most appreciative and intend to represent the honor of my title with dignity.

Over the past 3 years I have become better acquainted to the wonderful opportunities for young women, such as myself, through the local, the State, and the national competitions applicable to the Miss America program. As a result of these experiences, I have come to better understand my own potentials. I have indeed learned a lot about human relations and have acquired an ability to adjust to the various situations.

The Miss America Pageant veritably is an asset to our Commonwealth. The program awards over \$2 million annually in scholarships for young women who would like to further their education in order to pursue their lifetime goals.

During the past 8 months of my reign as Miss Pennsylvania, I have had the opportunity to travel over 23,000 miles in our Commonwealth, and I have met Pennsylvanians from all

walks of life. Wherever I have traveled, I have been most impressed with the diversity of our Commonwealth through the economic climates and social and cultural customs, including the friendliness of our people.

I am amazed at the numerous universities, the colleges, proprietary schools that are available to the people in Pennsylvania. Pennsylvanians truly have the opportunity to fulfill their educational ideas and obtain their lifetime goals.

As your Miss Pennsylvania, I have worn the crown proudly in my enthusiasm representing our great State. In the remaining 4 months of my reign, I dedicate myself to uphold the traditions of the title, and I intend to continue to represent all of Pennsylvania well.

In closing, I honestly believe that the State's greatest resource is the investment of our human resources, our people, and to that end, I would like to personally thank my Representative, Mr. Kasunic of the 52d District, and Mr. Richard Geist of the 82d District for making my visit here possible for you today. And to you, Mr. Speaker, members of this great assembly, I owe a deep sense of gratitude for your hard work and effort to the educational ideas of the young people of Pennsylvania and in particular to me during the last 8 months. Thank you.

The SPEAKER. We thank you for coming here, Miss Pennsylvania, and perhaps if I could get you here more often, I would get more of the members on the floor sooner. For those of you younger members, I want to warn you that the Speaker does have ability to read minds at times and would suggest that some of you apologize.

## CALENDAR

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 192, PN 215**, entitled:

An Act making appropriations from a restricted revenue account within the General Fund to the Public Utility Commission.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

### YEAS—119

Afflerbach	Donatucci	Linton	Richardson
Alderette	Dorr	Livengood	Ricger
Angstadt	Duffy	Lloyd	Rudy
Arty	Evans	Lucyk	Rybak
Baldwin	Fee	McCall	Saloom
Battisto	Foster, W. W.	McHale	Seventy
Belfanti	Foster, Jr., A.	McIntyre	Showers
Beloff	Freeman	McMonagle	Smith, B.
Blaum	Freind	Majale	Spitz
Boyes	Fryer	Manderino	Steighner
Broujos	Gallagher	Markosek	Stewart
Burns	Gamble	Mayermik	Stuban
Caltagirone	Gannon	Michlovic	Sweet

Cappabianca	George	Micozzie	Taylor, F. E.
Carn	Gruitza	Miller	Telek
Cawley	Gruppo	Miscevich	Tigue
Cessar	Haluska	Morris	Trello
Civera	Harper	Mowery	Truman
Clark	Hoeffel	Mrkonc	Van Horne
Colafella	Hutchinson	Murphy	Wachob
Cole	Jarolin	O'Donnell	Wambach
Cordisco	Kasunic	Olasz	Wargo
Cowell	Kennedy	Oliver	Wass
Coy	Kosinski	Petrarca	Wiggins
Deluca	Kowalshyn	Petrone	Williams
DeWeese	Kukovich	Pievsky	Wozniak
Daley	Laughlin	Pistella	Wright, D. R.
Davies	Lescovitz	Pott	
Dawida	Letterman	Preston	Irvis,
Deal	Levin	Rappaport	Speaker
Dombrowski			

### NAYS—69

Belardi	Gladeck	Marmion	Scheetz
Book	Godshall	Merry	Schuler
Bowser	Greenwood	Moehlmann	Semmel
Brandt	Grieco	Nahill	Serafini
Bunt	Hagarty	Noye	Sirianni
Burd	Hayes	O'Brien	Smith, L. E.
Cimini	Herman	Perzel	Snyder, D. W.
Clymer	Honaman	Peterson	Snyder, G. M.
Cornell	Jackson	Phillips	Spencer
Coslett	Johnson	Piccola	Stairs
DeVerte	Klingaman	Pitts	Stevens
Dietz	Lehr	Reber	Swift
Dininni	Levi	Reinard	Taylor, E. Z.
Fargo	McClatchy	Robbins	Vroon
Fischer	McVerry	Ryan	Weston
Flick	Mackowski	Salvatore	Wilson
Gallen	Manmiller	Saurman	Wogan
Geist			

### NOT VOTING—13

Armstrong	Hasay	Madigan	Wright, J. L.
Cohen	Hershey	Pratt	Wright, R. C.
Durham	Lashinger	Punt	Zwikl
Fattah			

### EXCUSED—2

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

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

### REMARKS ON VOTE

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

Mr. ZWIKL. Mr. Speaker, I was not recorded on the last vote. I wish to be recorded in the affirmative on HB 192, please.

The SPEAKER. The remarks of the gentleman will be recorded on the record.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 193, PN 216**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

On the question,

Will the House agree to the bill on third consideration?

Mr. PIEVSKY offered the following amendment No. A0098:

Amend Bill, page 1, lines 10 through 13, by striking out all of said lines and inserting

Section 2. The appropriation made in section 1 of this act shall constitute the final estimate for the fiscal year July 1, 1983 to June 30, 1984, required by section 904-A.1(a) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929 and the total assessment for that fiscal year for the purposes of section 904-A.1(b) through (i) and shall supersede any other estimate pursuant to section 904-A.1(a) for that fiscal year.

On the question,

Will the House agree to the amendment?

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment A0098 is a technical amendment correcting the language of section 2 of the bill, and it is an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—198

Afflerbach	Fargo	Lucyk	Ryan
Alderette	Fee	McCall	Rybak
Angstadt	Fischer	McClatchy	Saloom
Armstrong	Flick	McHale	Salvatore
Arty	Foster, W. W.	McIntyre	Saurman
Baldwin	Foster, Jr., A.	McMonagle	Scheetz
Battisto	Freeman	McVerry	Schuler
Belardi	Freind	Mackowski	Semmel
Belfanti	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Seventy
Book	Gallen	Manderino	Showers
Bowser	Gamble	Manmiller	Sirianni
Boyes	Gannon	Markosek	Smith, B.
Brandt	Geist	Marmion	Smith, L. E.
Broujos	George	Mayernik	Snyder, D. W.
Bunt	Gladeck	Merry	Snyder, G. M.
Burd	Godshall	Michlovic	Spencer
Burns	Greenwood	Micozzie	Spitz
Caltagirone	Grieco	Miller	Stairs
Cappabianca	Gruitza	Miscevich	Steighner
Carn	Gruppo	Mochlmann	Stevens
Cawley	Hagarty	Morris	Stewart
Cessar	Haluska	Mowery	Stuban
Cimini	Harper	Mrkonic	Sweet
Civera	Hasay	Murphy	Swift
Clark	Hayes	Nahill	Taylor, E. Z.
Clymer	Herman	Noye	Taylor, F. E.
Cohen	Hershey	O'Brien	Telek
Colafella	Hoeffel	O'Donnell	Tigue
Cole	Honaman	Olasz	Trello
Cordisco	Hutchinson	Oliver	Truman
Cornell	Jackson	Perzel	Van Horne
Coslett	Jarolin	Peterson	Vroon
Cowell	Johnson	Petrarca	Wachob
Coy	Kasunic	Petrone	Wambach
Deluca	Kennedy	Phillips	Wargo

DeVerter	Klingaman	Piccola	Wass
DeWeese	Kosinski	Pievsky	Weston
Daley	Kowalyszyn	Pistella	Wiggins
Davies	Kukovich	Pitts	Williams
Dawida	Lashingier	Pott	Wilson
Deal	Laughlin	Preston	Wogan
Dietz	Lehr	Punt	Wozniak
Dininni	Lescovitz	Rappaport	Wright, D. R.
Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Reinard	Wright, R. C.
Dorr	Levin	Richardson	Zwikel
Duffy	Linton	Rieger	
Durham	Livengood	Robbins	Irvis,
Evans	Lloyd	Rudy	Speaker

NAYS—1

Beloff

NOT VOTING—2

Fattah

Pratt

EXCUSED—2

Barber

Itkin

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

#### YEAS—157

Afflerbach	Evans	McCall	Saloom
Alderette	Fargo	McHale	Salvatore
Angstadt	Fattah	McIntyre	Semmel
Arty	Fee	McMonagle	Serafini
Baldwin	Fischer	McVerry	Seventy
Battisto	Foster, W. W.	Madigan	Showers
Belardi	Freeman	Maiale	Smith, B.
Belfanti	Fryer	Manderino	Snyder, D. W.
Beloff	Gallagher	Manmiller	Snyder, G. M.
Blaum	Gamble	Markosek	Spitz
Book	Gannon	Marmion	Stairs
Boyes	George	Mayernik	Steighner
Broujos	Greenwood	Michlovic	Stevens
Burns	Grieco	Micozzie	Stewart
Caltagirone	Gruitza	Miller	Stuban
Cappabianca	Gruppo	Miscevich	Sweet
Carn	Haluska	Morris	Taylor, E. Z.
Cawley	Harper	Mowery	Taylor, F. E.
Cessar	Hasay	Mrkonic	Telek
Cimini	Hershey	Murphy	Tigue
Civera	Hoeffel	O'Brien	Trello
Clark	Hutchinson	O'Donnell	Truman
Cohen	Jarolin	Olasz	Van Horne
Colafella	Johnson	Oliver	Wachob
Cole	Kasunic	Perzel	Wambach
Cordisco	Kennedy	Peterson	Wargo
Coslett	Klingaman	Petrarca	Wass
Cowell	Kosinski	Petrone	Weston
Coy	Kowalyszyn	Pievsky	Wiggins
Deluca	Kukovich	Pistella	Williams
DeWeese	Laughlin	Pott	Wogan
Daley	Lehr	Preston	Wozniak
Davies	Lescovitz	Punt	Wright, D. R.
Dawida	Letterman	Rappaport	Wright, J. L.
Deal	Levi	Reber	Wright, R. C.



Dombrowski	Levin	Reinard	Zwinkl
Donatucci	Linton	Richardson	
Dorr	Livengood	Rieger	Irviss,
Duffy	Lloyd	Rudy	Speaker
Durham	Lucyk	Rybak	

## NAYS—42

Bowser	Freind	McClatchy	Ryan
Brandt	Gallen	Mackowski	Saurman
Bunt	Geist	Merry	Scheetz
Burd	Gladeck	Moehlmann	Schuler
Clymer	Godshall	Nahill	Sirianni
Cornell	Hagarty	Noye	Smith, L. E.
DeVerter	Hayes	Phillips	Spencer
Dietz	Herman	Piccola	Swift
Dininni	Honaman	Pitts	Vroon
Flick	Jackson	Robbins	Wilson
Foster, Jr., A.	Lashinger		

## NOT VOTING—2

Armstrong	Pratt
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## EXCUSED—2

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

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

## RESOLUTION REPORTED FROM COMMITTEE

**HR 29, PN 249** By Rep. MANDERINO

Directing the House Conservation Committee to investigate special interest influence in the Department of Environmental Resources.

## RULES.

**BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED****HB 20, PN 26** By Rep. OLIVER

An Act designating a dam in Allentown, Lehigh County, as the Samuel W. Frank Memorial Dam.

## STATE GOVERNMENT.

**HB 61, PN 70** By Rep. OLIVER

An Act amending the "Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns and Townships," approved April 29, 1937 (P. L. 487, No. 115), further providing for cancellation or suspension of registration.

## STATE GOVERNMENT.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair was delighted to welcome to the hall of the House at this morning's session the chorale group from Lincoln University, but the Chair neglected to reflect on the fact that that chorale group is represented by Representative Arthur Hershey from Chester. The Chair apologizes to Mr. Hershey for being ignorant and for not looking that up beforehand. Mr. Hershey should have been introduced, and the Chair apologizes for not having done so.

**REMARKS ON VOTES**

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

Mr. FREIND. On HB 192 I inadvertently voted in the affirmative. I would like to be recorded in the negative.

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

For what purpose does the gentleman from Luzerne, Mr. Hasay, rise?

Mr. HASAY. Mr. Speaker, on HB 192 my electronic voting switch did not seem to work, and I would like to be recorded in the negative.

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

Mr. HASAY. Thank you, Mr. Speaker.

**SUPPLEMENTAL CALENDAR A  
RESOLUTION ADOPTED**

Mr. MANDERINO called up **HR 29, PN 249**, entitled:

Directing the House Conservation Committee to investigate special interest influence in the Department of Environmental Resources.

On the question,

Will the House adopt the resolution?

Mr. RYAN offered the following amendment No. A0101:

Amend Resolution, Third Resolve Clause, page 2, lines 12 through 17, by striking out all of said lines

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority leader.

For the information of the members, we are on HR 29. Mr. Ryan is offering an amendment to that resolution. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the amendment that I have offered is relatively simple and completely fair. It also reflects the practice of this House which started during the 1977-78 session of this House, when you, Mr. Speaker, were then Speaker; Mr. Manderino was majority leader.

Back in 1977-78, on nine occasions this House passed resolutions that included the right of a committee to issue subpoenas. On those occasions—and I have copies of the History here if it is important—I have seven examples where the committee went ahead, did its business without coming back to the House for subpoena powers. On two occasions during that session the committee felt that it was not getting the information to which it was entitled, came back to the House, asked the permission of the House to issue subpoenas, and that permission was granted.

That practice started by you, Mr. Speaker, and Mr. Manderino, concurred in by us, then in the minority, continued during the past 4 years, when I had the privilege of serving as Speaker and as majority leader under Mr. Seltzer and continued with Mr. Hayes as chairman of the Policy Committee. On

any number of occasions, Mr. Speaker, during the past 4 years, we - that is, you, Mr. Manderino, Mr. Hayes, or myself - have told the chief sponsors of resolutions like this resolution that we would not grant them subpoena powers until they came back before the committee or before the House and advised the committee and the House that the unit of government that they were investigating or considering was not being cooperative and that they requested subpoena powers from us. To my knowledge, during those 4 years no committee or subcommittee or ad hoc committee came back to the Rules Committee or to the House asking for that permission.

I think this practice that started some 6 years ago was a good practice. I think it is still a good practice, and I think that practice should continue. I am disturbed, Mr. Speaker, about all this talk of subpoena powers.

I received a copy of a letter sent by your office, Mr. Speaker, to one of the sheriffs of this Commonwealth. In that letter—and I have to think that you did not do this—in that letter you make reference to the fact that “Recently staff researchers of the State House of Representatives called your office to get certain information about mortgage foreclosures, which we deem essential to the formulation of legislation in that field.” I checked with our people, and no one of our staff researchers, to my knowledge, made such a request, so I can only think that this letter refers to Democratic researchers. But the part that bothers me is the third paragraph, which says, “While House researchers are always polite and are instructed to act in a friendly way, I might point out that the House of Representatives has subpoena power which can be used in such cases.”

This tossing about of the terms “subpoena” and “subpoena power” such as are found in this letter to intimidate a sheriff that this House has subpoena power when in fact this House does not have subpoena power, unless it is granted by the House, or in the case of the Appropriations Committee granted by statute, I think is wrong.

I believe I am reflecting your views of some years ago, both you and Mr. Manderino, when we did away with the carte blanche issuing of subpoena power. To continue the practice that took place in this House years ago I think is an abuse of our power. This is not a police State nor is this a police body. To threaten, in this case the sheriff, that if he does not give the information we, of course, have subpoena power is wrong.

I would ask that the members of the House, both sides—this subpoena power being a two-edged sword—would vote favorably on my amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, on the amendment.

The gentleman, the minority leader, is correct in saying that both the present Speaker and the present majority leader favored a policy that committees demonstrate the need for subpoena power before the House should grant the same. Mr. Speaker, this House of Representatives and the members of the House have in most administrations and in the several administrations that preceded the present administration had

no difficulty obtaining information that was necessary for the House to operate with.

Mr. Speaker, the present administration is the most adept administration that I have ever seen in hiding and withholding information, not only from members of the House but members of the press and members of the public who have a concern about matters within the departments. During the rebudget process and the deficiency appropriations that were passed in this House of Representatives, the Appropriations Committee of the Democratic side attempted to get a document that was in existence, admitted to be in existence, a simple matter as the rebudget of the medical assistance line item which covered nursing homes, hospitals, et cetera. Since September that rebudget has been in existence, and we still do not have it today, although we have a file yea thick on our correspondence, on our telephone calls, and on our attempts to get that information.

We tried to get the rebudgeting in the school transportation line item. These are not witch-hunt items; these are items that allow us to do our business here in the House of Representatives.

In the school transportation item we had to issue, again, perhaps the threat that says if we do not have this information—I think the date is sometime this coming week—we will issue subpoena powers of the House Appropriations Committee. We will attempt to do that. We have been trying to get that information since December 4.

Since 2 weeks before Christmas, my office, the leader's office of the Democratic Party, has been trying to get a piece of information from the Pennsylvania Housing Finance Agency on the amount of money spent on bond counsel by just that single agency during the year. I am still waiting for that information, and I have a file at least an inch and a half thick on attempts that have been made to get that information.

This information is being withheld because that is the way this administration does business. They screen every request that comes from legislators through a bureaucracy of people, and then you get a refusal or a referral to another agency or a referral to the Counsel General or a referral to the Attorney General or a referral to the State Treasurer, who just refers you on elsewhere back to the administration. You go around the mulberry bush.

Mr. Speaker, if we had not experienced in the past several years this kind of treatment from the administration, Mr. Irvis and I would still be of the opinion that subpoena powers should be dealt with very lightly; subpoena powers should be granted only when the need exists. We are utterly convinced that without subpoena powers, this administration intends to continue its stonewalling against giving information that is legitimately requested by members of the assembly and committees of the assembly.

Therefore, I ask every member of the assembly to vote against the Ryan amendment removing subpoena powers. The manner in which the Speaker and I have changed our minds on the subject is unfortunate, but it is a change of mind that has come because of the actions, repeatedly, of this adminis-

tration, and we have no confidence that they are going to change their colors.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, it may very well be that the gentleman made a Freudian slip a moment ago when he said that the issuance of subpoena powers should be taken lightly, and I think that is exactly what he is suggesting this House do now. Every time one of our standing committees or an ad hoc committee, a special committee is formed, I can only assume that Mr. Manderino intends that subpoena powers issue, judging from his remarks. He has not cited an example of being turned down by DER from any particular request. He makes reference to a request for the names of bond counsel with the Housing Finance Agency. That is not before us.

I think rather what is before us is a matter that is going to set the tone of the next 2 years here in the House. Is it going to be a series of witch-hunts each time a committee is formed for a specific purpose? That subpoenas will issue? That words of intimidation, such as are found in the letter I just quoted from, become a matter of everyday practice? Or is he going to revert to what we have done I believe successfully for 6 years, and that is, send our committees on legitimate legislative business; if they meet resistance, come before this House and request subpoena powers, such as happened in 1977 and 1978, when on two occasions that I was able to find on a quick review of the Journal, committee chairmen—I assume they were the chairmen—came before this House and requested subpoena powers which were granted. I am suggesting that the way we have worked over these past 6 years is the way we should continue to work over the next 2. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Perhaps the gentleman, Mr. Ryan, wants to continue to work over the next 2 years the way we have worked over the past several years perhaps because he has not been experiencing the difficulties getting information that we are experiencing getting information.

Mr. Speaker, I am sure that most members of this House know the Speaker's temperament, and they know that the Speaker does not get angry easily. If you read from a letter from the Speaker of the House who apparently was angry, I would think that we could all assume that he had reason to be angry at not being able to get information that should have been readily available.

Mr. Speaker, we are not trying to set a tone for the next 2 years. I will say though and promise you that if this administration continues the pattern that we have recognized in every request for legitimate information that has been sent to the executive department, if that continues, we will be back here and we will simply be asking for subpoena power for every standing committee of the House. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, the minority leader read from a letter that was addressed to the sheriff of my county, a seventh-class county in this State. My sheriff does not get angry very easily either, but he frankly was furious that such a threat would be made to him by somebody he does not even know or somebody who comes from a large county in this Commonwealth where the sheriff's department may be loaded with a lot of personnel. The request in that letter was directed to him to turn over immediately information that that sheriff does not even have. Now, I do not know what the sheriff does in Allegheny County in his spare time, but I can tell you that the sheriff in a seventh-class county, in Perry County, of this State works with one deputy, his wife does the typing, and he worries about the prisoners.

The information requested had nothing whatsoever to do with sheriffs' sales; it had something to do with mortgage foreclosures that only the banks would have that information or possibly the prothonotary in a courthouse. He demanded statistical information that would have taken that sheriff—

The SPEAKER. Would the gentleman yield.

The Chair intends to give full latitude to both leaders of the parties, but the gentleman has gone beyond that latitude. As the Chair understands the debate, the debate is on the amendment offered by the gentleman, Mr. Ryan. If the gentleman, Mr. Noye, wishes to address his remarks to that amendment, the Chair will recognize him. The Chair would insist that the gentleman, Mr. Noye, address his remarks to that amendment.

Mr. NOYE. Mr. Speaker, I was simply responding to the remarks made by Mr. Manderino about the letter in question. You know, we have in this letter proof, I think, that we are going to throw around the use of subpoena power. We do not even know what we are asking for. We are asking it of people and threatening people who cannot provide the information that is requested, and I think with this resolution before us, the tone is being set for the next 2 years.

I would urge all the members to use some common sense and return to a policy that has worked so well for the last 6 years, both with a Republican Governor and a Democratic Governor and with both Republicans and Democrats in control of this body. It seems absolutely ludicrous to go out and try to pass a resolution that calls for another witch-hunt.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, the very eloquent minority leader mentioned the phrase "witch-hunt." I would suppose that if I had stood here some years ago and the Republican side of the aisle wanted subpoena power, probably the political nature of the beast would have been to stand here and holler witch-hunt. But I also believe that the eloquent gentleman knows that this is not a witch-hunt but a hunt for the truth, and yet I dare not stand here and insist that it is the Governor of this Commonwealth who is at fault. Who knows, it might be the bureaucracy itself. Maybe even that bureaucracy is within reach of the chief executive officer. I have to feel that that could be so,

because for the benefit of all those who hear me, I did send a letter to His Excellency, and it is evident that he is either too busy to answer it or DER has not answered it for him.

Now, if those of you do not in any way have some of the problems that I think the majority of those who serve as members of this House have with DER or other departments, then I would believe you would insist that we are wasting our time. But if you live in an area such as Centralia and you continually ask DER for answers and they are not forthcoming, if you would happen to live in an area such as Clearfield County, and my small business people are continuing to go out of business and consent orders continue to come through the mail and yet the big vested interests continue to shrug all of this off, then you would stand here as I do. If you would be in areas where DER insists that no answer need be given but yet it is their responsibility and their prerogative to do what they want to do without providing us any answers, then you would feel again we are wasting our time.

I believe that the bureaucracy—and this is the reason I am going on and why—

### POINT OF ORDER

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

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

Mr. NOYE. Since I was just advised to stick to the subject matter before us, I would suspect that the same would hold true with the other side.

The SPEAKER. The same does hold true. The gentleman, Mr. George, will restrain his remarks in precisely the same manner as the gentleman, Mr. Noye, restrained his.

Mr. GEORGE. Mr. Speaker, I will respect the tit for tat. If he kills my dog, I guess I have to get his cat. Is that right?

Now, there have been quite a few responsible news people who have been echoing the sentiments of many thousands of people in Pennsylvania, and they suggested that the way to get DER or any other department of State to come forth and answer your inquiries, especially when you insist that you do not have the answers and all you are looking for is some truth, then I believe that these media and these people in Pennsylvania are saying the only way to get the truth, Mr. Speaker, is to ask for subpoena power.

Maybe, Mr. Speaker, in Washington they need shredders to get rid of this so-called evidence that they need not want to bring before the masses. I insist we do not need a shredder. I insist we need subpoena power. I further insist if that department is so clean and so pure, such as Ivory with that 99 3/4 percent, then you will not be afraid to give us subpoena power, because we will be doing our work as the people back home have insisted we do. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the amendment, the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. Manderino, would stand for very brief interrogation?

The SPEAKER. The gentleman, Mr. Manderino, indicates he will so stand. The gentleman, Mr. Hayes, is in order and may proceed.

Mr. HAYES. Thank you, Mr. Speaker.

Mr. Speaker, has, up until this time in the current legislative session, the House directed the House Committee on Conservation, or for that matter any other committee, to conduct a particular investigation of DER?

Mr. MANDERINO. Mr. Speaker, you have been in the House every time the House has been in session and would know the answer to that as well as I.

Mr. HAYES. The answer is, no, the House has not directed the House Committee on Conservation—

Mr. MANDERINO. There you are, asking the question and answering it yourself again.

Mr. HAYES. Since you were somewhat evasive, I thought I would do it forthrightly.

Mr. MANDERINO. I was not evasive. I was simply pointing out to you that you were asking a question that you knew the answer to.

Mr. HAYES. Mr. Speaker, has the House Committee on Conservation as a committee requested any information from DER, to the best of your knowledge?

Mr. MANDERINO. I do not have that knowledge, Mr. Speaker, and I did not sponsor this resolution. Mr. George is the chief sponsor of the resolution.

Mr. HAYES. You are the second cosponsor on that list.

Mr. MANDERINO. I certainly am, and I think that he will not get the information without subpoena power.

Mr. HAYES. I thank the gentleman.

I think, Mr. Speaker, that a point has been made. This House of Representatives has not asked the House Committee on Conservation or any other standing committee of this House of Representatives to conduct what would be referred to as an investigation of DER. That is what we are about the business of doing here today in the resolution offered by Mr. George and Mr. Manderino. The gentleman, Mr. Manderino, while he did not like the question, nevertheless admitted that to the best of his knowledge there has been no question posed to the Department of Environmental Resources by the House Committee on Conservation during the current session of this General Assembly.

Now, the gentleman, Mr. Manderino, has talked about how he or some other persons have not been able to get information from this person or that agency or this department or whatever the case may be, but that is not the issue before the House. The question before the House is, shall this House direct a standing committee of this House to investigate one of the departments, specifically DER, for those reasons mentioned in this resolution? Therefore, it is absolutely impossible for the gentleman, Mr. Manderino, or for the gentleman, Mr. George, or any other member of this body to come here today and say a standing committee, as a committee, after requesting information, has been unable to gather that information. They have talked a lot about their personal inquiries and their personal inability to gain certain pieces of information, but certainly they have not been able to come to this

floor this afternoon and say forthrightly that the following questions have been asked of the Department of Environmental Resources and that department has wittingly, deliberately refused the committee the information which it has requested.

It is my respectful suggestion, Mr. Speaker, that neither the gentleman, Mr. Manderino, nor Mr. George have made a very good case today other than it is their personal proclivity that we should change a policy which has been a good standing policy of this House of Representatives. They have not issued a bill of particulars that would direct us and our attention in any way whatsoever to make a decision as to whether or not we should or should not arm the committee with subpoena powers on this day in February 1983. Their arguments are without foundation in fact, and I suggest that we adopt the Ryan amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, it is quite evident that while my colleague, Mr. Hayes, was drafting his rebuttal, he did not hear that I had stated emphatically that a letter had gone to His Excellency and that at this point still the Excellency of this State has not answered it. Furthermore, maybe I could use this as a direct question: Whom would I contact in DER as its head in the last 2 weeks to answer this question? First we have one and then we do not. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. What is the point?

Mr. DAVIES. One of the former speakers had mentioned a tit for tat and killing dogs and cats. Was not that animated issue resolved in the past lame-duck session with the new Dog Law?

The SPEAKER. Mr. Davies, the Chair had decided not to say that this session had very early gone to the dogs, but apparently it has. Let us hope it does not continue.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, much has been made here of questions that have been asked to which the information has been refused. The amendment that is before us deals with subpoena power and the power of people who are in front of that committee to testify under oath, and that is the crucially important item in this whole resolution. I note that the two major newspapers this past weekend which have called in their editorials for this inquiry both mentioned that the inquiry should have subpoena power and deal with people under oath.

The very resolution talks about the effective enforcement practices against politically influential violators. That is what we are investigating in this particular resolution, as well as the entire management of the Department of Environmental Resources. The environmentalists, who over the weekend—

including Maurice Goddard, who set up that Department of Environmental Resources—saw fit to go in front of the press and demand this inquiry, were concerned about our water resources. They were concerned about our air and our natural resources. That is not a concern that we ought to take lightly. If there are undue political influences being brought to bear on the enforcement of the law, the law that we some years ago put into effect, if those political influences are disturbing the enforcement of that law, then we ought to ask why. And we are only going to get straight answers on those questions if we have subpoena power, if we can place those people under oath and ask them what happened and how their superiors demanded they act in particular situations.

This very afternoon, at this very hour, there is a young man over in the Civil Service Commission under suspension for 5 days. He was a field inspector for our Bureau of Mines, a strip-mine inspector. That man is under suspension because he pulled a gun while he was on duty, but the fact remains that he was pushed into a pond, and when he tried to swim ashore, in the middle of December, he was kicked back into that pond. When he got back into the office, they did not go after the company; they suspended him for pulling a gun on duty. Mr. Speaker, I say that is how far our enforcement of the environmental law has gone. We go after the enforcers rather than the very corporations they are attempting to regulate and monitor. That is why we need subpoena power; that is why we need to put people under oath under this resolution, and I ask for the defeat of the Ryan amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Laughlin, on the amendment.

Mr. LAUGHLIN. Mr. Speaker, would the gentleman, Mr. George, please stand for interrogation?

The SPEAKER. The gentleman, Mr. George, indicates he will so stand. The gentleman, Mr. Laughlin, is in order and may proceed.

Mr. LAUGHLIN. Mr. Speaker, those of us who have served in the House for any length of time have experienced numerous investigations where subpoena powers were involved, and those of us who have been here for any length of time are certainly concerned with the granting of those types of powers to individual committees. I personally would want your assurance, as the chairman of that committee, that you will first exhaust all the normal and necessary procedures for securing that information prior to using the threat or the offer of that particular type of subpoena power. Are you telling this House of Representatives, in effect, that you agree to that, or are you saying that you just want the subpoena powers in order to, as some have said, go on a witch-hunt?

Mr. GEORGE. Mr. Speaker, I can assure you that there is nothing within our purview at this time, or ever, where we want subpoena power to go on a witch-hunt. We want to protect those employees, Mr. Speaker, who might work for the department, and because of the fact that they might be put under some pressure because they want to testify the truth, we might have to invoke subpoena power in order to protect them. That is the only reason that we are asking for subpoena power.

Mr. LAUGHLIN. Mr. Speaker, I thank the gentleman for his response, and I certainly intend to vote against the Ryan amendment based on that response. Thank you.

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

Mr. D. R. WRIGHT. Mr. Speaker, I rise to oppose the Ryan amendment. I think there is at least one thing that the majority leader and the minority leader share and that I share with them, and that is that there is a need for care, for caution, in the use of subpoena powers. I certainly share that viewpoint from sitting on the side of the aisle that I sit on. Certainly nobody understands better than Democrats the danger of runaway committees armed with subpoena powers. But there are times, Mr. Speaker, when there is a clear and present need for subpoena powers, and I think we have reached that time.

It is possible for some to argue that now that Democrats have achieved control of the House, they want to go after whomever they can. I know that is possible, because the argument has been made. I think it may be useful for us, though, to hear the testimony of third parties, neither Republicans nor Democrats who sit in this House but people who observe what we do, and I will say that those observers who are writing most cogently on this problem now certainly have not been friends of Democrats.

The Philadelphia Inquirer and the Pittsburgh Post-Gazette have often been thought of as the "Thornburgh avalanche," but listen to what the Pittsburgh Post-Gazette says on the very issue which we are discussing here. The Pittsburgh Post-Gazette says, "Subpoena powers clearly are needed to get to the bottom of this matter. Environmentalists," they say, "need to be required to come forward with specifics, and not just vague gripes." And finally, in concluding this editorial in which they state that DER needs to be investigated, they say, "The Department of Environmental Resources is a key agency in a state so filled with wonderful natural resources and, at the same time, dependent upon industry and mining. If things are going haywire there, no subject could be more important for a thorough, fair legislative investigation by a committee with full subpoena powers."

I urge the rejection of the Ryan amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

A few moments ago the gentleman, Mr. George, once again stated that on occasion he has been in touch with this department or that department, whatever the case may be, and that he did not receive answers back. Again, Mr. Speaker, what we are considering at the present time is not whether Mr. George received a response or not but whether or not a committee, duly directed by this House of Representatives, asked for information and it, all the members together, it, did not receive back responses to the questions asked.

This is not government by George, Manderino, Hayes, Ryan, or whatever the case may be. I can share and understand the anxieties of Mr. George and the fact that there may

be those instances when he, a man, did not get an answer to a question that he asked, but that is not before the House. He has not, as chairman of the House Conservation Committee, been able to come here today and tell us that his committee has been unable to get information from a particular department of State Government. He has been unable to do that today.

Now, he has written some letters or he has been making some phone calls, and Mr. Manderino the same, but neither one of them has been able to say forthrightly on this floor today the House Committee on Conservation, duly directed on a previous day to gather certain pieces of information, has been unable to do so because of an unwillingness on the part of someone to provide that information. Neither gentleman has been able to make that case today, and certainly I think it would be proper for this House to adopt the Ryan amendment at this moment. If on another day either Mr. Manderino or Mr. George, individually or together, come on the floor and say the House Committee on Conservation has been asking for this information and has not been able to get it, let the committee come on the floor, and those two men as well, asking for subpoena power. This House has issued subpoena power to a committee on previous occasions; it has shown its willingness to do that, but neither gentleman has been able to make a good case today. Some have given us a lot of stories about their individual inability to get answers to their questions, but no committee has been denied that information.

I urge support of the Ryan amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Allegheny, Mr. Misceovich, is recognized on the amendment.

Mr. MISCEVICH. Thank you, Mr. Speaker.

Mr. Speaker, I take exception to one of the previous speakers who remarked that the gentleman does not know what he is doing with this resolution. There are over 150 members here who are professional members of this House, who are veteran members of this House, who have either seen a resolution of this type or have been asked to vote on it previously. There are approximately 33 new members who were inducted into this House in January who might not be too familiar with this type of a resolution. However, if the other part of this body feels that there is nothing wrong with DER, we should be able to continue with this investigation and have subpoena powers at our disposal, if everything will come out lily-white.

Just to give you an example, I have a constituent—and they are having a meeting approximately at this time back in Pittsburgh—who was being harassed by the DER inspector, so we called DER and asked for some sort of a resolution; namely, a meeting set up with DER and the inspectors of that area to resolve the problem. It came to pass that this inspector in fact was a member of a stripping company on the QT, and he would harass every other stripper in the area except the company that he was part of. The constituent of mine even went so far as to give me the inspector's name and had me try to call him to set up a meeting, and this gentleman would never answer his phone, namely because they gave the excuse

that we work out of our house and we are never home. They have no office per se where to reach these particular inspectors.

Now, I do not know the end result of this meeting today, and these are some of the issues that we need to resolve, and maybe we should look into the fact that these men do not work out of an office per se or report to an office every day and do work out of their homes.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, in conclusion, the original intention that I had when I offered this amendment was to revert back to our prior practice of granting no subpoena powers initially to any committee until they had been turned down. It has nothing to do with DER, PUC (Public Utility Commission), the Liquor Control Board, or the like, but rather the practice of this House.

When the last speaker made reference to having voted on any number of other resolutions, it is true we have all voted on numerous resolutions like this, but they were dissimilar in that there was no subpoena power in them. One of the earlier speakers said that this is needed so that witnesses could be examined under oath. My amendment does not affect that. The witnesses who would come before the committee would be under oath. That is provided for in the resolution and my amendment does not touch that section.

Mr. Speaker, on that, I would ask that the House vote favorably on the amendment and only those members present on the floor of the House be permitted to vote.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Would the Speaker hold the board open for a moment?

The SPEAKER. Certainly.

Mr. RYAN. It is all right, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—95

Angstadt	Foster, W. W.	McVerry	Saurman
Armstrong	Freind	Mackowski	Scheetz
Arty	Gallen	Manmiller	Schuler
Belardi	Gannon	Marmion	Semmel
Book	Geist	Merry	Serafini
Bowser	Gladeck	Micozzie	Sirianni
Brandt	Godshall	Miller	Smith, B.
Bunt	Greenwood	Moehlmann	Smith, L. E.
Burd	Grieco	Mowery	Snyder, D. W.
Burns	Gruppo	Nahill	Snyder, G. M.
Cessar	Hagarty	Noye	Spencer
Civera	Hasay	O'Brien	Spitz
Clymer	Hayes	Perzel	Stairs
Cornell	Herman	Peterson	Stevens
Coslett	Hershey	Phillips	Swift
DeVerter	Honaman	Piccola	Taylor, E. Z.
Davies	Jackson	Pitts	Telek
Dietz	Johnson	Pott	Vroon
Dininni	Kennedy	Punt	Wass
Dorr	Klingaman	Reber	Weston

Durham	Lashinger	Reinard	Wogan
Fargo	Lehr	Robbins	Wright, J. L.
Fischer	Levi	Ryan	Wright, R. C.
Flick	McClatchy	Salvatore	

#### NAYS—98

Afflerbach	Duffy	Livengood	Rudy
Alderette	Evans	Lloyd	Rybak
Baldwin	Fattah	Lucyk	Saloom
Battisto	Fee	McCall	Seventy
Belfanti	Foster, Jr., A.	McHale	Showers
Blaum	Freeman	McMonagle	Steighner
Boyes	Fryer	Manderino	Stewart
Broujos	Gallagher	Markosek	Stuban
Caltagirone	Gamble	Mayernik	Sweet
Cappabianca	George	Michlovic	Taylor, F. E.
Carn	Gruitza	Miscevich	Tigue
Cawley	Haluska	Morris	Trello
Clark	Harper	Mrkonic	Truman
Cohen	Hoeffel	Murphy	Van Horne
Colafella	Hutchinson	O'Donnell	Wachob
Cole	Jarolin	Olasz	Wambach
Cowell	Kasunic	Oliver	Wargo
Coy	Kosinski	Petrarca	Wiggins
Deluca	Kowalshyn	Petrone	Williams
DeWeese	Kukovich	Pievsky	Wozniak
Daley	Laughlin	Pistella	Wright, D. R.
Dawida	Lescovitz	Preston	Zwikl
Deal	Letterman	Rappaport	
Dombrowski	Levin	Richardson	Irvis,
Donatucci	Linton	Rieger	Speaker

#### NOT VOTING—8

Beloff	Cordisco	Madigan	Pratt
Cimini	McIntyre	Maiale	Wilson

#### EXCUSED—2

Barber	Itkin
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House adopt the resolution?

The SPEAKER. For the information of the gentleman, Mr. Ryan, A107 is still in duplicating. As soon as it comes up, we will recognize the gentleman.

#### STATEMENT BY MRS. HARPER

The SPEAKER. The Chair recognizes, out of order, the lady from Philadelphia, Mrs. Harper, who wishes to make an announcement.

Mrs. HARPER. Thank you, Mr. Speaker.

I would like to make a brief statement.

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

Mrs. HARPER. Mr. Speaker, we are having a lot of discipline problems in the schools in Philadelphia and also problems with their dress code. Last week I sent a young man for a job as a patronage job, and because of his appearance he could not get past the front desk. In fact, he was capable of doing the job, but they turned him down simply because he was not properly dressed.

I am introducing legislation to affect that. Thank you.

The SPEAKER. The Chair thanks the lady.

**REMARKS ON VOTES**

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

Mrs. DURHAM. Thank you, Mr. Speaker.

On HB 192 I was out of my seat when the vote was taken. If I had been in my seat, I would have voted in the affirmative. Thank you.

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

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

Mr. HERSHEY. Thank you, Mr. Speaker.

The board was closed when I proceeded to vote on HB 192, and I would like to have my vote recorded as "nay."

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

Mr. HERSHEY. Thank you.

**CONSIDERATION OF HR 29 CONTINUED**

On the question recurring,

Will the House adopt the resolution?

Mr. RYAN offered the following amendments No. A0107:

Amend Resolution, page 1, lines 11 through 14, by striking out "and in line 11, all of lines 12 and 13 and "departmental actions;" in line 14

Amend Resolution, First Resolve Clause, page 2, line 4, by striking out "which" and inserting  
to determine whether or not any of the foregoing

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the gentleman, Mr. George, has introduced a resolution which directs the House Conservation Committee to make an investigation. When I hear the words "to make an investigation," I normally think it is being made in order to determine whether certain things did or did not happen. However, in the resolution as introduced by Mr. George, he puts the bunny in the hat, and he says that there is a pervasive influence of political pressure and an appearance of impropriety.

Mr. Speaker, as I said, the purpose of the resolution is to have the committee investigate certain things. I do not think it necessarily follows that the resolution, which directs the committee to make an investigation, puts into that resolution the conclusion that the chairman apparently is trying to reach, and that is, he is trying to reach, through his nonpartisan resolution, a finding that there is some influence of political pressure and an appearance of impropriety. What I am saying, Mr. Speaker, is that my amendment would do away with lines 12, 13, and 14, where Mr. George has put the bunny in the hat and has come to his own conclusion.

Over on the next page, page 2, again the same thing is found. I believe that what Mr. George is trying to give the appearance of is that the committee is going to look at certain matters to determine whether or not there is an effect of

diminishing effective enforcement rather than what it presently says, which is the conclusion that there is in fact the intent or indirect effective diminishing effective enforcement.

I believe that my amendments improve the George resolution and would ask that they be adopted.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Ryan, I think, takes undue concern about the manner in which the resolution is worded. The gentleman, Mr. George, in the first whereas clause alludes to numerous questions that have arisen, and certainly numerous questions have arisen as a result of the personnel suspensions and terminations. They have arisen to the point that the chairman of the Executive Nominations Committee in the Senate has said he is not going to do any confirming over there or even hold a meeting until he gets some answers to those numerous questions.

In the first whereas clause we talk about allegations, allegations that have been leveled that special interests are a major factor in determining, and certainly allegations have been made. The committee that met in the rotunda which represented all the conservation groups in this State did certainly make some serious accusations about political promises being kept at this date with the firings, et cetera. The second whereas clause must be read in light of the first, and we are simply saying if these things do exist, they certainly do cast the appearance of impropriety and a negative shadow, so we are going to look into it.

I do not think there is anything wrong with the way the resolution is worded, Mr. Speaker. We are not making accusations; we are recognizing that they have already been made by some pretty important groups in the area of the environment and conservation in this Commonwealth, and certainly everyone knows that the firings and terminations and replacement of Secretaries has gone on, and if that really has gone on because of what the groups have told us is the reason, I think the statements in the second and third whereas clauses are entirely correct.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, Mr. George's resolution would remind one of the fair-minded judge who instructs the sheriff to bring in the guilty person so they can give him a fair trial before they hang him.

In the third whereas clause, if Mr. Manderino were right, it would say, whereas the allegations of pervasive influence of political pressures, but it does not say that. It simply says, as a conclusion, that these things do in fact exist, and to take it away from advertising it as a witch-hunt, it seems to me this resolution should be amended, and I am suggesting that this amendment be adopted.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

(Members proceeded to vote.)



## VOTE STRICKEN

The SPEAKER. The gentleman, Mr. Manderino, rises.

Mr. MANDERINO. There are people voting who are not in their seats, Mr. Speaker.

The SPEAKER. The clerk will strike the vote.

The question recurs, will the House agree to the Ryan amendment? Those in favor of the amendment will vote "aye"; those opposed will vote "no." A request has been made that only those members present and in their seats be voted. The Chair would ask that the members abide by this request.

On the question recurring,

Will the House agree to the amendments?

(Members proceeded to vote.)

## VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. McMonagle?

The SPEAKER. The gentleman, Mr. McMonagle, is in his seat.

Mr. RYAN. I just wanted to say hello to Mr. McMonagle.

Mr. Rieger? I would like to say hello to Mr. Rieger.

The SPEAKER. The gentleman, Mr. Rieger?

Mr. RYAN. My good friend, Mr. Beloff? I would like to say hello to Lee.

The SPEAKER. The gentleman, Mr. Beloff, is not listed as voting on the Speaker's board.

Mr. RYAN. Thank you.

Mr. MANDERINO. Mr. Speaker, Mr. Salvatore and Mr. Perzel and Mr. Lashinger?

The SPEAKER. Is Mr. Salvatore in his seat? Strike the vote.

Is Mr. Lashinger in his seat? Not voting?

Mr. MANDERINO. He is voting, Mr. Speaker.

The SPEAKER. Mr. Perzel?

Mr. RYAN. Is Mr. Olasz present?

Mr. MANDERINO. Mr. Lashinger's vote is still recorded, Mr. Speaker.

Mr. RYAN. Mr. Olasz?

The SPEAKER. Mr. Perzel? Strike Mr. Perzel's vote, please.

Mr. RYAN. Mr. Olasz?

The SPEAKER. The gentleman, Mr. Olasz? The vote has been struck; he is not now voting.

Mr. MANDERINO. Mr. Perzel seems to be back on the board.

The SPEAKER. Is the gentleman, Mr. Perzel, in the hall of the House? If not, strike the vote and let it stay struck. There will be no booing on that one. The Speaker does not play about that, and any of you who have served with him know that he is not joking.

Mr. MANDERINO. Mr. Smith, Mr. Snuffy Smith?

The SPEAKER. Mr. Perzel is on the floor of the House.

Whom did the majority leader challenge? Mr. Smith?

Mr. MANDERINO. Yes, Mr. Smith, Mr. Speaker.

Mr. Speaker, if the lights are going to go up and down, I suggest that we begin locking the buttons of those we know are not here.

The SPEAKER. The Chair is reluctant to use the locking device, which is at the Chair's disposal, for any purpose at all. The Chair would prefer—and this is a statement of policy on the part of the Speaker—to trust the integrity of the members, and the Chair would like to believe that he can trust the integrity of the members. Please do not force the Speaker to change his opinion.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

## YEAS—93

Angstadt	Foster, W. W.	McClatchy	Ryan
Armstrong	Freind	McVerry	Saurman
Arty	Gallen	Mackowski	Scheetz
Belardi	Gannon	Manmiller	Schuler
Book	Geist	Marmion	Semmel
Bowser	Gladeck	Merry	Serafini
Brandt	Godshall	Micozzie	Sirianni
Bunt	Greenwood	Miller	Smith, B.
Burd	Grieco	Moehlmann	Snyder, D. W.
Burns	Gruppo	Mowery	Snyder, G. M.
Cessar	Hagarty	Nahill	Spencer
Civera	Hasay	Noye	Spitz
Clymer	Hayes	O'Brien	Stairs
Cornell	Herman	Perzel	Stevens
Coslett	Hershey	Peterson	Swift
DeVertter	Hoeffel	Phillips	Taylor, E. Z.
Davies	Honaman	Piccola	Telek
Dietz	Jackson	Pitts	Vroon
Dininni	Johnson	Pott	Wass
Dorr	Kennedy	Punt	Weston
Durham	Klingaman	Reber	Wogan
Fargo	Lehr	Reinard	Wright, J. L.
Fischer	Levi	Robbins	Wright, R. C.
Flick			

## NAYS—95

Afflerbach	Duffy	Livengood	Rybak
Alderette	Evans	Lloyd	Saloom
Baldwin	Fattah	Lucyk	Seventy
Battisto	Fee	McCall	Showers
Belfanti	Foster, Jr., A.	McHale	Steighner
Blaum	Freeman	McMonagle	Stewart
Boyes	Fryer	Manderino	Stuban
Broujos	Gallagher	Markosek	Sweet
Caltagirone	Gamble	Mayermik	Taylor, F. E.
Cappabianca	George	Michlovic	Tigue
Carn	Gruitza	Miscevich	Trello
Cawley	Haluska	Morris	Truman
Clark	Harper	Mrkonic	Van Horne
Cohen	Hutchinson	Murphy	Wachob
Colafella	Jarolin	O'Donnell	Wambach
Cole	Kasunic	Oliver	Wargo
Cowell	Kosinski	Petrarca	Wiggins
Coy	Kowalshyn	Petrone	Williams
Deluca	Kukovich	Pievsy	Wozniak
DeWeese	Laughlin	Pistella	Wright, D. R.
Daley	Lescovitz	Preston	Zwikl
Dawida	Letterman	Rappaport	
Deal	Levin	Richardson	Irvis,
Dombrowski	Linton	Rudy	Speaker
Donatucci			

## NOT VOTING—13

Beloff	McIntyre	Olasz	Salvatore
Cimini	Madigan	Pratt	Smith, L. E.
Cordisco	Maiale	Rieger	Wilson
Lashinger			

## EXCUSED—2

Barber Itkin

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

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—156

Afflerbach	Fargo	Linton	Robbins
Alderette	Fattah	Livengood	Rudy
Angstadt	Fee	Lloyd	Rybak
Arty	Fischer	Lucyk	Saloom
Baldwin	Foster, W. W.	McCall	Semmel
Battisto	Foster, Jr., A.	McHale	Serafini
Belardi	Freeman	McIntyre	Seventy
Belfanti	Fryer	McMonagle	Showers
Beloff	Gallagher	Mackowski	Sirianni
Blaum	Gallen	Maiale	Smith, B.
Boyes	Gamble	Manderino	Snyder, D. W.
Broujos	George	Manmiller	Snyder, G. M.
Burns	Greenwood	Markosek	Stairs
Caltagirone	Grieco	Mayernik	Steighner
Cappabianca	Gruitz	Michlovic	Stevens
Carn	Gruppo	Micozzie	Stewart
Cawley	Haluska	Miller	Stuban
Cessar	Harper	Miscevich	Sweet
Cimini	Hasay	Moehlmann	Swift
Clark	Hayes	Morris	Taylor, E. Z.
Cohen	Herman	Mowery	Taylor, F. E.
Colafella	Hershey	Mrkoncic	Telek
Cole	Hoeffel	Murphy	Tigue
Cordisco	Hutchinson	O'Donnell	Trello
Coslett	Jackson	Olasz	Truman
Cowell	Jarolin	Oliver	Van Horne
Coy	Johnson	Petrarca	Wachob
Deluca	Kasunic	Petrone	Wambach
DeWeese	Kennedy	Phillips	Wargo
Daley	Klingaman	Piccola	Wass
Davies	Kosinski	Pievsky	Wiggins
Dawida	Kowalyszyn	Pistella	Williams
Deal	Kukovich	Pitts	Wogan
Dietz	Lashinger	Preston	Wozniak
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rappaport	Zwinkl
Dorr	Lescovitz	Reber	
Duffy	Letterman	Richardson	Irvis,
Durham	Levi	Rieger	Speaker
Evans	Levin		

## NAYS—42

Armstrong	Flick	Merry	Saurman
Book	Freind	Nahill	Scheetz
Bowser	Gannon	Noye	Schuler
Brandt	Geist	O'Brien	Smith, L. E.
Bunt	Gladeck	Perzel	Spencer
Burd	Godshall	Peterson	Spitz
Civera	Hagarty	Pott	Vroon
Clymer	Honaman	Reinard	Weston
Cornell	McClatchy	Ryan	Wright, J. L.
DeVerter	McVerry	Salvatore	Wright, R. C.
Dininni	Marmion		

## NOT VOTING—3

Madigan Pratt Wilson

## EXCUSED—2

Barber Itkin

The question was determined in the affirmative, and the resolution was adopted.

## PARLIAMENTARY INQUIRY

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

Mr. HUTCHINSON. I do not know whether it is a parliamentary question or a personal privilege, but I would like to know what time I could put in to suspend rule 9(a) for the rest of the session?

The SPEAKER. The gentleman or any person on the floor of this House may introduce a resolution at any time to add to the rules or to delete from the rules that which he or she prefers. That resolution would be referred to the Rules Committee as a matter of course. If it comes out of the Rules Committee, it would be placed on the calendar for a vote of the members.

Mr. HUTCHINSON. Mr. Speaker, that is not the question I asked you. I asked you when I could suspend rule 9(a) for the rest of the session.

The SPEAKER. No, you would have to do it by a resolution. You would have to submit a resolution which would strike that rule from the books. I am assuming you are talking about the rule forbidding smoking. Is that correct?

Mr. HUTCHINSON. Yes. I make a motion to suspend rule 9(a) for the rest of the session.

The SPEAKER. The Chair would suggest that you file it as a resolution and let it pass through the regular course of events.

Mr. HUTCHINSON. Well, it might not ever see the light of day if I put it in.

The SPEAKER. Mr. Hutchinson, on the Rules Committee there serve the majority leader and the minority leader, both extremely powerful individuals. I would think that they probably would see to it that your resolution would see the light of day.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

## PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, a point of parliamentary inquiry on a more serious vein than the previous parliamentary inquiry.

The SPEAKER. The gentleman is recognized and will state his point of parliamentary inquiry.

Mr. DAVIES. Mr. Speaker, could either the Speaker or the maker of the past adopted resolution, for my clarification, inform me as to whether or not there is any statute of limitation on that matter of subpoena power, or would that subpoena power go back into a previous administration such as one of the former Secretaries and the matter of a large bankruptcy in the hard-coal belt and some of the other things that were concerned with that, such as the matter of the backfilling of stripping holes and some of the millions of dollars of black-lung benefits that the State now carries on its book as a result of that procedure? There is no statute of limitation or there would be? What is the intent of the resolution, for my own clarification?

The SPEAKER. It is the Chair's opinion—and the Chair will try to state this carefully—it is the Chair's opinion that the power of subpoena would be strictly limited to the current investigation of current situations given by the House, that it would not reach either into the past or into the future.

Mr. DAVIES. In other words, are you saying that it is restricted to only the current administration, not any previous administration?

The SPEAKER. I would hesitate to use the term "administration." It is the opinion of the Chair, having talked to the chairman of the committee, that his intention is to investigate a current situation with no intention whatsoever of trying to trace back into distant history what may have caused that situation.

Mr. DAVIES. Thank you, Mr. Speaker.

### QUESTION OF INFORMATION

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

Mr. RICHARDSON. Mr. Speaker, before we conclude today, I would like to know whether or not we can get a reading as to what is going to be our schedule for tomorrow.

The SPEAKER. Tomorrow's session will be a nonvoting session. The Speaker will be here. There will be a session for the purposes of receiving reports of committees, but there will be no votes taken and there will be no master roll taken tomorrow.

### STATEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I missed some of the question and some of the answer on what the depth of the investigation of DER might be. I agree with the Speaker that the resolution as worded speaks to present circumstances and an investigation into the recent matters that have come to light in the Department of Environmental Resources, but I do not think anyone should have the illusion that if what has occurred recently has roots in the past or elsewhere, we will take the investigation where it leads. If the investigation should lead to occurrences that are 1 month old or 6 months old or 4 or 6 years old, if that is where the investigation leads, that is where it will go.

The SPEAKER. The Chair thanks the majority leader.

### REMARKS ON VOTE

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

Mr. DAVIES. In light of the split in the information, I feel as if I would be obligated to change my vote on HR 29 with that information, and I would rather be recorded in the negative on the resolution with your interpretation as opposed to the majority leader's interpretation of the same.

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

### PARLIAMENTARY INQUIRY

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

Mr. DAVIES. One other point of parliamentary inquiry.

In this morning's actions relative to the adoption of a citation, in the specifics of that adoption, was the action taken as unanimous in the first citation that was issued or was it a matter of just an action— What were the specifics of the adoption of that citation?

The SPEAKER. I am checking with the Parliamentarian. My memory is that we did not place that before the House for a vote at all. The Speaker is aware of the gentleman's concern. It is a concern of a number of members, but as far as the official record is concerned, neither the gentleman nor any other member voted for that citation.

Mr. DAVIES. Thank you, Mr. Speaker. That addresses my immediate concern.

### COMMITTEE HEARING CANCELED

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce that the committee hearing that was originally scheduled for 10:30 on the 16th of February by the Conservation Committee is canceled, and there will be a further recall on another date.

The SPEAKER. The Chair thanks the gentleman.

### RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, the administrative rules report on today's calendar will be passed over. The Chair hears none.

### ADJOURNMENT

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

Mr. BUNT. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 16, 1983, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:50 p.m., e.s.t., the House adjourned.