

Legislative Journal

WEDNESDAY, JANUARY 8, 1969

Session of 1969

153rd of the General Assembly

Vol. 1, No. 2

HOUSE OF REPRESENTATIVES

The House was called to order at 11 a.m., e.s.t.

THE SPEAKER (Herbert Fineman) IN THE CHAIR

PRAYER

REVEREND DAVID R. HOOVER, pastor of St. Paul's Lutheran Church, McConnellsburg, Fulton County, Pennsylvania, offered the following prayer:

Almighty God and Father of all mankind, we pause at the beginning of this session to thank and praise Thee for the life we are privileged to live, the blessings which are ours in day-to-day experiences, and the joy of knowing that Thou hast a care and concern for each one of us.

We pray in this hour that the great lights of truth and wisdom may shine on these Thy stewards, so that they may discern the proper course of action and procedure in the best interests of the citizens of this great Commonwealth, in carrying forward Thy Will and Way in our time, and in being faithful to the best pattern they know. To Thee be the honor, the glory, and the praise, world without end. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, January 7, 1969, will be postponed until printed.

COMMUNICATION

THE LEHIGH COAL AND NAVIGATION COMPANY

The following communication was read by the clerk:

Bethlehem, Pennsylvania

December 13, 1968.

TO THE SENATE AND HOUSE OF REPRESENTATIVES of the Commonwealth of Pennsylvania in the General Assembly met:

In compliance with the requirements of the 19th section of the Act of Assembly, passed March 20, 1818, entitled "An Act to improve the Navigation of the River Lehigh", I wish to report that no tolls were received on the Lehigh Navigation during the year 1968.

Very truly yours,
W. E. SPATIG
Secretary and Treasurer

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF NORTHAMPTON :

Before me, the subscriber, a Notary Public of the County of Northampton and Commonwealth of Pennsylvania, personally appeared on the 13th

day of December, 1968, one W. E. SPATIG, Secretary of THE LEHIGH COAL AND NAVIGATION COMPANY, who, being duly affirmed according to law, did depose and say that the above statement is just and true to the best of his knowledge, information and belief.

W. E. SPATIG.

AFFIRMED AND SUBSCRIBED

before me the day and year aforesaid.

BEVERLY S. CORCHILL,
Notary Public

My commission expires: May 20, 1972.

The SPEAKER. The communication will be spread upon the Journal.

LEAVES OF ABSENCE

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

Mr. PRENDERGAST. Mr. Speaker, I have no requests for leaves of absence.

Mr. BUTERA. I request leave of absence for Mr. STAUFFER because of illness.

STATEMENTS DEFERRED

The SPEAKER. Does the gentleman from Philadelphia, Mr. Sherman, desire to be recognized at this time?

Mr. SHERMAN. Mr. Speaker, do I understand that Mr. Musto, who asked to speak, is not going to speak?

The SPEAKER. Mr. Musto has agreed to defer his remarks until we return on January 27.

Mr. SHERMAN. In the interest of expediting the business, I do the same, if it meets with the approval of the Speaker.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. DONALDSON. Mr. Speaker, for the benefit of the Republican members particularly, if I could have their attention, it is my understanding that the Chair intends to declare a recess until 1 o'clock. It is my further understanding that the purpose of the recess is so that the committee lists may be properly made up and the rule change put in proper form for adoption by the House at 1 o'clock so that we can then proceed to organize the committees. We are completely in accord with that thinking.

I am, however, requesting the Republican members to report to the Republican caucus room at 12:45. The caucus will be for the purpose of discussing the new rule change relative to the committee lineup. This is an important decision. We would request the members to be in the caucus. If they are there at a quarter of 1, we can, Mr. Speak-

er, be on the floor, I believe, at 1 o'clock and proceed with expediting the business of the House for the day.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, it will not be necessary for the Democrats to caucus. We have completed the business for the day as far as caucus is concerned.

I would urge, however, that you be in your seats promptly at 1 o'clock. We want to get the House organized and we want to get you out of here as quickly as possible. It will not be possible to organize unless you are present.

RECESS

The SPEAKER. Without objection, the Chair now declares a recess until 1 p.m.

The Chair hears no objection.

AFTER RECESS

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I apologize for the delay to the House. It is a mechanical delay. We are now in the process of duplicating the complete list of the standing committees and the complete membership of each standing committee. That list is now in the hands of the typists and we are hoping that the lists will be duplicated and up here within 15 minutes.

Meanwhile, I would suggest that we proceed to the amendments of the rules so that we are ready to handle the business of the standing committees as soon as that list is in our hands.

I am pleased to announce that it will not be necessary to go through the usual formalities of each committee going off the floor of the House to organize. Therefore, within 15 minutes after we have the list of committees in our hands, we ought to be out of here in adjournment.

The SPEAKER. Did the floor leader finish his remarks?

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I am informed that the changes in the rules which were sent up to the Republican caucus apparently have not been distributed through some error and, therefore, certain Republican members of the House have not seen the most recent suggestion for the rule changes. I would ask the Speaker to permit the House to be in recess for a few more minutes until those rule changes can be secured and if they are secured within five minutes, we will then be ready to proceed.

The SPEAKER. The House will be at ease.

AMENDMENT TO RULE 22

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

Mr. ENGLEHART. Mr. Speaker, I offer the following amendment to Rule 22 and request unanimous consent for its immediate consideration.

The clerk read the following amendment:

RULE 22

Standing Committee and Sub-committees

The Committee on Committees shall consist of the Speaker and fifteen members of the House, ten of whom shall be members of the Majority Party and five of whom shall be members of the Minority Party, whose duty shall be to recommend to the House the names of members who are to serve on the Standing Committees of the House.

The Speaker shall appoint the Chairman and Vice-chairman of each Standing Committee when such Standing Committee has no Standing Sub-committees as prescribed herein; when the Standing Committee has Standing Sub-committees, the Speaker shall appoint a Sub-committee Chairman for each Standing Sub-committee. The Speaker shall appoint a Secretary for each Standing Committee.

The Speaker of the House, Floor Leader of the Majority Party and the Floor Leader of the Minority Party shall be ex-officio members of all Standing Committees, without the right to vote and they shall be excluded from any limitation as to the number of members on the Committees or in counting a quorum.

Twenty-one Standing Committees of the House, each to consist of twenty-three members except the Committee on Appropriations, which shall consist of twenty-seven members, are hereby created. In addition, there is hereby created seventeen Standing Sub-committees. All Standing Committees shall consist of fourteen members of the Majority Party and nine members of the Minority Party, except the Committee on Appropriations which shall consist of seventeen members of the Majority Party and ten members of the Minority Party. The quorum for each of the Standing Committees and Sub-committees shall be no less than the majority of said Committees. The following are the Standing Committees and Sub-committees thereof:

1. Agriculture and Dairy Industries
2. Appropriations
3. Business and Commerce
 - A. Banking and Savings and Loan
 - B. Industrial Development and Recreation and Tourism
4. Conservation
5. Consumer Protection
 - A. Insurance
 - B. Public Utilities
6. Education
 - A. Basic
 - B. Higher
7. Game and Fisheries
8. Health and Welfare
9. Highway Safety
10. Judiciary
11. Labor Relations
 - A. Workmen's Compensation
12. Law and Order
13. Liquor Control
14. Local Government
 - A. Boroughs
 - B. Counties
 - C. Townships
 - D. Municipal Corporations
15. Military and Veterans Affairs
16. Mines and Minerals
17. Professional Licensure
18. State Government
 - A. Elections and Apportionment
19. Transportation
 - A. Highways
 - B. Railways and Railroads
20. Urban Affairs
 - A. Cities, Counties First Class
 - B. Cities, Counties Second Class
 - C. Cities, Second Class A and Third Class
21. Ways and Means

The SPEAKER. The Chair hears no objection to the immediate consideration of the amendment.

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

The SPEAKER. The Chair recognizes the minority leader. For what purpose does the gentleman rise?

Mr. DONALDSON. Mr. Speaker, I desire to interrogate the majority leader briefly in connection with the rules.

The SPEAKER. Will the majority leader consent to interrogation?

Mr. IRVIS. I shall, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DONALDSON. Mr. Speaker, first of all let me call to the attention of the Republican members that the proposed rule change that we are now considering is exactly the same as that which we took up in caucus with the exception that in paragraph four, the next to last sentence designates in the rule the quorum for the standing committees and subcommittees and is now in the rule as I explained in caucus that it would be in the rule. It was not in the one that we had discussed.

Now, if I may, Mr. Speaker, the proposed rules spell out in detail the membership on the standing committees but are silent as to the membership of the subcommittees. I wonder if the majority leader would enlighten us as to who will appoint the members of the subcommittees and their composition.

Mr. IRVIS. That subject is currently being discussed and we shall discuss it in some detail with you. It is my thinking now that the probability is that we shall have the chairmen of the standing committees make the appointments of the membership of the subcommittees rather than have the Speaker make the appointments.

Mr. DONALDSON. Would the majority leader then anticipate a further rule relative to the composition of the subcommittees at some point?

Mr. IRVIS. That is certainly a possibility, yes.

As I said, I shall be very happy to discuss that with you and Mr. Butera and whomever you designate. We are not prepared to go that far today in order to get the House organized, but we are certainly prepared to discuss it, and it is a problem which we recognize.

Mr. DONALDSON. But in connection with the organization of the committees today then, we will not be designating the membership of the subcommittees.

Mr. IRVIS. That is correct. We shall not be. It will merely be membership with the standing committees.

Mr. DONALDSON. Is it your thinking that when we do reach some understanding as to how these subcommittees will be appointed that there will be a representation between the parties somewhat similar to what we have on the standing committees?

Mr. IRVIS. Certainly. Yes, there has never been any other discussion. We will probably keep the same propositions as we have in the standing committees in the subcommittees.

Mr. DONALDSON. Mr. Speaker, has it been decided as to the jurisdiction of subcommittees? By that I mean would a subcommittee have the power to report a bill to the House or would its power be confined to reporting a bill to the committee of which it is a subcommittee?

Mr. IRVIS. That has not yet been decided. That has been assigned to staff for research. We are having research done now on the national system in the National Congress.

I can say this: On this side, at least, we are concerned

that the power of the committee chairman not be significantly reduced but that there be sufficient power granted to the chairman of the subcommittee so that although his power would not be autonomous he would have sufficient power to act within his own special field. We simply have not firmly designated the interrelationships between subcommittee and committee and chairman of the subcommittee and chairman of the standing committee. You will certainly, indeed, be consulted for your advice on such a discussion before we come back to the floor.

Mr. DONALDSON. I think that our concern there is that if, in fact, the chairman of the subcommittee can report bills to the floor, then, as a practical matter, we really are not reducing the number of committees. We are, in fact, perhaps, increasing them. I think this is our concern.

Mr. IRVIS. I can state this to you now categorically. It is not our intention that the chairman of a subcommittee should be able to bypass the chairman of the standing committee, nor that the subcommittee itself be permitted to bypass the whole committee. That is not our intention, and I personally would stand against that.

Mr. DONALDSON. Then, again, this will probably be spelled out in another rule change at another time?

Mr. IRVIS. Yes.

Mr. DONALDSON. Mr. Speaker, I am a little concerned about the status of bills affecting the counties of Delaware and Montgomery which, I believe, are now second class A counties.

Mr. IRVIS. They are second class A counties? Is that so?

Mr. DONALDSON. That is what they all tell me from down there.

Mr. IRVIS. Or are they second class counties?

Mr. DONALDSON. Second class A.

Mr. IRVIS. In that case, those bills would normally be referred to the Local Government Committee under the subcommittee Counties.

Mr. DONALDSON. We have no quarrel with that. It is just a question of attempting to ascertain your intention there.

Are you having a small caucus?

Mr. IRVIS. I am sorry. My consultants prevented me from hearing your question. Would you repeat it?

Mr. DONALDSON. I was just wondering if you were having a small caucus at that point.

Mr. IRVIS. An involuntary one, I assure you.

Mr. DONALDSON. Oh, I have lots of those.

Mr. Speaker, will there be another committee to handle privileged and nonprivileged resolutions?

Mr. IRVIS. Not if I can help it. Very frankly, I will make a policy statement as the majority leader which I made to one of the most honored members of the floor of this House when he came to me with a resolution. I would hope that we will not clutter up the record this term with resolutions honoring the leg development of a prize ballerina from certain counties or the number of quarts of milk that some particular cow has given or how well a band has done in a competition in the midwest.

I would hope that resolutions will go to the Rules Committee where they will be fittingly dealt with.

Mr. DONALDSON. Mr. Speaker, I am perfectly willing to share your hopes, but it will never work that way.

Mr. IRVIS. You may well be telling the truth.

Mr. DONALDSON. Mr. Speaker, I think that completes my interrogation. It is possible that there may be members on our side who would wish to ask some questions, and I would hope the Chair would give them the opportunity.

I would like to make a brief statement in connection with this amendment, if I might, Mr. Speaker, prior to adoption.

That completes my interrogation.

The SPEAKER. The Chair recognizes the minority leader.

Mr. DONALDSON. Mr. Speaker, we intend to vote for the amendment as it stands. We have some questions about it. We believe there is some clarification needed as the interrogation, I believe, indicated. We do believe that we should proceed expeditiously with the business of this House. We intend to vote for it so the committees can organize and that we can proceed as rapidly as possible. We will designate at the next session of the General Assembly minority chairmen on behalf of the Republican side. As I indicated in my remarks on the opening day, I would hope they will be accorded status as such.

I personally congratulate the majority in its effort to reduce the number of standing committees. I recognize the problems that that entails for the leadership, and I know that it does. We are very hopeful that this arrangement will work out. We are happy to go along with it. You are in command of the ship and this is a part of your cruise and you are certainly entitled to have it. We will cooperate with it.

I wish that the Chair would ask if there might be other interrogations from our members who have just seen the rule. I do not know if there are or not.

The SPEAKER. The Chair is very happy to note the very pleasant rapport that exists between the respective floor leaders. I hope that it is reflective of things to come.

Have all the questions pertaining to the application of this proposed amendment to the rule been satisfactorily answered? Do any of the members desire to be recognized at this time as suggested by the minority floor leader? If not, the question recurs, will the House agree to the proposed amendment to Rule 22?

The amendment was unanimously agreed to.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wishes to make an important announcement:

The members are now privileged to introduce their bills by filing them with the bill clerk at the Speaker's left. All copies must be legibly signed and your seat number must be indicated on the bills and the bills must be dated. The Chair would advise the members to keep an unbacked copy of the bills for their own personal use.

RESOLUTION

CONGRATULATING PENN STATE UNIVERSITY FOOTBALL TEAM

Mr. FULMER requested and obtained unanimous consent to offer the following resolution for immediate consideration, which was read, considered and adopted:

In the House of Representatives, January 8, 1969.

The members of the football team of the Pennsylvania

State University distinguished themselves, their University, and the Commonwealth of Pennsylvania with an astounding 15-14 victory over Kansas in the Orange Bowl on New Year's Day.

The Penn State football team completed an undefeated and untied season in 1968 and was the only major football team in the country to win eleven games in 1968. The team was awarded the Lambert Trophy as the Outstanding Major Team in the East and two members of the squad, Ted Kwalick and Denny Onkotz, were selected for the 1968 All-America team; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania commend this fine Penn State football squad for a highly successful season which included games with teams from Boston, to Los Angeles, to Miami; Joe Paterno and his staff; the Director of Athletics, Dr. Ernest B. McCoy; the President of the University, Dr. Eric A. Walker; and the Trustees of the Pennsylvania State University; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the University on behalf of the students, alumni, faculty, and administrative staff of the University; to Coach Paterno and his staff; and to the members of the 1968 Penn State football squad.

EUGENE M. FULMER
FRANK M. ALLEN
B. H. WILSON
MILES B. ZIMMERMAN
J. RUSSELL ESHBACK
ROBERT K. HAMILTON
JAMES A. GOODMAN
RENO H. THOMAS
ROBERT O. DAVIS
CHARLES F. MEBUS

The SPEAKER. The Chair would suggest to both the majority and the minority leaders that they talk to the gentleman from Centre, Mr. Fulmer.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the majority floor leader did talk with the gentleman from Centre, Mr. Fulmer, and told him today, and only today, and no more. That is the one I said was the exception.

The SPEAKER. Did anyone talk with the gentleman from Philadelphia, Mr. Pezak?

Mr. IRVIS. Mr. Speaker, the gentleman from Philadelphia, Mr. Pezak, said that he was about to rise and interrogate me. I guess he knew that I would be frightened of such interrogation so he held off. He informed me he is going to introduce 1,500 resolutions a week.

The majority floor leader now has grave difficulty in deciding whether or not he can hold to his rule, especially under such tremendous pressure.

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, in order to permit those members who must leave for home the freedom to do so, let me say this: There is no further business before this House except the mechanical business of giving each one of the members his committee assignments. Those of you who will be satisfied to let us mail those committee assignments to you, may leave now if you wish. We will keep the desk open for any business which may have to be transacted. Of course, there is nothing on the boards. Nothing else will be done except the mechanical business of getting the lists into your hands.

The SPEAKER. The Chair would advise the members

that we also have before us the adoption of the report of the Committee on Committees.

REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER. The House has before it the adoption of the report of the Committee on Committees.

Mr. Luty presents a resolution which is a report from the Committee on Committees recommending the names of the standing committees to be elected by the House.

The following resolution was read by the clerk:

In the House of Representatives, January 8, 1969.

RESOLVED, That in compliance with Rule 22 of the House, it is recommended that the members of the House named herein be and are hereby elected members of the Standing Committees of this House of Representatives.

The Chairmen, the Vice Chairmen and the Subcommittee Chairmen whose names are included in this report are appointed by the Speaker of the House.

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 Andrew T. Fenrich
 Robert E. Bellomini
 John T. Walsh
 Robert A. Geisler
 C. L. Schmitt
 Donald O. Bair
 James J. Gallen
 Joseph H. Manbeck
 Donald M. McCurdy
 Edward B. Mifflin
 Harvey L. Nitrauer
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 Regis R. Malady
 James A. Goodman
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 W. Max Bossert
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Leonard L. Martino
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German Quiles
Harold B. Rudisill
David N. Savitt
Roland Greenfield
Daniel E. Beren
Charles H. Dager
Harry H. Gring
George K. Haudenshield
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Philip Ruggiero
John T. McMonagle
Peter E. Perry
Rudolph Dininni
Wendell R. Good

Andrew S. Moscrip
Charles G. Nicholson
William G. Piper
John Stauffer
Benjamin H. Wilson
Raymond E. Wilt
Francis Worley

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Joseph A. Sullivan—Subcommittee Chairman
(Cities, Counties First Class)
Theodore Johnson—Subcommittee Chairman
(Cities, Counties Second Class)
Bernard F. O'Brien—Subcommittee Chairman
(Cities, Second Class A and Third Class)

John C. Pittenger
Eugene F. Scanlon
Paul W. Miller
Roland Greenfield
Norman S. Berson
Max Pievsky
Louis Silverman
Charles Caputo
German Quiles
Francis J. Rush
Leland Beloff
Robert F. Burkardt
Matthew F. Coppelino
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A. Joseph Valicenti
A. J. DeMedio
James Ritter
John Hope Anderson
Donald O. Bair
Harry H. Gring
Austin M. Harrier
Forest W. Hopkins
Guy A. Kistler
Joseph H. Manbeck
G. Sieber Pancoast
W. William Wilt

Respectfully submitted by the Committee on Committees.

Signed:

FRED J. SHUPNIK, Chairman
SARAH A. ANDERSON
MICHAEL J. NEEDHAM
W. BRADY HETRICK
AUSTIN J. MURPHY
PAUL F. LUTTY
WILLIAM F. RENWICK
DONALD W. FOX

GEORGE K. HAUDENSHIELD
WILLIAM G. PIPER
HERBERT FINEMAN
Speaker of the House Ex-officio

On the question,
Will the House adopt the report of the Committee on
Committees?

It was unanimously adopted.

ADJOURNMENT

Mr. O'PAKE moved that this House do now adjourn
until Monday, January 27, 1969, at 3 p.m., e.s.t.

The motion was agreed to, and (at 2:58 p.m., e.s.t.) the
House was adjourned.