

Legislative Journal

TUESDAY, MARCH 18, 1975

Session of 1975

159th of the General Assembly

Vol. 1, No. 23

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (Herbert Fineman) IN THE CHAIR

PRAYER

REVEREND DOCTOR DAVID R. HOOVER, chaplain of the House of Representatives and pastor of St. Paul's Lutheran Church, McConnellsburg, Pennsylvania, offered the following prayer:

We beseech Thee, O most merciful Father, to look upon Thy people with favor and concern, that by Thy great goodness they may be preserved evermore, both in body and soul, from all perils and dangers of life. We recognize that in our own weakness we have failed to be Thy messengers of love and peace in the world. Graciously, we ask Thee to strengthen our faith that we may not falter when the going is difficult. Through Thy spirit give us the courage to follow Thy commands and proclaim Thy love and peace before our fellowmen. To Thee, the God of eternal love and everlasting peace, we humbly pray. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, March 17, 1975, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

By Messrs. MEBUS, WEIDNER, NOYE, GRING, BURNS, MORRIS, DeMEDIO, YAHNER, ABRAHAM, TRELLO, LEVI, GARZIA and O'KEEFE

HOUSE BILL No. 714

An Act amending the Third Class County Assessment Board Law, approved June 26, 1931 (P. L. 1379, No. 348), removing the time limitation for hearing and acting upon appeals.

Referred to Committee on Local Government.

By Messrs. DORR, HASKELL, GEESEY, ANDERSON, NOYE and LAUDADIO

HOUSE BILL No. 715

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), imposing a tax on certain nonreturnable bottles and cans.

Referred to Committee on Finance.

By Messrs. DORR, DeVERTER, RHODES, TADDONIO, A. C. FOSTER, BRANDT, S. E. HAYES, NOYE and PITTS

HOUSE BILL No. 716

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from

sales and use taxes sales to certain charitable organizations.

Referred to Committee on Finance.

By Messrs. MEBUS, A. C. FOSTER, Mrs. FAWCETT, Messrs. NOYE, MORRIS, ABRAHAM and GARZIA

HOUSE BILL No. 717

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), permitting a change in the compensation of elected officers prior to the beginning of their term of office.

Referred to Committee on Local Government.

By Messrs. A. C. FOSTER, GEESEY, LEHR, Miss SIRIANNI, Messrs. KOLTER and SHUMAN

HOUSE BILL No. 718

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding vegetable seeds and plants from taxation.

Referred to Committee on Finance.

By Messrs. RYAN, WORRILOW, ZEARFOSS, Mrs. WHITTLESEY, Messrs. GILLESPIE, DOYLE, O'KEEFE, STAPLETON and GARZIA

HOUSE BILL No. 719

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

Referred to Committee on Appropriations.

By Messrs. MEBUS, SHUMAN, WEIDNER, W. D. HUTCHINSON, GRING, NOYE, BURNS, TRELLO, LEVI, GARZIA, O'KEEFE and DOYLE

HOUSE BILL No. 720

An Act amending the act of May 6, 1970 (P. L. 355, No. 119), entitled "An act validating Tax Claim Bureau deeds made prior to December 31, 1952 where the property was not properly posted or the certificate of posting was not filed," extending the cut-off date.

Referred to Committee on Finance.

By Messrs. MEBUS, WEIDNER, LEVI, W. D. HUTCHINSON, A. C. FOSTER, Miss SIRIANNI, Messrs. GRING, NOYE, BURNS, MORRIS, YAHNER, TRELLO, ABRAHAM, O'KEEFE and DOYLE

HOUSE BILL No. 721

An Act amending the act of July 8, 1919 (P. L. 782, No. 319), entitled, as amended, "An act providing that clerks, appraisers, investigators and other persons * * * including cost of registers' bonds," providing for the payment of compensation and expenses by the Department of Revenue.

Referred to Committee on Appropriations.

By Messrs. MEBUS, FRYER, WEIDNER, LEVI, W. D. HUTCHINSON, A. C. FOSTER, GRING,

NOYE, BURNS, MORRIS, YAHNER, O'KEEFE
and DOYLE **HOUSE BILL No. 722**

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), further providing for remedies for violations of building and housing sanitation regulations.

Referred to Committee on Local Government.

By Messrs. MEBUS, WEIDNER, LEVI,
W. D. HUTCHINSON, A. C. FOSTER, Miss SIRIANNI,
Messrs. GRING, NOYE, BURNS, MORRIS,
SHUMAN, YAHNER, TRELLO, ABRAHAM,
GARZIA, O'KEEFE and DOYLE

HOUSE BILL No. 723

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), authorizing the chief deputy coroner to act as the coroner and the chief deputy sheriff to act as sheriff in cases of vacancies in the offices of coroner or sheriff.

Referred to Committee on Local Government.

By Messrs. MEBUS, WEIDNER, LEVI, A. C. FOSTER,
Miss SIRIANNI, Messrs. GRING, NOYE, BURNS,
MORRIS, YAHNER, TRELLO, DOYLE and O'KEEFE

HOUSE BILL No. 724

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), providing for the filling of certain vacancies with registered electors.

Referred to Committee on Local Government.

By Messrs. MEBUS, WEIDNER, LEVI,
W. D. HUTCHINSON, A. C. FOSTER, Miss SIRIANNI,
Messrs. GRING, NOYE, BURNS, MORRIS,
YAHNER, TRELLO, O'KEEFE and DOYLE

HOUSE BILL No. 725

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), providing for the filling of certain vacancies with registered electors.

Referred to Committee on Local Government.

By Messrs. SHEHAMER, ENGLEHART, ANDERSON,
SCHMITT and O'CONNELL **HOUSE BILL No. 726**

An Act amending the act of July 5, 1957 (P. L. 485, No. 276), entitled "An Act for the protection of the public health and welfare, and the prevention of fraud and deception in the manufacture or sale of packaged non-alcoholic drinks; * * *," further defining the content of sugar in certain non-alcoholic drinks.

Referred to Committee on Health and Welfare.

By Messrs. WILSON, BURNS and WEIDNER
HOUSE BILL No. 727

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), entitled "An act providing for and regulating thoroughbred horse racing with pari-mutuel wagering on the results thereof, creating the State Horse Racing Commission as an independent administrative commission and defining its powers and duties; * * *," further providing for distribution of pari-mutuel pools.

Referred to Committee on State Government.

By Messrs. BERLIN, IRVIS, MANDERINO,
RAPPAPORT, GALLAGHER, SHANE, Mrs. KELLY,
Messrs. WILSON, MILLIRON, Mrs. TOLL,
Messrs. REED, BURNS, BRADLEY, FINEMAN
and FEE **HOUSE BILL No. 728**

An Act amending "The Vehicle Code," approved April

29, 1959 (P. L. 58, No. 32), further providing for ambulances when traveling in emergencies and extending penalties thereto.

Referred to Committee on Health and Welfare.

By Messrs. BERLIN, IRVIS, MANDERINO,
RAPPAPORT, GALLAGHER, SHANE, Mrs. KELLY,
Messrs. WILSON, MILLIRON, Mrs. TOLL,
Messrs. REED, BURNS, GEORGE, FEE
and COWELL **HOUSE BILL No. 729**

An Act amending the act of September 9, 1965 (P. L. 498, No. 252), entitled, as amended, "An act exempting certain firemen, policemen, volunteer ambulance and rescue squad * * *," further regulating liability of persons attempting to rescue or render aid at the scene of an accident or medical emergency.

Referred to Committee on Judiciary.

By Messrs. BERLIN, IRVIS, MANDERINO,
RAPPAPORT, GALLAGHER, SHANE, Mrs. KELLY,
Messrs. WILSON, MILLIRON, Mrs. TOLL,
Messrs. REED, BURNS, BRADLEY, FINEMAN
and FEE **HOUSE BILL No. 730**

An Act defining emergency medical technician; authorizing such personnel to render emergency care; exempting such personnel and physicians working in conjunction with them from civil liability when rendering such care; and making repeals.

Referred to Committee on Health and Welfare.

By Messrs. MCGINNIS, SULLIVAN, RYAN,
Mrs. WHITTLESEY, Messrs. WORRILOW
and HASKELL **HOUSE BILL No. 731**

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the Navigation Commission for the Delaware River and its navigable tributaries and making repeals.

Referred to Committee on Transportation.

By Messrs. ABRAHAM, TRELLO, DOYLE,
STAPLETON, GARZIA and O'KEEFE
HOUSE BILL No. 732

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), eliminating certain limitations relating to taxes on admissions to motion picture theatres.

Referred to Committee on Business and Commerce.

By Messrs. RENWICK, M. P. MULLEN, NOVAK
and YAHNER **HOUSE BILL No. 733**

An Act amending the act of March 30, 1917 (P. L. 21, No. 10), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; * * *" authorizing the advertising of prices of products used for ophthalmic purposes.

Referred to Committee on Consumer Protection.

By Messrs. DeMEDIO, PETRARCA, LAUDADIO,
MANDERINO and LINCOLN
HOUSE BILL No. 734

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), providing for additional uses of fuel tax funds.

Referred to Committee on Transportation.

By Messrs. SCHWEDER, PRENDERGAST,
KOWALYSHYN, RUGGIERO and ZWIKL
HOUSE BILL No. 735

An Act amending the "Township State Highway Law," approved June 22, 1931 (P. L. 594, No. 203), changing a route in Hanover Township, Northampton County.

Referred to Committee on Transportation.

By Messrs. RENWICK and HALVERSON

HOUSE BILL No. 736

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58, No. 32), further providing for continued hearings.

Referred to Committee on Transportation.

By Messrs. RENWICK and HALVERSON

HOUSE BILL No. 737

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58, No. 32), requiring letters to be sent when a person's record indicates four or five points and eliminating an interview.

Referred to Committee on Transportation.

By Messrs. RENWICK and HALVERSON

HOUSE BILL No. 738

An Act amending "Project 70 Land Acquisition and Borrowing Act," approved June 22, 1964 (P. L. 131, No. 8—Sp. Sess.), authorizing the exchange of lands.

Referred to Committee on State Government.

By Mr. HASKELL

HOUSE BILL No. 739

An Act declaring and adopting the song "Pennsy-Pennsylvania," by M. S. Russell and Freda Russell as the State song of the Commonwealth.

Referred to Committee on State Government.

By Messrs. D. S. HAYES, DOMBROWSKI, BELLOMINI and HOPKINS

HOUSE BILL No. 740

An Act prohibiting the reduction of pension or retirement benefits because of increases in Social Security benefits.

Referred to Committee on State Government.

By Messrs. D. S. HAYES, HOPKINS, BELLOMINI and DOMBROWSKI

HOUSE BILL No. 741

An Act amending the act of August 12, 1971 (P. L. 299, No. 75), entitled "An act regulating snowmobiles, providing for registrations and fees, and providing penalties," further providing for operation of snowmobiles.

Referred to Committee on Transportation.

By Messrs. ROMANELLI, SCHMITT, MISCEVICH, DOMBROWSKI, WANSACZ, CESSAR, USTYNOSKI and FINEMAN

HOUSE BILL No. 742

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, permitting fraternal benefit societies to pay certain dividends.

Referred to Committee on Consumer Protection.

By Messrs. ZELLER, RENWICK, HALVERSON, MYERS, MILANOVICH, LAUDADIO, SCHWEDER, KUSSE, THOMAS, E. H. SMITH, VROON, PITTS, NOYE, KLINGAMAN, POLITE, HOPKINS, S. E. HAYES, DIETZ, SHUMAN and L. E. SMITH

HOUSE BILL No. 743

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from

taxation the sale or use of certain game birds raised by farmers.

Referred to Committee on Finance.

By Messrs. IRVIS, ROMANELLI, CAPUTO, GEISLER, ITKIN, VANN, FLAHERTY, COWELL, MISCEVICH, ABRAHAM, MENHORN, Mrs. GILLETTE, Messrs. BONETTO, DeMEDIO, PETRARCA, A. K. HUTCHINSON, KOLTER, BRUNNER, LAUDADIO, YAHNER, ENGLEHART, MANDERINO, RHODES, PARKER, FISHER, TADDONIO, KNEPPER, J. B. KELLY, DOMBROWSKI, MILLIRON, ZORD, CESSAR and HASKELL

HOUSE BILL No. 744

An Act making an appropriation to the Trustees of the University of Pittsburgh.

Referred to Committee on Appropriations.

By Mr. ZWIKL, Mrs. KELLY, Messrs. DiCARLO, BARBER, JOHNSON, FEE, SCHWEDER, McCALL, ECKENSBERGER, M. E. MILLER, JR., Mrs. CRAWFORD, Messrs. IRVIS, RITTER, LAUGHLIN, O'DONNELL, LEDERER, BLACKWELL, RICHARDSON and FINEMAN

HOUSE BILL No. 745

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for a drug education program and for drug dependency examinations.

Referred to Committee on Education.

By Mr. ZWIKL, Mrs. KELLY, Messrs. DiCARLO, BARBER, JOHNSON, FEE, SCHWEDER, McCALL, ECKENSBERGER, M. E. MILLER, JR., Mrs. CRAWFORD, Messrs. IRVIS, RITTER, LAUGHLIN, O'DONNELL, LEDERER, BLACKWELL, RICHARDSON and FINEMAN

HOUSE BILL No. 746

An Act amending the "Pennsylvania Drug and Alcohol Abuse Control Act," approved April 14, 1972 (P. L. 221, No. 63), providing for a program of drug, alcohol and tobacco abuse.

Referred to Committee on Health and Welfare.

By Mr. ZEARFOSS, Mrs. KELLY, Messrs. HILL, RHODES, WORRILOW and Mrs. CRAWFORD

HOUSE BILL No. 747

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for certain medical assistance payments.

Referred to Committee on Health and Welfare.

By Messrs. RHODES, HAMMOCK, IRVIS, W. D. HUTCHINSON and LEDERER

HOUSE BILL No. 748

An Act amending the "Juvenile Act," approved December 6, 1972 (P. L. 1464, No. 333), further providing for the detention of delinquent children, and providing for regional detention facilities.

Referred to Committee on Judiciary.

By Messrs. RHODES, HEPFORD, ZORD, DOYLE, KELLY, and TURNER

HOUSE BILL No. 749

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, relating to breach of privacy of telephone communications.

Referred to Committee on Judiciary.

By Messrs. RHODES, JOHNSON, WHELAN,
HAMMOCK, KELLY, PITTS and LEDERER
HOUSE BILL No. 750

An Act making an appropriation to the Department of Justice establishing a fund for the payment of death benefits to dependent survivors of employees of State and local correctional facilities killed in the line of duty.

Referred to Committee on Judiciary.

By Messrs. HASKELL, BELLOMINI, DOMBROWSKI,
MILLIRON and KNEPPER **HOUSE BILL No. 751**

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), providing for titles of bills to be read and requiring copies to be available.

Referred to Committee on Local Government.

By Messrs. BERSON, SCIRICA, FINEMAN, RYAN,
O'DONNELL, M. P. MULLEN, STAPLETON,
PRATT, PRENDERGAST, SPENCER,
W. D. HUTCHINSON, ENGLEHART, MANDERINO,
GLEASON and BEREN **HOUSE BILL No. 752**

An Act establishing the comparative negligence rule.

Referred to Committee on Judiciary.

By Mr. R. W. WILT **HOUSE BILL No. 753**

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58, No. 32), authorizing second class townships to erect certain signs, signals and markings.

Referred to Committee on Transportation.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I request leave of absence for Mr. A. K. HUTCHINSON for today's session.

The SPEAKER. The Chair recognizes the minority whip.

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

The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll. Members will take their seats. Only those members who are in their seats will be permitted to be recorded on the master roll.

The roll was taken and was as follows:

YEAS—196

Abraham	Geisler	McIntyre	Scirica
Anderson, J. H.	George	McLane	Seltzer
Arthurs	Giammarco	Mebus	Shane
Barber	Gillespie	Menhorn	Shelhamer
Bellomini	Gillette	Milanovich	Shelton
Bennett	Gleason	Miller, M. E.	Shuman
Beren	Gleeson	Miller, M. E., Jr.	Shupnik
Berlin	Goodman	Milliron	Sirianni
Berson	Green	Miscevich	Smith, E.
Bittle	Greenfield	Moehlmann	Smith, L.
Blackwell	Grieco	Morris	Spencer
Bonetto	Gring	Mrkonic	Stahl
Bradley	Halverson	Mullen	Stapleton
Brandt	Hamilton, J. H.	Musto	Stout
Brunner	Hammock	Myers	Sullivan
Burns	Hasay	Novak	Sweeney
Butera	Haskell	Noye	Taddonio
Caputo	Hayes, D. S.	O'Brien	Tayoun

Cessar	Hayes, S. E.	O'Connell	Thomas
Cimini	Hepford	O'Donnell	Toll
Cole	Hill	O'Keefe	Trello
Cowell	Hopkins	Oliiver	Turner
Crawford	Hutchinson, W.	Pancoast	Ustynoski
Cumberland	Irvis	Parker, H. S.	Valicenti
Davies	Itkin	Perri	Vann
Davis, D. M.	Johnson, J.	Perry	Vroon
DeMedio	Katz	Petrarca	Wagner
Deverter	Kelly, A. P.	Pievsky	Walsh, T. P.
Dicarlo	Kelly, J. B.	Pitts	Wansacz
DiDonato	Kernick	Polite	Wargo
Dietz	Kistler	Pratt	Weidner
Dininni	Klingaman	Prendergast	Westerberg
Dombrowski	Knepper	Pyles	Whelan
Dorr	Kolter	Rappaport	Whittlesey
Doyle	Kowalshyn	Renninger	Wilson
Dreibelbis	Kusse	Renwick	Wilt, R. W.
Eckensberger	LaMarca	Rhodes	Wilt, W. W.
Englehart	Laudadio	Richardson	Wojdak
Fawcett	Laughlin	Rieger	Worrlow
Fee	Lederer	Ritter	Wright
Fischer	Lehr	Romanelli	Yahner
Fisher	Letterman	Ross	Yohn
Flaherty	Levi	Ruggiero	Zearfoss
Foster, A.	Lincoln	Ryan	Zeller
Foster, W.	Lynch	Saloom	Zord
Fryer	Manderino	Salvatore	Zwinkl
Gallagher	Manmiller	Scheaffer	
Gallen	McCall	Schmitt	Fineman,
Garzia	McClatchy	Schweder	Speaker
Geesey	McCue		

NOT VOTING—7

Cohen	McGraw	Reed	McGinnis
Hutchinson, A.	Mullen, M. P.	Taylor	

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

GIRL SCOUTS WELCOMED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today the Daleville Girl Scout Troop 131. These girls are here with Mrs. Jeanne Beatler, Mrs. Nancy Dickey, and Mrs. Marion Shine.

These folks are the guests of the delegation from Lackawanna County.

CALVARY BAPTIST SCHOOL STUDENTS WELCOMED

The SPEAKER. The Chair is also pleased to welcome and introduce Mrs. Jackie Breiner, supervisor, and the eighth and ninth graders of the Calvary Baptist School in Lansdale.

They are the guests of the gentleman from Montgomery, Mr. Polite.

ST. FRANCIS XAVIER STUDENTS WELCOMED

The SPEAKER. In addition, there is a group of eighth grade students from St. Francis Xavier in Gettysburg, accompanied by Mr. Polm.

These folks are the guests of the gentleman from Adams, Mr. Cole.

PENN STATE STUDENTS WELCOMED

The SPEAKER. The Chair also welcomes Mr. Ronald Runk and Mr. Jerry Kolosky, students at Penn State and interns with P.F.A.

They are the guests of the gentleman from Mifflin, Mr. DeVerter.

CALENDAR

BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 54, printer's No. 54**, entitled:

An Act amending the act of December 5, 1936 (1937, P. L. 2897, No. 1), entitled "Unemployment Compensation Law," eliminating the waiting week for unemployment compensation.

On the question,

Will the House agree to the bill on third consideration?

Mr. ITKIN requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 3, page 3, line 2, by striking out "in 60 days." and inserting: immediately.

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, presently in Senate bill No. 54 the effective date would be 60 days after enactment. If this bill is to have the effect on the problem of unemployment compensation that it is supposed to, it should be done as quickly as possible. The elimination of the waiting week several months from now will not do any good to those people who are now on the unemployment rolls or who will be subsequently on those rolls. Consequently, I have contacted the department to find out whether there has been any administrative problem with reducing the effective date on the act.

I had originally circulated an amendment which would have reduced the days from 60 to 30. The department advises me, the Department of Labor and Industry, that they could and in fact do endorse the proposition that if this legislation is passed, it go into effect immediately. Consequently, the amendment I am offering today is one that would allow the Department of Labor and Industry to immediately implement the provisions of the act.

Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I ask that the House do agree with the amendments offered by the gentleman from Allegheny.

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

Mr. VALICENTI. Mr. Speaker, that is a Senate bill that came over here and we had it in our committee, and I think that there was an error there. There should have been an effective date immediately with the signing of the bill by the Governor, and I think it was an oversight.

Is there anything that I can do at this particular time to make a motion that it be made effective immediately after the Governor signs it? Can I make that motion?

The SPEAKER. Such a motion is not in order. It can only be done by amendment to the bill.

Mr. VALICENTI. I will get an amendment ready that it become effective on the signing by the Governor.

The SPEAKER. The Chair would advise the gentleman that the House is now about to vote on an amend-

ment that would seek to do the very thing the gentleman would hope the bill would do.

Mr. VALICENTI. All right, sir. Thank you.

The SPEAKER. If the House would quiet down and pay attention to the remarks of the gentlemen who are explaining amendments, which each person offering an amendment is now required to do under the rules, each member would be informed and advised as to the content of the amendments, and that kind of inquiry would not have to be posed to the Chair.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. ITKIN and VALICENTI and were as follows:

YEAS—181

Abraham	Geisler	McClatchy	Scheaffer
Arthurs	George	McCue	Schmitt
Barber	Giammarco	McIntyre	Schweder
Bellomini	Gillespie	McLane	Scirica
Bennett	Gillette	Mebus	Seltzer
Beren	Gleason	Menhorn	Shane
Berson	Gleeson	Milanovich	Shelhamer
Bittle	Goodman	Miller, M. E.	Shelton
Blackwell	Green	Miller, M. E., Jr.	Shuman
Bonetto	Greenfield	Milliron	Shupnik
Bradley	Grieco	Miscevich	Sirianni
Brunner	Gring	Morris	Smith, E.
Burns	Halverson	Mrkonic	Spencer
Butera	Hamilton, J. H.	Musto	Stahl
Caputo	Hasay	Myers	Stapleton
Cessar	Haskell	Novak	Stout
Cimini	Hayes, D. S.	Noye	Sullivan
Cole	Hayes, S. E.	O'Brien	Sweeney
Cowell	Hepford	O'Connell	Taddonio
Crawford	Hill	O'Donnell	Tayoun
Cumberland	Hopkins	O'Keefe	Toll
Davis	Hutchinson, W.	Oliver	Trello
Davis, D. M.	Irvis	Pancoast	Ustynoski
DeMedio	Itkin	Parker, H. S.	Valicenti
Deverter	Johnson, J.	Perri	Vann
Dicarlo	Katz	Perry	Wagner
DiDonato	Kelly, A. P.	Petrarca	Walsh, T. P.
Dietz	Kelly, J. B.	Pievsky	Wansacz
Dininni	Kernick	Pitts	Wargo
Dombrowski	Kistler	Polite	Weidner
Dorr	Klingaman	Pratt	Whelan
Doyle	Knepper	Prendergast	Whittlesey
Dreibelbis	Kolter	Pyles	Wilson
Eckensberger	Kowalshyn	Rappaport	Wilt, R. W.
Englehart	LaMarca	Renninger	Wojdak
Fawcett	Laudadio	Renwick	WorriLOW
Fee	Laughlin	Rhodes	Wright
Fisher	Lederer	Richardson	Yahner
Flaherty	Lehr	Rieger	Yohn
Foster, A.	Letterman	Ritter	Zearfoss
Foster, W.	Levi	Romanelli	Zeller
Fryer	Lincoln	Ross	Zwikel
Gallagher	Lynch	Ruggiero	
Gallen	Manderino	Ryan	Fineman,
Garzia	Manmiller	Saloom	Speaker
Geesey	McCall	Salvatore	

NAYS—9

Kusse	Thomas	Vroon	Wilt, W. W.
Moehlmann	Turner	Westerberg	Zord
Smith, L.			

NOT VOTING—13

Anderson, J. H.	Fischer	McGinnis	Mullen
Berlin	Hammock	McGraw	Reed
Brandt	Hutchinson, A.	Mullen, M. P.	Taylor
Cohen			

So the question was determined in the affirmative and the amendment was agreed to.

On the question,

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

Mr. DOMBROWSKI requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Title, page 1, line 15 by inserting after "penalties," : further defining "week" for determining the payment of benefits and

Amend Bill, page 1, by inserting between lines 18 and 19: Section 1. Clause (z) of section 4, act of December 5, 1936 (1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," amended May 23, 1949 (P. L. 1738, No. 530), is amended to read:

Section 4. Definitions.—The following words and phrases, as used in this act, shall have the following meanings, unless the context clearly requires otherwise.

* * *

(z) "Week" means any calendar week ending at midnight Saturday, or the equivalent thereof, as determined in accordance with general rules adopted by the department; except, when computing benefits for an employe who works in a business which schedules a twenty-four (24) hour seven (7) day a week operation, the term "week" means seven (7) consecutive days.

* * *

Amend Sec. 1, page 1, line 19 by striking out "1." and inserting: 2.

Amend Sec. 1, page 1, line 19 through 21 by striking out "act of December 5," in line 19, all of line 20, and "Compensation Law," in line 21 and inserting: of the act,

Amend Sec. 2, page 2, line 22, by striking out "2." and inserting: 3.

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

Amend Sec. 3, page 3, line 2, by striking out "in 60 days." and inserting: immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Mr. Speaker, the amendment I am offering would not really change the bill but put in an exception to computing the benefit week.

We have an industry in my legislative district that works on a 24-hour-day, 7-days-a-week schedule. They have closed down twice this year for a 1-week period, but they closed down from a Monday through a Sunday. The benefit week presently stands at Sunday through Saturday.

My amendment would be for people who work this sort of schedule. Their benefit week would be computed on any 7-day period.

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

Mr. D. S. HAYES. Mr. Speaker, I would urge that the members support Mr. Dombrowski's amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. DOMBROWSKI and D. S. HAYES and were as follows:

YEAS—193

Table listing names of members who voted 'Yeas' (193 total): Abraham, Anderson, J. H., Arthurs, Barber, Bellomini, Bennett, Beren, Berson, Bittle, Blackwell, Bonetto, Bradley, Geisler, George, Giammarco, Gillespie, Gillette, Gleason, Gleeson, Goodman, Green, Greenfield, Grieco, Gring, McIntyre, McLane, Mebus, Menhorn, Milanovich, Miller, M. E., Miller, M. E., Jr., Milliron, Misceovich, Mochlmann, Morris, Mrkonie, Seltzer, Shane, Shelhamer, Shelton, Shuman, Shupnik, Sirianni, Smith, E., Smith, L., Spencer, Stahl, Stapleton.

Table listing names of members who voted 'Nays' (0 total) and 'Not Voting' (10 total): Brandt, Brunner, Burns, Butera, Caputo, Cessar, Cimini, Cole, Cowell, Crawford, Cumberland, Davies, Davis, D. M., DeMedio, Deverter, Dicarlo, DiDonato, Dietz, Dininni, Dombrowski, Dorr, Doyle, Dreibelbis, Eckensberger, Englehart, Fawcett, Fee, Fischer, Fisher, Flaherty, Foster, A., Foster, W., Fryer, Gallagher, Gallen, Garzia, Gessey, Halverson, Hamilton, J. H., Hasay, Haskell, Hayes, D. S., Hayes, S. E., Hepford, Hill, Hopkins, Hutchinson, W., Irvis, Itkin, Johnson, J., Katz, Kelly, A. P., Kelly, J. E., Kernick, Kistler, Klingaman, Knepper, Kolter, Kowalyshyn, Kusse, LaMarca, Laudadio, Laughlin, Lederer, Lehr, Letterman, Levi, Lincoln, Lynch, Mandertno, Manmiller, McCall, McClatchy, McCue, Musto, Myers, Novak, Noye, O'Brien, O'Connell, O'Donnell, O'Keefe, Oliver, Pancoast, Parker, H. S., Perri, Perry, Petrarca, Pievsky, Pitts, Polite, Pratt, Prendergast, Pyles, Rappaport, Renninger, Renwick, Rhodes, Richardson, Rieger, Ritter, Romanelli, Ross, Ruggiero, Ryan, Saloom, Salvatore, Scheaffer, Schmitt, Schweder, Scirica, Stout, Sullivan, Sweeney, Taddonio, Tayoun, Thomas, Toil, Trello, Turner, Ustynoski, Valicenti, Vann, Vroon, Wagner, Walsh, T. P., Wansacz, Wargo, Weidner, Westerberg, Whelan, Whittlesey, Wilson, Wilt, R. W., Wilt, W. W., Wojdak, Worrlow, Wright, Yahner, Yohn, Zearfoss, Zeller, Zord, Zwick, Fineman, Speaker.

NAYS—0

NOT VOTING—10

Table listing names of members who did not vote (10 total): Berlin, Cohen, Hammock, Hutchinson, A., McGinnis, McGraw, Mullen, M. P., Mullen, Reed, Taylor.

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

On the question recurring,

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

Bill as amended was agreed to.

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 175, printer's No. 648, entitled:

An Act creating the Department of Consumer Advocate, establishing its powers and duties and providing the method of its financing.

The SPEAKER. The Chair understands the gentleman, Mr. Schmitt, has withdrawn his amendments. Is that correct?

Mr. SCHMITT. Yes.

On the question,

Will the House agree to the bill on third consideration?

Mr. DREIBELBIS requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 2, page 2, lines 2 through 4, by striking out "consumer" in line 2, all of line 3 and "as the "Milk Marketing Law," and any" in line 4

Amend Sec. 2, page 2, line 15, by striking out "the Milk Marketing Board,"

On the question,

Will the House agree to the amendments?

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

Mr. DREIBELBIS. Mr. Speaker, thank you.

What this amendment does is to remove the Milk Marketing Board from the provisions of House bill No. 175.

I think as to the rationale for House bill No. 175 and its consumer advocacy and the fact that the power companies possibly are able to spend large sums of money to defend a rate-increase request, this same thing is not necessarily true in the Milk Marketing Board.

Presently there are two of the Governor's appointments out of three on the Milk Marketing Board, and the Milk Marketing Board already provides for a consumer advocate and that one is already serving.

Now the fiscal note on the Milk Marketing Board indicates that over \$300,000 would be appropriated for that part of the consumer advocacy to represent the consumer at Milk Marketing Board hearings. I should like to say that last year I think there were only three Milk Marketing Board hearings. In this ensuing fiscal year the appropriation for it is \$60,000, and in the present year we are in now, there is \$58,000 appropriated to complete this year, and I do not even think there is going to be another hearing.

So if you look at this, we are talking about a staff of something like four people to represent the consumer at three hearings. I think it is totally unjustified, and the Milk Marketing Board should not be included in the plight to add advocates to the Public Utility Commission.

So what this amendment would do would be to remove the Milk Marketing Board from the provisions of this bill.

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

Mr. SCHMITT. Mr. Speaker, I rise to oppose the amendment that has just been offered by the gentleman, Mr. Dreibelbis, for a number of reasons.

First of all, it would be incongruous to take the Milk Marketing Board out of the consumer advocacy bill because the three areas in which the people are most concerned back home are in the pricing of milk, the pricing of insurance, and the pricing of public utilities. I think there is a cohesiveness between the three, and I think it would be foolhardy and foolish to separate the Milk Marketing Board from the rest of the consumer advocate bill. I oppose the amendment.

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

Mr. DREIBELBIS. Mr. Speaker, if I could respond to Mr. Schmitt, the Public Utility Commission—as he used in his analogy to parallel with the Milk Marketing Board—does not provide for a consumer advocate on that board. The Milk Marketing Board does and he is already serving.

So I fail to see why we need to set up a consumer advocate committee to watch over the consumer advocate that is presently appointed to that board. I would ask for support of the amendment.

Thank you.

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

The yeas and nays were required by Messrs. DREIBELBIS and SCHMITT and were as follows:

YEAS—87

Anderson, J. H.	Gallen	McCue	Smith, L.
Arthurs	Geesey	Manmiller	Spencer
Bittle	George	Mebus	Stahl
Bradley	Gleason	Miller, M. E., Jr.	Stout
Brandt	Gleeson	Milliron	Sullivan
Brunner	Grieco	Moehlmann	Thomas
Butera	Gring	Morris	Turner
Cessar	Halverson	Myers	Vroon
Crawford	Hasay	Noye	Wagner
Davies	Hayes, S. E.	O'Brien	Walsh, T. P.
Davis, D. M.	Hepford	O'Connell	Wansacz
DeMedio	Hill	Pancoast	Weidner
Deverter	Hutchinson, W.	Pitts	Westerberg
Dicarlo	Klingaman	Polite	Whelan
Dininni	Kowalyszyn	Prendergast	Whittlesey
Dorr	Kusse	Renwick	Wilt, R. W.
Dietz	LaMarca	Ruggiero	Wilt, W. W.
Dreibelbis	Letterman	Ryan	Worrilow
Fischer	Levi	Scheaffer	Yahner
Foster, A.	Lincoln	Seltzer	Zeller
Foster, W.	Lynch	Shelhamer	Zord
Fryer	McClatchy	Shuman	

NAYS—106

Abraham	Gillespie	McLane	Schmitt
Barber	Gillette	Menhorn	Schweder
Bellomini	Goodman	Milanovich	Scirica
Bennett	Green	Miller, M. E.	Shane
Beren	Greenfield	Miscevich	Shelton
Berson	Hamilton, J. H.	Mrkonic	Shupnik
Blackwell	Hammock	Musto	Sirianni
Sonetto	Haskell	Novak	Smith, E.
Burns	Hayes, D. S.	O'Keefe	Stapleton
Caputo	Hopkins	Oliver	Sweeney
Cimini	Irvis	Parker, H. S.	Taddonio
Cole	Itkin	Perri	Tayoun
Cowell	Johnsor, J.	Perry	Toll
Cumberland	Katz	Petrarca	Trello
DiDonato	Kelly, A. P.	Pievsky	Ustynoski
Dombrowski	Kelly, J. B.	Pratt	Valicenti
Doyle	Kernick	Pyles	Vann
Eekensberger	Kistler	Rappaport	Wargo
Englehart	Knepper	Renninger	Wilson
Fawcett	Kolter	Rhodes	Wojdak
Fee	Laudadio	Richardson	Wright
Fisher	Laughlin	Rieger	Yohn
Flaherty	Lederer	Ritter	Zearfoss
Gallagher	Lehr	Romanelli	Zwinkl
Garzia	Manderino	Ross	
Geisler	McCall	Saloom	Fineman,
Giammarco	McIntyre	Salvatore	Speaker

NOT VOTING—10

Berlin	McGinnis	Mullen	Reed
Cohen	McGraw	O'Donnell	Taylor
Hutchinson, A.	Mullen, M. P.		

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

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. DREIBELBIS requested and obtained unanimous consent to offer the following additional amendments, which were read:

Amend Sec. 3, page 2, line 19, by inserting after "Established.—": (a)

Amend Sec. 3, page 2, by inserting between lines 21 and 22: (b) There is hereby established within the Department of Consumer Advocate an office known as the Office of Farm Advocacy whose sole interest and function shall be to promote the views and interests of primary producers of farm products before the Milk Marketing Board.

Amend Sec. 6, page 3, line 30, by removing the period after "consumers" and inserting: except that the Office of Farm Advocacy shall intervene in all proceedings before the Milk Marketing Board for the benefit of the primary producers of milk.

Amend Sec. 6, page 4, by inserting between lines 13 and

14: (d) The Office of Farm Advocacy shall not be construed as creating a conflict of interest within the Department of Consumer Advocate. In addition the Office of Farm Advocacy shall receive an appropriation equal to the amount of funds spent by the Consumer Advocate in any proceedings before the Milk Marketing Board.

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

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

Mr. DREIBELBIS. Thank you, Mr. Speaker.

I had hoped my second amendment would not be necessary, but in the defeat of the first amendment I think this one is very important.

What this amendment would do is to establish within this department of consumer advocacy an office of farm advocacy. So for the farmer himself who does not have the resources or the legal expertise to present his case to the Milk Marketing Board, it would provide an equal appropriation to the office of farm advocacy as is given to the consumer advocacy.

If the Milk Marketing Board is to be a judge of a rate increase or decrease and the interests of the consumer are displayed in front of this hearing, I feel that it is equally important for the producer, who is unable to provide the kind of money for that type of hearing, to also be able to present his case.

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

Mr. SCHMITT. Mr. Speaker, I oppose the amendment for the simple reason that if you were to make a separate section within the consumer advocate for the Milk Marketing Board, then, of course, you would create separate sections for all the other utilities and all the other rate-making bodies, too, which I think then is a proliferation of the intent of the consumer advocate bill.

I would like also to present the fact that the testimony we have taken from a number of people indicates that the milk people, the producers and the distributors of milk, are very well represented before that board by the organizations to which they belong. I oppose the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Shelhamer.

Mr. SHELHAMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment. I rise to support it because I believe if there is any person today who is forgotten in Pennsylvania, it is probably the Pennsylvania farmer. We find ourselves at a time in agricultural history when sometimes the very organizations that were established to best represent the farmers are not necessarily fulfilling those requirements. In a very short time this House will soon be investigating the cooperative people, the cooperative law, to see whether or not those cooperatives are adequately representing their producers before a board such as the Milk Marketing Board.

The Milk Marketing Board is presently and firmly in the hands of this administration. This administration has appointed the two people who serve on that board. The third person will soon himself be replaced by the Governor. It would seem to me that with the consumer advocates we now have on that board, that that is safeguard enough from that standpoint.

The farmer, particularly the small farmer, is having a hard time having his case heard. I would think that at the very least this amendment that Mr. Dreibelbis has offered is essential, and I urge the support of the House for it.

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

Mr. SCHMITT. Mr. Speaker, I would like to make the point in rebuttal that during the public hearings we held, at which time we heard testimony from 25 or more witnesses, that two of the three witnesses who appeared before us who were from the Milk Marketing Board were in favor of the consumer advocacy bill as we had presented it at that time. I ask the members of this House to oppose the amendment.

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

The yeas and nays were required by Messrs. DREIBELBIS and SCHMITT and were as follows:

YEAS—115

Anderson, J. H.	George	Manmiller	Shelhamer
Arthurs	Gleason	Mebus	Shuman
Beren	Goodman	Miller, M. E., Jr.	Sirianni
Bittle	Grieco	Milliron	Smith, E.
Bradley	Gring	Moehlmann	Smith, L.
Brandt	Halverson	Morris	Spencer
Brunner	Hamilton, J. H.	Myers	Stahl
Butera	Hammock	Noye	Stout
Cimini	Hasay	O'Brien	Sullivan
Cole	Haskell	O'Connell	Taddonio
Crawford	Hayes, D. S.	Pancoast	Tayoun
Cumberland	Hayes, S. E.	Parker, H. S.	Thomas
Davies	Hepford	Petrarca	Ustynoski
Davis, D. M.	Hill	Pitts	Vroon
DeMedio	Hopkins	Polite	Wagner
Deverter	Hutchinson, W.	Pratt	Wansacz
Dietz	Irvis	Prendergast	Weidner
Dininni	Katz	Pyles	Westerberg
Derr	Klingaman	Renninger	Whelan
Doyle	Knepper	Renwick	Whittlesey
Dreibelbis	Kowalyszyn	Richardson	Wilt, R. W.
Eckensberger	Kusse	Ritter	Wilt, W. W.
Fawcett	LaMarca	Ruggiero	Worrilow
Fischer	Lehr	Ryan	Yahner
Foster, A.	Letterman	Saloem	Yohn
Foster, W.	Levi	Salvatore	Zearfoss
Fryer	Lynch	Scheaffer	Zeller
Gallen	McClatchy	Schweder	Zwinkl
Geesey	McCue	Seltzer	

NAYS—78

Abraham	Gelsler	McLane	Scirica
Barber	Giammarco	Menhorn	Shane
Bellomini	Gillespie	Milanovich	Shelton
Bennett	Gillette	Miller, M. E.	Shupnik
Berson	Gleeson	Miscevich	Stapleton
Blackwell	Green	Mrkonie	Sweeney
Bonetto	Greenfield	Mullen	Toll
Burns	Itkin	Musto	Trelio
Caputo	Johnson, J.	Novak	Turner
Cessar	Kelly, A. P.	O'Keefe	Valcenti
Cowell	Kelly, J. B.	Oliver	Vann
Dicarlo	Kernick	Perrri	Walsh, T. P.
DiDonato	Kistler	Perry	Wargo
Dombrowski	Kolter	Pievsky	Wilson
Englehart	Laudadio	Rappaport	Wojdak
Fee	Laughlin	Rhodes	Wright
Fisher	Lincoln	Rieger	Zord
Flaherty	Manderino	Romanelli	
Gallagher	McCall	Ross	Fineman,
Garzia	McIntyre	Schmitt	Speaker

NOT VOTING—10

Berlin	Lederer	Mullen, M. P.	Reed
Cohen	McGinnis	O'Donnell	Taylor
Hutchinson, A.	McGraw		

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

On the question,

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

Mr. RITTER requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 11, page 6, lines 2 to 30; page 7, lines 1 to 30; page 8, lines 1 to 30; page 9, lines 1 to 30; page 10, lines 1 to 30; page 11, lines 1 to 3, by striking out all of said lines

Amend Sec. 12, page 11, line 4, by striking out "12" and inserting: 11

Amend Sec. 12, page 11, lines 4 and 5, by striking out "In addition to the moneys appropriated in section 11, the" and inserting: The

Amend Sec. 13, page 11, line 8, by striking out "13" and inserting: 12

On the question,

Will the House agree to the amendments?

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

Mr. RITTER. Mr. Speaker, what the amendment does is to remove section 11 from the bill entirely. Section 11 is an assessment on the public utilities for the operation of the office of consumer advocate.

My reason for doing that is that I think that if we are going to create this office for the consumer, then it really ought to be paid for out of the General Fund. So my amendment strikes out any reference to assessments, and on the last page of the bill it simply says that the sum of \$200,000 for the fiscal year ending June 30, 1975, is hereby appropriated to the department of consumer advocate.

That is the purpose of the amendment—to take the funds out of the general fund to operate this new bureau. I would ask for an affirmative vote on the amendment.

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

Mr. SCHMITT. Mr. Speaker, I oppose this amendment, too, and I would like to explain to the members of this House the formula under which the Public Utility Commission presently is being financed.

The Public Utility Commission is being financed by submitting three budgets, one to the House, one to the Senate, and one to the Governor's office, the lowest of the three of which is the budget that is adopted. This amount of the budget then is prorated equally according to their degree of participation among the utilities that serve the people of Pennsylvania.

The Public Utility Commission is then operated by these funds. The limitation on those funds is two-tenths of 1 percent of the gross operating revenues.

All we ask for in our bill is one-tenth of that amount levied in the same way as is presently done, which would be two one-hundredths of 1 percent of gross operating revenues. We think it would be very much in character for the people who are being defended by the consumer advocate to use the same means of financing as is presently being used for the Public Utility Commission.

Therefore, Mr. Speaker, I ask that we oppose the amendment.

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

Mr. RITTER. Mr. Speaker, every time that a public utility would get a rate increase, whether or not we have a consumer advocate opposing that increase, there would be an automatic increase in the funds for the bureau of consumer advocate. I just do not think there is any legislative control on the kinds of finances that will be used to operate this department, and I think by taking it out of the General Fund, this legislature will have a better idea and, therefore, the public would have a better idea as to just what the total cost of this new department is going to be.

I cannot see any reason why we should assess public utilities for a consumer advocate who is going to operate before the Insurance Department, before the Milk Marketing Board, as well as the Public Utility Commission.

I urge again an affirmative vote for an amendment which will fund this department, if that is what this legislature desires, but fund it more properly out of the General Fund instead of an assessment on utilities.

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

Mr. VROON. Mr. Speaker, I rise to support the amendment advocated by Mr. Ritter.

I feel that this is a very unorthodox manner in which to fund this particular department for the following reasons: This process is unnecessarily complicated and places an additional burden on the PUC to collect the money for the consumer advocate department.

It discriminates against the public utilities. There are two other agencies involved in the bill which are being supported out of general appropriations. Why should the public utilities be singled out and given a special assessment?

Thirdly, this is, in my opinion, Mr. Speaker, a very sneaky method of trying to hide the bulk of the cost of supporting the consumer advocate department. The taxpayers will pay in the end, one way or the other, and this is just a sneaky way of hiding it from the public.

Fourthly, the benefits of a typical rate case fight will inure to the benefit of all the populace, not just the people involved in that particular single rate case. Therefore, the whole populace ought to be involved in supporting the consumer advocate department.

Finally, the PUC is an independent agency, an arm of the legislature, and it is being used and is being required to provide funds to support an executive branch department. This is an unsound procedure, and I think it sets a dangerous precedent. I strongly urge the adoption of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Shane.

Mr. SHANE. Thank you, Mr. Speaker.

I think it has been suggested that the assessment method of funding the consumer advocate is unorthodox, indeed, sneaky. I think this assertion is easily refuted.

First, many consumers of utility services do not know that when they pay their utility bills they are already paying the cost of the outside lawyers, outside economists, outside statisticians and rate experts whom the utilities hire when they begin an effort to get their rates increased. So when the utility goes outside to hire lawyers and experts to back up their arguments for rate in-

creases, the consumer pays that already through his utility bill.

It has been estimated that the cost of the consumer financing the utility companies' attempts to get rate increases costs approximately 25 cents a year. So right now the consumer is paying, on an average, roughly a quarter a year for outside experts who are going to fight to get the rates increased. So already the consumer is financing the people who are working against his economic interest.

This bill would simply say, let us take a nickel a year, roughly, and get a person, a lawyer and rate experts and economists who are going to work for the consumer. So we are simply extending a financing concept that already exists in the Public Utility Commission in that the consumers are assessed for the costs of outside lawyers and experts for the utility itself.

Now it seems to me not unreasonable, if the consumer is already spending a quarter a year for people who are working against his economic interests, that we permit him to spend a nickel a year to have a consumer advocate who is going to work for his interests.

Next, on the matter of accountability of funds, the bill provides that the consumer advocate must report to the legislature. It seems to me that a fundamental item in this report would be how much money the consumer advocate spent fighting utility rates and service cases, and this would be a basic item in the consumer advocate's report which would give us a basis for judging the consumer advocate's stewardship of the funds at his disposal.

Thirdly, the Public Utility Commission makes up the great bulk of the cases and problems in this particular area, and it seems to me rational to extend one more step an assessment procedure that is already in existence.

Fourthly, I remind you that we are in an extremely tight budget situation now, funds are extremely tight, and all of us want to do everything we can to avoid voting for a tax in the near future. To add another item to the general fund budget only exacerbates the problem that we already face.

I think it would be intelligent and fiscally prudent to go along with the assessment system as it is contained in House bill No. 175 and vote "no" on this particular amendment.

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

Mr. ZEARFOSS. Mr. Speaker, I wonder if Mr. Ritter would consent to interrogation.

The SPEAKER. Will the gentleman from Lehigh, Mr. Ritter, consent to interrogation?

Mr. RITTER. Yes, I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, under the bill as it is now written, does the insurance-buying public pay for the services of the consumer advocate when he is contesting an insurance rate increase?

Mr. RITTER. No, Mr. Speaker.

Mr. ZEARFOSS. Where does that money come from?

Mr. RITTER. That, apparently, is coming out of the general fund allocation.

Mr. ZEARFOSS. Now under the bill as it is now written, is the consumer advocate's salary and his expenses

for contesting a milk increase added to the cost of the milk?

Mr. RITTER. Mr. Speaker, it is my understanding that the assessment applies only to public utilities and not to the Milk Marketing Board or to the Insurance Department.

Mr. ZEARFOSS. So, in other words, as you read the bill now, the consumer advocate, when he is doing insurance work or Milk-Marketing-Board work, he is paid out of the general fund, but when he is doing utility work, he is paid out of an assessment on the utilities companies. Is that correct?

Mr. RITTER. That is my understanding, Mr. Speaker.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

It would seem to me, just out of fairness and consistency, that we should adopt the Ritter amendment.

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

Mr. McCLATCHY. To speak on the amendment.

The SPEAKER. The Chair recognizes the gentleman.

Mr. McCLATCHY. Mr. Speaker, I rise to support the amendment. I view this amendment basically, really, as tax relief for the elderly and the poor. If the cost of the consumer advocate is going to be applied to the public utility, it is certainly going to be applied sooner or later, more or less, to the rate these poor people pay.

All we are doing is transferring, with this amendment, the cost to the general fund that all the taxpayers pay. It is just a pure and simple philosophical point.

I again, to reiterate, believe that this is tax relief for the poor and the elderly and I rise to support the amendment, Mr. Speaker.

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

Mr. ARTHURS. Mr. Speaker, I wonder if Mr. Schmitt would consent to a short interrogation?

The SPEAKER. Will the gentleman, Mr. Schmitt, consent to interrogation?

Mr. SCHMITT. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ARTHURS. Mr. Speaker, under the financing set-up you are proposing, will the moneys that are being furnished or paid by the utility companies be used for the consumer advocate to try cases against utilities only, or does it go into a general fund within the department?

Mr. SCHMITT. The moneys used against the public utilities are used only by the Public Utility Commission in their regulations.

Mr. ARTHURS. All right. In other words, you are saying that the money that is being furnished by the utility company will be used by the consumer advocate's office to use in cases against the utility companies only?

Mr. SCHMITT. Yes, definitely.

Mr. ARTHURS. In other words, the money that is allocated then to the Milk Marketing Board will be used to try cases against the Milk Marketing Board only?

Mr. SCHMITT. The funds for that purpose would come from the general fund.

Mr. ARTHURS. But the portion allocated to the Milk Marketing Board will be used against the Milk Marketing Board only, as in the case of the utilities?

Mr. SCHMITT. The funds to finance the consumer advocate's portion of operation against the public utilities comes from the public utilities themselves, and, of course,

it is passed on to the consumer in their rate promulgations. The money for the other two departments comes from the general fund and is used for that purpose.

Mr. ARTHURS. For that purpose only? In other words, there is a chance that there could be moneys not available to try certain cases and moneys available to try other cases? Is that right?

Mr. SCHMITT. I am sorry, I do not understand the question.

Mr. ARTHURS. The moneys that are made available to try cases against the utilities companies are the moneys that are coming from the utility companies' coffers. Is that right?

Mr. SCHMITT. Correct.

Mr. ARTHURS. For example, if there are enough cases in the consumer advocate's office against utilities that this fund becomes depleted and there are still funds in the Milk-Marketing-Board fund and the insurance fund, there could be times when there could be cases against the Milk Marketing Board and against insurance companies when there would not be money to go ahead and have cases against the utility companies or vice versa?

Mr. SCHMITT. No, that is not true. The appropriation is being leveled in two different ways. First of all, there is an appropriation made against the general fund for the purpose of having a consumer advocate appear before the Milk Marketing Board and the Insurance Commission. The rest of the funds are raised by the two one-hundredths percent of the gross operating revenues of the public utilities. Those funds, as I see it, would be commingled and would be applied to the particular departments which use the consumer advocate to appear before it.

Mr. ARTHURS. All right. Then there is a chance that the moneys that are being assessed against the utility companies can be used for cases against the Milk Marketing Board and the insurance companies?

Mr. SCHMITT. No. I would say only to the degree that each of the participating agencies pay for the fundamental or basic cost of operating the office. The special costs, as they relate to public utilities, would come from the public utility funds.

Mr. ARTHURS. All right. I would like to make a statement, Mr. Speaker.

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

Mr. ARTHURS. One of two things is going to happen, and I could not quite understand the way Mr. Schmitt was putting it. Either one of two things is going to happen: Either the utility companies are going to furnish financing for cases brought against the Milk Marketing Board and the insurance companies, or there is a possibility that with the lack of funds—either in the Insurance Commission or the Milk Marketing Board, if they were to be depleted—that there would be cases that would not be brought against them that still could be brought against the utility companies. Now one of those two things has to happen, and I think it is very gross and not at all proper that we are assessing one group when we are not assessing all of the groups. I know that we can use the idea that this is what we are doing right now—and that is true—but this does not make it right.

To substantiate that, I would carry on by saying that Mr. Schmitt informed us, prior to this time, that one reason he felt a consumer advocate was necessary against the utility companies, in particular, was that the financing

for the Public Utility Commission was coming from the utility companies and one way or another, whether it is true or not, he indicated that they would then lean towards the utility companies. Now, on the other hand, he is saying that this is not so, that we are going to get more money from the same people and why would they not be leaning more? I think this just does not make sense.

Secondly, I think as far as what Mr. Shane said on the idea of taxes and this being a tight budget was absolutely true, but I am sure Mr. Shane is not a man who wants to hide these taxes behind someone else, and that is exactly what we are going to do. It is going to take money to run this, which is fine, but let us not hide behind something in doing it, in adding it onto utility bills. If we are going to have it, let us bring it out and spend the tax dollars to do it.

I think there is one other thing that we must remember, which was not brought out yesterday, and that is this: We are talking about the consumer advocate and the money coming from these big companies, and that is true, but there is one thing we must remember as far as the PUC is concerned. The PUC certificated holder can be a man who has one truck, one taxicab. He does not have to be this great big businessman we are talking about. We are affecting that man also. We are talking now about the big money man, the big fat utility, coming in here against the consumer. What do you think it is going to be when we get these bureaucracies, that we have in Harrisburg in our government, after the little fellow who has three or four taxicabs, two or three buses, or one or two trucks? I think the shoe is going to be on the other foot.

I am going to say this: I think that what we did here for the farmers is something that is going to have to be done for the little utility certificated holder along with the others. These moneys should come from the general fund rather than from a select group, because we are going to be taking money from this fellow who has one truck, one taxicab, one bus. He is also going to pay into this.

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

Mr. LAUGHLIN. Mr. Speaker, we had Consumer Protection Committee meetings some weeks ago at which Mr. Kalodner appeared. During that hearing, I asked the specific question as to how these funds would be allocated to cover the cost of the three individual departments covered, the Milk Marketing Board included. At that time I was informed that the money from the PUC would be a trust-fund-type situation, with the expenditures from those funds only to go to PUC-related situations, but that the money from the general fund, which is to cover the other two departments, could also be used, if necessary, in any PUC cases covering all three departments. So there seems to be a misunderstanding between Mr. Schmitt, Mr. Arthurs, and myself as to what actually happened at those meetings.

MOTION TO RECOMMIT HOUSE BILL No. 175

Mr. LAUGHLIN. I would, at this time, Mr. Speaker, move that we recommit this bill to the Committee on Consumer Protection.

The SPEAKER. The gentleman moves that the bill, to-

gether with the amendments, be recommitted to the Committee on Consumer Protection.

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

Mr. SCHMITT. Mr. Speaker, I oppose that motion for one very fundamental, basic reason—we have given this bill the greatest exposition of any bill in modern times, to the best of my recollection.

Mr. Speaker, we held three meetings, on February 4, February 13, and February 14, each one of which went for many hours. We heard testimony from 25 different witnesses, and we have over 471 pages of testimony that have been recorded so we could study it and analyze it in order to arrive at our final opinion.

I do not wish to belabor this point because I think the best way to win this bill is to not talk it to death, and I am going to avoid being oververbose on the subject, but I have evidence here, if anyone wants to see it, as to who the witnesses were who appeared before our committee. I would like to point out, too, that our committee hearings were very well attended by both the Republicans and Democrats. I think this bill has had plenty of exposition. It deserves now to be acted upon because the people back home are looking to us for leadership and help.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I would like to oppose the motion to recommit. As Mr. Schmitt indicated, this bill has been studied by the Consumer Protection Committee. This is not a new idea. We have seen a bill similar to this before in the Assembly.

I think the details that the bill will finally take are what we should hammer out today in the amendment process. I think we gain nothing by recommitting, and I ask all members to oppose the motion to recommit.

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

Mr. STAHL. Would the gentleman, Mr. Schmitt, consent to a brief interrogation?

The SPEAKER. Is the gentleman interrogating on the matter of the recommitment?

Mr. STAHL. I should hope so.

The SPEAKER. Does the gentleman, Mr. Schmitt, consent to interrogation?

Mr. SCHMITT. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. STAHL. Mr. Speaker, did you just get done telling us that you gave the widest possible consideration to this bill of any bill that you have seen in the General Assembly and you have done everything that you could to hear all the parties on this case? Did you just get done saying that, Mr. Speaker, to paraphrase you?

Mr. SCHMITT. I am not sure I have heard everything, because it is difficult to hear from those microphones, but I think you raised the question: Did we have public hearings and entertain all—

Mr. STAHL. No. I said that you just got done saying that we gave the widest possible coverage for hearings on this bill and that we allowed everybody an opportunity to testify. Is that not so?

Mr. SCHMITT. I did not hear the last part, Mr.

Speaker. I agree with the first part; I did not hear the last.

Mr. STAHL. That we gave an opportunity for all interested parties to testify?

Mr. SCHMITT. Yes, that is true.

The SPEAKER. Would the gentleman suspend for just a moment?

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. LINCOLN. Mr. Speaker, is debate of this nature proper on a motion to recommit a bill?

The SPEAKER. The debate must be confined to the reasons for recommitment. As long as the gentleman, Mr. Stahl, confines the interrogation to those reasons, he is in order.

Mr. LINCOLN. What is the reason for recommitment that would be involved in questions of the type that Mr. Stahl has indicated he is going to ask?

The SPEAKER. We would hope that the gentleman, Mr. Stahl, would develop the reasons for recommitment through his interrogation, if that is his purpose.

Mr. LINCOLN. Thank you, Mr. Speaker.

Mr. STAHL. Thank you, Mr. Speaker.

Mr. Speaker, did you ever hear of the Pennsylvania Consumers' Board?

Mr. SCHMITT. I am sorry, I did not hear you, Mr. Speaker.

Mr. STAHL. Did you ever hear of the Pennsylvania Consumers' Board?

Mr. SCHMITT. No, not specifically by that title.

Mr. STAHL. There is a Pennsylvania Consumers' Board located within the offices of the University of Pennsylvania. They asked to testify and they were not able to testify.

Mr. SCHMITT. We publicized it amply that those who were interested in appearing before our group had the right and the opportunity to do so.

It would be inconceivable for you to sit down and write to every conceivable interest in the State of Pennsylvania that would want to appear before the committee. The bill would not come out this year. You would have to have 35 or 40 meetings to hear everybody. But we did hear representative people from all the various segments of society who were concerned with this bill, and I would like to recite to you who they were.

Mr. STAHL. Mr. Speaker, did Mr. Denenberg testify that—

The SPEAKER. Will the gentleman, Mr. Stahl, yield and give the gentleman, Mr. Schmitt, an opportunity to respond?

Mr. STAHL. Okay.

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

Mr. SCHMITT. Mr. Speaker, I did not want to belabor this point, but I think it is important at this stage to take the time necessary to disclose for the members of this House that on February 4, we heard from Louis Carter of the Public Utility Commission; we heard from Mr. Butera, the minority leader; we heard from Commis-

sioner Kelly, Commissioner Denenberg, Attorney Kalodner, Commissioner Sheppard from the Insurance Board; Mr. Elish from the Milk Marketing Board; Ms. Gowell from the Milk Marketing Board; Mr. Kapleau from the Milk Marketing Board; Mr. Jerry Elman, a deputy attorney general; and Mr. William Coombs, who represents the senior citizens.

On February 13, we had 245 pages of testimony which disclose that William Matson of the League for Consumer Protection appeared, so did Tom Finley, representing the insurance interests; Jean Fox, who is the consumer representative from Allegheny County; a Mr. Charles Heron, Mr. Peter Sandfort, Mr. David Dunlap, Mr. Frank Jones, for the Committee for Ethical Insurance; Mr. Guy Heck, Mr. Geisinger from the milk interests; Mr. Vince Butler, Mr. Richard Flati, and Mr. Herbert.

Then, on February 14, after we amended and revised the bill somewhat, we again heard from Mr. Kalodner and Mr. Elman and had 110 pages of testimony, after which we, the committee, held a lengthy meeting, discussed it at length and attempted to produce a bill that would be palatable to the people of Pennsylvania and to the members of this House. Mr. Speaker, I rest my case.

Mr. STAHL. Mr. Speaker, I do not want to take issue with the gentleman over what he said, but he just got done saying, I believe, did he not, that Mr. Denenberg and Mr. Kelly testified before our committee?

Mr. SCHMITT. That is correct.

Mr. STAHL. Mr. Speaker, is it not correct, and is it not a fact that when Mr. Denenberg was on his way out of the committee meeting, I asked you specifically whether Mr. Denenberg was going to be able to testify, and did you not object to my asking him questions? Did you not say that Mr. Denenberg was going to return at a later date, before this bill was going to be reported out of committee?

Mr. SCHMITT. I asked Mr. Denenberg if, at our request, he would come back before the group if necessary. He said that he would, but we did not feel that it was necessary.

Mr. STAHL. Wait a minute, Mr. Speaker. You said to me and the rest of the members—

The SPEAKER. Would the gentleman suspend?

The gentleman at this point is transgressing the propriety of the conversation that can take place in connection with a motion for recommittal. The Chair would hope the gentleman would proceed to outline his posture on the floor so that the House can get to the question.

Mr. STAHL. I appreciate that, Mr. Speaker. I was just attempting to correct the record and to correct any misconceptions that the gentleman may have made to the members of the General Assembly. I think that the record is unclear at this moment and needs to be cleared up on this particular matter.

Mr. SCHMITT. Mr. Speaker, if I may answer the gentleman, there are copious quantities of testimony in print which have been delivered to the gentleman for him to have the opportunity to read. I would like to point out that on page 196, the minority chairman of the Consumer Protection Committee, for whom I have a great deal of admiration and respect, made this statement, and I quote from the record. He said: "I think this is good. I think more of us know more about what is in this bill than most bills that we ever get out of committee."

I think that is an endorsement of the fact that it did get proper exposition. I ask that you defeat the motion.

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

Mr. STAHL. Mr. Speaker, I yield temporarily.

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

Mr. RENNINGER. Mr. Speaker, I think there is no question that a great deal of consideration was given to this bill in committee and I think that statement is correct. Most of us were taking more of an interest in this bill than I have seen in committee considerations in the past, in the 10 years I have graced the floor of this House. However, I do not think there was adequate consideration of this bill. At the end of the session, on a Friday afternoon, we took 110 pages of testimony and drumhead we went through our amendments which we are going to give you an opportunity to reconsider on the floor of this House, and only for that reason, since none of the members really had any idea of what we thought of the bill, since there was no discussion of the bill qua bill. What that means is we were not considering the bill. We had heard it dished into us, fine. I wanted to get back to Carter; I wanted to give Denenberg some questions—and I have a lot for that guy—I wanted to hear what was going on. But I felt that at some point there was an intention there to roll the bill, on some time limit, on a substantially important piece of legislation to all of us, including the Governor, who ran around this Commonwealth saying he is a consumer Governor.

But then after 110 pages of testimony were taken—

The SPEAKER. Will the gentleman yield?

The gentleman knows that that kind of observation is not pertinent to the question that is before the House today. The question is on the matter of recommittal, not what the Governor said or did not say at places other than at the committee meetings.

Mr. RENNINGER. I will agree with that correction, Mr. Speaker.

The SPEAKER. Will the gentleman confine himself now to the motion that is on the floor?

Mr. RENNINGER. I would support the motion to recommit, because I think the bill certainly requires further study.

As I have said, we had 110 pages of testimony taken one Friday morning. We sat there and offered our amendments in the afternoon, in an atmosphere of bang, bang, bang, let us turn it out; we have some kind of deadline to meet, when we really had none. If we do a good job on this piece of legislation, it will be good for all Pennsylvania, but if we do a half-baked job, that is what we can expect.

Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

Mr. STAHL. Mr. Speaker, I still have the floor, I believe.

The SPEAKER. The Chair recognizes the gentleman, Mr. Stahl.

Mr. STAHL. Mr. Speaker, I was trying to ask one last general question of the gentleman, Mr. Schmitt.

The point I was trying to get at is that you promised

us on three separate occasions, did you not, that you would have several people who were testifying come back to us, especially Mr. Carter? Is it not in the record that you promised the members of this committee, the Consumer Protection Committee—

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. MORRIS. I believe that we are confined to two speeches on any particular issue, are we not?

The SPEAKER. The gentleman is correct, but the Chair will ignore the rule of the House for the moment and allow the gentleman, Mr. Stahl, to continue, with the understanding that this is the last question to be posed.

Mr. MORRIS. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. RYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. It is my understanding that Mr. Stahl yielded the floor as opposed to having given up the floor at the end of a speech, so it would seem to me that we are not in violation of any rule and the Speaker need not ignore the rule because Mr. Stahl is within his rights under the rules.

The SPEAKER. The Chair has already indicated it is allowing Mr. Stahl to proceed.

The gentleman may proceed.

Mr. STAHL. I will restate the question. Did not you, Mr. Chairman of the Consumer Protection Committee, indicate to us that you would at some future date, before this bill was reported out of committee, allow us the opportunity to reexamine and to question three additional witnesses, including Mr. Denenberg, Mr. Kelly and Mr. Carter?

Mr. SCHMITT. Give me the verbatim quote from the sworn testimony and I will settle for that.

Mr. RENNINGER. Mr. Speaker, will you indulge us for one moment, please?

Mr. STAHL. I do not happen to have it. We had not been prepared to work on the recommittal motion and I did not bring the file up with me. But I will show the gentleman, sometime later in the session here, to his satisfaction, that he did promise us that we would have an opportunity to reexamine these witnesses.

The SPEAKER. The Chair recognizes Mr. Schmitt.

Mr. SCHMITT. Mr. Speaker, I feel that I have given this more than the necessary amount of exposition for opinions and judgment and I rest my case and ask the members of this House to not support the motion to recommit.

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

Mr. LAUGHLIN. Mr. Speaker, I do not in any way, shape or form state that Mr. Schmitt did not give ample opportunity to all the members to voice their opinions at the meetings. But in our caucus the other day and on

the floor of this House, a number of other positions and a number of other questions have come up that seriously jeopardize the vote on passage of this particular bill. That is why I am asking for recommittal, Mr. Speaker; not on what Mr. Schmitt or the committee did in meetings, but on what has come up since, and I would hope he would consider that and support my motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Turner.

Mr. TURNER. Mr. Speaker, I rise to strongly support the motion to recommit this bill.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I oppose the motion to recommit. I assume a bill which is reported from committee has been worked on until proven to the contrary.

Mr. Speaker, the bill is now before the full House of Representatives. If there be error in the bill, this is the place to correct it; if there be omissions, this is the place for the additions; if there be additions which need to be deleted, this is the place to delete them. I would suggest that we get on with our business, and I oppose the motion to recommit.

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

The yeas and nays were required by Messrs. LAUGHLIN and SCHMITT and were as follows:

YEAS—85

Anderson, J. H.	Geesey	Manmiller	Shuman
Arthurs	Gleason	Mebus	Sirianni
Buren	Grieco	Miller, M. E., Jr.	Smith, E.
Bittle	Gring	Miscevich	Smith, L.
Brandt	Hamilton, J. H.	Mochlmann	Stahl
Butera	Hasay	Myers	Tayoun
Cessar	Haskell	Noye	Thomas
Cimini	Hayes, S. E.	O'Connell	Turner
Crawford	Hepford	Pancofer	Ustynoski
Cumberland	Hill	Parker, H. S.	Vroon
Davies	Hutchinson, W.	Perri	Wagner
Deverter	Kelly, J. B.	Pitts	Walsh, T. P.
Dietz	Kistler	Polite	Weidner
Dininni	Klingaman	Pyles	Westerberg
Dorr	Kusse	Renninger	Whelan
Dreibelbs	Laughlin	Ryan	Whittlesey
Fawcett	Lehr	Salvatore	Wilt, R. W.
Fischer	Levi	Scheaffer	Wilt, W. W.
Foster, A.	Lynch	Seirica	Yohn
Foster, W.	McClatchy	Seltzer	Zearfoss
Fryer	McCue	Shelhamer	Zeller
Gallen			

NAYS—109

Abraham	Giammarco	McLane	Saloom
Barber	Gillette	Menhorn	Schmitt
Beilomini	Gillespie	Milanovich	Schweder
Bennett	Gleeson	Miller, M. E.	Shane
Berson	Goodman	Milliron	Shelton
Blackwell	Green	Morris	Shupnik
Bonetto	Greenfield	Mrkonic	Stapleton
Bradley	Halverson	Mullen	Stout
Brunner	Hammock	Musto	Sullivan
Burns	Hayes, D. S.	Novak	Sweeney
Caputo	Hopkins	O'Brien	Taddonio
Cole	Irvis	O'Donnell	Toll
Cowell	Itkin	O'Keefe	Trello
Davis, D. M.	Johnson, J.	Oliver	Valicenti
DeMedio	Katz	Perry	Vann
Dicarlo	Kelly, A. P.	Petrarca	Wansacz
DiDonato	Kernick	Plevsky	Wargo
Dombrowski	Knepper	Pratt	Wilson
Doyle	Kolter	Prendergast	Wojdak
Eckensberger	Kowalshyn	Rappaport	Worrlow
Englehart	LaMarca	Renwick	Wright

Fee	Laudadio	Rhodes	Yahner
Fisher	Lederer	Richardson	Zord
Flaherty	Letterman	Rieger	Zwinkl
Gallagher	Lincoln	Ritter	
Garzia	Manderino	Romanelli	Fineman,
Geisler	McCall	Ross	Speaker
George	McIntyre	Ruggiero	

NOT VOTING—9

Berlin	McGinnis	Mullen, M. P.	Spencer
Cohen	McGraw	Reed	Taylor
Hutchinson, A.			

So the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I rise to oppose the amendments offered by Mr. Ritter.

The funding mechanism designed into the consumer advocate bill simply tries to follow the manner in which the regulatory agency before whom the consumer advocate will appear is funded.

The Milk Marketing Board is funded from the general fund; the Department of Insurance is funded from the general fund for its operations, and the consumer advocate appearing before that board will get funds from the general fund for those appearances. The Public Utility Commission is not funded from the general fund. The Public Utility Commission is funded from rates by the formula that is being followed, in general, to fund the consumer advocate. It makes sense.

The arguments made this afternoon that the funding of the consumer advocate before the Public Utility Commission, the cost of that, should be borne by all the citizens of the Commonwealth and not the ratepayers could equally be made that we should pay out of the general fund the complete funding of the operation of the Public Utility Commission. It was not set up in the beginning that way; it does not operate that way.

Having the consumer advocate financed by a rate formula is consistent with the manner in which we fund the Public Utility Commission. We pay for the entire operation of the Public Utility Commission through the formula on rates, the commission itself. The attorneys who appear for the utilities are funded in that manner, and there is no reason that the consumer—the one who is paying the bill—should not have the advantage of a consumer advocate staffed, qualified, and funded in the same manner and the same procedure. It makes sense, and I oppose Mr. Ritter's amendment.

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

Mr. RITTER. Mr. Speaker, the mere fact that the Public Utility Commission is funded the way it is presently does not necessarily make it right. Therefore, if you believe as I do that it is wrong to fund the Public Utility Commission in that fashion, then it is equally wrong to fund the consumer advocate by that fashion.

I am saying that I do not want to continue what I think is a bad system. I am saying that now is the time to say to the consumer advocate, you will be funded out of the general fund. And, as rapidly as we can, let us

get to the Public Utility Commission and change the funding of that.

In the meantime, let us accept this amendment, because if you do not, you are going to saddle the senior citizens, the limited-income and low-income citizens with the additional cost of this. And you are not going to be kidding anybody. You are not going to be kidding a single, solitary person. It is going to be reflected in the utility bills. I would just as soon do it over and aboveboard and say to the taxpayers of this Commonwealth, this is the total cost to operate this department and it is coming out of general-fund revenues where this legislature and individual members have an opportunity to get some input into the cost of operating this bureau. I ask for an affirmative vote on this amendment.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, just briefly, since the question of senior citizens paying higher rates has been raised, I think it has been adequately pointed out that the average residential user of a utility will pay about 4 cents a year for the services of the consumer advocate for that particular utility. That is not an excessive amount of money. I think every consumer would want the protection that we would hope to purchase through the passage of the bill without the Ritter amendment.

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

Mr. SHUPNIK. Mr. Speaker, I have spoken to a large number of people in regard to this bill, and they inform me that they would gladly pay 5 cents on any utility bill if they could have someone go in there and defend them against any tax increase.

Thank you, Mr. Speaker.

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

The yeas and nays were required by Messrs. RITTER and MANDERINO and were as follows:

YEAS—104

Anderson, J. H.	Gillette	Miller, M. E., Jr.	Smith, L.
Arthurs	Gleason	Miscevich	Spencer
Beren	Grieco	Moehmann	Stahl
Bittle	Gring	Myers	Stout
Brandt	Halverson	Noye	Sullivan
Burns	Hamilton, J. H.	O'Brien	Taddonio
Butera	Hasay	O'Connell	Thomas
Cessar	Haskell	Pancoast	Turner
Cimini	Hayes, D. S.	Perri	Ustynoski
Crawford	Hayes, S. E.	Pitts	Vroon
Davies	Hepford	Polite	Wagner
DeMedio	Hill	Prendergast	Wansacz
Deverter	Hutchinson, W.	Pyles	Weidner
Dicarlo	Katz	Ronninger	Westerberg
Dietz	Kistler	Ritter	Whelan
Dinnini	Klingaman	Romanelli	Whittlesey
Dorr	Kusse	Ryan	Wilson
Dreibelbis	LaMarca	Saloom	Wilt, R. W.
Eckensberger	Lehr	Salvatore	Wilt, W. W.
Engelhart	Levi	Scheaffer	Worriow
Fawcett	Lynch	Schweder	Wright
Fisher	Manmiller	Seltzer	Yohn
Foster, A.	McClatchy	Shelhamer	Zearfoss
Foster, W.	McLane	Shuman	Zeller
Fryer	Mebus	Sirianni	Zord
Gallen	Menhorn	Smith, E.	Zwinkl

NAYS—88

Abraham	George	McCall	Richardson
Barber	Giammarco	McCue	Rieger

Bellomini	Gillespie	McIntyre	Ross
Bennett	Gleeson	Milanovich	Ruggiero
Berson	Goodman	Miller, M. E.	Schmitt
Blackwell	Green	Milliron	Scirica
Bradley	Greenfield	Morris	Shane
Brunner	Hopkins	Mrkonjc	Shelton
Caputo	Irvis	Mullen	Shupnik
Cole	Itkin	Musto	Stapleton
Cowell	Johnson, J.	Novak	Sweeney
Cumberland	Kelly, A. P.	O'Donnell	Tayoun
Davis, D. M.	Kelly, J. B.	O'Keefe	Toll
DiDonato	Kernick	Oliver	Trello
Dombrowski	Knepper	Parker, H. S.	Vann
Doyle	Kolter	Perry	Walsh, T. P.
Fee	Kowalyshyn	Petrarca	Wargo
Fischer	Laudadio	Pievsky	Wojdak
Flaherty	Laughlin	Pratt	Yahner
Gallagher	Lederer	Rappaport	
Garzia	Letterman	Renwick	Fineman,
Geesey	Lincoln	Rhodes	Speaker
Geisler	Manderino		

NOT VOTING—11

Berlin	Hammock	McGraw	Taylor
Bonetto	Hutchinson, A.	Mullen, M. P.	Vaicenti
Cohen	McGinnis	Reed	

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

AMENDMENTS NOT OFFERED

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

Mr. RENNINGER. Thank you, Mr. Speaker. I yield the floor to Mr. Zearfoss.

The SPEAKER. Does the gentleman, Mr. DiCarlo, also have amendments to be offered?

Mr. DiCARLO. Mr. Speaker, I withdrew the amendments. They were contingent upon Mr. Ritter's amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. ZEARFOSS requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 6, page 4, line 4, by inserting a period after "person"

Amend Sec. 6, page 4, lines 4 through 6, by striking out "or provide a" in line 4, all of lines 5 and 6

On the question,

Will the House agree to the amendments?

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

Mr. ZEARFOSS. This first amendment, Mr. Speaker, addresses itself to page 4, lines 4 through 6, of the bill.

QUESTION OF INFORMATION

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

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

The SPEAKER. The gentleman will state it.

Mr. SCHMITT. Mr. Speaker, to facilitate things, so that we are not here all afternoon, would the gentleman be kind enough to tell us the number on his amendment so that we can correspondingly look at our amendment on this side?

Mr. ZEARFOSS. On the packet of amendments that

is on the members' desks, this one is listed as "R-1." It is the first one.

The SPEAKER. The gentleman may proceed.

Mr. ZEARFOSS. What the amendment purports to do is to remove the discretion or the authority of the consumer advocate to refuse to take a case in certain instances. Those instances where he would be required to prosecute a case before the appropriate regulatory agency would be where 20 percent of the users or 2,500 persons petition him to take the case, whichever is less. When they petition, then the consumer advocate would be required to take that case. He would not have the option of refusing it.

This is accomplished by merely eliminating the words on line 4, beginning with "or provide a written statement" and then all of lines 5 and 6. Those are eliminated from the bill.

This would require, then, that where there is a proper petition presented to the consumer advocate, he would have to take that case to the regulatory agency.

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

Mr. SCHMITT. Mr. Speaker, this amendment would compel the consumer advocate to intervene in any case upon petition of 20 percent of the users or 2,500 consumers, whichever is less. This amendment gives him no option to refuse.

I think that this is an abomination because, conceivably, he could have a great portion of the 4,000 to 5,000 cases that are considered every year, for example, by the Public Utility Commissioner alone. This would put him in the position where he would have to represent everybody in every case, and some of the cases may be frivolous or totally unnecessary.

I think our bill, while he does not have to represent the consumer in every instance, does require him, when he refuses a petition such as indicated, to give a written notice to the public and to the Governor as to why he is not representing the people in that instance. It would be inconceivable for him to take every case that would come before the Public Utility Commission, as an example.

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

Mr. ZEARFOSS. If this amendment is adopted, the consumer advocate then becomes the servant of the people rather than the servant of some special interest or political interest, regardless of which party we are talking about. We assume that this consumer advocate is going to be around for a long time.

If he can pick and choose, even when a significant number of people feel they have been aggrieved by the action of some regulatory agency, then it enables the consumer advocate to do political favors for whomever he wants to do them, and I do not think that is the way it should be. I think there should be situations where the consumer advocate is required to act; that is, where a significant number of the users of the utility services or milk services or the insurance policyholders want action by the consumer advocate, they should get it.

We have to think about what the expectations of the consumer are with this bill, and if we ignore those expectations, all we are doing is passing a bill that is going

to get us in trouble and not do anything for the consumer. They are going to expect a lot more than they are going to be able to get. I think this is a very good way to give them something of what they expect out of this kind of a bill.

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

Mr. SCHMITT. I oppose the amendment. I think the gentleman is effectively trying to put handcuffs on the consumer advocate if he does not give him the freedom that we have given him in this bill. I think it is inconceivable that you would stretch your imagination to this nth degree and debate that he is not representing the consumer. That would be a great fallacy, because this gentleman is responsible not only to the Governor who appointed him but to the people of Pennsylvania, and he would have to explain his actions.

If we would be willing to appropriate half a billion dollars, we could, perhaps, create a big enough staff to take care of all cases that come before the Public Utility Commission, the Milk Marketing Board, and the Insurance Board, but you are going to have to be somewhat selective if you are going to be effective at all. You cannot represent everybody on peanuts.

I want to remind you too, sir, that back home there are a lot of people who are taking bread off their tables in order to meet the increased utility costs they have had in recent months—double and triple what they have formerly paid. People who are on fixed incomes can no longer stand this kind of pressure and they are looking for representation from people like you and me. I think we better do something about it and do it quickly or we are going to be repudiated by the people back home.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the arguments that Mr. Zearfoss makes in favor of his amendment, at first blush, would seem persuasive. In fact, when the consumer advocate bill was around in the last session of the Assembly, it contained, if not the identical, very similar, language to what Mr. Zearfoss is asking to be inserted at this time. The reason the language that he now wishes to insert, or similar language, was removed from the bill is as stated by Mr. Schmitt, that the consumer advocate would not be able to take, within the budget that has been projected, the cases that he would have to take if the Zearfoss amendment were adopted.

You have, as Mr. Schmitt stated, effectively handcuffed him. You make the public advocate take cases that perhaps he should not take. Perhaps there is no merit to the case, yet every case he must pursue with the same diligence. It will cost money to pursue these cases. This money is going to be coming out of the general fund.

The removal of the language that Mr. Zearfoss wants now to insert was removed for one reason and one reason alone, and that is, the projected cost of that language is too great to allow that language in the bill.

For the second reason, that we must allow the consumer advocate to be selective to fit the cases that have merit and not get bogged down in and handcuffed by cases that do not have merit, I would oppose the Zearfoss amendment.

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

Mr. ZEARFOSS. Just one final point, Mr. Speaker.

Mr. Schmitt points out that there are consumers out there who want some redress, and that is exactly the reason this amendment is being offered. They must have an opportunity to voice their grievances and have those grievances taken care of by this consumer advocate. When you have a significant number of users petitioning for redress of those grievances to the consumer advocate, he should act. If he does not act after that petition, you know where they are going to come for their redress of those grievances—they are going to come to us. I do not want to have to answer for his inactions. I would suggest that the only way we can avoid having a situation where 2,500 users come to each Representative and ask that we do something about getting the consumer advocate to act is if we adopt this amendment and make it mandatory for him to act in those situations where he is being petitioned by 2,500 users or by 20 percent of the users.

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

Mr. ARTHURS. Mr. Speaker, I am very interested in this particular amendment for one reason. I have just been dealing with the PUC for a water company back home that has only 103 subscribers. I could not get them to act the way I felt they should and I was very disappointed.

Now if we do not put some kind of a safeguard in, such as Mr. Zearfoss' amendment here, this means that once again the little guy is going to be left out, and we are just going to go after the ones where the most pressures can be applied by the greatest number of subscribers. I think that once again we have to look out for that little guy, and that is exactly the result I could not get, and this is what I want to guard against right now.

I think that any of us who has any small utility companies back home at all, whether it be small water companies, small gas companies, small electric companies, we have to guard these people also, these subscribers, and I ask your support of this amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. ZEARFOSS and SCHMITT and were as follows:

YEAS—104

Anderson, J. H.	Gallen	McClatchy	Smith, E.
Arthurs	Geesey	McCue	Smith, L.
Beren	Gleason	Mebus	Spencer
Bittle	Goodman	Miller, M. E.	Stahl
Brandt	Grieco	Miller, M. E., Jr.	Stout
Burns	Gring	Mochlmann	Sullivan
Butera	Halverson	Myers	Taddonio
Cessar	Hamilton, J. H.	Noye	Thomas
Cimini	Hasay	O'Brien	Turner
Crawford	Haskell	O'Connell	Ustynoski
Cumberland	Hayes, D. S.	Pancoast	Vroon
Davis	Hayes, S. E.	Perri	Wagner
Davis, D. M.	Hepford	Pitts	Walsh, T. P.
DeMedio	Hill	Polite	Wejdner
Deverter	Hopkins	Pyles	Westerberg
Dietz	Hutchinson, W.	Renninger	Whelan
Diminni	Katz	Ritter	Whittlesey
Dorr	Kelly, J. B.	Ryan	Wilson
Dreibelbis	Kistler	Saloom	Wilt, R. W.
Eckensberger	Klingaman	Salvatore	Wilt, W. W.
Fawcett	Knepper	Scheaffer	Worrilow

Fischer	Kusse	Scirica	Wright
Fisher	Lehr	Seltzer	Yohn
Foster, A.	Levi	Shelhamer	Zeller
Foster, W.	Lynch	Shuman	Zord
Fryer	Manmiller	Sirianni	Zwikl

NAYS—86

Abraham	Gillespie	Menhorn	Romanelli
Barber	Gillette	Milanovich	Ross
Bellomini	Gleeson	Milliron	Ruggiero
Bennett	Green	Miscevich	Schmitt
Berson	Greenfield	Morris	Schweder
Blackwell	Irvis	Mrkonic	Shane
Bradley	Itkin	Mullen	Shelton
Brunner	Johnson, J.	Musto	Shupnik
Caputo	Kelly, A. P.	Novak	Stapleton
Cole	Kernick	O'Donnell	Sweeney
Cowell	Koiter	O'Keefe	Tayoun
Dicarlo	Kowalyszyn	Oliver	Toll
DiDonato	LaMarca	Parker, H. S.	Trello
Dombrowski	Laudadio	Perry	Valicenti
Doyle	Laughlin	Petrarca	Yann
Englehart	Lederer	Pievsky	Wansacz
Fee	Letterman	Pratt	Wargo
Flaherty	Lincoln	Prndergast	Wojdak
Gallagher	Manderino	Rappaport	Yahner
Garzia	McCall	Renwick	
Geisler	McIntyre	Rhodes	Fineman, Speaker
George	McLane	Rieger	

NOT VOTING—13

Berlin	Hammock	McGraw	Richardson
Bonetto	Hutchinson, A.	Mullen, M. P.	Taylor
Cohen	McGinnis	Reed	Zearfoss
Giammarco			

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

BITUMINOUS COAL QUEEN WELCOMED

The SPEAKER. The Chair would like to take a moment at this time to introduce a very special guest.

We have with us today the 21st Bituminous Coal Queen, a very beautiful young lady by the name of Emeline Demniak, who comes from McClellandtown, Pennsylvania, where she is a 12th-grade student at German Township High School in Fayette County.

First, I would like Emeline to please stand so that we can appropriately receive her in the House.

Emeline is accompanied by her mother and father, Mr. and Mrs. Emil Demniak, and Mrs. Patrick Donovan, who is chairman of the Coal Queen Committee.

All of these folks are here as the guests of Messrs. Lincoln, Davis and Taylor.

ANNOUNCEMENT

The SPEAKER. The Chair wants to announce and give notice that the State Government Committee of the House will meet in special session at 8:45 on Wednesday morning, March 19, in the majority caucus room in the Main Capitol Building.

HOUSE BILL No. 175, ON THIRD CONSIDERATION, CONTINUED

The SPEAKER. Does the gentleman, Mr. Zearfoss, have additional amendments to offer to House bill No. 175?

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

Mr. ZEARFOSS requested and obtained unanimous

consent to offer the following amendments, which were agreed:

Amend Sec. 2, page 1, line 10, by striking out "(i)"
Amend Sec. 2, page 1, line 11, by striking out "a" where it appears the first time and inserting: "any"

Amend Sec. 2, page 1, line 11, by striking out "a" where it appears the second time

Amend Sec. 2, page 1, lines 12 through 14; page 2, lines 1 through 10, by striking out all of said lines and inserting: other person who is subject to the authority of a regulatory agency of this Commonwealth.

Amend Sec. 2, page 2, lines 15 through 17, by striking out all of said lines and inserting: "Regulatory agency" means any department, board, agency, committee, commission or political subdivision that has the responsibility under the statutes of this Commonwealth to approve or disapprove rates or retail prices of consumer goods or services; promulgate rules and regulations governing the conduct of persons or setting standards for goods and services or that in any other way affects the conduct of commerce and those persons engaged in commerce who are subject to the authority of any such department, board, agency, committee, commission or political subdivision. The term includes any municipality that performs the above functions in relation to cable television.

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

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

Mr. ZEARFOSS. Mr. Speaker, this is amendment "R-2" in the packet of Renninger amendments and it is the amendment that I consider to be the most important one of the group.

During the Consumer Protection Committee hearings on this bill, there was substantial testimony suggesting that the scope of investigation that the consumer advocate could undertake be broadened to include any state regulatory agency. The testimony was to the effect that the scope of the bill should be broadened so that the consumer advocate could look into any state regulatory agency.

As you recall, some time in the not-too-distant past, Dr. Denenberg said that the biggest consumer fraud is state government. While I hesitate to use him as an authority, if you accept that premise, then, of course, the consumer advocate should be available to protect us from state government as consumers, and in order to protect us from state government, the consumer advocate has to have the authority to deal with all regulatory agencies.

Now this first amendment, "R-2," that I am offering, does expand the definition of "regulatory agency" in the bill to mean "any department, board, agency, committee, commission or political subdivision that has the responsibility under the statutes of this Commonwealth to approve or disapprove rates or retail prices of consumer goods or services;" or that has rights to "promulgate rules and regulations governing the conduct of persons or setting standards for goods and services or that in any other way affects the conduct of commerce and those persons engaged in commerce who are subject to the authority of any such department, board, agency, committee, commission or political subdivision." It also includes "any municipality that performs the above functions in relation to cable television."

Now let us just take cable TV as the first item of discussion. As you know, these cable TV companies are authorized by municipal ordinance to operate within a municipality. They are not subject to regulation by the

Public Utility Commission or any other agency. The municipality sets prices for cable TV hook-ups, and the consumer advocate should have the authority to look into these increases for cable TV costs.

REQUEST FOR ORDER

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

Mr. McCLATCHY. Mr. Speaker, could we have some order in the House, please?

The SPEAKER. I would like very much to get some order in this House, if the members would cooperate.

Now the longer we take with these delays and interruptions, the later will be the hour at which we can adjourn. It not only delays the proceedings but it is certainly disrespectful to whoever has the floor at the moment. And even as I am issuing this admonition, members are engaged in conversation on the floor.

The Chair would ask all members to cut off conversation on the floor and direct their attention completely and entirely to whoever has the microphone at the moment.

Will all the conversations on the floor please come to a halt?

The gentleman may proceed.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

Now not only are municipalities setting cable TV rates—right now they are not covered by the bill, and I feel they should be, and this amendment would cover them—but municipalities own utilities in many areas of the state. They are not subject to PUC regulations with respect to the utility services delivered within the municipality.

Consumers of those utility services should have the protection of the consumer advocate, and this amendment would broaden the scope sufficiently to include municipally-owned utilities.

Cooperatives that deliver utility services are not now covered by the act since they are not regulated by PUC. This amendatory language would cover utility co-ops. They should be covered. The consumer advocate should be ready and able to intervene in rate cases involving the cooperatives.

One of the glaring deficiencies in the scope of this bill as it now stands that would be cured by this amendment is, of course, the prices as set by the Liquor Control Board. Here is a government agency that sets prices for the consumer, and these consumer advocates who are established by the government are not even going to have the opportunity to do anything about trying to hold those prices down. Now I know that liquor is not as sexy as milk, but it is still a consumer item, and in some areas of the state people do buy it and use it, and it should, probably, be covered by this bill.

There is another area that would be covered by the amendment, and that is, the right of public welfare recipients. The consumer advocate could represent public welfare recipients under this amendatory language. Under the bill, he cannot. Right now, welfare recipients have to form into groups of welfare rights organizations in order to get anybody to carry their story to government. It seems to me that the consumer advocate

should have this responsibility as well. The amendment would give that responsibility to the consumer advocate.

Another area that is absent from the bill is the granting of credit and rates of interest. The Banking Department is not covered by this bill as it now stands. Under the amendatory language, the Banking Department would be covered and a consumer advocate could look into regulations by the Banking Department with respect to granting of credit, foreclosing mortgages, and the like.

None of the licensing boards are covered by the bill as it now stands, but there are many rules and regulations by the Real Estate Licensing Board, for instance, that do affect the cost of closings and the cost of the purchase of a home. These regulations should have some consumer input through the consumer advocate before they are adopted by the licensing board.

PARLIAMENTARY INQUIRY

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

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

The SPEAKER. The gentleman will state it.

Mr. WOJDAK. I am listening to the amendment that Mr. Zearfoss is reading, and my initial reaction is that it could triple the cost of this bill, at a minimum, and I refer specifically to rule 19, section (i) (2). That amendment would require a fiscal note.

My point of parliamentary inquiry is: Does that amendment require a fiscal note and if it does, what is the posture status of Mr. Zearfoss' move to amend?

The SPEAKER. If, in fact, the amendment does require a fiscal note—and that determination has not been made as yet—then it would be subject to rule 19 (a), which says:

No bill, except a General Appropriation bill or any amendments thereto, which may require an expenditure of Commonwealth funds or funds of any political subdivision which may entail a loss of revenues shall be reported from committee until the committee chairman has requested a fiscal note from the Appropriations Committee, and the fiscal note has been attached thereto which shall be provided by the Appropriations Committee

No amendment to a bill which may result in an increase in the expenditure of Commonwealth funds or which may entail a loss of revenues in addition to that originally provided for in the bill prior to the proposed amendment shall be voted upon until the day following the distribution of a fiscal note to the members with respect to such amendment et cetera.

Does the gentleman, Mr. Zearfoss, disagree with the assertion that this amendment does cost additional money?

Mr. ZEARFOSS. Yes, Mr. Speaker, I do. Obviously, with additional duties, the consumer advocate's department could spend more money, but there is an appropriation provided in the bill that would be used for these purposes as well as the other purposes. All it

means is that he is going to have to spread himself a lot thinner unless we provide additional money. But I am not suggesting that the amount of the appropriation be increased. Therefore, I would think there is no need for the fiscal note. Actually, you do not know how much these additional duties are going to cost until you know whether the consumer advocate would exercise these duties.

The SPEAKER. Does the gentleman, Mr. Wojdak, have a contrary point of view?

Mr. WOJDAK. Mr. Speaker, the Appropriations Committee did, in fact, amend the bill and provided \$200,000 for the agencies that were in front of us. We at no time contemplated additional agencies, such as the Liquor Control Board.

The SPEAKER. The Chair is of the opinion that the reasons advanced by Mr. Zearfoss are correct, that the amendment, while it may, in fact, result in the additional expenditure of money, must work within the framework of the moneys appropriated in the bill. Therefore, the amendment is in order, and the gentleman may proceed.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

The last point I was making was the involvement of the consumer advocate in the licensing boards. There are two other points that I think the consumer advocate would, of necessity, be involved in if other legislation that is now being proposed is passed by this General Assembly. One, of course, is the medical care and the health care bill, Senate bill No. 10, and I think there is a like bill in the House. That bill does, in fact, provide for a health care advocate. It would seem unnecessary to have a separate health care advocate if we have a consumer advocate who has the authority to deal with health care problems. So, obviously, the agency set up under Senate bill No. 10 or the House counterpart would have the authority to set hospital rates and health care rates, and the consumer advocate would logically be the person who should intervene in those cases when the rates are being discussed for hospitals.

The last proposal that has been made that could pass in this session of the General Assembly and wherein the consumer advocate should be involved, of course, is the rent-control bill. If a rent-control bill passes and there is an agency set up to control rents, then, obviously, I do not think anyone can argue that the consumer advocate should be able to intervene in those rent hearings on behalf of the renter-consumer.

I think for these reasons, rather than coming back to amend the law later, we should broaden the scope of this bill now and make it truly a consumer advocate bill to represent the consumers before all agencies of state government so that the expectations of the consumer, who does expect the consumer advocate to deal with these areas, will not be disappointed.

Thank you, Mr. Speaker.

The SPEAKER. Would the gentleman indicate to the Chair whether or not this amendment would cover the General Assembly in its establishment of the cost of license plates?

Mr. ZEARFOSS. I do not think so, Mr. Speaker. The definition of "regulatory agency" does not include the legislative body; it says "any department, board, agency, committee, commission or political subdivision."

The SPEAKER. Is the legislature not an agency of state government? This is just an intellectual pursuit.

Mr. ZEARFOSS. It might be a good idea, when the Transportation Committee is considering this kind of a bill, that the consumer advocate would appear before that committee and give testimony. He could certainly do so. I would expect, if this amendment passes, that he would then have the legal authority to do that, and it might be a good idea for him to have that authority.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SCHMITT. Mr. Speaker, with all due respect to my good friend, Herb Zearfoss, I think this is the most preposterous amendment that could possibly be introduced into this bill. It is quite obvious, if this amendment passes, that we might as well throw up our hands and forget about a consumer advocate for this session. This is preposterous wherein, by bringing all the agencies into the thing, you are diluting it to the point where the consumer advocate would be totally ineffective. I could say further to you, Mr. Speaker, that cable TV is not now regulated, so how, then, could a consumer advocate appear before a cable TV hearing? The cable TV should be regulated, perhaps, and should be the subject of a separate bill.

Our position is to keep the responsibilities confined to the three agencies that are most important to people. Let me make one very cogent point, Mr. Speaker; that is, the consumer, regardless of whether he be wealthy or poor, here in Pennsylvania, is obligated to three things: He must, of course, pay his utility bills if he wants to have phone, water service, garbage collection, and all the various other utilities; number two, he must have milk, either to eat or drink or to cook with; and, number three, he must buy insurance, whether to protect his home, his car or to protect his good fortune.

These are the three areas, Mr. Speaker, in which we get the most complaints from people back home. They do not call us about license plates; they do not call us about TV; but they do call us about the price of milk and they certainly do call us about their utility bills doubling within a period of a month, and they certainly do call us when life insurance and fire insurance do increase in price.

Mr. Speaker, this bill is designed to help the people in those three areas, particularly the poor, the uneducated, the unsophisticated. If we try to dilute it by putting in all these other agencies, why this is an exercise in futility. It is absolutely ridiculous to assume that with \$200,000 the consumer advocate could appear before all these commissions and committees.

Mr. Speaker, I say most earnestly to the members of this House that you do have to have milk, you do have to have public utilities, you do have to have insurance, but people do not have to have liquor. Furthermore, the formula for liquor is already established. If my memory serves me right, they take the wholesale price to which they add 48 percent mark up, to which they add 15 percent emergency tax, to which they add a 6-percent sales tax, thereby arriving at the price. What would be the good of a consumer advocate appearing before the Liquor Control Commission faced with that objective?

How about in front of the Banking Commission? The banking mortgage-interest rate is tied to a Federal agency, the rise and fall of a Federal agency.

I think it is ridiculous for us to attempt to try and dilute this bill to where we are going to take in everything under the sun. The three most important things to people are insurance, public utilities, and milk. I think to pass this amendment would be the destruction of the entire bill and I ask that everybody opposes the amendment.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Shane.

Mr. SHANE. Thank you, Mr. Speaker.

The advocate of this amendment stated that if this amendment were adopted with the current financial appropriation, it is certainly true that the consumer advocate would have to spread himself a lot thinner. That is certainly true and that is really the core of this particular dispute. The consumer advocate, given the current funding, would have to spread himself so thin that he would be totally ineffective, and I believe this is the result that many people really want to achieve.

John F. Kennedy used to be fond of quoting the Chinese proverb, "A journey of 1,000 miles begins with the first step." This amendment would make the first step be 900 miles.

This amendment is a familiar parliamentary gambit. It goes under the names of loving the bill to death or Christmas-treeing it to death. This amendment makes hash out of the bill. And reading from the usual script that we all have heard after one makes an assertion that the amendment loves the bill to death, the person's immediate response is, "I'm only trying to make it better." Of course. So please spare us that cliché at least.

This amendment would finally give us a crippled and decimated version of House bill No. 175 and that would be the nicest going-away present we could possibly give to George Bloom.

At bottom, I believe since we all know it is politically risky to take the position of direct opposition to the concept of a consumer advocate, this familiar parliamentary gambit is really an anticonsumer position at bottom, and I heartily urge all members to vote "no" on this amendment.

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

Mr. PYLES. Mr. Speaker, I would like to observe for the benefit of the General Assembly here that New Jersey has a similar law which apparently has been very effective, and they have in their bill complete coverage of the advocate representing the consumer before all regulatory bodies.

Mr. Zearfoss today is opening this up to show us that the State of Pennsylvania, our Commonwealth, is just as good as New Jersey.

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

Mr. RITTER. Mr. Speaker, I rise to oppose this amendment. I think as the gentleman, Mr. Shane, said, it does go far afield.

I think if you take this amendment in conjunction with the one that we just adopted—and I supported that amendment which allows 20 percent or 2,500 people to petition for representation by the consumer advocate—I

can foresee how we could get bogged down in representing consumers before political subdivisions in the area of water rate increases, in the area of municipal service fee increases, and a whole gamut of operation which would, in effect, really dilute the operation of the bureau of consumer advocate. And I think if we are going to have a consumer advocate—and I have some reservations about the bill itself—I think we ought to at least give that much of the operation a chance and stay with the three areas that are primarily under state control and affect the lives of people perhaps more on a daily basis than any other agencies and leave these other agencies go until we can have some experience with the bureau of consumer advocate. I would ask for a negative vote on this amendment.

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

Mr. ZEARFOSS. Mr. Speaker, just a few brief comments in reply to Mr. Shane.

I am sure there are some present in this House who will vote for this amendment for the reasons given by Mr. Shane. I trust he is not attributing those same reasons to me in offering the amendment, and the gentleman indicates "no." Thank you, Mr. Shane, for that vote of confidence in my integrity.

I think it is very, very important that we offer to the consumer an advocate who can advocate in those areas in which the consumer expects advocacy, and I am convinced beyond any doubt that they are not going to be satisfied with milk, insurance and utilities. Now if they have to take those three areas, I am sure they are going to accept them. But we are going to hear about expanding this law if it becomes law in this form.

I think now is the time to take that step and face up to whatever the cost will be in the next fiscal year when we are appropriating money for this consumer advocate. If it costs more money because he has a bigger job to do to protect the consumer, then we should do it. It is either right or it is wrong. If it is right, we should put the amendment in, and if we put the amendment in, we should pay for it in next fiscal year. I suggest that we all vote in favor of this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, for the information of the newer members, if you are interested in the passage of a consumer advocate bill in this session, you had better vote "no" on this amendment.

If you vote "yes" on the amendment, you may look great in the press, but we simply cannot pay for it. You are going to be caught in one of two binds: One, if we are limited to the \$200,000 which the bill carries for the rest of this year, no consumer advocate appearing before all regulatory agencies would have enough money to function. Therefore, two follows inevitably. If we establish a consumer advocate who is to appear before all regulatory agencies, it is going to require more money. And instead of talking about \$200,000, less than a quarter of a million, we may well be talking about \$3 to \$4 million.

Now I do not argue with Mr. Zearfoss on the necessity of a consumer advocate, and I think he knows I do not argue on that question. I argue on the purely fiscal

matter, that at this time in our fiscal history the Commonwealth cannot afford the full flower garden. We can afford to plant a couple of plants and see how they grow. But if we go for the business of the whole garden, my prediction is, there will be no consumer advocate bill passed in this session. I ask that the amendment be defeated.

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

Mr. ZEARFOSS. Just one final point: Mr. Irvis points out the need to restrict the consumer advocate to keep him within this budget. I assume that Mr. Irvis is thinking about the large job that the consumer advocate would have in advocating restraint on rate increases in the utility area.

But if everything is true that has been said about the Public Utility Commission, the need for a consumer advocate in the utility area is over at the end of this month. We have a new Public Utility Commission starting April 1, and there will be no need, presumably, for a consumer advocate in that area at all. And if there is no need for the consumer advocate in the utility area, then I say he should be available to act in the Liquor Control Board area, in the banking area, in the real estate area, in the rent control area, in the health care cost area, and in all the other areas that would be included by this amendment that are not now in the bill.

Thank you, Mr. Speaker.

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

The yeas and nays were required by Messrs. ZEARFOSS and SCHMITT and were as follows:

YEAS—80

Table listing names of members who voted 'YEAS' in two columns.

NAYS—112

Table listing names of members who voted 'NAYS' in two columns.

Table listing names of members who were 'NOT VOTING' in two columns.

NOT VOTING—11

Table listing names of members who were 'NOT VOTING' in two columns.

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

QUESTION OF PERSONAL PRIVILEGE

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

Mr. ZEARFOSS. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. Mr. Speaker, while it does not make any difference because of the vote, I would like to be included in the affirmative on my second amendment to House bill No. 175.

The SPEAKER. The gentleman's remarks will be noted on the record.

Does the gentleman, Mr. Zearfoss, have any further amendments to offer?

Mr. ZEARFOSS. Yes; I do, Mr. Speaker. I think the debate will be much shorter on the other ones though.

The SPEAKER. Hopefully.

The gentleman will send the amendments to the desk, and the clerk will read the amendments.

Before the clerk proceeds, the Chair would like to remind the members of rule 27:

Before consideration, eight typewritten copies of a proposed amendment signed by its sponsor shall be presented to the Speaker, one copy of which shall be delivered to the news media and a printed copy in typewritten form prepared by the Legislative Reference Bureau shall be placed on the desk of each member.

Amendments are coming forward to the desk not eight in number, and the Chair will refuse to allow any amendments to be considered by the House if this rule is not complied with.

Mr. ZEARFOSS. Mr. Speaker, I am afraid I am violating the rule. I have been giving five copies, I think, of the amendments.

The SPEAKER. Will the gentleman please get eight copies and send them forward?

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

Mr. ZEARFOSS requested and obtained unanimous consent to offer the following amendments, which were read:

- Amend Sec. 2, page 1, line 10, by striking out "(i)"
Amend Sec. 2, page 1, line 11, by striking out "a" where it appears the first time and inserting: any
Amend Sec. 2, page 1, line 11, by striking out "a" where it appears the second time

Amend Sec. 2, page 1, lines 12 through 14; page 2, lines 1 through 10, by striking out all of said lines and inserting: other person who is subject to the authority of a regulatory agency of this Commonwealth.

Amend Sec. 2, page 2, lines 15 through 17, by striking out all of said lines and inserting: "Regulatory agencies" mean any department, board, agency, committee, commission or political subdivision that has the responsibility under the statutes of this Commonwealth to approve or disapprove rates or retail prices of consumer goods or services; promulgate rules and regulations governing the conduct of persons or setting standards for goods and services or that in any other way affects the conduct of commerce and those persons engaged in commerce who are subject to the authority of any such department, board, agency, committee, commission or political subdivision.

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

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

Mr. ZEARFOSS. Mr. Speaker, the additional copies are coming up.

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

Mr. SCHMITT. May I request once again that the gentleman, Mr. Zearfoss, give us the number so we have an identifying number for the amendment over here?

The SPEAKER. The Chair recognizes the gentleman, Mr. Zearfoss.

Mr. ZEARFOSS. This amendment is labeled "R-3," Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, this amendment is essentially the same as the last with the deletion of one sentence, the last sentence that said: "The term includes any municipality that performs the above functions in relation to cable television." That is deleted; the rest is in.

In other words, this amendment would be just like the last one, but would not give the consumer advocate any authority to intervene in a cable TV hearing with the municipalities.

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

Mr. SCHMITT. Mr. Speaker, I oppose this amendment for the same reason as the previous one, because it does identically the same thing as the previous one except that it does not embrace cable TV, which I think is the subject of a separate piece of legislation.

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

The yeas and nays were required by Messrs. ZEARFOSS and SCHMITT and were as follows:

YEAS—77

Anderson, J. H.	Gleason	McClatchy	Smith, L.
Beren	Grieco	McCue	Spencer
Bittle	Gring	Manmiller	Stahl
Brandt	Halverson	Miller, M. E., Jr.	Taddonio
Butera	Hamilton, J. H.	Moehlmann	Thomas
Cessar	Hasay	O'Connell	Turner
Cimini	Haskell	Pancoast	Ustynoski
Crawford	Hayes, D. S.	Parker, H. S.	Vroon
Cumberland	Hepford	Perri	Wagner
Davies	Hill	Pitts	Weidner
Deverter	Hopkins	Polite	Wcsterberg
Dorr	Katz	Pyles	Whelan
Dietz	Kelly, J. B.	Rcmninger	Whittlesey
Eckensberger	Klingaman	Ryan	Wilson

Fawcett	Knepper	Salvatore	Wilt, R. W.
Fisher	Kusse	Scheaffer	Wilt, W. W.
Foster, A.	Lehr	Scirica	WorriLOW
Foster, W.	Levi	Seltzer	Zearfoss
Gallen	Lynch	Sirianni	Zeller
Geesey			

NAYS—115

Abraham	Gillespie	Milanovich	Saloom
Arthurs	Gillette	Miller, M. E.	Schmitt
Bellomini	Gleeson	Milliron	Schweder
Bennett	Goodman	Miscevich	Shane
Berson	Green	Morris	Shelhamer
Bonetto	Greenfield	Mrkonie	Shelton
Bradley	Hammock	Mullen	Shuman
Brunner	Hayes, S. E.	Musto	Shupnik
Burns	Hutchinson, W.	Myers	Stapleton
Caputo	Irvic	Novak	Stout
Cole	Ikkin	Noye	Sullivan
Cowell	Johnson, J.	O'Brien	Sweeney
Davis, D. M.	Kelly, A. P.	O'Donnell	Tayoun
DeMedio	Kernick	O'Keefe	Toll
Dicarlo	Kistler	Oliver	Trello
DiDonato	Kolter	Perry	Valicenti
Dininni	Kowalshyn	Petrarca	Vann
Dombrowski	LaMarca	Pievsky	Walsh, T. P.
Doyle	Laudadio	Pratt	Wansacz
Dreibelbis	Laughlin	Prendergast	Wargo
Englehart	Lederer	Rappaport	Wojdak
Fee	Letterman	Benwick	Wright
Fischer	Lincoln	Rhodes	Yahner
Flaherty	Manderino	Richardson	Yohn
Fryer	McCall	Rieger	Zord
Gallagher	McIntyre	Ritter	Zwinkl
Garzia	McLane	Romanelli	
Geisler	Mcbus	Ross	Fineman,
George	Menhorn	Ruggiero	Speaker
Giammarco			

NOT VOTING—11

Barber	Cohen	McGraw	Smith, E.
Berlin	Hutchinson, A.	Mullen, M. P.	Taylor
Blackwell	McGinnis	Reed	

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

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

Mr. ZEARFOSS requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 2, page 2, line 16, by inserting a comma after "Commission"

Amend Sec. 2, page 2, line 16, by striking out "and the"

Amend Sec. 2, page 2, line 17, by removing the period after "Department" and inserting: , the Liquor Control Board, the Banking Department, the Securities Commission and the Professional Licensing Boards.

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

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

Mr. ZEARFOSS. Mr. Speaker, this amendment is labeled "R-4," and what it does is add to the authority of the consumer advocate only the following: The Liquor Control Board, the Banking Department, the Securities Commission, and the professional licensing boards of the Commonwealth.

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

Mr. SCHMITT. Mr. Speaker, I oppose the amendment, too, for the reasons that I have previously stated. The Liquor Control Board does have a formula by which prices are established. The Banking Department has a formula by which their mortgage-interest rates and other

interest rates are established. I am not sure about the Securities Commission and the professional licensing boards, but I think that applies there, too.

This broadens the responsibility for the consumer advocate to appear before these departments, and I think it is absolutely unnecessary. I think that we ought to hold fast to the position we have already taken on the bill. I oppose the amendment.

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

The yeas and nays were required by Messrs. ZEARFOSS and SCHMITT and were as follows:

YEAS—85

Anderson, J. H.	Geesey	McClatchy	Smith, E.
Beren	Gleason	McCue	Smith, L.
Bittle	Grieco	Manmiller	Spencer
Brandt	Gring	Mebus	Stahl
Burns	Halverson	Miller, M. E., Jr.	Taddonio
Butera	Hamilton, J. H.	Moehlmann	Thomas
Cessar	Hasay	Noye	Turner
Cimini	Haskell	O'Connell	Ustynoski
Crawford	Hayes, D. S.	Pancoast	Vroon
Cumberland	Hepford	Parker, H. S.	Wagner
Davies	Hill	Perri	Weidner
Deverter	Hopkins	Pitts	Westerberg
DiDonato	Hutchinson, W.	Polite	Whelan
Dietz	Katz	Pyles	Whittlesey
Dininni	Kelly, J. B.	Renninger	Wilson
Dorr	Klingaman	Ryan	Wilt, R. W.
Fawcett	Knepper	Salvatore	Wilt, W. W.
Fischer	Kusse	Scheaffer	Worriow
Fisher	Lehr	Scirica	Wright
Foster, A.	Levi	Seltzer	Zearfoss
Foster, W.	Lynch	Sirianni	Zeller
Gallen			

NAYS—109

Abraham	Giammarco	Milanovich	Schmitt
Arthurs	Gillespie	Miller, M. E.	Schweder
Barber	Gillette	Milliron	Shane
Bellomini	Gleeson	Miscevich	Shelhamer
Bennett	Goodman	Morris	Shelton
Berson	Green	Mrkoncic	Shuman
Blackwell	Greenfield	Mullen	Shupnik
Fonetto	Hammock	Musto	Stapleton
Bradley	Hayes, S. E.	Myers	Stout
Brunner	Irvis	Novak	Sullivan
Caputo	Itkin	O'Brien	Sweeney
Cole	Johnson, J.	O'Donnell	Tayoun
Cowell	Kelly, A. P.	O'Keefe	Toll
Davis, D. M.	Kernick	Oliver	Trello
DeMedio	Kistler	Perry	Valicenti
Dicarlo	Kolter	Petrarca	Vann
Dombrowski	Kowalyshyn	Pievsky	Walsh, T. P.
Doyle	LaMarca	Pratt	Wansacz
Dreibelbis	Laudadio	Prendergast	Wargo
Eckensberger	Laughlin	Rappaport	Wojdak
Englehart	Lederer	Renwick	Yahner
Fee	Letterman	Richardson	Yohn
Flaherty	Lincoln	Rieger	Zord
Fryer	Manderino	Ritter	Zwinkl
Gallagher	McCall	Romanelli	
Garzia	McIntyre	Ross	Fineman,
Geisler	McLane	Ruggiero	Speaker
George	Menhorn	Saloom	

NOT VOTING—9

Berlin	McGinnis	Mullen, M. P.	Rhodes
Cohen	McGraw	Reed	Taylor
Hutchinson, A.			

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

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

Mr. ZEARFOSS requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 2, page 2, line 16, by inserting a comma after "Commission"

Amend Sec. 2, page 2, line 16, by striking out "and the"
Amend Sec. 2, page 2, line 17, by removing the period after "Department" and inserting: and the Liquor Control Board.

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

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

Mr. ZEARFOSS. Mr. Speaker, this is amendment "R-5."

Mr. Speaker, this amendment would expand the consumer advocate's authority to the Liquor Control Board only.

It is my understanding that this proposal has support in high places. It is my understanding that the Speaker has, in the past, indicated that the Liquor Control Board should be available as one of the agencies that the consumer advocate should have the authority to look into.

Mr. Schmitt, of course, disagrees with the Speaker on this point, but I am always willing to go with the Speaker and I would hope that the rest of the House is, too.

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

Mr. SCHMITT. Mr. Speaker, at the risk of being repetitious, I point out once again that the Liquor Control Board does have a formula by which prices are established. Liquor is not a necessity of life and the other three things are, and I would say to oppose this amendment.

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

Mr. PYLES. Mr. Speaker, about 3 weeks ago I had the privilege to make a presentation to the Liquor Control Board at one of their unusual public hearings.

At that time, the chairman, Mr. Kaplan, pointed out to the group assembled that he did all in his power, through advertisements and public releases and being on the radio and TV, to get the consumer to be represented at that meeting. I was the only one there who represented the consumer's point of view that day when they were considering raising the prices of 400 items on the shelves at the liquor retail sales stores. He noticed that everybody in the room represented the liquor industry except myself. I noticed that not even the Governor's office, which espouses to take the consumers' point of view, was represented.

It is my judgment that the consumer advocate that we are considering today should represent the consumers before the Liquor Control Board. I recommend that we pass this amendment.

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

The yeas and nays were required by Messrs. ZEARFOSS and SCHMITT and were as follows:

YEAS—89

Anderson, J. H.	Halverson	Mebus	Stapleton
Beren	Hamilton, J. H.	Miller, M. E., Jr.	Stout
Bittle	Hasay	Moehlmann	Taddonio
Brandt	Haskell	Noye	Thomas
Burns	Hayes, D. S.	O'Connell	Turner
Butera	Hayes, S. E.	Pancoast	Ustynoski
Cessar	Hepford	Parker, H. S.	Vroon
Cimini	Hill	Perri	Wagner
Crawford	Hopkins	Pitts	Wansacz

Cumberland	Hutchinson, W.	Polite	Weidner
Davies	Katz	Pyles	Westerberg
Deverter	Kelly, J. B.	Renninger	Whelan
Dininni	Klingaman	Ryan	Whittlesey
Dorr	Knepper	Salvatore	Wilson
Dreibelbis	Kusse	Scheaffer	Wilt, R. W.
Fischer	Lehr	Scirica	Wilt, W. W.
Fisher	Levi	Seltzer	Worrilow
Foster, W.	Lynch	Sirianni	Wright
Gallen	McClatchy	Smith, E.	Yohn
Geesey	McCue	Smith, L.	Zearfoss
Gleason	McLane	Spencer	Zeller
Grieco	Manmiller	Stahl	Zord
Gring			

NAYS—104

Abraham	Garzia	McIntyre	Romanello
Arthurs	Geisler	Menhorn	Ross
Barber	George	Millanovich	Ruggiero
Bellomini	Giammarco	Miller, M. E.	Saloom
Bennett	Gillespie	Milliron	Schmitt
Berson	Gillette	Miscevich	Schweder
Blackwell	Gleeson	Morris	Shane
Bonetto	Goodman	Mrkonjic	Shelhamer
Bradley	Green	Mullen	Shelton
Brunner	Greenfield	Musto	Shuman
Caputo	Hammock	Myers	Shupnik
Cole	Irvis	Novak	Sullivan
Cowell	Itkin	O'Brien	Sweeney
Davis, D. M.	Johnson, J.	O'Donnell	Tayoun
DeMedio	Kelly, A. P.	O'Keefe	Toll
Dicarlo	Kernick	Oliver	Trello
DiDonato	Kistler	Perry	Valicenti
Dietz	Kolter	Petrarca	Vann
Dombrowski	Kowalshyn	Pievsky	Walsh, T. P.
Doyle	LaMarca	Pratt	Wargo
Eckensberger	Laudadio	Prendergast	Wojdak
Engelhart	Laughlin	Rappaport	Yabner
Fee	Lederer	Renwick	Zwikel
Flaherty	Letterman	Richardson	
Foster, A.	Lincoln	Rieger	Fineman,
Fryer	Manderino	Ritter	Speaker
Gallagher	McCall		

NOT VOTING—10

Berlin	Hutchinson, A.	Mullen, M. P.	Rhodes
Cohen	McGinnis	Reed	Taylor
Fawcett	McGraw		

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

On the question recurring,

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

Mr. SCHEAFFER requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 4, page 2, line 24, by inserting after "Governor": with the advice and consent of the Senate,

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Scheaffer.

Mr. SCHEAFFER. Mr. Speaker, this amendment is only eight words: "Amend Sec. 4, page 2, . . . by inserting after 'Governor': with the advice and consent of the Senate."

Most of the witnesses at these meetings that we held—practically all of them—agreed that this appointment should be with the consent of the Senate. They all agree that in starting a new department, they should follow the constitution where it says "with the advice and consent of the Senate" on any officers of this caliber.

I certainly would appreciate a "yes" vote on this simple amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I oppose the amendment. We are in the process in the General Assembly of reducing the number of officers which require the advice and consent of the Senate. We are trying in both the Senate and the House to reduce that number to those people who are departmental heads.

This amendment would go the opposite direction. It would increase by one at least, or maybe by several, those people who must seek advice and consent of the Senate. It is going diametrically opposite the direction we are trying to go to reduce the number of appointments requiring the advice and consent of the Senate.

Therefore, Mr. Speaker, I oppose it.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Scheaffer.

Mr. SCHEAFFER. Mr. Speaker, until that time comes, I feel as if we should abide by the way the constitution reads now.

This is another department which will grow into a couple million dollars in a couple of years, and I feel it should be the responsibility of somebody other than the Governor to accept this responsibility. I would, therefore, ask for a "yes" vote.

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

Mr. PYLES. Mr. Speaker, in all deference to the majority leader, I believe that this proposal for a consumer advocate that we are looking at today establishes a cabinet post and establishes a department. Even with those proposals that are now circulating through this General Assembly, in the Senate and the House, in order to revise the number of posts that have to receive consent of the Senate, this would be one of them under any case. I recommend that we vote in the affirmative for this amendment.

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

Mr. RENNINGER. Thank you, Mr. Speaker.

I would like to point out to the members that in the present bill before the members, Mr. Speaker, the consumer advocate, with this investigatorial representational responsibility which the legislature will be placing upon him, serves at the pleasure of the Governor. That is a tremendous opportunity for abuse.

Secondly, his salary is not fixed by this General Assembly; it is fixed by the executive board. And you know, one of the arts of politics is never let anybody really know that you are the one who is talking. That is what this is all about, the way this bill is written.

Thirdly, the employes of the upper level, I guess you would call it—although I hate to say upper level or lower level—these people would have to be approved by the Governor.

I think this is an unsound structuring of what the public expects a consumer advocate to be. Therefore, I support this amendment and hope that you all do, too, for your own good.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I will not belabor the point. I rise in favor of this amendment. Actually, I think it is ridiculous that we would even consider a bill such as this granting the appointing authority in the hands of the chief executive. What we are doing today,

all of us, in advocating the creation of a new office in government, is acknowledging our own inadequacy in providing the kind of service which people—we call them consumers in this bill—deserve.

Historically, every agency over which we are seeking to create a watchdog was created to protect the public. In our acknowledging defeat in that concept by advocating a consumer advocate, we are really, I think, criticizing ourselves.

Furthermore, we are directly criticizing the executive branch of the government, not this particular Governor but all Governors. We are saying that you have not done your job with the vehicles which we have given you in protecting the people against monopolies, unscrupulous business people, and every other group or category of people whom we are getting at in advocating this bill, this concept.

I do not think we can compound the error of permitting the Governor to appoint the watchdog over the Governor's watchdogs by eliminating the very basic check and balance of Senate confirmation. It is inconceivable to me that we would permit a Governor, regardless of who he is, to appoint a watchdog over other gubernatorial appointees who are supposed to be watching for the public and then permit that person to serve merely at the pleasure of the Governor. This is what could happen: The consumer advocate could get too aggressive in criticizing a Governor's appointees and he could be removed at the pleasure of the Governor, or a person could be appointed to the office by the Governor without Senate confirmation who would be totally predictable when it would come to his advocacy of consumers' interest in not challenging other gubernatorial appointments. That is absolutely absurd.

If we do anything constructive today, we will at least reinsert the check and balance which we have covered in almost every other area and branch of this government and vote for this amendment.

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

Mr. RENNINGER. Mr. Speaker, when Senate bill No. 1410 passed the last time, I made the observation of the consumer advocate becoming housebroken. I do not think we want to perpetuate that possibility in this piece of legislation. There has to be some independent source of appointment here, along with the Governor. He can make the selections and recommendations, but this is the best tool we presently have available. I urge your support of the amendment.

The SPEAKER. The gentleman does not mean housebroken; he means "Senate broken," does he not?

Mr. RENNINGER. I used the word "house broken." I do not refer to the other body on the floor of this House.

The SPEAKER. I understand.

Mr. RENNINGER. I would have been reminded of the rules, I think.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Shane.

Mr. SHANE. I respectfully disagree with the minority leader on a couple of points. First of all, I do not feel by voting for a consumer advocate bill we are admitting our own failure in the legislature or the failure of the executive to appoint the proper people to these offices. I think what we have now is a structural defect in the regulatory agencies that we are attempting to correct

with House bill No. 175 and other states have already corrected.

The structural defect is this: The regulatory agencies, as presently constituted, have a dual role. They are both judge and prosecutor in these rate cases. Sometimes when there is nobody there speaking for the consumer, they even go through a halfhearted attempt to advocate the consumer's point of view. So you have a schizophrenia in the regulatory agencies today in that the same people are called upon to be judge and prosecutor.

What we are attempting to do under House bill No. 175 is set up an advocacy process by which the regulatory agency sits as a judge, and the utility company and their lawyers and experts are, shall we say, the prosecution or the plaintiff with the burden of proving the need for the rate increase, and the consumer advocate is the defender of the consumer. We feel by separating the plaintiff, the judge, and the defendant, similar to our courts, we are going to get better results from the regulatory agencies. So I respectfully disagree with the gentleman and say that rather than an admission of failure of the executive, it is a structural defect that we are trying to correct by attempting to separate the adjudicatory functions and the other functions of the opposite advocates.

Next, I have more faith in the ability of our executives to appoint people who will do a good job. Sure, they make some glaring mistakes. The mind immediately leads to Frank Hilton, as an example. But, on the other hand, we have some splendid successes. In this case, I would think of Joel Weisberg in the Bureau of Consumer Protection as an outstanding example of an executive appointment. And I have faith enough in Republican Governors in the future that they also will make good appointments.

What bothers me is getting another office involved in the tawdry political horse trading that goes on to get the two-thirds vote, with the county chairmen giving their input and the lobbyists and what can result in a month's and even year's delay in the appointment of a person to this important office.

I, therefore, would suggest that members vote against this amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, to all of that I would demur, because the gentleman failed to address the question which is before us.

The SPEAKER. You had better explain that to the nonlawyers in the House.

Mr. BUTERA. To all that I say so what, instead of demurring.

The fact that the confirmation process has not worked as well as we would like it to have or as well as the framers of all constitutions intended it to work is irrelevant to this issue. It does work in many other jurisdictions, most notably in Washington.

The most recent confirmation battles in Washington—the Haynsworth and Carswell appointments, the Rockefeller appointment—should be information sufficient to convince us that it can work, and that is all we should concern ourselves with. I do not care whether it is a two-thirds majority or a simple majority. If we want it to work and if we want to force public hearings, et cetera, on the confirmation process, we should do that.

What I am saying is that to let this bill pass without this check and balance, which we are obligated, I think, to provide the people with, is a grave error.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I would like to address myself to what Mr. Butera says is the issue.

The question is: Should there be advice and consent, which presently takes two-thirds of the Senate, for the consumer advocate that we intend to establish in this bill?

It would seem clear to me and it always appears clear from the votes on the board when any utility question comes up on the floor of the House, that we pretty well split, with some minor exceptions, along party lines. I will not try to analyze why that happens. I will not try to decipher the votes. I just make that observation. And I daresay that that is the kind of split that would occur in the other body that must advise and consent.

I am not looking for a person in the role of consumer advocate who must go through the logrolling process and be acceptable to all interests, because he is not representing all interests. He is representing the consumers' interests. He has to be vigorous; he has to be forceful; and he has to be the advocate of the consumer. I believe Mr. Shane pointed out very correctly that just because the Governor makes an appointment does not lead all to the conclusion that Mr. Butera made, that there is something missing and that the consumer will not have the kind of representation that he should have.

The Bureau of Consumer Protection as established in a department of this Commonwealth, where the department head has been appointed by the Governor but the bureau director is not necessarily subject to advice and consent of the Senate, operates very efficiently, very vigorously. They are rooting out consumer fraud. They are finding the businesses that do less than deal properly with the public, and I daresay that no one on the floor of the House will dispute that they are doing a very effective job. I would hope the consumer advocate can do just as an effective job. I think that he can.

I do not think we ought to bog down the consumer advocate appointment in the advise-and-consent procedure, requiring a two-thirds' vote at present, which will only subject that person chosen to make compromises to get the position and to keep the position.

I think that we ought to defeat the amendment. Advice and consent is not necessary and not needed.

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

Mr. BLACKWELL. Mr. Speaker, the gentleman on the floor is my assistant, Kenneth Culbrath.

Is it the policy of this House to let only the members of the House on the floor, or will all the assistants of all the legislators be allowed to come on the floor?

The SPEAKER. Staff is permitted to be on the floor of the House.

Mr. BLACKWELL. We have had more than just staff on the floor, Mr. Speaker. I would appreciate it if the same courtesies that are extended to the rest of the legislators are extended to me.

The SPEAKER. The Chair will permit any staff mem-

ber, as well as any member, to occupy the floor of the House, but no visitors.

Mr. BLACKWELL. This is not a visitor, Mr. Speaker. This is my assistant that I have had from the inception of my coming to Harrisburg.

The SPEAKER. If the gentleman is an employe of the House, he is entitled to the privilege of the floor, Mr. Blackwell.

Mr. BLACKWELL. He is an employe of mine, sir. He works for me. He has been coming on the floor. The privilege was extended to other legislators in the House, and I again say that I would appreciate it if you would extend that courtesy to me. If not, then I would ask you to restrict anyone from coming on the floor other than those who are entitled to come on the floor.

The SPEAKER. The Chair will endeavor to see that the rules of the House are complied with. If the gentleman—or, as a matter of fact, whoever it might be—is within the framework of the rules of the House, he will be permitted to be on the floor.

Mr. BLACKWELL. Thank you very much. I just wanted to see that we get equal treatment, sir. Thank you very much.

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

Mr. McCUE. Mr. Speaker, in support of this amendment, I think the greatest job that we have as representatives of the people is to represent the people. And in representing the people we must keep up the principles of democracy, that is, to see to it that the people have a hand in government.

I feel that one of the greatest things that laws are to do is to protect people against the tyranny of government. In this case, this amendment would provide for the voice of the people in another appointment of the government. I think that this office should be put up to the consideration of the representatives of the people in the Senate in order to avoid any further tyranny of bureaucracy in our governmental structure. I, therefore, urge support of this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I had hoped not to speak again on this issue and I shall be very brief.

I do not particularly like kings and I do not particularly like Governors, and I do not care whether they are Republican or Democrat, I do not particularly cotton to them. But I am not going to sit here and hear somebody say on the floor of the House that a man, whether he be Republican or Democrat, who runs before 11½ million citizens of the Commonwealth cannot represent the voice of the people, as opposed to a Senator who runs in a district of perhaps 250,000 people.

Now it seems to me that we ought to be realistic, and those of us who have been here long enough know. And I am constrained by the rules of decorum not to lay it out on the line for you here, but if you come to me privately I will tell you what happens in the wheeling and dealing on advice and consent, and it is not anything like the civic textbook that you read in junior high school. Now if that is not clear enough for you, come and see me after the session and I will tell you specifically what I mean. And that is the reason I am opposed to the

amendment. I do not want to see the amendment in for that specific reason which I cannot spell out because of the rules of the House here.

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

The yeas and nays were required by Messrs. SCHEAF-FER and IRVIS and were as follows:

YEAS—85

Abraham	Gleason	McCue	Spencer
Anderson, J. H.	Grieco	Manmiller	Stahl
Beren	Gring	Mebus	Taddonio
Bittle	Halverson	Moehlmann	Thomas
Brandt	Hamilton, J. H.	Noye	Turner
Burns	Hasay	O'Connell	Ustynoski
Butera	Haskell	Pancoast	Vroon
Cessar	Hayes, S. E.	Parker, H. S.	Wagner
Cimini	Hepford	Perri	Walsh, T. P.
Crawford	Hill	Pitts	Weidner
Cumberland	Hopkins	Polite	Westerberg
Davies	Hutchinson, W.	Pyles	Whelan
Deverter	Katz	Renninger	Whittlescy
Dininni	Kelly, J. B.	Ryan	Wilson
Dorr	Kistler	Salvatore	Wilt, R. W.
Dietz	Klingaman	Scheaffer	Wilt, W. W.
Fawcett	Knepper	Scirica	Worriow
Fisher	Kusse	Seltzer	Wright
Foster, A.	Lehr	Sirianni	Yohn
Foster, W.	Lynch	Smith, E.	Zearfoss
Gallen	McClatchy	Smith, L.	Zord
Geesey			

NAYS—109

Arthurs	Geisler	Menhorn	Ruggiero
Barber	George	Milanovich	Saloom
Bellomini	Giammarco	Miller, M. E.	Schmitt
Bennett	Gillespie	Miller, M. E., Jr.	Schweder
Berlin	Gillette	Milliron	Shane
Berson	Gleeson	Morris	Shelhamer
Blackwell	Goodman	Mrkonic	Shelton
Bonetto	Green	Mullen	Shuman
Bradley	Greenfield	Musto	Shupnik
Brunner	Hammock	Myers	Stapleton
Caputo	Hayes, D. S.	Novak	Stout
Cole	Irvis	O'Brien	Sullivan
Cowell	Itkin	O'Donnell	Sweeney
Davis, D. M.	Johnson, J.	O'Keefe	Tayoun
DeMedio	Kelly, A. P.	Oliver	Toll
Dicarlo	Kernick	Perry	Trello
DiDonato	Kolter	Petrarca	Valicenti
Dombrowski	Kowalshyn	Pievsky	Vann
Doyle	LaMarca	Pratt	Wansacz
Dreibelbis	Laudadio	Prendergast	Wargo
Eckensberger	Laughlin	Rappaport	Wojdak
Englehart	Lederer	Renwick	Yahner
Fee	Letterman	Rhodes	Zeller
Fischer	Lincoln	Richardson	Zwick
Flaherty	Manderino	Rieger	
Fryer	McCall	Ritter	Fineman, Speaker
Gallagher	McIntyre	Romanelli	
Garzia	McLane	Ross	

NOT VOTING—9

Cohen	McGinnis	Miscevich	Reed
Hutchinson, A.	McGraw	Mullen, M. P.	Taylor
Levi			

So the question was determined in the negative and the amendment was not agreed to.

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

Mr. TADDONIO requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 4, page 2, by inserting after line 30: Any individual who is appointed to the position of Consumer Advocate shall not seek election nor accept appointment to any political office during the tenure as Consumer Advocate and for a period of two years after the appointment is served or terminated.

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

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

Mr. TADDONIO. Mr. Speaker, I think one of the most important things in this bill is that the consumer advocate be objective and impartial in his representation of the consumer. In section 6 of the bill it states: "The Consumer Advocate may exercise discretion in determining the interests of consumers . . ." Now it is very important that that discretion not be used for his own personal gain.

As an example, someone who may be in this office who would take it upon himself to look at higher office and use this as a vehicle and may be more interested in the problems affecting large utilities, which may be having relatively justified rate increases, than in the smaller ones that may not be as justified, but he can get more headlines by using the large utilities.

As an example, say he was interested in a congressional office. What is to prevent him from picking on just the utilities in this one congressional district where he would like to run? Also, he might look on this as a wonderful source of campaign funds. What is to prevent the consumer advocate from establishing a fund for his election while he is in office and then starting to bring suit against certain rate increases and all of a sudden finding his campaign funds filling up and deciding not to intervene or to intervene on less-than-whole-hearted basis?

I think it is very important that the consumer advocate be very independent. Now we did add an amendment offered by Mr. Zearfoss which would force the consumer advocate to intervene in certain rate cases. However, we cannot mandate that his intervention be vigorous or wholehearted. The only thing we can do to insure this is to put some sort of prohibition on him from serving office, and I say it is not an unreasonable one—2 years.

He would still have the rights of any other individual to seek office. However, the consumer would be protected against this sort of demagogue evolving out of this bill.
Thank you.

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

Mr. WOJDAK. Mr. Speaker, may I interrogate the gentleman from Westmoreland, Mr. Taddonio?

The SPEAKER. Will the gentleman from Westmoreland, Mr. Taddonio, consent to interrogation?

Mr. TADDONIO. I shall, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. WOJDAK. Mr. Speaker, if the constitution in fact lays out the qualifications for running for public office, how does this amendment affect those qualifications?

Mr. TADDONIO. Mr. Speaker, I am not an attorney, but my understanding of the thing is that the courts have ruled that in cases of this nature certain restrictions can be placed that are reasonable, and the test of reasonableness in this case would be a 2-year period.

Mr. WOJDAK. Mr. Speaker, is not the amendment, in fact, inhibiting the constitution or restricting it?

Mr. TADDONIO. I do not see it as doing that.

Mr. WOJDAK. You are, in fact, setting up qualifica-

tions other than those listed in the constitution, are you not?

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

Mr. YOHN. I just thought I might help in answering the question.

Mr. TADDONIO. I will yield to the gentleman.

The SPEAKER. The gentleman, Mr. Taddonio, yields to the gentleman, Mr. Yohn.

Mr. YOHN. It seems to me, Mr. Speaker, that this amendment is in order. It is the type of thing that is put into many bills of this nature where you are trying to prevent the person in office from being closely allied with the political forces of the state, and this kind of thing is very much in order. It is not a requirement that is imposed on every citizen in the state, which might not or would not pass constitutional muster. It is only imposed on that person who chooses to fill this particular office.

Mr. WOJDAK. Mr. Speaker, I am really not certain as to whether we can add this, even if it is only applicable to one individual, and prevent that one particular individual from running for public office if in fact the constitution spells out the qualifications for running for public office. I see this amendment as an indirect way of adding to the constitutional requirements for running for public office and I am really not certain of its constitutionality.

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

Mr. TADDONIO. Mr. Speaker, I want to respond to that question.

I would like to say that the Federal Government, under the Hatch Act, gives prohibition on serving in public office.

Mr. WOJDAK. I do not think the Hatch Act prevents someone from running for public office. It in fact restricts political activity while they are employed in a certain position within the Federal Government or in the state government if certain funds are used. But that individual does have the discretion to leave that particular employment and run for public office.

The thrust of your amendment is to the effect that if in fact the gentleman holds this position, even upon resigning from the position he cannot run for public office. So it is going much further than the restrictions of the Hatch Act.

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Mr. Speaker, in partial answer, I do not know if there has been an actual court case on constitutionality like this, but there are requirements put into law which we have written for other offices, such as some county officers and their deputies who are precluded by law from running for another office for a certain number of years. Also, the district attorney must practice law for so many years. We have written laws which have in them certain requirements for running for office, and I view this as the same.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, there is a provision in the county law that prohibits any row officer, any of his clerks or any of his deputies from serving in the office of controller for 2 years following the time that he has concluded his service as a row officer, a chief clerk or a deputy. That was tested, I believe, in Luzerne County in the past year.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I think there is no one here on the floor who can really define whether or not this amendment is constitutional.

I sense that probably most of the members on the floor would like to restrict the consumer advocate to being a consumer advocate and not being a politician seeking further office.

I would suggest that those of us who believe that this is constitutional vote for the amendment and those who have doubts about its constitutionality vote in the negative, so that we can abort the debate and let us get on with the vote.

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

Mr. RITTER. Mr. Speaker, the part that I object to in this amendment is the part that says, ". . . shall not seek election nor accept appointment to any political office . . ." That could be a school director in a local municipality; it could be a city councilman; it could be a supervisor in a township. It seems to me that we are going way, way afield. If you want to restrict it to a statewide office or an office where he would have something to say over the regulation of an agency, I might not object to it. But to restrict it to any political office, including school director, township supervisor, auditor, it seems to me is going a little bit too far. I think we ought to reject the amendment.

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

Mr. SCHMITT. Mr. Speaker, this restriction would seriously hamper our ability to obtain a first-rate individual to fill the appointment.

It strikes me that if a man were politically motivated and he would be a consumer advocate, that he would do an especially good job for the people as a consumer advocate in order to aspire to a higher office.

I think further that if this is not unconstitutional, at least it flies in the face of constitutionality, because I think it is repugnant in this democracy or this republic operating as a democracy to deny any man to hold public office. Therefore, I object to the amendment, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, I rise to support the amendment. I consider this amendment an anti-Huey Long amendment. We all know who Huey Long was. Two years is not a very long time, and I think what we want to do is prevent somebody from taking this office and using it in the fashion that that man used it. I support the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. TADDONIO and SCHMITT and were as follows:

YEAS—106

Anderson, J. H.	Geesey	Manmiller	Smith, E.
Arthurs	Gleason	Mebus	Smith, L.
Beren	Grieco	Miller, M. E.	Spencer
Bittle	Gring	Miller, M. E., Jr.	Stahl
Brandt	Halverson	Milliron	Stapleton
Burns	Hamilton, J. H.	Moehlmann	Taddonio
Butera	Hasay	Myers	Tayoun
Cessar	Haskell	Noye	Thomas
Cimini	Hayes, D. S.	O'Brien	Turner
Cowell	Hayes, S. E.	O'Connell	Ustynoski
Crawford	Hepford	Pancoast	Vroon
Cumberland	Hill	Parker, H. S.	Wagner
Davies	Hopkins	Perri	Weidner
Deverter	Hutchinson, W.	Pitts	Westerberg
Dietz	Katz	Polite	Whelan
Dininni	Kelly, J. B.	Pyles	Whittlesey
Dorr	Kernick	Rappaport	Wilson
Doyle	Kistler	Renninger	Wilt, R. W.
Dreibelbis	Klingaman	Ryan	Wilt, W. W.
Eckensberger	Knepper	Saloom	WorriLOW
Fawcett	Kowalyszyn	Salvatore	Wright
Fischer	Kusse	Scheaffer	Yohn
Fisher	Lehr	Scirica	Zearfoss
Foster, A.	Levi	Seltzer	Zeller
Foster, W.	Lynch	Shelhamer	Zord
Gallen	McClatchy	Sirianni	Zwilk
Garzia	McCue		

NAYS—90

Abraham	George	McLane	Ross
Barber	Giammarco	Menhorn	Ruggiero
Bellomini	Gillespie	Milanovitch	Schmitt
Bennett	Gillette	Miscevich	Schweder
Berlin	Gleeson	Morris	Shane
Berson	Goodman	Mrkonic	Shelton
Blackwell	Green	Mullen	Shuman
Bonetto	Greenfield	Musto	Shupnik
Bradley	Hammock	Novak	Stout
Brunner	Irvis	O'Donnell	Sullivan
Caputo	Itkin	O'Keefe	Sweeney
Cole	Johnson, J.	Oliver	Toll
Davis, D. M.	Kelly, A. P.	Perry	Trello
DeMedio	Kolter	Petrarca	Valicenti
Dicarlo	LaMarca	Pievsky	Vann
DiDonato	Laudadio	Pratt	Walsh, T. P.
Dombrowski	Laughlin	Prendergast	Wansacz
Engelhart	Lederer	Renwick	Wargo
Fee	Letterman	Rhodes	Wojdak
Flaherty	Lincoln	Richardson	Yahner
Fryer	Manderino	Rieger	
Gallagher	McCall	Ritter	Fineman,
Geister	McIntyre	Romanelli	Speaker

NOT VOTING—7

Cohen	McGinnis	Mullen, M. P.	Taylor
Hutchinson, A.	McGraw	Reed	

So the question was determined in the affirmative and the amendment was agreed to.

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

Mr. TADDONIO requested and obtained unanimous consent to offer the following amendment which was read:

Amend Sec. 4, page 2, by inserting after line 30: No individual who serves as a Consumer Advocate shall seek or accept employment in any industry or business subject to the authority of the Consumer Advocate during the tenure of the appointment and for a period of two years immediately subsequent to the appointment.

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

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

Mr. TADDONIO. Mr. Speaker, this amendment simply goes to the other side of the coin. It prevents a conflict of interest in the fact that the consumer advocate could sell out to the utilities or to the people whom he is regulating. It prevents him from accepting employment with them for a period of 2 years subsequent to his service as a consumer advocate.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, will the gentleman, Mr. Taddonio, answer interrogation?

The SPEAKER. Will the gentleman from Westmoreland, Mr. Taddonio, consent to interrogation?

Mr. TADDONIO. I shall, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. IRVIS. Mr. Speaker, is the gentleman offering amendment "R-8"?

Mr. TADDONIO. That is correct.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I have no objection to this amendment. I think probably we ought to forbid the consumer advocate from seeking employment among those businesses which he might have to fall within his authority. Therefore, I will support this particular amendment.

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

The yeas and nays were required by Messrs. TADDONIO and IRVIS and were as follows:

YEAS—192

Abraham	Geesey	McCue	Seltzer
Anderson, J. H.	Geister	McIntyre	Shane
Arthurs	George	McLane	Shelhamer
Barber	Giammarco	Mebus	Shelton
Bellomini	Gillette	Menhorn	Shuman
Bennett	Gleason	Milanovich	Shupnik
Beren	Gleeson	Miller, M. E.	Sirianni
Berlin	Goodman	Miller, M. E., Jr.	Smith, E.
Berson	Green	Milliron	Smith, L.
Bittle	Greenfield	Miscevich	Spencer
Blackwell	Grieco	Moehlmann	Stahl
Bonetto	Gring	Morris	Stapleton
Bradley	Halverson	Mrkonic	Stout
Brandt	Hamilton, J. H.	Mullen	Sullivan
Brunner	Hammock	Myers	Sweeney
Burns	Hasay	Novak	Taddonio
Butera	Haskell	Noye	Tayoun
Caputo	Hayes, D. S.	O'Brien	Thomas
Cessar	Hayes, S. E.	O'Connell	Toll
Cimini	Hepford	O'Donnell	Trello
Cole	Hill	Oliver	Turner
Cowell	Hopkins	Pancoast	Ustynoski
Crawford	Hutchinson, W.	Parker, H. S.	Valicenti
Cumberland	Irvis	Perri	Vann
Davies	Itkin	Perry	Vroon
Davis, D. M.	Johnson, J.	Petrarca	Wagner
DeMedio	Katz	Pievsky	Walsh, T. P.
Deverter	Kelly, A. P.	Pitts	Wansacz
Dicarlo	Kelly, J. B.	Polite	Wargo
DiDonato	Kernick	Pratt	Weidner
Dietz	Kistler	Prendergast	Westerberg
Dininni	Klingaman	Pyles	Whelan
Dombrowski	Knepper	Rappaport	Whittlesey
Dorr	Kolter	Renninger	Wilson
Doyle	Kowalyszyn	Renwick	Wilt, R. W.
Dreibelbis	Kusse	Rhodes	Wilt, W. W.
Eckensberger	LaMarca	Richardson	Wojdak
Engelhart	Laudadio	Rieger	WorriLOW
Fawcett	Laughlin	Ritter	Wright
Fee	Lederer	Romanelli	Yahner
Fischer	Lehr	Ross	Yohn
Fisher	Letterman	Ruggiero	Zearfoss
Flaherty	Levi	Ryan	Zeller
Foster, A.	Lincoln	Saloom	Zord
Foster, W.	Lynch	Salvatore	Zwilk
Fryer	Manderino	Scheaffer	

Gallagher	Manmiller	Schmitt	Fineman,
Gallen	McCall	Scirica	Speaker
Garzia	McClatchy		

NAYS—3

Gillespie	O'Keefe	Schweder
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NOT VOTING—8

Cohen	McGinnis	Mullen, M. P.	Reed
Hutchinson, A.	McGraw	Musto	Taylor

So the question was determined in the affirmative and the amendment was agreed to.

GIRL SCOUT TROOP WELCOMED

The SPEAKER. The Chair is pleased to welcome a group of young Girl Scouts from St. Margaret Mary School in Penbrook, Pennsylvania. It is Troop 876.

They are the guests of Mr. Hepford from Dauphin County, and their leader is Mrs. Verbos.

The Chair recognizes the gentleman from Bedford, Mr. Dietz. Does the gentleman have amendments to offer?

Mr. DIETZ. Mr. Speaker, yes, I have a series of amendments.

The SPEAKER. The gentleman will send the amendments to the desk one at a time, please.

On the question recurring,

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

Mr. DIETZ requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 8, page 4, line 27, by removing the semicolon after "oath" and inserting; before the appropriate regulatory agency before which there is a pending proposal or proceeding;

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. I have a series of amendments here which were drafted to remove the obvious and potential inequities in the bill regarding a consumer advocate's subpoena powers.

The proposed amendment of section 8 (c) merely provides that the decision of an agency may be appealed by the person against whom the subpoena is issued, as well as the right to appeal residing in the consumer advocate.

Certainly, if the consumer advocate would have the right to appeal in the event the subpoena was invalidated, the one against whom the subpoena is issued should have the same right. Otherwise, the only person having the right to have his day in court is the consumer advocate. It certainly cannot be argued that the person against whom the subpoena is issued shall not have his day in the appellate court in the event the regulatory agency sustains the subpoena. It does not appear that due process would be afforded the aggrieved party if the appeal only ran in favor of the consumer advocate. The subpoena power, as provided for in this bill, House bill No. 175, is an extraordinary one and is fraught with the danger of abuse, or at least subjects the person subpoenaed to public disclosure of his records without being afforded an opportunity to explain such records.

The suggested amendments are necessary to afford all persons subject to the subpoena equal protection under the act. If the act should be interpreted to permit the consumer advocate or any of his employes to compel anyone subject to regulation of an agency to appear before the advocate and give testimony or to permit the advocate to inspect and copy any records, such an act is violating confidentiality, privacy of the party of interest, and also gives the consumer advocate the right to go on a fishing expedition. There is considerable controversy at the Federal level today concerning privacy.

Furthermore, the milk control law from the time the statute was enacted has provided that the operations and records of individual dealers or producers are to be held confidential unless it is necessary to use those records in an enforcement proceeding, which, of course, a price hearing is not.

So amendment R-9 to the bill merely amends section 8, page 4, line 27, by removing the semicolon after "oath" and inserting the following: "before the appropriate regulatory agency before which there is a pending proposal or proceeding;"

The SPEAKER. Is the gentleman from Bedford, Mr. Dietz, through with his presentation?

Mr. DIETZ. Yes.

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

Mr. MANDERINO. Will the gentleman from Bedford, Mr. Dietz, consent to interrogation?

The SPEAKER. Will the gentleman from Bedford, Mr. Dietz, consent to interrogation?

Mr. DIETZ. Yes.

The SPEAKER. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, I understand that your amendment is designated R-9?

Mr. DIETZ. That is right.

Mr. MANDERINO. Will you explain the effect of the amendment?

Mr. DIETZ. Yes. If you go to the original bill, page 4, line 27, and if you go on to line 26 and read it, it compels the attendance of such person and requires the persons to submit to examination and give testimony—and instead of under oath—before the appropriate regulatory agency before which there is a pending proposal or proceeding.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, as I read the amendment and as Mr. Dietz correctly explained it, I believe, it has nothing to do with the confidentiality that he was talking about earlier. I assume that he was making remarks in context of handling a series of amendments at one time, and I will take it in that manner. But this particular amendment really limits severely the subpoena power granted to allow the consumer advocate to do his work.

Presently, the bill says that if there is a pending proceeding, a subpoena can be issued for books, for records, for examination. In any advocacy procedure, there is, prior to a hearing before the regulatory agency, before the judge in the courts, a procedure for discovery for the advocates to get information that they need and will be necessary to prosecute the case or to defend the case, as the case may be.

The effect of this amendment will disallow subpoenas, will disallow subpoenas, except for examination before the agency. You must bring them in before the agency,

ask them the questions there, direct them to bring their books before the agency. It does not allow the very useful discovery device where a subpoena can be issued—in a pending proceeding, now, where subpoenas can be issued—for books records, et cetera, that are pertinent, that are valid inquiry for discovery procedures.

I think to simply limit the subpoena, as the amendment states, and compel the attendance of such person and require that such person submit to examination and give testimony under oath before the appropriate agency before which there is a pending proposal or proceeding, really disallows discovery by oral deposition, which is permitted in every type of advocate proceeding that I am aware of. Not to allow the consumer advocate this tool severely limits him or her in the ability to perform the job that we are giving to the consumer advocate in protecting the people of Pennsylvania.

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

Mr. ZEARFOSS. Mr. Speaker, I think that Mr. Manderino is misreading the amendment. All amendment R-9 does is to say that the subpoena shall be issued and a person compelled to testify before the agency when there is a pending proposal before that agency. In other words, it limits the fishing expedition so that the consumer advocate could not subpoena a person to appear when there is no pending procedure. In other words, it just locks the door and reiterates the language that appears in the preceding paragraph.

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

Mr. MANDERINO. I do not know which of us is misreading the amendment and the bill, but section 8 of the bill states:

Subpoenas.—(a) Whenever the Consumer Advocate has reason to believe that any person may have knowledge, or be in possession, custody or control of any documentary material, pertinent to a pending proposal or proceeding before a regulatory agency, the Consumer Advocate may issue in writing and cause to be served upon the person a subpoena which:

(1) compels the attendance of such person and requires that person to submit to examination and give testimony under oath;

That is what you are amending. That is the provision for discovery for deposition. You are not permitting discovery for deposition prior to a hearing. You are saying we can only call them for examination before the appropriate regulatory agency before which is the pending proposal and proceeding. It does not allow appropriate discovery proceeding. I think I am reading it right; you are reading it wrong.

Mr. ZEARFOSS. It allows the discovery, Mr. Speaker, whenever there is a pending proposal. That is what it says. It just says that you cannot go out on a fishing expedition and bring somebody in before every agency that you want to unless the consumer advocate has intervened and there is a pending procedure.

Mr. MANDERINO. Mr. Speaker, that language is already in section 8.

Mr. ZEARFOSS. And this is to nail it down.

Mr. MANDERINO. No, it does not nail it down; it really very slyly and very slipperily takes away discovery proceedings from the consumer advocate. You are allowing him a subpoena only in the case where he can bring the person before the agency, and it does not allow him prior discovery before the regulatory hearing.

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

Mr. ZEARFOSS. Mr. Speaker, I would just like to read the added language, the language which would be added by this amendment, in context and see whether it does what Mr. Manderino says.

He read the first paragraph, and it says: “. . . the Consumer Advocate may issue in writing and cause to be served upon the person a subpoena which:

(1) compels the attendance of such person and requires that person to submit to examination and give testimony under oath”—and the amendatory language—“before the appropriate regulatory agency before which there is a pending proposal or proceeding.”

In other words, the guy is still subject to the subpoena. He still has to come in and give testimony under oath, but only where there is a pending proposal or proceeding that the consumer advocate is interested in.

The SPEAKER. The Chair recognizes Mr. Manderino.

Mr. MANDERINO. Mr. Speaker, that is not what the amendment says. Amendment R-9 does not need the language that Mr. Zearfoss describes in order to insure that there must be a proceeding. That is already in the main section, section 8, which says, “. . . the Consumer Advocate”—and I will skip some language—“pertinent to a pending proposal or proceeding. . . .”; that is, where there is information pertinent to a pending proposal or proceeding. That is the only time he can issue a subpoena. The limiting language that is being placed in by amendment R-9 says that the deposition, the calling in for an examination by subpoena—and it adds the words—can only be done before the appropriate regulatory agency before which there is a pending proposal, which means that you can only bring them before the agency. You cannot have them in, as we have now in advocacy proceedings, for depositions that do not necessarily have to be before the judge, before the regulatory agency, or before the body that is going to do the ultimate deciding. It gives the advocate a chance before that hearing to gain information that he will use at that hearing. And we can gain it now in every advocacy proceeding that I am aware of, through discovery devices, by subpoena, and this amendment will take it away from the consumer advocate, and I very forcefully and strongly suggest that we ought to defeat the amendment.

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Manderino is correct in the way in which it reads and the intent of it, and this is to prevent the misuse of subpoena power merely.

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

Mr. WOJDAK. The gentleman has indicated that Mr. Manderino was correct in that that the amendment would knock out the discovery proceeding. The thrust of what he is saying now is that he is really against having it used

as a fishing exhibition. Mr. Speaker, there is still a safeguard: a litigant could in fact take the matter before the Commonwealth Court in opposition to that particular subpoena.

I do not think the gentleman is attempting or wants to attempt to do away with the discovery proceedings. I think he is really interested in preventing the abuse of that subpoena power. And a litigant would have the opportunity and the safeguard to bring that matter before the Commonwealth Court in contesting the subpoena.

The SPEAKER. The Chair recognizes Mr. Dietz.

Mr. DIETZ. Not if the subpoena is upheld.

Mr. WOJDAK. No; if you just ignore the subpoena, then there would be an action in the Commonwealth Court. That would provide the safeguard that you are interested in providing.

Mr. DIETZ. It does not say that in the bill, and this is really a safeguard here against fishing expeditions.

Mr. WOJDAK. That does not have to be sighted in a bill. You always have that opportunity as a litigant to bring it before the Commonwealth Court. That is the law of the Commonwealth.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. DIETZ and MANDERINO and were as follows:

YEAS—77

Anderson, J. H.	Gleason	Lynch	Seltzer
Beren	Grieco	McClatchy	Sirianni
Bittle	Gring	McCue	Smith, E.
Erandt	Halverson	Manmiller	Smith, L.
Butera	Hamilton, J. H.	Mebus	Spencer
Cessar	Hasay	Miller, M. E., Jr.	Stahl
Cimini	Haskell	Noye	Taddonio
Crawford	Hayes, D. S.	O'Connell	Thomas
Cumberland	Hayes, S. E.	Pancoast	Turner
Davies	Hepford	Parker, H. S.	Ustynoski
Deverter	Hill	Perri	Vroon
Dietz	Hopkins	Pitts	Wagner
Dininni	Katz	Polite	Weidner
Dorr	Kelly, J. B.	Pyles	Westerberg
Fawcett	Kistler	Rappaport	Whelan
Fischer	Klingaman	Renninger	Wilt, R. W.
Foster, A.	Knepper	Ryan	Wilt, W. W.
Foster, W.	Kusse	Salvatore	Worrilow
Gallen	Lehr	Scheaffer	Zearfoss
Geesey			

NAYS—118

Abraham	George	Müller, M. E.	Seivica
Arthurs	Giammarco	Milliron	Shane
Barber	Gillespie	Miscevich	Shelhamer
Bellomini	Gillette	Moehlmann	Shelton
Bennett	Gleason	Morris	Shuman
Berlin	Goodman	Mrkoncic	Shupnik
Berson	Green	Mullen	Stapleton
Blackwell	Greenfield	Musto	Stout
Bonetto	Hammock	Myers	Sullivan
Bradley	Hutchinson, W.	Novak	Sweeney
Brunner	Irvis	O'Brien	Tayoun
Burns	Itkin	O'Donnell	Toll
Caputo	Johnson, J.	O'Keefe	Trello
Cole	Kelly, A. P.	Oliver	Valicenti
Cowell	Kernick	Perry	Vann
Davis, D. M.	Kolter	Petrarca	Walsh, T. P.
DeMedio	Kowalshyn	Pievsky	Wansacz
Dicarlo	LaMarca	Pratt	Wargo
Dombrowski	Laudadio	Prendergast	Whittlesey
Doyle	Laughlin	Renwick	Wilson
Dreibelbis	Lederer	Rhodes	Wojdak
Eckensberger	Letterman	Richardson	Wright
Engelhart	Levi	Rieger	Yahner
Fee	Lincoln	Ritter	Yohn
Fisher	Manderino	Romanelli	Zeller
Flaherty	McCall	Ross	Zord
Fryer	McIntyre	Ruggiero	Zwinkl

Gallagher	McLane	Saloom	Fineman,
Garzia	Menhorn	Schmitt	Speaker
Geisler	Milanovich	Schweder	

NOT VOTING—8

Cohen	Hutchinson, A.	McGraw	Reed
DiDonato	McGinnis	Mullen, M. P.	Taylor

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

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

Mr. DIETZ requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 8, page 4, line 29, by removing the semicolon after "copying" and inserting: not less than ten days before action is taken by the agency on any proposal or proceeding;

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. This is to amend section 8, page 4, line 29, by removing the semicolon after "copying" and inserting "not less than 10 days before action is taken by the agency on any proposal or proceedings." It is just a matter of a 10-day grace period.

Mr. WOJDAK. Mr. Speaker, what this in effect is doing would be hamstringing the consumer advocate; you are putting him into a time framework of 10 days in which to complete all his discovery action. It is really unfair and unworkable to the consumer advocate; you are attempting to hamstring his discovery procedure. The same kind of reasoning that was used on the last amendment would be equally applicable here.

Mr. DIETZ. I beg to differ with the gentleman. He has all the time to do this that he wants.

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

Mr. SCHMITT. I feel, Mr. Speaker, that this would hamper the discovery tools that are available to the consumer advocate and, if new information would come before him suddenly or would be suddenly discovered or become available at the last minute, this particular amendment would restrict him from using that information. I oppose the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip, Mr. Manderino.

Mr. MANDERINO. Mr. Speaker, the effect of this amendment which is designated R-10, as I understand it, would say that when a subpoena is requiring the production of documentary material pertinent to the investigation, that subpoena must be served no less than 10 days before the action before the agency.

Many times when these matters are before regulatory agencies, and it well happens in the courts of law, things become known, materials become pertinent, in less than 10 days before that hearing is to be held. This amendment would say that if you are within 10 days of the hearing, you can no longer use the subpoena power.

Again, on first blush it looks good; it is protecting the rights of the utilities whose books might be examined, giving them due notice, at least 10 days' notice, before the hearing. But, in effect, what it is doing is again

tying the hands of the consumer advocate. Many times the documents that are asked for, the documents that can be subpoenaed, are documents that do not take 10 days to produce.

If it is a matter of harassment, if it is a matter of insufficient time, if it is a matter that the documents asked for by subpoena cannot be given because there is not sufficient time before the hearing to prepare the document subpoenaed, all of these are valid reasons to ask for relief from the regulatory agency. That is provided for in this particular piece of legislation. That is the route we should go, but we should not take away from the consumer advocate the power to subpoena, even though he be within 10 days, if it is within the power of the utility to respond appropriately, adequately, and without inconvenience of that subpoena. Again, I urge a "no" vote on the amendment.

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

Mr. RENNINGER. I do not know what the big hang-up is about this. If you are trying cases, which I guess Mr. Manderino does, if you need a piece of evidence in the case, you ask for a continuance, and before your regulatory bodies they seem to have excessive and endless hearings here and there and all along over a period of time. I do not know why this is any pressure on the consumer advocate at all. All he has to do, if he thinks there is something he wants to get when he finally gets around to looking at the file, which is probably what causes this problem more than anything else, as judges will tell you, then he ought to ask for a continuance because he is not ready to go ahead with the hearing.

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

The yeas and nays were required by Messrs. DIETZ and MANDERINO and were as follows:

YEAS—74

Anderson, J. H.	Gleason	McCue	Spencer
Arthurs	Grieco	Manmiller	Stahl
Beren	Gring	Mebus	Taddonio
Bittle	Hamilton, J. H.	Miller, M. E., Jr.	Thomas
Brandt	Hasay	Moehlmann	Turner
Burns	Haskell	O'Connell	Ustynoski
Butera	Hayes, D. S.	Parker, H. S.	Vroon
Cessar	Hayes, S. E.	Perri	Wagner
Cimini	Hepford	Pitts	Weidner
Crawford	Hill	Pyles	Westerberg
Cumberland	Katz	Renninger	Whelan
Davies	Kelly, J. B.	Ryan	Whittlesey
Deverter	Kistler	Salvatore	Wilson
Dietz	Knepper	Scheaffer	Wilt, R. W.
Dininni	Kusse	Seltzer	Wilt, W. W.
Dorr	Lehr	Sirianni	WorriLOW
Foster, A.	Levi	Smith, E.	Wright
Foster, W.	Lynch	Smith, L.	Zearfoss
Gallen	McClatchy		

NAYS—120

Abraham	George	Milanovich	Saloom
Barber	Giammarco	Miller, M. E.	Schmitt
Bellomini	Gillespie	Milliron	Schweder
Bennett	Gillette	Miscevich	Scirica
Berlin	Gleeson	Morris	Shane
Berson	Goodman	Mrkonic	Shelhamer
Blackwell	Green	Mulien	Shelton
Bonetto	Greenfield	Musto	Shuman
Bradley	Halverson	Myers	Shupnik
Brunner	Hammock	Novak	Stapleton
Caputo	Hopkins	Noye	Stout
Cole	Hutchinson, W.	O'Brien	Sullivan
Cowell	Irviss	O'Donnell	Sweeney
Davis, D. M.	Itkin	O'Keefe	Tayoun
DeMedio	Johnson, J.	Pancoast	Toll

Dicarlo	Kelly, A. P.	Perry	Trello
DiDonato	Kernick	Petrarca	Valicenti
Dombrowski	Klingaman	Pievsky	Vann
Doyle	Kolter	Polite	Walsh, T. P.
Dreibelbis	Kowalshyn	Pratt	Wansacz
Eckensberger	LaMarca	Prendergast	Wargo
Englehart	Laudadio	Rappaport	Wojdak
Fawcett	Laughlin	Renwick	Yahner
Fee	Lederer	Rhodes	Yohn
Fischer	Letterman	Richardson	Zeller
Fisher	Lincoln	Rieger	Zord
Flaherty	Manderino	Ritter	Zwikl
Fryer	McCall	Romanelli	
Gallagher	McIntyre	Ross	Fineman,
Garzia	McLane	Ruggiero	Speaker
Geesey	Menhorn		

NOT VOTING—9

Cohen	McGinnis	Mullen, M. P.	Reed
Geisler	McGraw	Oliver	Taylor
Hutchinson, A.			

So the question was determined in the negative and the amendment was not agreed to.

The SPEAKER. Does the gentleman from Bedford, Mr. Dietz, have a further amendment?

Mr. DIETZ. Yes, I do, Mr. Speaker.

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

Mr. DIETZ requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 8, page 5, line 1, by removing the period after "oath" and inserting: if such interrogatories are approved by the regulatory agency at least ten days before such agency acts on any proposal or pending proceeding.

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

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. This amends section 8, page 5, line 1, and the only thing that we are trying to do here is to require the consumer advocate to go before the agency before approval.

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

Mr. WOJDAK. Mr. Speaker, what this amendment is attempting to do is require the consumer advocate to go before the Public Utility Commission for approval of interrogatories that it wishes served, and even the content of the interrogatories which it wants served on the litigant. It again is putting him into a framework that is unreasonable; you are requiring additional hearings and litigations for approval of interrogatories.

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

The yeas and nays were required by Messrs. DIETZ and WOJDAK and were as follows:

YEAS—59

Anderson, J. H.	Gring	McCue	Smith, L.
Beren	Hamilton, J. H.	Manmiller	Spencer
Bittle	Hasay	Mebus	Stahl
Brandt	Haskell	Noye	Taddonio
Butera	Hayes, D. S.	O'Connell	Thomas
Cimini	Hepford	Oliver	Turner
Crawford	Hill	Perri	Ustynoski
Cumberland	Hopkins	Pitts	Vroon
Dietz	Hutchinson, W.	Pyles	Weidner
Dininni	Katz	Renninger	Westerberg

Fischer	Kistler	Salvatore	Whelan
Foster, W.	Kusse	Scheaffer	Whittlesey
Gallen	Lehr	Seltzer	Wilson
Gleason	Levi	Sirianni	Wilt, R. W.
Grieco	Lynch	Smith, E.	

NAYS—135

Abraham	Garzia	McLane	Schmitt
Arthurs	Geesey	Menhorn	Schweder
Barber	Geisler	Miller, M. E.	Scirica
Bellomini	George	Miller, M. E., Jr.	Shane
Bennett	Giammarco	Milliron	Shelhamer
Berlin	Gillespie	Miscevich	Shelton
Berson	Gillette	Moehlmann	Shuman
Blackwell	Gleeson	Morris	Shupnik
Bonetto	Goodman	Mrkonc	Stapleton
Bradley	Green	Mullen	Stout
Brunner	Greenfield	Musto	Sullivan
Burns	Halverson	Myers	Sweeney
Caputo	Hammock	Novak	Tayoun
Cessar	Hayes, S. E.	O'Donnell	Toll
Cole	Iris	O'Keefe	Trello
Cowell	Itkin	Pancoast	Valicenti
Davies	Johnson, J.	Parker, H. S.	Vann
Davis, D. M.	Kelly, A. P.	Perry	Wagner
DeMedio	Kelly, J. B.	Petrarca	Walsh, T. P.
Deverter	Kernick	Pievsky	Wansacz
Dicarlo	Klingaman	Polite	Wargo
DiDonato	Knepper	Pratt	Wilt, W. W.
Dombrowski	Kolter	Prendergast	Wojdak
Dorr	Kowalshyn	Rappaport	Worrilow
Doyle	LaMarca	Renwick	Wright
Dreibelbis	Laudadio	Rhodes	Yahner
Eckensberger	Laughlin	Richardson	Yohn
Englehart	Lederer	Rieger	Zearfoss
Fawcett	Letterman	Ritter	Zeller
Fee	Lincoln	Romanelli	Zord
Fisher	Manderino	Ross	Zwinkl
Flaherty	McCall	Ruggiero	
Foster, A.	McClatchy	Ryan	Fineman,
Fryer	McIntyre	Saloom	Speaker
Gallagher			

NOT VOTING—9

Cohen	McGraw	Mullen, M. P.	Reed
Hutchinson, A.	Milanovich	O'Brien	Taylor
McGinnis			

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

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

Mr. DIETZ requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 8, page 5, line 4, by removing the period after "proceeding" and inserting: , provided the regulatory agency approves such successive subpoenas and the party to whom the successive subpoenas are issued be given at least ten days to comply therewith.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. This is an amendment to page 5, line 4, and all it does here is to have the regulatory agency approve the subpoenas.

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

Mr. WOJDAK. Mr. Speaker, is this amendment R-12? Mr. DIETZ. Yes, it is.

Mr. WOJDAK. Mr. Speaker, the same reasoning that has been given on the prior amendments is applicable here, and I would ask for a "no" vote.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. DIETZ and WOJDAK and were as follows:

YEAS—39

Anderson, J. H.	Gallen	Pitts	Stahl
Beren	Gleason	Pyles	Taddonio
Bittle	Gring	Renninger	Turner
Brandt	Hepford	Salvatore	Ustynoski
Butera	Hill	Scheaffer	Vroon
Crawford	Katz	Seltzer	Weidner
Cumberland	Kusse	Sirianni	Westerberg
Dorr	Lehr	Smith, E.	Whelan
Foster, A.	McCue	Smith, L.	Wilt, R. W.
Foster, W.	Mebus	Spencer	

NAYS—154

Abraham	Giammarco	McClatchy	Ryan
Arthurs	Gillespie	McIntyre	Saloom
Bellomini	Gillette	McLane	Schmitt
Bennett	Gleeson	Menhorn	Schweder
Berlin	Goodman	Miller, M. E.	Scirica
Berson	Green	Miller, M. E., Jr.	Shane
Blackwell	Greenfield	Milliron	Shelhamer
Bonetto	Grieco	Miscevich	Shelton
Bradley	Halverson	Moehlmann	Shuman
Brunner	Hamilton, J. H.	Morris	Shupnik
Burns	Hammock	Mrkonc	Stapleton
Caputo	Hasay	Mullen	Stout
Cessar	Haskell	Musto	Sullivan
Cimini	Hayes, D. S.	Myers	Sweeney
Cole	Hayes, S. E.	Novak	Tayoun
Cowell	Hopkins	Noye	Thomas
Davies	Hutchinson, W.	O'Brien	Toll
Davis, D. M.	Iris	O'Connell	Trello
DeMedio	Itkin	O'Donnell	Valicenti
Deverter	Johnson, J.	Oliver	Vann
Dicarlo	Kelly, A. P.	O'Keefe	Wagner
DiDonato	Kelly, J. B.	Pancoast	Walsh, T. P.
Dietz	Kernick	Parker, H. S.	Wansacz
Dombrowski	Kistler	Perri	Wargo
Doyle	Klingaman	Perry	Whittlesey
Dreibelbis	Knepper	Petrarca	Wilson
Eckensberger	Kolter	Pievsky	Wilt, W. W.
Englehart	Kowalshyn	Polite	Wojdak
Fawcett	LaMarca	Pratt	Worrilow
Fee	Laudadio	Prendergast	Wright
Fischer	Laughlin	Rappaport	Yahner
Fisher	Lederer	Renwick	Yohn
Flaherty	Letterman	Rhodes	Zearfoss
Fryer	Levi	Richardson	Zeller
Gallagher	Lincoln	Rieger	Zord
Garzia	Lynch	Ritter	Zwinkl
Geesey	Manderino	Ross	
Geisler	Manmiller	Romanelli	Fineman,
George	McCall	Ruggiero	Speaker

NOT VOTING—10

Barber	Hutchinson, A.	Milanovich	Reed
Cohen	McGinnis	Mullen, M. P.	Taylor
Dintini	McGraw		

So the question was determined in the negative and the amendment was not agreed to.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Bedford Mr. Dietz. For what purpose does the gentleman rise?

Mr. DIETZ. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. DIETZ. Mr. Speaker, I would like to switch my vote to support my fourth set of amendments to House bill No. 175. I voted wrongly.

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

On the question recurring,

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

Mr. DIETZ requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 8, page 5, line 10, by removing the period after "Court" and inserting: except that any action of the regulatory agency shall be subject to immediate appeal by the Department of Consumer Advocate or by the person or entity to whom the subpoenas have been issued to the Commonwealth Court.

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

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. This amendment gives the right of appeal to both sides. It is to amend section 8, page 5, line 10.

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

Mr. WOJDAK. Mr. Speaker, this amendment is really surplusage in the bill. They already have the rights that Mr. Dietz is speaking to. In order to not really clog this bill up any further, I would oppose the amendment.

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

The yeas and nays were required by Messrs. DIETZ and WOJDAK and were as follows:

YEAS—75

Anderson, J. H.	Gleason	Miller, M. E., Jr.	Spencer
Beren	Grieco	Moehlmann	Stahl
Bittle	Gring	Noye	Taddonio
Brandt	Halverson	O'Connell	Thomas
Burns	Hasay	Pancoast	Turner
Butera	Haskell	Parker, H. S.	Ustynoski
Cimini	Hayes, D. S.	Perri	Vron
Crawford	Hepford	Pitts	Wagner
Cumberland	Hill	Polite	Weidner
Deverter	Hopkins	Pyles	Westerberg
Dietz	Hutchinson, W.	Renninger	Whelan
Dininni	Katz	Ryan	Wilson
Dorr	Kistler	Salvatore	Wilt, R. W.
Fawcett	Kusse	Scheaffer	Wilt, W. W.
Fisher	Lehr	Scirica	Worriow
Foster, A.	Lynch	Seltzer	Wright
Foster, W.	McCue	Sirianni	Yohn
Gallen	Manmiller	Smith, E.	Zearfoss
Geesey	Mebus	Smith, L.	

NAYS—121

Abraham	Geisler	McClatchy	Ruggiero
Arthurs	George	McIntyre	Saloom
Barber	Giammarco	McLane	Schmitt
Bellomini	Gillespie	McNhorn	Schweder
Bennett	Gillette	Milanovich	Shane
Berlin	Gleeson	Miller, M. E.	Shelhamer
Berson	Goodman	Milliron	Shelton
Blackwell	Green	Miscevich	Shuman
Bonetto	Greenfield	Morris	Shupnik
Bradley	Hamilton, J. H.	Mrkonic	Stapleton
Brunner	Hammock	Mullen	Stout
Caputo	Hayes, S. E.	Musto	Sullivan
Cessar	Irvis	Myers	Swcney
Cole	Itkin	Novak	Tayoun
Cowell	Johnson, J.	O'Brien	Toll
Davies	Kelly, A. P.	O'Donnell	Trello
Davis, D. M.	Kelly, J. E.	O'Keefe	Valicenti
DeMedio	Kernick	Oliver	Vann
Dicarlo	Klingaman	Perry	Walsh, T. P.
DiDonato	Knepper	Petrarca	Wansacz
Dombrowski	Kolter	Pievsky	Wargo
Doyle	Kowalshyn	Pratt	Whittlesey
Dreibelbis	LaMarca	Prendergast	Wojdak
Eckensberger	Laudadio	Rappaport	Yahner
Engelhart	Laughlin	Renwick	Zeller
Fee	Lederer	Rhodes	Zord
Fischer	Letterman	Richardson	Zwilk
Flaherty	Levi	Rieger	
Fryer	Lincoln	Ritter	Fineman,
Gallagher	Manderino	Romanelli	Speaker
Garzia	McCall	Ross	

NOT VOTING—7

Cohen	McGinnis	Mullen, M. P.	Taylor
Hutchinson, A.	McGraw	Reed	

So the question was determined in the negative and the amendment was not agreed to.

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

Mr. DIETZ requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 8, page 5, by inserting between lines 10 and 11: (d) All information obtained by the Consumer Advocate under subsections (a), (b) and (c) of section 8 be held confidential unless it is necessary to disclose such information before the appropriate regulatory agency before acting upon a proposal or a proceeding.

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

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. All this amendment does is to keep the information confidential, by amending section 8, page 5, by inserting between lines 10 and 11.

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

Mr. WOJDAK. Mr. Speaker, there are already rules of confidentiality. Again, this is surplusage in the bill, and I would ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Renninger. We were going great, Mr. Renninger. What did you get into this for?

Mr. RENNINGER. Well, I am a little disturbed about these legal opinions we are getting from Mr. Wojdak. He says very, very clearly that this is so. I would like to know what he is basing it on and where he is getting that information. That is not at all clear.

I think it is darned important as you go around subpoenaing people's records all over the place, that is just a great idea, but you are talking about business records. You have competitors in business. You know, maybe you fellows ought to start thinking twice here about what you are putting in the law.

The second thing is, if the information has to be disclosed in the proceeding, we are not limiting that. All we are saying is, if you are taking our information from us, if you are inquiring into things, that is perfectly appropriate, but you do not have to go dump the stuff all over the street, and I see it at my next competitor's table. That is all we are talking about here and I think people ought to have that protection. I do not know just where in the law you are protected from that kind of nonsense, Mr. Speaker, and I would like to know why you think so.

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

Mr. WOJDAK. You would always have the right, if in fact the information is confidential, to ignore the subpoena and take that matter before the court. So the court would decide the confidentiality of the matter.

Mr. RENNINGER. Why should the onus of that be on the person you are subpoenaing? Why should it not be on the consumer advocate?

Mr. WOJDAK. Well, what information are we assuming is confidential? I think the litigant would determine that a piece of information is confidential and in fact would refuse to appear at the command of the subpoena and fight that matter in court.

Mr. RENNINGER. Well, do you not think that all the business records of a specific corporation are not public information unless there is some relevant public inquiry?

Mr. WOJDAK. Well, I think the information should be made public and will be made public for those matters that will affect the competitive edge or competitive advantage of a particular corporation, and if that information is not relevant to the proceedings, the appropriate action could be taken by refusing the subpoena and appearing in Commonwealth Court.

Mr. RENNINGER. Why should we encourage this kind of thing? Why put people in the courthouse? People are going to read every court record. Why do you not want to disclose your records? You get into all kinds of questions that have nothing to do with the inquiry that this gentleman or woman who is the consumer advocate is supposed to be working on.

Mr. WOJDAK. Mr. Speaker, I am not certain I heard that.

Mr. RENNINGER. And the other thing I want to tell you is that this also applies to this little business up here with 103 subscribers. You know you are not just talking about somebody we can all identify as some sort of a public enemy. We can or we cannot, but I think that we ought to use some sort of discretion in this thing and I do not think the burden and the cause should be thrown on the individual businessman just because a consumer advocate wakes up in the morning with some bright idea that he wants to comb over somebody's records.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. I would like to address one question to Mr. Wojdak which perhaps will clear up this entire matter.

The SPEAKER. Will the gentleman, Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. BUTERA. Mr. Speaker, would the gentleman explain to the House how this language would in any way affect the ability of the consumer advocate to do his job? And a subsidiary question to that would be, after explaining that, would he explain how we cannot support this amendment in the era of privacy to which I think we are all striving to direct ourselves?

The SPEAKER. The gentleman will have to wait until the lawyers confer. Maybe Mr. Gleason can make some input on the question of subpoenas.

The Chair recognizes the gentleman, Mr. Wojdak.

Mr. WOJDAK. Mr. Speaker, in response to Mr. Butera's inquiry, the way I read the amendment, all information before the consumer advocate would be held confidential. Now that really is an absurdity.

As to what information should be held confidential, the particular litigant would know what information he considers to be confidential.

Mr. Speaker, again in response to Mr. Butera's inquiry, the way I read the amendment, all information in the hands of the consumer advocate would be considered confidential. Now that I think everyone would agree would be an absurdity. As to what particular information should be held confidential, I think it is a determination that the particular litigant would make. In other words, I would envision the particular litigant saying,

this particular information is confidential; it really has no relevance to the proceeding and while it may be in your hands, it could affect us adversely in a business sense. So as to that particular information, I am going to refuse to respond to the subpoena or more to quash the subpoena.

He has a safeguard by appearing before the Commonwealth Court, at which time the court would determine what information is really confidential and not relevant to the proceeding.

As to information relevant to the proceeding, that should be made public and there should not be a restriction on the consumer advocate in making that public.

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, I have to disagree with that. I think that the burden should actually be with the consumer advocate rather than with the individual, to show that the information is not confidential.

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

Mr. WOJDAK. Mr. Speaker, in adding the litigation, the burden rests on the respondent. The consumer advocate cannot make that determination. It rests on the respondent. I would ask for a negative vote on the amendment.

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

Mr. STAHL. I think, for the information of the members, if I am not mistaken and, I do not have a copy of it before me, the present Consumer Protection Bureau is restricted by just this kind of restriction that we are attempting to put into this bill now. They are required to keep the files confidential until and unless they are going to proceed against that individual, in their case, in a court of law and, in this case, a regulatory agency.

They can disclose anything which is pertinent at that regulatory agency's hearing, anything which is pertinent to the rate request, anything which is pertinent to the Bell Telephone's tariff, if that is what you are talking about. They can bring up anything that they think is pertinent at that hearing. But before that hearing or after that hearing and if it is not pertinent, he cannot bring it up. He cannot disclose it. That is all this is saying, just as Joel Weisberg right now is restricted.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. DIETZ and WOJDAK and were as follows:

YEAS—89

Anderson, J. H.	Geesey	Manmiller	Seltzer
Arthurs	Gleason	McClatchy	Sirianni
Beren	Grieco	McCue	Smith, E.
Bittle	Gring	Mebus	Smith, L.
Brandt	Halverson	Miller, M. E.	Spencer
Burns	Hamilton, J. H.	Miller, M. E., Jr.	Taddonio
Butera	Hasay	Miliron	Thomas
Cessar	Haskell	Mochlmann	Turner
Cimini	Hayes, D. S.	Noye	Vstynoski
Crawford	Hayes, S. E.	O'Connell	Vroon
Cowell	Hepford	Pancoast	Wagner
Cumberland	Hill	Parker, H. S.	Weidner
Davies	Hopkins	Perri	Westerberg
Deverter	Hutchinson, W.	Pitts	Whelan
Dininni	Katz	Polite	Whittlesey
Dorr	Kelly, J. B.	Prenlergast	Wilson

Dietz	Kistler	Pyles	Wilt, R. W.
Fawcett	Klingaman	Renninger	Wilt, W. W.
Fischer	Kusse	Ryan	Worriow
Fisher	Lehr	Salvatore	Wright
Foster, A.	Levi	Scheaffer	Yohn
Foster, W.	Lynch	Scirica	Zearfoss
Gallen			

NAYS—106

Abraham	George	Menhorn	Schmitt
Barber	Giammarco	Milanovich	Schweder
Bellomini	Gillespie	Miscevich	Shane
Bennett	Gillette	Morris	Shelhamer
Berlin	Gleeson	Mrkonic	Shelton
Berson	Goodman	Mullen	Shuman
Blackwell	Green	Musto	Shupnik
Bonetto	Greenfield	Myers	Stapleton
Bradley	Hammock	Novak	Stout
Brunner	Irvis	O'Brien	Sullivan
Caputo	Itkin	O'Donnell	Sweeney
Cole	Johnson, J.	Oliver	Tayoun
Davis, D. M.	Kelly, A. P.	O'Keefe	Toll
DeMedio	Kernick	Perry	Trello
Dicarlo	Knepper	Petrarca	Valicenti
DiDonato	Kolter	Pievsky	Vann
Dombrowski	Kowalshyn	Pratt	Walsh, T. P.
Doyle	LaMarca	Rappaport	Wansacz
Dreibelbis	Laudadio	Renwick	Wargo
Eckensberger	Laughlin	Rhodes	Wojdak
Englehart	Lederer	Richardson	Yahner
Fee	Letterman	Rieger	Zeller
Flaherty	Lincoln	Ritter	Zord
Fryer	Manderino	Romanelli	Zwinkl
Gallagher	McCall	Ross	
Garzia	McIntyre	Ruggiero	Fineman,
Geisler	McLane	Saloom	Speaker

NOT VOTING—8

Cohen	McGinnis	Mullen, M. P.	Stahl
Hutchinson, A.	McGraw	Reed	Taylor

So the question was determined in the negative and the amendment was not agreed to.

QUESTIONS OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Whittlesey. For what purpose does the lady rise?

Mrs. WHITTLESEY. I rise to a question of personal privilege.

The SPEAKER. The lady will state it.

Mrs. WHITTLESEY. Mr. Speaker, on the amendment to House bill No. 175, printer's No. 648, on amendment R-13, I voted in the negative in error. I would like my vote to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Lehigh, Mr. Eckensberger.

Mr. ECKENSBERGER. Mr. Speaker, on the third amendment offered by Mr. Zearfoss, I believe I am recorded in the affirmative and that is an error. I should be recorded in the negative.

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

Does the gentleman, Mr. Renninger, desire to be recognized?

Mr. RENNINGER. Mr. Speaker, would you recognize Mr. Hasay?

On the question recurring,

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

Mr. HASAY requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 6, page 3, by inserting between lines 20 and 21: The Consumer Advocate shall have the power and duty to investigate and represent the consumer's interest upon complaints by consumers concerning the quality, availability, price and service of any corporation, partnership, sole proprietorship, association or other business entity which produces, processes, mines or distributes energy sources.

On the question,

Will the House agree to the amendment?

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

Mr. HASAY. This amendment is R-15 and if you read the amendment, after "energy sources" from there on I have crossed out the rest of the amendment so it would be more clarified.

I will not belabor the House any longer than I have to, but I consider this particular amendment the energy watchdog-type amendment.

The consumer advocate should have the power and the duty to investigate and represent the consumers' interests upon complaints by consumers concerning the quality, availability and, most important, the price concerning energy sources.

Coal has increased 205 percent in the last 15 months. Fuel oil has increased 100 percent within the last 12 months. In return, what it has done is increase our electric bills. People just cannot afford to pay these high electric bills anymore. They are becoming just like another mortgage.

Since these energy resources are not regulated and cannot constitutionally be subjected to regulation at this time, perhaps once the prices of coal and oil are lowered, hence, perhaps our utility bills will also be lowered.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, while I agree with the substance of the gentleman's amendment, if we had unlimited funds to finance the consumer advocate, I again caution that what we are doing here with this amendment is increasing the cost of the consumer advocate's office, and unless we are prepared to pay for it—I am not prepared to advocate that we increase that cost as the gentleman is—I am, therefore, going to vote in the negative. I would ask that the members vote in the negative.

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

Mr. HASAY. Could I yield to Mr. Gleason?

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

Mr. GLEASON. Mr. Speaker, I had not intended to rise on these amendments. I realize the time is very late. We are very tired. We are down, I believe, to number 15 or 16 of these amendments. But I would ask that the members of the House just briefly take out a piece of paper and a pencil because I am going to read to you the increased cost of coal for utilities over the past couple of years. And as the old saying goes, if the shoe fits, wear it. Surely among these figures you are going to find your own electric power company and the cost of coal to that electric power company.

Let us start with Pennsylvania Power and Light. The

cost of coal per ton has gone up from \$9.72 to \$22.12. That is 150 percent. Metropolitan Edison—\$13.53 a ton in January of 1972; today, \$38.32; that is a 300 percent increase. Pennsylvania Electric Company—\$7.57 in 1972; today, \$22.87; that is 300 percent.

PARLIAMENTARY INQUIRY

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

Mr. LINCOLN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINCOLN. Is the debate that Mr. Gleason is entering into at this time germane to the matter before us?

The SPEAKER. The debate is germane to the amendment that the Speaker has in front of him.

Mr. LINCOLN. Thank you.

The SPEAKER. The gentleman may proceed.

Mr. GLEASON. We have no records for the Philadelphia Electric Company until January 1974, but in January of 1974 the Philadelphia Electric Company paid \$12.84 a ton for coal; in January 1975 they are paying \$23.01 a ton; that is a hundred percent increase.

Pennsylvania Power and Light has gone from \$10.22 in July 1973 to \$26.92 in January 1975; That is 325 percent increase.

West Penn Power has gone from \$6.93 in 1972 to \$25.34 in 1975. That, Mr. Speaker, is a 400 percent increase in the price of coal to the utility.

I am not making any charges, Mr. Speaker, but what I am saying is that these figures bespeak a tremendous increase in the price of coal in this state.

I would remind the members, Mr. Speaker, that none of this cost is attributable to labor because the United Mine Workers' contract does not go into effect until the second quarter of this year.

It seems to me there is something seriously wrong in the price of coal for the consumers in Pennsylvania. The utilities are paying exorbitant prices and, in turn, the consumer is. I am annoyed by my electric bill. I am sure everybody else is, Mr. Speaker, but it seems to me that some agency of government, some advocate for the people, should take it upon himself or herself to do something to investigate the high cost of coal today.

It is so easy, Mr. Speaker, to say let us take the "PU" out of the PUC. It is so easy to blame everything on the utility companies, but it seems to me that those who provide the very raw material out of which energy is generated ought to be subjected to very close scrutiny by state government. And any other course that we take, to me, is phony. It is evading and avoiding the real responsibility and I think a good bit of that responsibility rests with the coal companies. They have not convinced me or justified a 400 percent increase in the price of coal, and I think it is high time that we address ourselves to this question.

Thank you very much. I would appreciate an affirmative vote.

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

Mr. ITKIN. Mr. Speaker, what Mr. Gleason has said and what the amendment purports to do is very noteworthy. Right now, the Mines and Energy Management Committee of this House is studying this entire question. And there has already been legislation drafted regarding

the concern about the quality and services with respect to mining of coal, et cetera.

The concern I have here is: What are we doing if we give this consumer advocate these powers and duties? What is the expertise of a legal staff around the consumer advocate to investigate the availability and quality of coal? What knowledge do they have about the particular mining concerns that are involved?

It would seem to us—and our committee is now investigating this—that this is a problem that requires technical expertise, and one where we do have an appropriate department to do this. And I would say and I am taking the liberty, that the Mines and Energy Management Committee of this House will be shortly releasing for floor action legislation which will accomplish just exactly what you would like to have done, Mr. Speaker, but only to put the responsibility in an agency of state government that can carry out the charge.

I, therefore, respectfully oppose this amendment and feel that in subsequent time we will have an opportunity to vote on this question again shortly.

Thank you.

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

Mr. WOJDAK. Mr. Speaker, I would also oppose this amendment.

I would agree with Mr. Gleason that the intent is meritorious, and the price of coal and how it impacts the ultimate price to the consumer and public utilities. But my concern is that after the consumer advocate does, in fact, investigate all this, whom does he take it to? He cannot take it to the Public Utility Commission because they really have no jurisdiction to regulate the types of industry that the amendment speaks to. There are other means of regulating that, and, in fact, I think there is a bill introduced that is looking into that question. There is really no jurisdiction in the PUC to do this. I would oppose the amendment and ask for a negative vote.

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

Mr. GLEASON. In brief response, Mr. Speaker: The information to be derived by the consumer advocate can be taken to the public. There is no existing state agency, commission or board that has any concern about the economies of coal mining, the price of coal to the electric companies and ultimately to the consumer. What we are looking for here is information to make it available to the people of Pennsylvania so that they know what is happening. The scrutiny of the public is very, very important in rectifying the practices of a good many of these companies. I think that is extremely important.

I might add, Mr. Speaker, that in view of the fact that we regulate electricity through utilities, there could very well come a time, Mr. Speaker, when we would have to seriously consider regulating the material from which electricity is generated. I am referring specifically to coal. But these are matters far off in the future.

What seems to me is very important is to expose this situation for what it is and to make sure that the coal companies can justify the increased costs and are not characterizing themselves as a bunch of Arabian oil dealers.

I might add one thing, that we ought to extend a citation to the Sheikhs of Abu Dhabi. They, at least, cut their

oil prices by 55 cents a barrel. I have not seen any corresponding decreases in the cost of coal.

I think it is important that we do something about the cost of coal, and the consumer advocate, at least, will have the power to investigate and make public his disclosures. I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Shane.

Mr. SHANE. Thank you, Mr. Speaker.

As I said, we are trying to change the structure here to require that the regulatory agency assume the role of judge, the utility have the role of plaintiff, and the consumer advocate have the role of consumer defendant. We have had a problem with the fact that the regulatory agency is both prosecutor, plaintiff and judge.

I think the way to fashion the precise tools to deal with the problem that Mr. Hasay is talking about is to attack it from the point of view of the fuel-adjustment clause, because the fantastic increase in the cost of coal and oil impacts on the consumer primarily through the automatic fuel-adjustment clause for which there is no review; it comes automatically.

Now perhaps the proposal to require a hearing before every automatic fuel-adjustment cost upward is too ambitious, but I think it is a bill of that fashion—which Mr. Gleason, I believe, himself, has also supported and spoken out for publicly—is the way to attack that problem.

The PUC is a litigating agency, a hearing agency, an adjudicatory agency, and the way to deal with the problem is to have them adjudicate rate increases based on fuel-cost increases.

Therefore, it is my humble opinion that this is a more precise way of dealing with the problem than by this amendment, and, therefore, I feel we should reject this amendment.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Mr. Speaker, I rise in support of the amendment. I think there is another very important aspect to this, and that is, perhaps it would prevent the coal pirates from defrauding the public in our particular area where the consumers are using coal. There are several cases now that the Deputy Attorney General has in the various courts of this Commonwealth, and, up to this point, has proven to be really a toothless watchdog.

I think this is a very valid amendment. I would suggest that perhaps it would be a little more costly, but I think the end would justify the means.

Thank you.

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

Mr. GLEASON. Just a few more words and then I will be through.

Mr. Speaker, I hope the members of the House understand a rather interesting parallel which is taking place between our coal situation in Pennsylvania and the international oil situation we are reading about in the front pages of the papers. It appears as if the oil companies may very well have taken advantage of the so-called Arab oil embargo and fleeced the utilities of something like 23 cents a barrel for oil. There is a parallel to this in this state, Mr. Speaker, and I am referring to the fact of the threatened United Mine Workers' strike and also

the strike which took place and lasted for approximately a month.

Were you aware of the fact, Mr. Speaker, that utilities were paying better than \$20, \$25, \$30 a ton for coal because they had to have the coal through that strike period?

No fuel-adjustment clause in the world is going to operate unless we expose some of the robber coal barons of Pennsylvania who are imposing these enormous profit-gouging prices on coal, and that is all I am asking for.

The fuel-adjustment clause is one solution. It is not the solution. Those who are robbing and fleecing the utilities and the people have got to be exposed for what they are. The fuel adjustment is only a partial answer. We must get the full picture; we must expose whatever scandal there is in the coal business.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Shane.

Mr. SHANE. A one sentence rebuttal: In addition to the precise tool of prohibiting automatic fuel-cost increases in utility bills, unless there is a hearing, the administration in the Governor's office now is advocating a state anti-trust law, which I submit would be the precise tool to bring to the bar of justice those coal barons who are gouging the utilities and, indirectly, the utility customers.

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

Mr. M. E. MILLER, JR. Thank you, Mr. Speaker.

Perhaps this is an unusual twist to this issue in support of the amendment, for those of you who are opposing the issue, the general premise has not been to cloud the issue, to stick with the PUC and the actual agency providing the service, the utility company. But I ask you a question that I have a bit of documentation for: What happens when the utility company itself owns the mines from which it is purchasing coal and indeed pays a higher price per ton from that very mine it owns than from those in the open market? I have a series of documentations that I would be glad to submit from the record which show that 3.76 millions tons of coal purchased by PP&L during the year 1973 from its own coal mines versus approximately 5 million tons purchased from the free market cost approximately 20 percent per ton more from the mines which it owned and from which it purchased.

It is a germane amendment because these very conflicts run through the current of coal and utility-operated coal mines in their purchasing procedures. Thank you, Mr. Speaker.

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

Mr. STAHL. In addition, I want to point out that railroads that are also regulated by the PUC, and one in particular in my area in Berks County, own considerable coal fields in Pennsylvania. I also might want to point out that according to an NBC white paper—I think it is NBC—50 percent of the easily recoverable coal in the United States is now owned by the oil companies.

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

Mr. W. W. WILT. Mr. Speaker, would the gentleman, Mr. Miller, consent to interrogation?

The SPEAKER. Will the gentleman, Mr. Miller, permit himself to be interrogated?

Mr. M. E. MILLER, JR. I shall, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. W. W. WILT. Did I understand you to say that for the coal that the PP&L bought from their own mine they paid up to 50 percent more?

Mr. M. E. MILLER, JR. The figure was 20 percent, sir.

Mr. W. W. WILT. Twenty?

Mr. M. E. MILLER, JR. Yes, sir.

Mr. W. W. WILT. Thank you, sir.

Mr. Speaker, this is totally opposite of what we were told just last Thursday morning in our meeting with the power company presidents, I believe, of seven companies and two other high officials of other companies; this is just the exact opposite of their testimony in our formal hearing last Thursday morning. May I ask what the source of your information was?

Mr. M. E. MILLER, JR. Mr. Speaker, the initial source was a news article published in the Intelligencer Journal written by Mr. Charles Shaw, quoting the actual coal prices from his research of PUC records. The article was later substantiated by Mr. Jack Busby, the PR arm of PP&L, who in fact confirmed the differences in price per ton of delivered coal.

ARTICLE SUBMITTED FOR THE RECORD

Mr. M. E. MILLER, JR. submitted the following article for the Legislative Journal:

PP&L PAID MORE IN '73 FOR COAL AT OWN MINES

By CHARLES SHAW
Intell Business Writer

The president of the Pennsylvania Power and Light Co. admitted last night that in 1973 his company paid an average of 72 cents more a ton for coal from its own mines than it did for coal on the open market.

Jack K. Busby said however, the opposite is true today.

According to PP&L records on file with the state Public Utility Commission in Harrisburg, in 1973 the utility bought 3.78 million tons of coal from its own mines at an average cost of \$12.33 a ton.

It bought 5.87 million tons from private, commercial mines, paying an average of \$11.61 a ton.

PP&L generates more than 40 per cent of its electricity by burning coal. The rising price it pays for this bituminous—whether from itself or on the open market—is passed directly along to consumers through the fuel adjustment clause.

Busby said that ever since PP&L began developing its own mines in the mid-1960s, the price difference between what it paid on the open market for coal and what it cost to operate its own mines was minimal.

"I would say that through the early 1970s, we were paying very close margins back and forth whether we had gains or losses (on mining operations)," Busby said.

The utility president said the high cost of coal

from PP&L-owned mines was because it is still new to the mining business. But this may be beginning to change.

NOW PRICE LESS

In 1974, he said, "we are producing an average price of coal at the mine that is substantially less than the market price."

PP&L expected to lose money right away on its mining operations, Busby said. "The assumption we were making was that over time the investments we were making in the mines would prove to be a net lower cost than would otherwise be possible."

Part of this investment has been in installing modern coal train loading equipment at its mines. Busby estimated that PP&L saves a "significant" amount on transporting coal from its mines to its generators because of this equipment.

For the future, the president said he "hoped" the five mines PP&L now operates would produce coal at cheaper than market price levels. However, he added, "knock on wood."

While PP&L may now be getting the mines it operates on a solid financial footing, Busby revealed that the utility has taken an option on a 100 million ton coal field in southwestern Pennsylvania.

If the utility can find the necessary capital—Busby estimated it would cost \$100 million—to open mining operations there PP&L would be back in the same boat of paying high prices for its own coal until these new mines get going.

COST INCREASING

And, Busby indicated, the cost of opening a new mine—and therefore the time it takes to get it financially viable—is increasing all the time.

Although coal mining operations are an admitted headache to PP&L, the president said they're needed to assure the utility of "a long-term supply" without "riding the ups and downs of the market swings."

Interviewed before a session with the Lancaster Consumer Protection Commission, Busby also discussed other matters affecting PP&L:

—Busby predicted that the price of electricity to the consumer might "double" within the next 10 years.

—PP&L will probably seek a rate increase in 1975 from the PUC.

—PP&L is suing a firm for cancelling a contract to supply the utility's first nuclear generating station—now under construction—with nuclear fuel.

—Demand for electricity in the PP&L service area will continue to rise at about a 5 per cent a year rate.

In other comments during a two-day public relations swing through Lancaster, the utility president also said:

—That the recently-settled coal miners' strike will lead to an increase in electric bills as the cost of coal will go up.

—That the staff of the PUC should be expand-

ed, not to scrutinize utility rate requests more closely, but to act on them more quickly.

—And that public hearings on fuel adjustment clause increases—which change monthly—would be a “misuse” of PUC time.

Primarily putting the blame on inflation, Busby said utility rates could double by 1984. He added that it’s even foreseeable that rates could double by 1980 if inflation continues unchecked.

MIGHT STABILIZE

However, the utility president said that rates might “stabilize” or “reach a plateau” by the early 1980s. Of course, this plateau might be double what people are paying today.

The reason for this plateau, he continued, is that the price of the price of coal and of coal and oil—the principal fuels—would equalize and competitive pressures would force them to stabilize.

On the possibility of PP&L seeking a rate hike, Busby said the utility is still in the “preliminary stages” of computing what it needs and refused to estimate how big a boost might be requested.

Busby also revealed that PP&L has filed suit against Gulf General Atomics for cancelling a contract to supply the utility’s Susquehanna Steam Electric Station, a nuclear unit now under construction near Berwick, with atomic fuel.

Because of the cancellation, which PP&L thinks was improper, the utility was forced to sign a contract with Exxon Nuclear, another firm, for the fuel. However, the price difference between the two contracts is \$20 to \$30 million and PP&L is trying to recover this from General Atomics.

Finally, Busby said PP&L expects the demand for electricity will hold steady at a rate of about 5 per cent a year. Earlier this year, the utility trimmed its construction budget because demand wasn’t keeping pace with previously predicted levels.

The SPEAKER. The Chair would hope that the gentleman would refrain from further discussion on the point. We are getting into debate on collateral issues at this point.

The Chair recognizes the gentleman from Luzerne, Mr. O’Connell.

Mr. O’CONNELL. Just one moment, Mr. Speaker. It is my understanding that at the request of former Representative Vipond’s mother last year the Federal Government is looking into the anti-trust situation and is right now doing an in-depth investigation.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I do not think there is anyone on the floor of the House who would disagree with those members who have been at the microphone defending the consumer against the gouging, which certainly all consumers are being subjected to when it comes to fuel, whether it be oil, whether it be gas or whether it be coal. But I want to read very carefully to the House members before you get too excited, what this amendment literally says: “The Consumer Advocate shall have the power and duty to investigate and represent

the consumers interest upon complaints by consumers concerning the quality, availability, price and service of any corporation, partnership, sole proprietorship, association or any other business entity which produces, processes, mines or distributes energy sources for use in residential home heating.” Now you listen to the language.

The SPEAKER. The Chair recognizes the gentleman, Mr. Hasay.

Mr. HASAY. Mr. Speaker.

Mr. IRVIS. Are we reading the wrong one?

Mr. HASAY. No, but after “energy sources” that was all eliminated. Just to clarify it.

Mr. IRVIS. Where was that eliminated? In our copy it is not.

Mr. HASAY. When I gave it to the clerk.

Mr. IRVIS. I am sorry, Mr. Speaker, I am only reading the copy which was distributed to me as a member. I will take the correction, but for those of you who have not corrected your own copy, note that what this does is eliminate this power for use in residential homes. But that does not mean, as I read it, that in fact that changes it at all.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. When Mr. Hasay introduced his amendment, he announced that the words “for use in residential home heating” were stricken from his amendment.

The SPEAKER. The Chair would ask all the members of the House to have all corrections on any amendments made by the Legislative Reference Bureau so that we do not get into this confusion that might take place of individual members who are sponsoring amendments making the corrections themselves. This is typical of what can happen if we do not carefully structure amendments being prepared by the Legislative Reference Bureau.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, with the acceptance of the fact that we have now a corrected amendment, the corrected amendment addresses itself to any corporation, partnership, sole-proprietorship, association or other business entity which produces, processes, mines or distributes energy sources, any energy source.

That means that if Mrs. Jones, a consumer, has a complaint against Tom Smith who has one truck distributing fuel oil, she may demand of the consumer advocate, and it shall be his duty, and it shall be his duty, to investigate that one truck dealer, because he distributes an energy source.

Now, if you can picture as a politician what that is going to mean. I do not know about the complaints you get in your district, but I know about the complaints I get in mine, and I can keep the consumer advocate busy for a year handling the 19th legislative district complaints. That is precisely the reason I spoke about this amendment earlier.

No one in his right mind is going to argue here that the substance of the amendment is invalid, but we cannot afford it. We cannot send a consumer advocate out to investigate every one of Mrs. Jones’ complaints, and that is what this amendment says. It does not say that we are going to investigate the coal barons. It says,

when a consumer complains, it shall be the duty of the consumer advocate to investigate. That means every single complaint from every single consumer.

Now if you really think that this state can afford that, then you are out of your mind. But if you do not want a consumer advocate bill, then, of course, this is a beautiful way of not getting it, because, you can go back home and say to Mrs. Jones, I advocated a consumer advocate who would listen to your complaints, Mrs. Jones, constituent of mine, and the rest of those guys and gals up there killed it.

Now, maybe I am being cynical in my old age, and I am not saying this about the gentleman who is offering the amendment; he is too young to think this way. But I know some of the older ones on the floor are thinking this way. I know who they are and I know that this is a beautiful way of going back home and being a consumer advocate and yet not getting a consumer advocacy bill.

I would suggest that you listen carefully to what I am saying about the amount of money, because if you put this in, you prohibit the passage of the consumer advocacy bill with this language. Therefore, I am asking that you vote in the negative.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Mr. Speaker, and maybe for the record, I do not intend to vote for this bill, so I think that I am then free to make a statement.

But, Mr. Irvis, I would just like to indicate very clearly and as loudly as I possibly can to you, that some of this was brought about by the administration and by certain officials in this administration who have constantly, time after time, issued releases in our area that they were to contact the consumer bureau. This has caused a tremendous problem.

So really, in fact, this amendment may very well have been conceived out of the kind of press releases and the information that was being released in our particular area at the time when people had a grave concern. This is where this thing was born, really. I am sure that this is what brought it to this floor today; it was the rhetoric and the expressions by both the administration and the officials, and I can produce any number of news releases that will indicate that to you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the only thing that I am asking is that you not hold me responsible for political idiots whom the Governor may appoint.

Mr. BUTERA. That is the smartest thing you ever said.

The SPEAKER. That is not giving him a lot of credit.

The Chair recognizes the minority leader.

Mr. BUTERA. Look, we will make one thing clear: We are not trying to split your caucus.

The SPEAKER. No. I know you would not do that. However, the seam goes right up there.

Mr. BUTERA. I know that. However, there was just an attempt made at splitting ours.

I would like to remind or, if they do not already know, give the information, particularly to the new members, that the last part of Mr. Irvis' statement is a technique employed very often in this House and it is mainly aimed

at new members who were not here the previous session. The attempt is to delude you into thinking that the amendments offered and the voluminous amount of amendments offered is some kind of a trick employed by the minority to block a consumer advocate bill.

Now, for those of you who were not here last year—because the rest of you know what we did—we passed a consumer advocate bill with virtually all of the provisions that we are attempting to insert today into this bill, with the exception of this particular amendment, and we stood by that throughout the last campaign. It was blocked in a conference committee very effectively. There was no push from the administration to get that bill out.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. MISCEVICH. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. MISCEVICH. As a new member, I have a question about what Mr. Butera thinks our qualifications are in the House of Representatives. I think we came to this House with merits of our own and heads of our own. I think that we can think for ourselves and talk for ourselves.

Thank you.

Mr. BUTERA. Mr. Speaker, what I am trying to do is give the gentleman all the information. What we are attempting to do is structure a bill along the lines that this House passed overwhelmingly last session. That is what we are trying to do.

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

Mr. ZEARFOSS. Mr. Speaker, in reply to Mr. Irvis' comments about every one and his brother or sister coming in with a complaint, requiring the consumer advocate to look into the price of coal for that person, you must recognize that subsection (b) of section 6 would apply to that kind of a complaint. There would still be the requirement of 20 percent of the users or 2,500 users in order for the consumer advocate to be required to take the complaint and investigate it or take the case. So it is not quite as bad as he made out.

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

Mr. WALSH. Mr. Speaker, I would just like to make a few comments. It seems that everybody on this side of the aisle is death on Mr. Hasay's amendment. I, for a moment, would like to get parochial about this, because I think that anybody from northeastern Pennsylvania should be vitally concerned about Mr. Hasay's amendment.

I see a few smirks in this side of the aisle when somebody mentions coal baron, and I cannot think of a better word to describe what is happening in northeastern Pennsylvania in the last year and a half.

Number one, we have one man who owns two counties' worth of coal fields. That is 90 percent of all the coal that is strip-mined in Pennsylvania right now is owned by one holding company.

Number two, I think right now the cause for concern in northeastern Pennsylvania is not so much—I agree with George on that—the rate adjustment, but right now in northeastern Pennsylvania 40 percent of Luzerne County still burns coal to heat their homes; 35 percent in Lackawanna County. It is my understanding that the rate even goes higher in Schuylkill, Northumberland and other northeastern counties.

Number three, I think somebody said there is no official way to get around it. Right now the attorney general is in the county court of Lackawanna, as a friend of court, appealing the “sunshine” law. I do not see why a consumer advocate could not study it, could not get the facts together, and then take it to the county commissioner of the proper county so they can go into court and prosecute.

I think we are taking this pretty lightly and I think anybody from northeastern Pennsylvania had better get concerned.

I do not think Bob Butera is trying to split this caucus down the middle. We will do that enough in the next 2 years.

But right now we are talking about little, old ladies who cannot afford \$68 a ton. We cannot afford one man because he is bound to give out bad coal, locks down 2 collieries and at his own discretion can lock down his coal fields because he knows one thing, a month from now he can start stripping up all the coal he wants and sell it for more money. So I would suggest that if you are from northeastern Pennsylvania, whether you are Democratic or Republican, that you vote for George Hasay’s amendment.

Thank you.

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

Mr. SCHMITT. Mr. Speaker, in very brief rebuttal to the remarks of the minority leader, Mr. Butera, I would like to point out, also, for the new members who are not familiar with what happened last year: Both Mr. Butera and I served on that conference committee concerning the consumer advocate bill and the stalemate was based on two principal things: For one, the Republicans wanted that the appointing power should not be within the hands of the Governor but would come from the Auditor General. I maintained that there should not be two heads of state there should only be one person responsible to the people for such an appointment and that would be the Governor.

The second point that was a roadblock in that conference committee which we had was that the Republicans were trying to insist upon the fact that either an attorney or a certified public accountant would be the one who would be appointed as the consumer advocate. This discriminated against many other qualified and capable people who could have served in that capacity.

I just want to make the record straight, Mr. Speaker. Thank you.

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

Mr. ECKENSBERGER. Mr. Speaker, this might be a good amendment, but I do have some questions and perhaps Mr. Hasay would like to respond to them.

The SPEAKER. Would the gentleman, Mr. Hasay, consent to interrogation?

Mr. HASAY. I shall.

The SPEAKER. The gentleman may proceed.

Mr. ECKENSBERGER. Mr. Speaker, if we adopt this amendment, is it your intention that section 8, on subpoena power, would apply?

Mr. HASAY. Yes.

Mr. ECKENSBERGER. Perhaps I did not get the full impact of the debate, but it was my understanding that the consumer advocate would not be dealing directly with the regulatory agency in making the investigations that he would have power to do pursuant to this amendment. Is that correct?

Mr. HASAY. Will you repeat that, please?

Mr. ECKENSBERGER. There is no regulatory agency involved in the consumer advocate pursuing the power that we are giving him by this amendment. Is that correct? This is just a general investigation regarding companies or other agencies that deal with energy. Is that correct?

Mr. HASAY. Yes; I would say so.

Mr. ECKENSBERGER. In section 8, regarding subpoenas, says that you can only issue the subpoenas in the event that there is a pending proposal or proceeding before a regulatory agency. So as a practical matter we are not really giving any subpoena power to the consumer advocate to perform the investigations that we would hope that he would perform by virtue of this amendment. Is that conclusion correct?

Mr. HASAY. That is correct, but we still could investigate the problems that we are having now. We may not necessarily need subpoena powers.

Mr. ECKENSBERGER. Very well. So you are saying that we are not giving the consumer advocate subpoena power to perform the investigations that we are proposing by this amendment. Is that correct?

Mr. HASAY. Yes; perhaps it would not be necessary, though.

Mr. ECKENSBERGER. But we are not giving them that power.

Thank you, Mr. Speaker.

On the question recurring.

Will the House agree to the amendment?

The yeas and nays were required by Messrs. HASAY and IRVIS and were as follows:

YEAS—106

Anderson, J. H.	Grieco	Mebus	Smith, E.
Arthurs	Gring	Miller, M. E.	Smith, L.
Beren	Halverson	Miller, M. E., Jr.	Spencer
Bittle	Hamilton, J. H.	Moehlmann	Stahl
Bradley	Hasay	Musto	Sullivan
Brandt	Haskell	Myers	Taddonio
Burns	Hayes, D. S.	Noye	Thomas
Butera	Hayes, S. E.	O'Brien	Turner
Cessar	Hepford	O'Connell	Ustynoski
Cimini	Hill	Pancoast	Vroon
Crawford	Hopkins	Parker, H. S.	Wagner
Cumberland	Hutchinson, W.	Perri	Walsh, T. P.
Davies	Katz	Pitts	Wansacz
Deverter	Kelly, J. B.	Polite	Weidner
Dietz	Kistler	Pyles	Westerberg
Dininni	Klingaman	Renninger	Whelan
Dorr	Knepper	Ryan	Whittlesey
Dreibell is	Kusse	Saloom	Wilson
Fawcett	Laughlin	Salvatore	Wilt, R. W.
Fischer	Lehr	Scheaffer	Wilt, W. W.
Fisher	Levi	Seirica	Worrlow
Foster, A.	Lynch	Seltzer	Wright

Foster, W.	Manmiller	Shelhamer	Yohn
Gallen	McCaill	Shuman	Zearfoss
Geesey	McClatchy	Shupnik	Zeller
Gleason	McCue	Sirianni	Zord
Goodman	McLane		

NAYS—88

Abraham	Gallagher	Manderino	Ritter
Barber	Garzia	McIntyre	Romanelli
Bellomini	Geisler	Menhorn	Ross
Bennett	George	Milanovich	Ruggiero
Berlin	Giammarco	Milliron	Schmitt
Berson	Gillespie	Miscevich	Schweder
Blackwell	Gillette	Morris	Shanc
Bonetto	Gleeson	Mrkonic	Shelton
Brunner	Green	Mullen	Stapleton
Caputo	Greenfield	Novak	Stout
Cole	Hammock	O'Donnell	Sweeney
Cowell	Irvis	O'Keefe	Tayoun
Davis, D. M.	Itkin	Oliver	Toll
DeMedio	Johnson, J.	Perry	Trello
Dicarlo	Kelly, A. P.	Petrarca	Valicenti
DiDonato	Kernick	Pievsky	Vann
Dombrowski	Kolter	Pratt	Wojdak
Doyle	Kowalshyn	Prendergast	Yahner
Eckensberger	LaMarca	Rappaport	Zwikl
Englehart	Laudadio	Renwick	
Fee	Lederer	Richardson	Fineman,
Flaherty	Letterman	Rieger	Speaker
Fryer	Lincoln		

NOT VOTING—9

Cohen	McGraw	Reed	Taylor
Hutchinson, A.	Mullen, M. P.	Rhodes	Wargo
McGinnis			

So the question was determined in the affirmative and the amendment was agreed to.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. OLIVER. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. OLIVER. Mr. Speaker, on the Dietz amendment No. 3, I voted in error by voting in the affirmative. I would like the record to show that I voted in the negative on that amendment to House bill No. 175.

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

On the question recurring,

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

Mr. VROON requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 4, page 2, lines 24 through 30, by striking out "and shall serve at the" in line 24, all of lines 25 through 30, and inserting: for a term of five years. The salary of the Consumer Advocate shall not exceed \$40,000 per annum. The Consumer Advocate may be either an attorney or a certified public accountant with at least five years' experience under certification.

(a) The Consumer Advocate shall employ and fix the salary of a chief counsel and such deputies as may be necessary to the proper function of the bureau.

(b) The Consumer Advocate shall have the power to appoint such accountants, actuaries, statisticians, clerical and stenographic employees and such other professional or skilled personnel as may be required for the conduct of the work of the bureau. All such employees shall be subject to the act of August 5, 1941 (P. L. 752, No. 286), known as the "Civil Service Act."

Amend Sec. 5, page 3, lines 1 through 9, by striking out all of said lines

Amend Sec. 6, page 3, line 10, by striking out "6." and inserting: 5.

Amend Sec. 7, page 4, line 14, by striking out "7." and inserting: 6.

Amend Sec. 8, page 4, line 20, by striking out "8." and inserting: 7.

Amend Sec. 9, page 5, line 11, by striking out "9." and inserting: 8.

Amend Sec. 10, page 5, line 25, by striking out "10." and inserting: 9.

Amend Sec. 11, page 6, line 2, by striking out "11." and inserting: 10.

Amend Sec. 12, page 11, line 4, by striking out "12." and inserting: 11.

Amend Sec. 13, page 11, line 8, by striking out "13." and inserting: 12.

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Mr. Speaker, I have an amendment here which is labeled "R-18." This amendment is a combination amendment for the purpose of putting control features into this bill. It is a genuine, sincere amendment, not politically motivated but with the desire to try to put some control and checks and balances into this bill. I think they are well thought out and I would appreciate the consideration of the body.

I would also like to receive your permission, if I may, please, to divide this amendment and take separate votes on its parts.

AMENDMENTS DIVIDED

The SPEAKER. How does the gentleman desire to divide the amendment?

Mr. VROON. As follows: The first section, "with the advice and consent of the Senate" is withdrawn because this obviously has already been voted on; number one, "for a term of five years."; number two, "The salary of the Consumer Advocate shall not exceed \$40,000 per annum."; number three, "The Consumer Advocate may be either an attorney or a certified public accountant with at least five years' experience under certification."; number four is section (a); and number five is section (b), with the elimination of the word "clerical."

The SPEAKER. Will the gentleman address himself to the first amendment at this time that he desires to offer?

Mr. VROON. Yes.

The first amendment is: "for a term of five years." We have discussed at great length the desirability or the undesirability of giving the Governor complete freedom on the appointment of this consumer advocate. It has been the wish of this body, as voted this afternoon, not to require confirmation. Now we are trying to retain some measure of independence for this consumer advocate to take him beyond the pleasures of the governor, and I am not trying to say which governor. This applies to any executive. The key word here is "independence." We want this consumer advocate to have a measure of independence which we think is absolutely essential if he is going to represent the consumers of this state.

For this reason, I very strongly advocate the designation of a very definite term. In this particular case, I advocate 5 years, so that the consumer advocate, once he is appointed, will definitely serve for a period of 5 years and will not serve at the pleasure of the executive. Any time he wants to remove one and put another one

in, he can do it. If he gets into a hassle on a particular question that the governor should not like, then the governor can say, okay, you bum, you get out of here, and he can kick him out.

What we want here is a consumer advocate who has enough independence from the political influence of the executive to say, I can pursue whatever courses I deem necessary for the good of the public and not fear the retribution of the executive.

Mr. Speaker, I very strongly advocate the adoption of this first section of my amendment.

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

The amendments are now in the process of being divided. The first amendment before the House is the insertion of the language, "for a term of five years."

Mr. SCHMITT. Mr. Speaker, we did not get too much time to study this. It has just come to my attention very recently, and I see it is a very complex amendment, which is now being divided. Am I correct in the assumption that the first thing to be considered is the 5-year term of the consumer advocate?

The SPEAKER. That is correct.

Mr. SCHMITT. I would say, Mr. Speaker, that this would negate the responsibility of the consumer advocate to represent the people fully, running from one term into a second term, that is, as far as a gubernatorial appointment is concerned. On the surface, I would object to the amendment.

On the question,

Will the House agree to Part I of the Vroon amendments?

The yeas and nays were required by Messrs. VROON and SCHMITT and were as follows:

YEAS—84

Anderson, J. H.	Gleason	Lynch	Smith, L.
Beren	Grieco	Manmiller	Spencer
Bittle	Gring	McClatchy	Stahl
Brandt	Halverson	McCue	Taddonio
Burns	Hamilton, J. H.	Mebus	Thomas
Eutera	Hasay	Miller, M. E., Jr.	Turner
Cessar	Haskell	Möchlmann	Ustynoski
Cimini	Hayes, D. S.	Noye	Vroon
Crawford	Hayes, S. E.	O'Connell	Wagner
Cumberland	Hepford	Pancoast	Weidner
Davies	Hill	Parker, H. S.	Westerberg
Deverter	Hopkins	Perri	Whelan
Dininni	Hutchinson, W.	Pitts	Wilson
Dorr	Katz	Polite	Wilt, R. W.
Dietz	Kelly, J. B.	Pyles	Wilt, W. W.
Fawcett	Kistler	Renninger	Worrilow
Fisher	Klingaman	Salvatore	Wright
Foster, A.	Knepper	Scheaffer	Yohn
Foster, W.	Kusse	Seltzer	Zearfoss
Gallen	Lehr	Sirianni	Zeller
Geesey	Levi	Smith, E.	Zord

NAYS—105

Abraham	Geisler	Miller, M. E.	Schmitt
Arthurs	George	Milliron	Schweder
Barber	Giammarco	Miscevich	Scirica
Bellomiti	Gillespie	Morris	Shane
Bennett	Gillette	Mrkonie	Shelhamer
Berlin	Gleeson	Musto	Shelton
Berson	Goodman	Myers	Shuman
Blackwell	Green	Novak	Shupnik
Bonetto	Greenfield	O'Brien	Stapleton
Bradley	Hammock	O'Donnell	Stout
Brunner	Irvis	O'Keefe	Sullivan
Caputo	Itkin	Oliver	Sweeney
Cole	Kelly, A. P.	Perry	Toll
Cowell	Kernick	Petrarca	Trello

Davis, D. M.	Kolter	Pievsky	Valicenti
DeMedio	Kowalyshyn	Pratt	Vann
Dombrowski	LaMarca	Prendergast	Walsh, T. P.
Doyle	Laudadio	Rappaport	Wansacz
Dreibelbis	Laughlin	Renwick	Wargo
Eckensberger	Lederer	Rhodes	Whittlesey
Englehart	Letterman	Richardson	Wojdak
Fee	Manderino	Rieger	Yahner
Fischer	McCall	Ritter	Zwikel
Flaherty	McIntyre	Romanelli	
Fryer	McLane	Ross	Fineman,
Gallagher	Menhorn	Ruggiero	Speaker
Garzia	Milanovich	Saloom	

NOT VOTING—14

Cohen	Johnson, J.	Mullen, M. P.	Ryan
Dicarolo	Lincoln	Mullen	Taylor
DiDonato	McGinnis	Reed	Tayoun
Hutchinson, A.	McGraw		

So the question was determined in the negative and Part I of the Vroon amendments was not agreed to.

On the question recurring,

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

The SPEAKER. Will the gentleman, Mr. Vroon, indicate to the House the second amendment he desires to offer?

Mr. VROON. The second amendment which I desire to offer, Mr. Speaker, is to fix the salary of the consumer advocate at a ceiling of \$40,000. This is not intended to exactly fix the salary but to put a ceiling on it.

It is obvious why this is intended. This is intended to put a control on the amount of money that can be spent for the consumer advocate. We believe the sum of \$40,000 is adequate, if you want to go that high, to hire a very good consumer advocate, rather than make this another beautiful plum for somebody at the astounding figure of \$50,000 or \$60,000 or whatever comes to the mind of the people who will set the figure.

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

Mr. SCHMITT. I maintain that this should be left to the discretion of the salary board which certainly could equate the salary of the consumer advocate with that of other people of equal responsibility. I would say that setting a limit of \$40,000 in this day and age and inflationary period would be improper and inadequate. I think this puts an unnecessary restriction on the possible appointment of very qualified men who might not considering working for \$40,000. I oppose the amendment.

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

Mr. VROON. Mr. Speaker, I would like to rebut that by saying that cabinet officers do not receive more than \$40,000.

Mr. SCHMITT. They may very well in the near future, however.

Mr. VROON. You can always change the law.

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

Mr. ARTHURS. Mr. Speaker, I feel that this amendment should go in, because we are giving this particular group of people an open book. I discussed it yesterday on some of the other merits of the bill. Here we are saying that they can go out and get anybody and pay him

any amount of money that we are going to be responsible for furnishing to him.

If we do not have the fortitude to say that we are afraid to put a limit on this, there is something wrong with us. We have to assume some responsibility here, so let us put it on here. Just like the gentleman said, we do not have a cabinet member who is making this. If more money is needed and inflation goes that high, then they can come back and we will pass more money. But let us assume a little bit of responsibility here for goodness' sake. I ask for help on this amendment.

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

Mr. SCHMITT. Mr. Speaker, in order not to belabor this House—we are all tired and everybody is a little bit irritated—I would simply say that I oppose the amendment and would ask the members to vote it down.

On the question,

Will the House agree to Part II of the Vroon amendments?

The yeas and nays were required by Messrs. VROON and SCHMITT and were as follows:

YEAS—109

Abraham	Callen	Lynch	Sirianni
Anderson, J. H.	Geesey	McCall	Smith, E.
Arthurs	Gillespie	McClatchy	Smith, L.
Beren	Gillette	Manmiller	Spencer
Bittle	Gleason	Mebus	Stahl
Brandt	Grieco	Miller, M. E., Jr.	Stapleton
Burns	Gring	Milliron	Taddonio
Butera	Halverson	Moshlmann	Thomas
Caputo	Hamilton, J. H.	Morris	Turner
Cessar	Hasay	Mrkonic	Ustynoski
Cimini	Haskell	Noye	Vroon
Cowell	Hayes, D. S.	O'Connell	Wagner
Crawford	Hayes, S. E.	O'Keefe	Weidner
Cumberland	Hepford	Pancoast	Westenberg
Davies	Hill	Parker, H. S.	Whelan
Davis, D. M.	Hopkins	Perri	Whittlesey
Deverter	Hutchinson, W.	Pitts	Wilson
Dicarlo	Katz	Polite	Wilt, R. W.
Dietz	Kelly, J. B.	Pyles	Wilt, W. W.
Diminni	Kistler	Renninger	Worrilow
Dombrowski	Klingaman	Ryan	Wright
Dorr	Knepper	Salvatore	Yahner
Fawcett	Kusse	Scheaffer	Yohn
Fisher	Lehr	Scirica	Zearfoss
Flaherty	Letterman	Seltzer	Zeller
Foster, A.	Levi	Shelhamer	Zord
Foster, W.	Lincoln	Shuman	Zwikl
Fryer			

NAYS—86

Barber	Giammarco	Miller, M. E.	Ruggiero
Bellomini	Gleeson	Miscevich	Saloom
Bennett	Goodman	Mullen	Schmitt
Berlin	Green	Musto	Schweder
Berson	Greenfield	Myers	Shane
Blackwell	Hammock	Novak	Shelton
Bonetto	Iris	O'Brien	Shupnik
Bradley	Itkin	O'Donnell	Stout
Brunner	Johnson, J.	Oliver	Sullivan
Cole	Kelly, A. P.	Perry	Sweeney
DeMedio	Kernick	Petrarca	Tayoun
DiDonato	Kolter	Pievsky	Toll
Doyle	Kowalshyn	Pratt	Trello
Dreibelbis	Laudadio	Prendergast	Valicenti
Eekensberger	Laughlin	Rappaport	Vann
Englehart	Lederer	Renwick	Walsh, T. P.
Fee	Manderino	Rhodes	Wansacz
Fischer	McCue	Richardson	Wargo
Gallagher	McIntyre	Rieger	Wojdak
Garzia	McLane	Ritter	
Geisler	Menhorn	Romanelli	Fineman,
George	Millanovich	Ross	Speaker

NOT VOTING—8

Cohen	LaMarca	McGraw	Reed
Hutchinson, A.	McGinnis	Mullen, M. P.	Taylor

So the question was determined in the affirmative and Part II of the Vroon amendments was agreed to.

On the question recurring,

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

The SPEAKER. Will the gentleman indicate the third amendment?

Mr. VROON. The third amendment is: "The Consumer Advocate may be either an attorney or a certified public accountant with at least five years' experience under certification."

The obvious intent is not to try to put out other qualified people but the intent is not to leave it wide open. These two particular categories are occupations which are the most skilled for the purpose intended.

Therefore, it is felt that it is necessary to put a measure of control on what kind of a person is going to run this consumer advocate department. Either one of these two occupations, in my opinion and in the opinion of a great many of the members of this House, are the best qualified for this purpose. I strongly urge the adoption of this amendment.

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

Mr. SCHMITT. The gentleman, Mr. Speaker, said "may," and actually what he is saying is "must." In other words, the appointment of a consumer advocate must come from the ranks of a certified public accountant or an attorney with at least 5 years' experience in either case.

I would oppose that. That was the roadblock that stymied the bill last year. I would oppose that because who is to say that only attorneys or certified public accountants have the expertise, the knowledge and the ability to do a good job as a consumer advocate? I think this is an unduly unnecessary, improper restriction and I would oppose the amendment.

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

Mr. VROON. I would like to make it clear in the first place that I am neither a certified public accountant nor a lawyer, so I do not have an axe to grind here. But unless we do put some kind of stipulation here as to the qualifications of this consumer advocate, we will not know what kind of an advocate we are going to get. This could be a disaster.

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

Mr. GARZIA. I also oppose this. You know there are quite a few people in this world who have good common sense and I think that this is all you need in a good consumer advocate. You do not have to be a lawyer or an accountant.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, if the gentleman offering the amendment would read his own amendment, I think he will find that it does not say what he thinks it says. The amendment says: "The Consumer Advocate may be either an attorney or a certified public accountant . . ." Of course, Mr. Speaker, he may be either an attorney or a

certified public accountant or a deep-sea diver. What I think the gentleman wanted to say is that he must be selected from either one of two professional classes—from the attorney class or from the class of a certified public accountant. But that is not what he gets if he gets his amendment.

Now if the gentleman is willing to tell me that his amendment is precisely correct, I will vote for it, because it is meaningless. Of course, the governor may appoint a mermaid if he wants to. So to put in language that the consumer advocate may be an attorney or may be a certified public accountant is meaningless language. But if he wants me to vote for more meaningless language, I will vote for it if that is what he is asking.

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

Mr. VROON. Mr. Speaker, I believe that there is a question of grammar here and I think the way this is worded here is quite proper. When you say that he may be either one or the other, you are limiting one or the other, and the implication here is very clear that it is intended to limit to either a certified public accountant or an attorney.

Mr. IRVIS. Mr. Speaker, I will make a bet publicly with the gentleman that if this bill ever passes the House and the Senate with that language and goes to any governor, he will not be grammatically constrained to follow the rule which this gentleman just stated.

I suggest that unless you want to vote for something that is meaningless, you vote "no" on this amendment.

The SPEAKER. There are no bets allowed on the floor of the House.

On the question,

Will the House agree to Part III of the Vroon amendments?

The yeas and nays were required by Messrs. VROON and IRVIS and were as follows:

YEAS—40

Anderson, J. H.	Hamilton, J. H.	Perri	Spencer
Beren	Hayes, S. E.	Pitts	Stahl
Bittle	Hepford	Pyles	Taddonio
Brandt	Kistler	Renninger	Ustynoski
Butera	Kusse	Ryan	Vroon
Cessar	Levi	Salvatore	Wagner
Dietz	McCue	Scheaffer	Weidner
Gallen	Mebus	Seltzer	Westerberg
Gleason	Moehlmann	Sirianni	Wilt, W. W.
Gring	O'Connell	Smith, L.	Zearfoss

NAYS—155

Abraham	Geesey	Manmiller	Saloom
Arthurs	Geisler	McCall	Schmitt
Barber	George	McClatchy	Schweder
Bellomini	Giammarco	McIntyre	Seirica
Bennett	Gillespie	McLane	Shane
Berlin	Gillette	Menhorn	Shelhamer
Berson	Gleason	Milanovich	Shelton
Blackwell	Goodman	Miller, M. E.	Shuman
Bonetto	Green	Miller, M. E., Jr.	Shupnik
Bradley	Greenfield	Milliron	Smith, E.
Brunner	Grieco	Miscevich	Stapleton
Burns	Halverson	Morris	Stout
Caputo	Hammock	Mrkonie	Sullivan
Cimini	Hasay	Mullen	Sweeney
Cole	Haskell	Musto	Tayoun
Cowell	Hayes, D. S.	Myers	Thomas
Crawford	Hill	Novak	Toll
Cumberland	Hopkins	Noye	Trello
Davies	Hutchinson, W.	O'Brien	Turner
Davis, D. M.	Irvis	O'Donnell	Valcenti

DeMedio	Itkin	O'Keefe	Vann
Deverter	Johnson, J.	Oliver	Walsh, T. P.
Dicarlo	Katz	Pancoast	Wansacz
DiDonato	Kelly, A. P.	Parker, H. S.	Wargo
Dininni	Kelly, J. B.	Perry	Whelan
Dombrowski	Kernick	Petrarca	Whittlescy
Dorr	Klingaman	Plevsky	Wilson
Doyle	Knepper	Polite	Wilt, R. W.
Dreibelbis	Kolter	Pratt	Wojdak
Eckensberger	Kowalyshyn	Prendergast	Worrlow
Engelhart	LaMarca	Rappaport	Wright
Fawcett	Laudadio	Renwick	Yahner
Fee	Laughlin	Rhodes	Yohn
Fischer	Lederer	Richardson	Zeller
Fisher	Lchr	Rieger	Zord
Flaherty	Letterman	Ritter	Zwilk
Foster, A.	Lincoln	Romanelli	
Foster, W.	Lynch	Ross	Fineman,
Fryer	Manderino	Ruggiero	Speaker
Garzia			

NOT VOTING—8

Cohen	Hutchinson, A.	McGraw	Reed
Gallagher	McGinnis	Mullen, M. P.	Taylor

So the question was determined in the negative and Part III of the Vroon amendments was not agreed to.

The SPEAKER. The next amendment offered by the gentleman, Mr. Vroon, is paragraph (a), small letter a in the amendment that is before you, which reads:

"The Consumer Advocate shall employ and fix the salary of a chief counsel and such deputies as may be necessary to the proper function of the bureau."

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

Mr. VROON. Mr. Speaker, the intent of this, too, is to put some kind of controls on who will fix the salaries of the key people who work under the consumer advocates. It is believed that this is preferable, to let this consumer advocate who is responsible for the working of his department have a free hand so that he can put the salaries down for the people whom he thinks are so necessary for his department.

As it now stands, it is subject to the salary board's desire. I believe that it is far preferable to let the consumer advocate have this part unto himself, because this is so close to him and his operation.

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

Mr. SCHMITT. I am not sure, Mr. Speaker, that I am qualified to answer this, but I do believe that what would happen here is that this would take from the Governor's hands the power of control of the budget, which is his sole responsibility. I do not think that this amendment should be passed at this time.

On the question,

Will the House agree to Part IV of the Vroon amendments?

The yeas and nays were required by Messrs. VROON and SCHMITT and were as follows:

YEAS—76

Anderson, J. H.	Grieco	McCue	Smith, E.
Beren	Gring	Manmiller	Smith, L.
Bittle	Halverson	Mebus	Spencer
Brandt	Haskell	Miller, M. E., Jr.	Stahl
Butera	Hayes, D. S.	Moehlmann	Taddonio
Cessar	Hayes, S. E.	Noye	Thomas
Cimini	Hepford	O'Connell	Turner
Crawford	Hill	Pancoast	Ustynoski

Cumberland	Hopkins	Parker, H. S.	Vroon
Davies	Hutchinson, W.	Perri	Weidner
Deverter	Katz	Pitts	Westerberg
Dininni	Kelly, J. B.	Pyles	Whelan
Dorr	Kistler	Renninger	Whittlesey
Dietz	Klingaman	Ryan	Wilt, R. W.
Fisher	Knepper	Salvatore	Wilt, W. W.
Foster, A.	Lehr	Scheaffer	WorriLOW
Foster, W.	Levi	Scirica	Wright
Geesey	Lynch	Seltzer	Yohn
Gleason	McClatchy	Sirianni	Zearfoss

NAYS—119

Abraham	Garzia	McLane	Saloom
Arthurs	Geisler	Menhorn	Schmitt
Barber	George	Miller, M. E.	Schweder
Bellomini	Giammarco	Milliron	Shane
Bennett	Gillespie	Miscevich	Shelton
Berlin	Gillette	Morris	Shuman
Berson	Gleeson	Mrkonic	Shupnik
Blackwell	Goodman	Mullen	Stapleton
Bonetto	Green	Musto	Stout
Bradley	Greenfield	Myers	Sullivan
Brunner	Hamilton, J. H.	Novak	Sweeney
Burns	Hammock	O'Brien	Tayoun
Caputo	Hasay	O'Donnell	Toll
Cole	Irvis	O'Keefe	Trelo
Cowell	Itkin	Oliver	Valicenti
Davis, D. M.	Johnson, J.	Perry	Vann
DeMedio	Kelly, A. P.	Petrarca	Wagner
Dicarlo	Kernick	Pievsky	Walsh, T. P.
DiDonato	Kolter	Polite	Wansacz
Dombrowski	Kowalshyn	Pratt	Wargo
Doyle	Kusse	Prendergast	Wilson
Dreibelbis	LaMarca	Rappaport	Wojdak
Eckensberger	Laudadio	Renwick	Yahner
Englehart	Laughlin	Rhodes	Zeller
Fawcett	Lederer	Richardson	Zord
Fee	Letterman	Rieger	Zwikl
Fischer	Lincoln	Ritter	
Flaherty	Manderino	Romancelli	
Fryer	McCall	Ross	Fineman, Speaker
Gallagher	McIntyre	Ruggiero	
Gallen			

NOT VOTING—8

Cohen	McGinnis	Milanovich	Reed
Hutchinson, A.	McGraw	Mullen, M. P.	Taylor

So the question was determined in the negative and Part IV of the Vroon amendments was not agreed to.

The SPEAKER. The gentleman from Chester, Mr. Vroon, offers the following amendment which is identified by the small letter (b), which reads:

The Consumer Advocate shall have the power to appoint such accountants, actuaries, statisticians, clerical and stenographic employees and such other professional or skilled personnel as may be required for the conduct of the work of the bureau. All such employees shall be subject to the act of August 5, 1941 . . . known as the "Civil Service Act."

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

Mr. VROON. This, again, is another control feature. Mr. Schmitt himself introduced an amendment—and I think it is on your desk. I do not know whether we adopted it yet or not—recommending that we have all clerical employes put under civil service.

This is an attempt to broaden this and to put all the subservient employes of the consumer advocate under consumer service as a control feature.

I very strongly recommend the adoption of this amendment in accord with the spirit expressed by Mr. Schmitt as to clerical employes.

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

Mr. WOJDAK. Mr. Speaker, I would oppose this amendment. The main objective of the amendment is to put everyone under civil service. And were it restricted to clerical and stenographic employes there would be no objection, but it has been expanded to include accountants, actuaries, statisticians, and so on.

As I understand it, Mr. Speaker, these are positions for which there are various methods of calculating rates and various philosophies that people adhere to. I think that each of these people should reflect the philosophy or the particular type of ratemaking that the consumer advocate adheres to. I would not want to see him in a position where a person is an accountant or an actuary who adheres to a particular ratemaking philosophy which is contrary to that of the consumer advocate, and have that person locked into the system via civil service. I think it acts as a detriment to the consumer advocate. In my opinion, these people should reflect the philosophy of the consumer advocate, and I would ask for a "no" vote on this amendment.

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

Mr. VROON. Mr. Speaker, in rebuttal to this, I would say that the intent of this thing is to put these people beyond the spoils system, which is certainly not in the best interest of the consumer advocate.

If these people are properly protected by civil service and properly appointed under these rules, we stand a much better chance of getting a fair play beyond the undesirable influence of political ward heelers—if you want to say it. I strongly advocate the wisdom of this. I believe this is in the best interest of the state and I believe very much that we should have this amendment.

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

Mr. PYLES. Mr. Speaker, I think we ought to have a little order first, if I may ask.

Mr. Speaker, I ask for order because this is a very important amendment, particularly in my district and I think in the districts of many of my colleagues.

We have too many political appointees who are subservient to only a few, without having enough people under the merit system that this state should go under.

The merit system has tremendous advantages of getting a permanent corps of civil servants who will serve this state. Mr. Vroon is trying to extend this in his bill, and I urge everyone to consider the importance of having a solid block of employes in this state who get their appointments through a proper examination and also get their promotions through merit rather than political appointments. I urge that this amendment be passed.

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

Mr. WOJDAK. Mr. Speaker, in attempting to put these people into a protective status under the Civil Service Act, two things are going to be accomplished: First, as the gentleman has indicated, it will prevent any type of outside influence from affecting these people, which is good. I agree to that. But I think our Public Employees' Act accomplishes that.

Inasmuch as putting them under civil service would act

as a detriment to the consumer advocate in that they should be of the same philosophy as the consumer advocate, on unbalance, the protection you are looking for is accomplished through the Public Employees' Act and the unions that are now in existence, and yet, at the same time, does not hamstring or have these employes work to the detriment of the advocate because of their philosophy if it is not in accord with the consumer advocate.

So I think the protection you are looking for you have via the unions in this state, and you will not hamstring the consumer advocate by requiring civil-service status of these various people.

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

Mr. STAHL. If we adopt, Mr. Speaker, the argument of Mr. Wojdak that we would be hamstringing the consumer advocate by requiring that these people be under the Civil Service Act, then we are, in effect, saying that all other levels of government are equally hamstrung because they are under similar legislation. Therefore, I would hope that Mr. Wojdak would be submitting legislation to do away with civil service for those other levels of employes.

Additionally, it seems to me that there is one point that Mr. Wojdak has forgotten, and that is, under civil service the people are required to meet certain requirements, tests, et cetera, and they have to pass these tests.

Now the union part of it is fine, but there is no protection about requirements and meeting certain eligibility standards under the union formula, so I do not think your argument holds that much water.

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

Mr. VROON. Mr. Speaker, further to the question, if I am not mistaken, I think the eligibility requirements under civil service would be a lot more specific and a lot more demanding of the people involved here, and that is what we want. We want some very clearly stated qualifications which are subject to civil service rules and regulations. I do not believe those are under the guidelines which you suggested, Mr. Speaker.

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

Mr. WOJDAK. Mr. Speaker, I yield to Mr. LaMarca.

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

Mr. LaMARCA. Mr. Speaker, I find the concern for the sanctity and safety of future employes of this Commonwealth very interesting, because, on the one hand, we talk about people who do not do enough work for the Commonwealth, and we realize that we cannot get rid of them because of the civil service, and then we are proposing a new program such as this which could very well and conceivably involve a thousand or two thousand employes. We are saying, let us start out with a group of people who are going to be clothed with immunity. Let us not reserve ourselves—meaning us, management—the right to say to these people, you shall administer a new program according to the policy that we formulate.

If this is going to be something new and if it is going to be a policy that we are going to be responsible

for, then we should at least reserve to those people whom we engage directly the right to hire and fire. There is going to be enough hamstringing with just the union requirements, and I have no qualms with that. I think job security is important, and these people shall have it. But when you are talking about a new program and you are talking about formulating an entirely new policy, then you are a fool to limit yourself in shaping up the staff of that organization.

I say we must defeat the amendment if we are going to make the program work.

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

Mr. VROON. Mr. Speaker, in rebuttal to this, is the gentleman suggesting that there is any more freedom to hire and fire if the employes are members of the union than if they are civil service?

Mr. LaMARCA. Yes, I am suggesting that. As a matter of fact, I am stating it.

Mr. VROON. In my opinion, Mr. Speaker, I think this is rather contrary to the established fact in practice and experience when it comes to dealing with labor unions. They are very protective of their individual members.

Mr. LaMARCA. I am quite aware of that. I may say that possibly the experience on my side of the aisle with labor unions is just a little more extensive than in your normally tight circle. I had found that labor unions—

Mr. VROON. Mr. Speaker—

The SPEAKER. Will the gentleman yield? The gentleman, Mr. LaMarca, has the floor.

Mr. VROON. Yes.

The SPEAKER. The gentleman from Berks, Mr. LaMarca, may proceed.

Mr. LaMARCA. I believe that there are honest and legitimate unions which, when you explain to them that their people are not doing the job, will go along with having you replace that person. If you do not believe that, then I think you should vote as you already intend to, namely, green.

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

Mr. VROON. Mr. Speaker, just one further comment on this. I rather resent this becoming a little bit on the personal side. The gentleman, Mr. LaMarca, is assuming things about me that are not within his knowledge to assume. These so-called circles that I travel in, sir, happen to have included many long years of union negotiations and labor relations. So I would debate your point very strongly, sir.

But this is really beside the point. I, by personal experience, have found this to be true, that once you hire somebody who is a member of the union, it is very difficult to discharge that person unless he commits adultery or does something really outstandingly wrong. Let us face it, maybe not even that.

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

Mr. LaMARCA. Mr. Speaker, I sincerely apologize to the gentleman. I did not intend my remarks to be offensive. I thought by your questioning that you were questioning my credibility when I made the statement

that I felt many labor unions were sincere. I think it was just a matter of semantics, but I do apologize.

On the question,
Will the House agree to Part V of the Vroon amendments?

The yeas and nays were required by Messrs. VROON and WOJDAK and were as follows:

YEAS—76

Anderson, J. H.	Gring	McCue	Spencer
Beren	Halverson	Manmiller	Stahl
Bittle	Hamilton, J. H.	Miller, M. E., Jr.	Taddonio
Brandt	Haskell	Mochlmann	Thomas
Burns	Hayes, D. S.	Noye	Turner
Butera	Hayes, S. E.	O'Connell	Ustynoski
Cessar	Hepford	Fancoast	Vroon
Cimini	Hill	Parker, H. S.	Wagner
Crawford	Hopkins	Perri	Weidner
Cumberland	Hutchinson, W.	Pitts	Westerberg
Davies	Kelly, J. B.	Polite	Whelan
Deverter	Kistler	Pyles	Whittlesey
Dietz	Klingaman	Renninger	Wilson
Dininni	Knepper	Ryan	Wilt, R. W.
Dorr	Kusse	Salvatore	Wilt, W. W.
Fischer	Lehr	Seltzer	Wright
Fisher	Levi	Sirianni	Yohn
Foster, A.	Lynch	Smith, E.	Zearfoss
Gallen	McClatchy	Smith, L.	Zord

NAYS—116

Abraham	Geesey	Menhorn	Scheaffer
Arthurs	Geisler	Milanovich	Schmitt
Barber	George	Miller, M. E.	Schweder
Bellomini	Giammarco	Milliron	Seirica
Bennett	Gillespie	Miscevich	Shane
Berlin	Gillette	Morris	Sheihamer
Berson	Gleeson	Mrkonic	Shelton
Blackwell	Goodman	Mullen	Shuman
Bonetto	Green	Musto	Shupnik
Bradley	Greenfield	Myers	Stapleton
Brunner	Grieco	Novak	Stout
Caputo	Hasay	O'Brien	Sullivan
Cole	Irvis	O'Donnell	Sweeney
Cowell	Itkin	O'Keefe	Tayoun
Davis, D. M.	Johnson, J.	Oliver	Toll
DeMedio	Katz	Perry	Trello
Dicarlo	Kelly, A. P.	Petrarca	Valcenti
DiDonato	Kernick	Pievsky	Vann
Dombrowski	Kolter	Pratt	Walsh, T. P.
Doyle	Kowalyzhyn	Prendergast	Wansacz
Dreibelbis	LaMarca	Rappaport	Wargo
Eckensberger	Laudadio	Renwick	Wojdak
Engelhart	Laughlin	Rhodes	Worrilow
Fawcett	Lederer	Rieger	Yahner
Fee	Letterman	Ritter	Zeller
Flaherty	Lincoln	Romanelli	Zwiski
Foster, W.	Manderino	Ross	
Fryer	McCall	Ruggiero	Fineman, Speaker
Gallagher	McIntyre	Saloom	
Garzia	McLane		

NOT VOTING—11

Cohen	Hutchinson, A.	Mebus	Richardson
Gleason	McGinnis	Mullen, M. P.	Taylor
Hammock	McGraw	Reed	

So the question was determined in the negative and Part V of the Vroon amendments was not agreed to.

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

Mr. YOHN requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 6, page 3, line 27, by inserting after "consumers.": The Consumer Advocate shall not exercise such discretion in any manner which would result in any class of consumers being represented to the significant detriment of unfair disadvantage over or exclusion of any other class of consumer affected by such proceedings.

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

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

Mr. YOHN. Mr. Speaker, the amendment which I have proposed is designated "R-20" on the list of Renninger amendments.

Mr. Speaker, this amendment would require that the consumer advocate cannot discriminate in any way between different classes of consumers that he might be representing to the detriment or unfair disadvantage of other classes of consumers. Basically, the purpose of this amendment is to prevent the consumer advocate from discriminating between one class over another. There will be many situations in which there will be various competing interests of consumer groups, and this is an attempt to have the consumer advocate represent not just one of those groups but perhaps two or three of them who have very significant interests.

I think the thing we are concerned about in many of these amendments is the complete freedom of the consumer advocate, being an appointee of the Governor with no confirmation from the Senate, being someone who serves at the pleasure of the Governor. We are concerned that the consumer advocate may be very tempted to use his office for political purposes.

I think, therefore, it is good to have some limitations on the consumer advocate so he cannot just take one group which might suit his political purposes very well to the detriment of another group which may need equal representation in the proceeding.

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

Mr. WOJDAK. Mr. Speaker, as I read this amendment, there are competing consumer-interest groups. The interest of one group may be competing with the interest of another consumer group.

If in fact this amendment is passed, it would put the consumer advocate in a position of not being able to effect the public interest by representing that group which would be most in the public interest. In fact, if it is passed, he would almost be powerless to act in any situation in which there are competing interests among consumer groups. I think he has to have the flexibility to represent a particular group of consumers, judging by the standard of what is in the best public interest. That standard would not be applicable here for the consumer advocate and, in fact, would make him almost powerless to act in any situation where there are competing consumer-interest groups. I ask for a negative vote.

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

The yeas and nays were required by Messrs. YOHN and WOJDAK and were as follows:

YEAS—88

Anderson, J. H.	Gleason	McClatchy	Smith, E.
Beren	Grieco	McCue	Smith, L.
Bittle	Gring	Manmiller	Spencer
Brandt	Halverson	Mebus	Stahl
Burns	Hamilton, J. H.	Miller, M. E.	Taddonio
Butera	Hasay	Miller, M. E., Jr.	Thomas
Cessar	Haskell	Mochlmann	Turner
Cimini	Hayes, D. S.	Noye	Ustynoski
Crawford	Hayes, S. E.	O'Connell	Vroon

Cumberland	Hepford	Pancoast	Wagner
Davies	Hill	Parker, H. S.	Weidner
Deverter	Hopkins	Perri	Westenberg
Dininni	Hutchinson, W.	Pitts	Whelan
Dorr	Katz	Polite	Whittlesey
Dietz	Kelly, J. B.	Pyles	Wilson
Fawcett	Kistler	Renninger	Wilt, R. W.
Fischer	Klingaman	Ryan	Wilt, W. W.
Fisher	Knepper	Salvatore	WorriLOW
Foster, A.	Kusse	Scheaffer	Wright
Foster, W.	Lehr	Scirica	Yohn
Gallen	Levi	Seltzer	Zearfoss
Geesey	Lynch	Sirianni	Zord

NAYS—104

Abraham	Garzia	Menhorn	Schmitt
Arthurs	Geisler	Milanovich	Schweder
Barber	George	Milliron	Shane
Bellomini	Giammarco	Miscevich	Shelhamer
Bennett	Gillespie	Morris	Shelton
Berlin	Gillette	Mullen	Shuman
Berson	Gleeson	Musto	Shupnik
Blackwell	Goodman	Myers	Stapleton
Bonetto	Green	Novak	Stout
Bradley	Greenfield	O'Brien	Sullivan
Brunner	Irvis	O'Donnell	Sweeney
Caputo	Itkin	O'Keefe	Tayoun
Cole	Johnson, J.	Oliver	Toll
Cowell	Kelly, A. P.	Perry	Trello
Davis, D. M.	Kernick	Petrarca	Valicenti
DeMedio	Koiter	Pievsky	Vann
Dicarlo	Kowalshyn	Pratt	Walsh, T. P.
DiDonato	LaMarca	Prendergast	Wansacz
Dombrowski	Laudadio	Rappaport	Wargo
Doyle	Laughlin	Renwick	Wojdak
Dreibelbis	Lederer	Rieger	Yahner
Eckensberger	Letterman	Ritter	Zeller
Englehart	Lincoln	Romanelli	Zwilk
Fee	Manderino	Ross	
Flaherty	McCall	Ruggiero	Fineman,
Fryer	McIntyre	Saloom	Speaker
Gallagher	McLane		

NOT VOTING—11

Cohen	McGinnis	Mullen, M. P.	Richardson
Hammock	McGraw	Reed	Taylor
Hutchinson, A.	Mrkonic	Rhodes	

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

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

Mr. PYLES requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Title, page 1, lines 1 and 2 by striking out both of said lines and inserting: Creating the Consumer Advocate Agency as an independent administrative agency and providing for its powers and duties.

Amend Bill, page 1, lines 5 to 14; page 2, lines 1 to 30; page 3, lines 1 to 30; page 4, lines 1 to 30; page 5, lines 1 to 30; page 6, lines 1 to 30; page 7, lines 1 to 30; page 8, lines 1 to 30; page 9, lines 1 to 30; page 10, lines 1 to 30; page 11, lines 1 to 9 by striking out all of said lines on said pages and inserting: Section 1. Short Title.—This act shall be known and may be cited as the "Consumer Advocate Act."

Section 2. Consumer Advocate Agency.—A Consumer Advocate Agency, herein called the agency, is hereby created as an independent administrative agency. The chief executive officer of the agency shall be the Consumer Advocate who shall be appointed by the Governor, by and with the advice and consent of the Senate. The first Consumer Advocate shall be appointed for a term ending January 1, 1977; thereafter the Consumer Advocate shall be appointed for a four-year term. Vacancies shall be filled for the unexpired term. The Consumer Advocate shall receive a salary of \$40,000.

The Consumer Advocate shall employ such staff, advisors and consultants as may be necessary.

Section 3. Powers and Duties.—The Consumer Advocate Agency shall:

(1) Protect and promote the interests of consumers of Pennsylvania.

(2) Receive and transmit complaints from consumers.

(3) Represent the interest of consumers before State agencies.

(4) Develop and disseminate information of interest to Pennsylvania consumers.

(5) Encourage private enterprise in the protection of the interest of consumers.

(6) Consult with committees of the General Assembly on matters affecting the interest of consumers.

(7) Make such rules and regulations as may be necessary to implement this act.

Section 4. Funding.—The Consumer Advocate Agency may:

(1) Accept voluntary contributions from individuals through subscriptions or from a \$1 checkoff on the State Income Tax Return.

(2) Accept grants from the State or Federal Governments.

Section 5. Duties of Department of Revenue; Appropriation.—(a) The Department of Revenue shall provide a space on the Personal Income Tax Return on which individuals may indicate they wish \$1 of their income tax to be transferred to the Consumer Advocate Agency. Such amounts as are so indicated by the checkoff are hereby appropriated to the Consumer Advocate Agency and the Department of Revenue shall monthly credit those amounts to the agency whereupon the State Treasurer shall transfer those amounts to the private bank account of the agency. The Department of Revenue shall monthly send a list of names of taxpayer contributors to the agency.

Section 6. Administration.—Administrative functions of the agency shall be performed in the manner provided by The Administrative Code of 1929.

Section 7. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. PYLES. Mr. Speaker, without going into the wording precisely on my amendment, essentially my amendment establishes an independent agency for a consumer advocate.

The present bill before you, House bill No. 175, establishes a cabinet-level department. My proposal is to make an independent agency, outside of the political pressures that would normally be exerted on a cabinet-level operation.

To give you a little history, the consumer advocacy goes back to 1961 when U. S. Senator Kefauver proposed a Federal agency to represent the consumers. In the U. S. Congress for 10 years, this concept of a departmental-level operation was repeated. From 1970 until the current time, the U. S. Congress, in its deliberate wisdom, has been working on an independent agency to represent the consumer. The latest proposal at the Federal level is Senator Ribicoff's bill, Senate bill 200.

It is my judgment that with this wisdom of the members of the U. S. Congress, that the independent agency is the way the consumer will be best represented and is the way this House here today should be considering itself on the concept of an advocate.

I would like to bring to the attention of the members the recent budget that was proposed by our great Governor. In breaking the budget down in its program concept, on page 33 of Volume I, under Consumer Protection, the Governor proposes for the 15-month budget for 1975-76, an expenditure of \$60.7 million for consumer protection. He includes under that such things as regulating

the milk industry, regulation of the horse-racing industry, regulation of the insurance industry, regulation of the security industries, regulation of the financial industry, and so forth.

What this budget says to me, and I hope to every member of this House, is that consumer protection is a broad, a very broad, avenue and delves into many aspects of the governmental operation of this state.

Now my proposal would recognize that the governor of this state has broad responsibilities and duties. These broad responsibilities and duties, which are now encumbered upon him, bring broad consumer constituencies at all levels of the society of this state—the unions, the utility consumer, the man who places a bet at the window at the racetrack. All these are under his responsibility. Not only that, because of his responsibility he must ensure that the business climate is of the best so that our people can be employed.

What I am saying is that because of his broad responsibilities, these conflicts can develop as to which consumer he represents. Therefore, I am saying that by providing an independent agency, we relieve the governor of this state from any conflict he might have facing him. Yes, it is my judgment that the consumer advocate should be insulated fully from the executive branch.

In addition to that, I would like to bring to your attention that the Honorable Herbert Denenberg, 2 weeks ago, made a similar proposal based on his news release as I saw it. He was to present to the Public Utility Commission at their meeting this past Tuesday, on the 11th, a change in the rules of the Public Utility Commission in order to provide for an independent advocate representing the residential users of utilities.

I believe that the independent aspect of a consumer advocate is essential so that the consumer at all levels is properly represented.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, may I point out to the members of the House that this is, in simple language, a gutting amendment.

For the information of the freshmen on both sides, it is possible, by an amendment, to rip out everything in a bill, whether it be a Senate bill or a House bill, except the title. That is a drastic operation and generally is done in committee and not on the floor of the House.

I would also point out that to my knowledge the Democratic Party did not have this amendment brought before it in caucus. And whereas the gentleman does have a right to produce such a complicated and all-pervasive amendment on the floor of this House without warning us in advance as long as he explains it, I conceive it as the responsibility of each one of the members of this House that any time an amendment as complete as this one is to be offered, that both parties have an opportunity in caucus assembled to debate it.

I would suggest to the members of the House that, having gone through the lengthy debate this afternoon to amend the bill produced by a committee of the House, we not now gut that bill completely and substitute therefor this bill which the gentleman is offering. I would, therefore, suggest that the vote be in the negative on the gentleman's amendment.

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

Mr. PYLES. Mr. Speaker, the majority leader brought out several very pertinent points. One is that his caucus did not have the benefit of reviewing this proposal.

I would like to bring to his attention—and I have a signed copy here that this was delivered in accordance with the informal rules procedure, that any amendment be submitted 2 days before a bill is to come before the House—that this amendment was submitted to his office and signed by one of his aides on Friday at 12:30 p.m., and I have the document here if you would like to look at it.

Secondly, he brought up a point about the committee's operation on an amendment of this magnitude. I would like to share with the members on this floor the fact that we had a Friday afternoon session to propose amendments. This session went on until about 6 or 6:05 that evening. After 2 full days of hearings, we had precisely approximately 55 minutes during lunch to prepare our amendments.

At that time, as I recall, there were some 16 amendments proposed of which about three succeeded; the balance failed. Just as the members here today are getting weary hearing about the amendments to House bill No. 175, the 23 members of the Consumer Protection Committee by 6 p.m. that Friday evening were getting a little weary.

My proposal here really was generated by sincere and serious thought since that last Consumer Protection Committee meeting and, besides that, by the fact that Mr. Herbert S. Denenberg, who is now the Commissioner of the PUC and is looked upon by many, many people in this state as the advocate for consumerism, made his release known to me just the other day, and I have his proposal. My independent agency follows that almost exactly, broadening it beyond representing the consumer at the utilities, however. I think that we have to recognize the sincerity of Mr. Denenberg, just as I am sincere here today.

Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I do not wish to reflect on the gentleman's sincerity in offering his amendments. I trust he does not take my remarks in that gender at all. But I am simply pointing out that this amendment, as important as it is, never did get before the Democratic caucus.

I have already decided what happened in this case and I have already spoken to my aide about it.

Mr. Pyles' secretary brought this to my office. My aide, instead of taking the amendment and handing it over to Mr. Englehart, said to her, "This should go to Mr. Englehart." It never got to Mr. Englehart. That is not your fault, and I certainly publicly do not blame you for that. That was an error on our part.

But I reiterate that an amendment as complete as this one, which really guts the whole bill which we have been discussing now for about 3 hours, is far too important an amendment to be passed this suddenly without preparation, and I have not seen anything in it, in a quick glance over it, which is superior to the bill we now have before us. Therefore, I respectfully ask that you vote in the negative.

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

Mr. RENNINGER. May I make a suggestion to the majority leader? Why do we not withdraw the amendment and offer it tomorrow? You people take your time and caucus on it, give it some thought. We would appreciate that. We would like to have the opportunity to offer that amendment tomorrow.

Mr. PYLES. Mr. Speaker, I so move.

The SPEAKER. The motion is not in order.

The House does not intend to meet in caucus tomorrow. We are going into session at 9:30 and we shall continue to stay on the floor—breaking for lunch, of course—until 5:30 tomorrow night.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I will underline what the Chair has said. I wish we could go off the floor for caucuses. There have been plenty of opportunities here where I wished I could take my side off for a caucus. I have a few things that I would like to say to a few of them. But the rules do not now permit that.

We are already behind in our schedule, and I must caution the members now, without a threat involved in the caution, that if you have any plans for Friday, for any other place except Harrisburg, it would be advisable that you look at those plans very carefully.

I would suggest, Mr. Speaker, that we go on with the vote and we will abide by the vote of the House.

PARLIAMENTARY INQUIRY

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

Mr. RENNINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RENNINGER. Is there anything in the rules that prohibits a caucus of the Democratic Party or the Republican Party?

The SPEAKER. There is nothing in the rules that would prohibit a caucus, but the House will be subject to the will of the majority in terms of whether we caucus or not.

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

The yeas and nays were required by Messrs. PYLES and IRVIS and were as follows:

YEAS—76

Table listing names of members who voted YEAS, including Anderson, J. H., Beren, Bittle, Brandt, Butera, Cessar, Cimini, Crawford, Cumberland, Davies, Deverter, Dietz, Dimini, Dorr, Fawcett, Fischer, Fisher, Foster, A., Foster, W., Gallen, Gecsey, Gleason, Grieco, Gring, Haskell, Hayes, S. E., Hopford, Hill, Hutchinson, W., Kelly, J. B., Kistler, Klingaman, Knepper, Kusse, Lehr, Levi, Lynch, McClatchy, McCue, Manmiller, Mebus, Miller, M. E., Jr., Mochlmann, Nove, O'Connell, Pancoast, Parker, H. S., Perri, Pitts, Polite, Pyles, Renninger, Ryan, Salvatore, Scheaffer, Seltzer, Sirianni, Smith, E., Smith, L., Spencer, Stahl, Taddonio, Thomas, Turner, Ustynoski, Vroon, Wagner, Weidner, Westerberg, Whittlesey, Wilson, Wilt, R. W., Wilt, W. W., Worrlow, Zearfoss, Zeller.

NAYS—118

Table listing names of members who voted NAYS, including Abraham, Arthurs, Barber, Bellomini, Bennett, Berlin, Berson, Blackwell, Bonetto, Bradley, Brunner, Burns, Caputo, Cole, Cowell, Davis, D. M., DeMedio, Dicarlo, DiDonato, Dombrowski, Doyle, Drcibelbis, Eckensberger, Englehart, Fee, Flaherty, Fryer, Gallagher, Garzia, Geisler, George, Giammarco, Gillespie, Gillette, Gleeson, Goodman, Green, Greenfield, Halverson, Mullen, Hamilton, J. H., Hammock, Hesay, Hayes, D. S., Irvis, Itkin, Johnson, J., Katz, Kelly, A. P., Kernick, Koltter, Kowalyszyn, LaMarca, Laudadio, Laughlin, Lederer, Letterman, Lincoln, Manderino, McCall, McIntyre, McLane, Menhorn, Milanovich, Miller, M. E., Milliron, Misceovich, Mrkonic, Morris, Mullen, Musto, Myers, Novak, O'Brien, O'Donnell, O'Keefe, Oliver, Perry, Petrarca, Pievsky, Pratt, Prendergast, Rappaport, Renwick, Rhodes, Richardson, Rieger, Ritter, Romanelli, Ross, Ruggiero, Saloom, Schmitt, Schweder, Scirica, Shane, Shelhamer, Shelton, Shuman, Shupnik, Stapleton, Stout, Sullivan, Sweeney, Tayoun, Toll, Trello, Valicenti, Vann, Walsh, T. P., Wansacz, Wargo, Wojdak, Wright, Yahner, Yohn, Zord, Zwick, Fineman, Speaker.

NOT VOTING—9

Table listing names of members who did not vote, including Cohen, Hopkins, Hutchinson, A., McGinnis, McGraw, Mullen, M. P., Reed, Taylor, Whelan.

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

PARLIAMENTARY INQUIRY

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

Mr. RENNINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RENNINGER. Is there any reason why this amendment could not be offered tomorrow if this bill is called up?

The SPEAKER. The gentleman can move to have the amendment reconsidered tomorrow.

Mr. RENNINGER. Why reconsider it? Can we not amend the bill on third reading anymore?

The SPEAKER. The bill can be amended on third reading, but the question before the House has been decided by the House and, therefore, to have it considered twice would entail a motion for reconsideration.

Mr. RENNINGER. I was merely inquiring, sir, as to whether the members would want to consider it, even if they do not have a caucus today, and vote on it again.

The SPEAKER. Well, I think that the Chair is expressing the will of the majority and the intention of the majority leader by indicating to you that it is our plan to run a full day on the floor tomorrow without the benefit of caucus.

Mr. RENNINGER. Thank you, Mr. Speaker.

The SPEAKER. Any amendment that was defeated or passed or adopted today is subject to reconsideration tomorrow.

Are there further amendments to be offered to House bill No. 175, printer's No. 648?

The Chair sees none.

On the question recurring,

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

Bill as amended was agreed to.

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

The SPEAKER. The Chair recognizes the gentleman from Berks Mr. Gallen.

Mr. GALLEN. Mr. Speaker, on House bill No. 175, which I know we have terminated for today, I would suggest, Mr. Speaker, that the Appropriations Committee now supply us with another fiscal note because of the Ritter amendment which significantly changes the fiscal picture of that particular bill.

The SPEAKER. Well, the House has already decided and the Chair has already ruled that the fiscal impact does not change because of the monetary limitations that are already set forth in the bill. That was the basis, as a matter of fact, for the argument coming from your side of the aisle that no fiscal note was needed.

Mr. GALLEN. Mr. Speaker, that was on an entirely different amendment when that question came up. It was really subsequent to the time that the Ritter amendment was adopted, and the Ritter amendment does change, considerably, the bill. I am just suggesting we have a fiscal note so we know how much money we are voting on.

The SPEAKER. The Chair does not believe that a fiscal note is needed, simply because the outside spending limitations on the bill are set forth in the bill.

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, for the information of the members—and I would trust you pay attention to this announcement—I have given you an agenda for the House for the week in which we have listed certain bills to be processed on certain days.

Because two bills have been amended, House bill No. 54 and House bill No. 175, obviously, they cannot be voted today. And because of the fact that we are going to be moving certain bills from today's schedule into tomorrow's schedule, there will be no room for House bill No. 175 on Wednesday's schedule. I am presently contemplating calling up House bill No. 175 on Thursday's schedule rather than on Wednesday's schedule.

We will attempt to get from my office a corrected agenda for you by tomorrow morning so that you may follow what we intend to call up. We will try very hard to get it onto your desks by 9:30 in the morning. But House bill No. 175, right now, I am not contemplating on calling up on Wednesday's schedule but on Thursday's. That will give us an opportunity to check out whether or not there is any fiscal impact. So I do agree with the Chair, it does not seem to me that anything we have done has changed the amount of money which we said we are going to appropriate.

Thank you, Mr. Speaker.

LIQUOR CODE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 307, printer's No. 338, entitled:**

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

On the question,

Will the House agree to the bill on third consideration?

Mr. CAPUTO requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 493), page 2, line 19, by removing the period after "beverages" and inserting: : And, provided further, That minors may be employed to act as entertainers.

Amend Sec. 2, page 2, lines 21 to 23, by striking out all of said lines

Amend Sec. 3, page 2, line 24, by striking out "3." and inserting: 2.

On the question,

Will the House agree to the amendments?

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

Mr. CAPUTO. In the last session, Mr. Speaker, this House as a legislature passed an act which provided for the employment of minors in certain retail liquor restaurants.

This is a clarification of that bill which would permit entertainers to work in such spots, subject to approval by the Department of Labor and subject to regulations imposed by the Liquor Control Board.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. CAPUTO and SULLIVAN and were as follows:

YEAS—129

Abraham	Geisler	Milanovich	Salvatore
Arthurs	George	Miller, M. E.	Scheaffer
Bellomini	Giammarco	Miller, M. E., Jr.	Schmitt
Bennett	Gillespie	Milliron	Schweder
Beren	Gillette	Miscevich	Scirca
Berlin	Gleeson	Mrkonje	Shelton
Berson	Goodman	Mullen	Shupnik
Blackwell	Green	Musto	Spencer
Bonetto	Greenfield	Myers	Stapleton
Bradley	Hamilton, J. H.	Novak	Stout
Brunner	Hasay	O'Brien	Sullivan
Burns	Haskell	O'Connell	Sweeney
Butera	Hayes, D. S.	O'Keefe	Taddonio
Caputo	Hepford	Oliver	Toll
Cole	Hopkins	Parker, H. S.	Trello
Cowell	Irvis	Perri	Turner
Davies	Itkin	Perry	Ustynoski
DeMedio	Katz	Petrarca	Valicenti
Dicarlo	Kelly, A. P.	Piewsky	Vann
DiDonato	Kelly, J. B.	Pratt	Walsh, T. P.
Dombrowski	Kernick	Prendergast	Wansacz
Doyle	Kolter	Pyles	Wargo
Dreibelbis	Kowalshyn	Rappaport	Whelan
Eckensberger	Laudadio	Renninger	Wilson
Englehart	Laughlin	Renwick	Wojdak
Fee	Lederer	Rhodes	Worrilow
Fisher	Letterman	Rieger	Wright
Flaherty	Lynch	Ritter	Yahner
Foster, W.	McCall	Romanelli	Zwikel
Fryer	McIntyre	Ross	
Gallagher	McLane	Ruggiero	Fineman,
Garzia	Mebus	Ryan	Speaker
Geesey	Menhorn	Saloom	

NAYS—63

Anderson, J. H.	Gallen	McClatchy	Smith, L.
Barber	Gleason	McCue	Stahl
Bittle	Grieco	Manmiller	Tayoun
Brandt	Gring	Moehmann	Thomas
Cessar	Halverson	Morris	Vroon
Cimint	Hayes, S. E.	Noye	Wagner

Crawford	Hill	O'Donnell	Weidner
Cumberland	Hutchinson, W.	Pancoast	Westerberg
Davis, D. M.	Johnson, J.	Pitts	Whittlesey
Deverter	Kistler	Polite	Wilt, R. W.
Dietz	Klingaman	Seltzer	Wilt, W. W.
Dininni	Knepper	Shane	Yohn
Dorr	Kusse	Shelhamer	Zearfoss
Fawcett	Lehr	Shuman	Zeller
Fischer	Levi	Sirianni	Zord
Foster, A.	Lincoln	Smith, E.	

NOT VOTING—11

Cohen	LaMarca	McGraw	Richardson
Hammock	Manderino	Mullen, M. P.	Taylor
Hutchinson, A.	McGinnis	Reed	

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

On the question,

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

Mr. BUTERA requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Bill, page 2, by inserting between lines 20 and 21: Section 2. Section 493 of the act is amended by adding a clause to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

* * *

(27) Distributors and Importing Distributors Employing Minors. For any distributor or importing distributor to employ minors under the age of eighteen but persons eighteen and over may be employed to sell and deliver malt and brewed beverages.

Amend Sec. 2, page 2, line 21, by striking out "2." and inserting: 3.

Amend Sec. 3, page 2, line 24, by striking out "3." and inserting: 4.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, presently the Liquor Code provides that an 18-year-old may work at a licensed establishment, may own an establishment, but there is a deficiency which we forgot last year with regard to beer distributors. This would permit an 18-year-old to be employed by a beer distributor to sell beer. Understand, he can now own a distributorship but he cannot sell. So this would cover that situation.

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

Mr. SULLIVAN. Mr. Speaker, I wholeheartedly agree with that amendment. I sincerely hope that everyone votes in the affirmative.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. BUTERA and SULLIVAN and were as follows:

YEAS—155

Abraham	Garzia	Mebus	Schweder
Anderson, J. H.	Geesey	Menhorn	Scirica
Arthurs	Geisler	Milanovich	Seltzer
Barber	George	Miller, M. E.	Shane
Bellomini	Giammarco	Miller, M. E., Jr.	Shelton
Bennett	Gillette	Milliron	Shupnik

Beren	Gleason	Miscevich	Smith, E.
Berlin	Gleeson	Morris	Smith, L.
Berson	Goodman	Mrkonic	Spencer
Bittle	Green	Mullen	Stahl
Blackwell	Grieco	Musto	Stapleton
Bonetto	Greenfield	Myers	Stout
Bradley	Hasay	O'Brien	Sullivan
Brunner	Haskell	O'Connell	Taddonio
Burns	Hayes, D. S.	O'Donnell	Tayoun
Butera	Hepford	O'Keefe	Toll
Caputo	Hopkins	Oliver	Trello
Cessar	Hutchinson, W.	Pancoast	Turner
Cole	Irvis	Parker, H. S.	Ustynoski
Cowell	Itkin	Perri	Valcenti
Crawford	Johnson, J.	Perry	Vann
Cumberland	Kelly, A. P.	Petrarca	Wagner
Davies	Kelly, J. B.	Pievsky	Walsh, T. P.
Davis, D. M.	Kernick	Pratt	Wansacz
DeMedio	Kolter	Prendergast	Wargo
Dicarlo	Kowalyshyn	Pyles	Westerberg
DiDonato	LaMarca	Rappaport	Whelan
Dininni	Laudadio	Renninger	Whittlesey
Dombrowski	Laughlin	Renwick	Wilson
Doyle	Lederer	Rhodes	Wojdak
Dreibelbis	Letterman	Rieger	WorriLOW
Eckensberger	Lincoln	Ritter	Wright
Engelhart	Lynch	Romanelli	Yahner
Fawcett	Manderino	Ross	Yohn
Fee	Manmiller	Ruggiero	Zearfoss
Fisher	McCall	Ryan	Zwilk
Flaherty	McClatchy	Saloom	
Foster, W.	McIntyre	Salvatore	Fineman, Speaker
Gallagher	McLane	Scheaffer	
Gallen			

NAYS—38

Brandt	Halverson	Levi	Shuman
Cimini	Hamilton, J. H.	McCue	Sirianni
Deverter	Hayes, S. E.	Mochlmann	Thomas
Dietz	Hill	Novak	Vroon
Dorr	Katz	Noye	Weldner
Fischer	Kistler	Pitts	Wilt, R. W.
Foster, A.	Klingaman	Polite	Wilt, W. W.
Fryer	Knepper	Schmitt	Zeller
Gillespie	Kusse	Shelhamer	Zord
Gring	Lehr		

NOT VOTING—10

Cohen	McGinnis	Reed	Sweeney
Hammock	McGraw	Richardson	Taylor
Hutchinson, A.	Mullen, M. P.		

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

On the question recurring,

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

Bill as amended was agreed to.

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

QUESTION OF PERSONAL PRIVILEGE

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

Mr. NOVAK. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. NOVAK. Mr. Speaker, I inadvertently pushed my switch the wrong way. I want my vote to be recorded in the affirmative on the Butera amendment to House bill No. 307.

The SPEAKER. The gentleman's remarks will be noted for the record.

ELECTION CODE BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 153, printer's No. 487, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing an exception for police officers to be within a certain distance of a polling place.

On the question,

Will the House agree to the bill on third consideration?

Mr. DORR requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1, page 1, line 15 by striking out "1820" and inserting: 1207

Amend Sec. 1, page 1, line 16 by inserting after "Code," : amended June 19, 1974 (No. 122),

Amend Bill, page 1, lines 18 through 23, page 2, lines 1 through 18, by striking out all of said lines

Amend Sec. 2 (Sec. 1207), page 3, line 8 by striking out the bracket before "NO"

Amend Sec. 2 (Sec. 1207), page 3, line 13 by striking out ".]" and inserting: : Provided, however, That such prohibition shall not apply to such police officers assigned to a police station or headquarters located in a building or on the premises where the polling place is located and such police officers must be within one hundred (100) feet of the polling place to enter and exit such police station or headquarters: And provided further, That in no event may any police officer unlawfully use or practice any intimidation, threats, force or violence nor, in any manner, unduly influence or overawe any elector or prevent him from voting or restrain his freedom of choice, nor may any such police officer electioneer or directly or indirectly attempt to influence the election or electors while within one hundred (100) feet of a polling place as herein set forth: And provided further, That where polling places are located in buildings or on premises where a police station or headquarters are located, the polling place shall be located in a separate room.

Amend Bill, page 3, by inserting between lines 19 and 20: Section 2. Section 1820 of the act is amended to read:

Section 1820. Police Officers at Polling Places.—Any police officer in commission, whether in uniform or in citizen's clothes, who shall be within one hundred (100) feet of a polling place during the conduct of any primary or election, except in the exercise of his privilege of voting or for the purpose of serving warrants, or in accordance with the provisions of the exception set forth in section 1207 of this act where the police station or headquarters is located in the same building or on the premises where the polling place is located or unless called upon to preserve the peace, as provided by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, the amendment is technical in nature. It simply changes the section numbers around and conforms some language.

I would be glad to go into detail if any of the members want it.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. DORR and MANDERINO and were as follows:

YEAS—189

Abraham Geesey McIntyre Shane

Anderson, J. H. Geisler McLane Shelhamer
Arthurs George Mebus Shelton
Barber Giammarco Menhorn Shuman
Bellomini Gillette Milanovich Shupnik
Bennett Gleason Miller, M. E. Sirigianni
Beren Gleeson Miller, M. E., Jr. Smith, E.
Berlin Goodman Milliron Smith, L.
Berson Green Micevich Spencer
Bittle Greenfield Moehlmann Stahl
Blackwell Grieco Morris Stapleton
Bonetto Gring Musto Stout
Brandt Halverson Myers Sullivan
Brunner Hamilton, J. H. Novak Swency
Burns Hasay Noye Taddonio
Butera Haskell O'Brien Tayoun
Caputo Hayes, D. S. O'Connell Thomas
Cessar Hayes, S. E. O'Donnell Toll
Cimini Hepford O'Keefe Trello
Cole Hill Oliver Turner
Cowell Hopkins Pancoast Ustynoski
Crawford Hutchinson, W. Parker, H. S. Valicenti
Cumberland Irvis Perri Vann
Davies Itkin Perry Vroon
Davis, D. M. Johnson, J. Petrarca Wagner
DeMedio Katz Pievsky Walsh, T. P.
Deverter Kelly, A. P. Pitts Wansacz
Dicarlo Kelly, J. B. Polite Wargo
DiDonato Kernick Pratt Weidner
Dietz Kistler Prndergast Westerberg
Diminni Klingaman Pyles Whelan
Dombrowski Knepper Rappaport Whittlesey
Dorr Kolter Renninger Wilson
Doyle Kowalyszyn Renwick Wilt, R. W.
Dreibelbis Kusse Rhodes Wilt, W. W.
Eckensberger LaMarca Rieger Wojdak
Englehart Laudadio Ritter WorriLOW
Fawcett Laughlin Romanelli Wright
Fee Lederer Ross Yahner
Fischer Lehr Ruggiero Yohn
Fisher Levi Ryan Zearfoss
Flaherty Lincoln Saloom Zeller
Foster, A. Lynch Salvatore Zord
Foster, W. Manderino Scheaffer Zwiki
Fryer Manmiller Schmitt
Callagher McCall Schweder
Gallen McClatchy Scirica
Garzia McCue Seltzer

NAYS—3

Bradley Gillespie Letterman

NOT VOTING—11

Cohen McGinnis Mullen, M. P. Richardson
Hammock McGraw Mullen Taylor
Hutchinson, A. Mrkonic Reed

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

AMENDMENTS NOT OFFERED

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Thank you, Mr. Speaker.

These amendments really have nothing to do with the rest of the bill and they are controversial.

The SPEAKER. Will the gentleman yield until the clerk reads the amendments?

Mr. WAGNER. If you would permit me to go on, Mr. Speaker, I am not going to offer them.

The reason is that I think at this time in the session they should be properly introduced as legislation and I welcome sponsorship. So I will not offer them.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question,

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

Mr. GEESSEY requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Title, page 1, line 11, by inserting after "elections": requiring election districts to be contiguous in regions of school districts and

Amend Section 1, page 1, line 15, by striking out "1820" and inserting: 502

Amend Section 1, page 1, line 16, by inserting after "Code,"": reenacted April 4, 1945 (P. L. 143, No. 64) and amended September 2, 1961 (P. L. 1228, No. 537)

Amend Bill, page 1, by inserting between lines 17 and 18: Section 502. Court to Create New Election Districts.—Subject to the provisions of section 501 of this act, the court of quarter sessions of the county in which the same are located, may form or create new election districts by dividing or redividing any borough, township, ward or election district into two or more election districts of compact and contiguous territory, or alter the bounds of any election district, or form an election district out of two or more adjacent districts or parts of districts, or consolidate adjoining election districts, so as to suit the convenience of the electors and to promote the public interests. Election districts so formed shall contain between six hundred (600) and eight hundred (800) registered electors as nearly as may be. No election district shall be formed that shall contain less than one hundred (100) registered electors. The regions of school districts divided into three or nine regions shall be composed of contiguous election districts.

Section 2. Section 1820 of the act is amended to read: Amend Section 2, page 2, line 17, by striking out "2" and inserting: 3

Amend Bill, page 3, by inserting between lines 19 and 20: Section 4. Any school district in which regions are composed of non-contiguous election districts shall be reapportioned. If a school district is not reapportioned within six months after enactment hereof, the court of common pleas of the county in which the largest part in land area of the school district is located shall form new regions in the manner provided for the formation of election districts.

Amend Section 3, page 3, line 20, by striking out "3" and inserting: 5

On the question,

Will the House agree to the amendments?

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

Mr. GEESEY. Mr. Speaker, every elected official, regardless of to what office he is elected in this Commonwealth except one, when elected, represents a district that is contiguous. All we are saying here is that school districts should comply with the remainder of the elected officials and, when elected, a school board member should represent a contiguous district. That is not now the case.

Thank you.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. GEESEY and RYAN and were as follows:

YEAS—186

Abraham	Geisler	McIntyre	Schirca
Arthurs	George	McLane	Seltzer
Barber	Giammarco	Mebus	Shane
Bellomini	Gillette	Menhorn	Shelhamer
Bennett	Gleason	Miller, M. E.	Shelton
Beren	Gleeson	Miller, M. E., Jr.	Shuman
Berlin	Goodman	Milanovich	Shupnik
Berson	Green	Milliron	Sirianni
Bittle	Greenfield	Miscevich	Smith, E.
Blackwell	Grieco	Moehlmann	Smith, L.
Bonetto	Gring	Morris	Spencer
Bradley	Halverson	Mrkonje	Stahl
Brandt	Hamilton, J. H.	Mullen	Stapleton
Brunner	Hasay	Musto	Stout
Burns	Haskell	Myers	Sullivan
Butera	Hayes, D. S.	Novak	Sweeney

Caputo	Hayes, S. E.	Noye	Taddonio
Cessar	Hepford	O'Brien	Tayoun
Cimini	Hill	O'Connell	Thomas
Cole	Hopkins	O'Donnell	Toll
Cowell	Hutchinson, W.	O'Keefe	Trello
Cumberland	Irvis	Oliver	Turner
Davies	Itkin	Pancoast	Ustynoski
Davis, D. M.	Johnson, J.	Parker, H. S.	Valicenti
DeMedio	Katz	Perry	Vann
Deverter	Kelly, A. P.	Perry	Vroon
Dicarlo	Kelly, J. B.	Petrarca	Wagner
DiDonato	Kernick	Pievsky	Wansacz
Dietz	Kistler	Pifts	Wargo
Dininni	Klingaman	Polite	Weidner
Dombrowski	Knepper	Pratt	Westenberg
Dorr	Kolter	Pyles	Whelan
Doyle	Kowalyszyn	Rappaport	Whittlessey
Dreibelbis	Kusse	Renninger	Wilson
Eckensberger	LaMarca	Renwick	Wilt, R. W.
Englehart	Laudadio	Rhodes	Wilt, W. W.
Fawcett	Laughlin	Rieger	WorriLOW
Fee	Lederer	Ritter	Wright
Fischer	Lehr	Romanelli	Yahner
Fisher	Letterman	Ross	Yohn
Flaherty	Levi	Ruggiero	Zearfoss
Foster, W.	Lincoln	Ryan	Zeller
Fryer	Lynch	Saloom	Zord
Gallagher	Manmiller	Salvatore	Zwickl
Gallen	McCall	Scheaffer	
Garzia	McClatchy	Schmitt	Fineman,
Geesey	McCue	Schweder	Speaker

NAYS—6

Anderson, J. H.	Foster, A.	Manderino	Wojdak
Crawford	Gillespie		

NOT VOTING—11

Cohen	McGinnis	Prendergast	Taylor
Hammock	McGraw	Reed	Walsh, T. P.
Hutchinson, A.	Mullen, M. P.	Richardson	

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

On the question recurring,

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

Bill as amended was agreed to.

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 229, printer's No. 252, entitled:

An Act amending "The Notary Public Law," approved August 21, 1953 (P. L. 1323, No. 373), reducing the residency requirement for eligibility.

On the question,

Will the House agree to the bill on third consideration?

Mr. O'CONNELL requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Title, page 1, line 4, by removing the period after "eligibility" and inserting: and providing for surrender of the seal and for a penalty.

Amend Bill, page 1, by inserting between lines 16 and 17: Section 2. The act is amended by adding a section to read:

Section 22.1. Surrender of Seal.—Should an application or renewal be rejected, or should a commission be revoked or recalled for any reason, the applicant or notary shall deliver the seal of office to the Department of State within ten (10) days after notice from the department.

Any person who violates the provisions of this section shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars (\$300) or to imprisonment not exceeding ninety (90) days, or to both.

Amend Sec. 2, page 1, line 17, by striking out "2." and inserting: 3.

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

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Mr. Speaker, this amendment provides that should a notary's application for renewal be rejected or his commission revoked for any reason, he would have to surrender his notary seal even though he, himself, purchased it. He would have to return it to the Department of State within 10 days, and it provides penalties.

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

The yeas and nays were required by Messrs. O'CONNELL and RYAN and were as follows:

YEAS—191

- | | | | |
|-----------------|-----------------|--------------------|--------------|
| Abraham | Geesey | McClatchy | Schmitt |
| Anderson, J. H. | Geisler | McCue | Schweder |
| Arthurs | George | McIntyre | Seivica |
| Barber | Giammarco | McLane | Seltzer |
| Bellomini | Gillespie | Mebus | Shane |
| Bennett | Gillette | Monhorn | Shelhamer |
| Beren | Gleason | Milanovich | Shelton |
| Berlin | Gleeson | Miller, M. E. | Shuman |
| Berson | Goodman | Miller, M. E., Jr. | Shupnik |
| Bittle | Green | Milliron | Sirianni |
| Blackwell | Greenfield | Miscevich | Smith, E. |
| Bonetto | Grieco | Moehlmann | Smith, L. |
| Bradley | Gring | Morris | Spencer |
| Brandt | Halverson | Mrkonje | Stahl |
| Brunner | Hamilton, J. H. | Mullen | Stapleton |
| Burns | Hasay | Musto | Stout |
| Butera | Haskell | Myers | Sweeney |
| Caputo | Hayes, D. S. | Novak | Taddonio |
| Cessar | Hayes, S. E. | Noye | Tayoun |
| Cimmi | Hepford | O'Brien | Thomas |
| Cole | Hill | O'Connell | Toll |
| Cowell | Hopkins | O'Donnell | Trello |
| Crawford | Hutchinson, W. | O'Keefe | Turner |
| Cumberland | Irvic | Oliver | Ustynoski |
| Davies | Itkin | Pancoast | Valicenti |
| Davis, D. M. | Johnson, J. | Parker, H. S. | Vann |
| DeMedio | Katz | Perri | Vroon |
| Deverter | Kelly, A. P. | Perry | Wagner |
| Dicarlo | Kelly, J. B. | Petrarca | Walsh, T. P. |
| DiDonato | Kernick | Plevsky | Wansacz |
| Dietz | Kistler | Pitts | Wargo |
| Dinanni | Klingaman | Polite | Weidner |
| Dombrowski | Knepper | Pratt | Westerberg |
| Dorr | Kolter | Prendergast | Whelan |
| Doyle | Kowalshyn | Pyles | Whittlesey |
| Dreibelbis | Kusse | Rappaport | Wilson |
| Eckensberger | LaMarca | Renninger | Wilt, R. W. |
| Englehart | Laudadio | Renwick | Wilt, W. W. |
| Fawcett | Laughlin | Rhodes | WorriLOW |
| Fee | Lederer | Rieger | Yahner |
| Fischer | Lehr | Ritter | Yohn |
| Fisher | Letterman | Romanelli | Zearfoss |
| Flaherty | Levi | Ross | Zeller |
| Foster, A. | Lincoln | Ruggiero | Zord |
| Foster, W. | Lynch | Ryan | Zwickl |
| Fryer | Manderino | Saloom | |
| Gallagher | Manmiller | Salvatore | Fineman, |
| Gallen | McCall | Scheaffer | Speaker |
| Garzia | | | |

NAYS—2

- | | |
|----------|--------|
| Sullivan | Wojdak |
|----------|--------|

NOT VOTING—10

- | | | | |
|----------------|---------------|------------|--------|
| Cohen | McGinnis | Reed | Taylor |
| Hammock | McGraw | Richardson | Wright |
| Hutchinson, A. | Mullen, M. P. | | |

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

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

Mr. CESSAR requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Title, page 1, line 4 by removing the period after "eligibility" and inserting: and further providing for the approval of applications.

Amend Bill, page 1 by inserting between lines 16 and 17: Section 2. Section 5 of the act is amended by adding a paragraph to read:

Section 5. Application to Become a Notary Public.—

No person shall refuse to endorse an application or refuse to issue a commission as notary public if the good moral character of the applicant is established and the requirements of this act are met.

Amend Sec. 2, page 1, line 17 by striking out "2." and inserting: 3.

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

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

Mr. CESSAR. Mr. Speaker, thank you.

All this amendment does is to provide that no person shall refuse to endorse an application of an individual who makes the application for a commission for a notary seal as long as that person is of good moral character.

The SPEAKER. Does anybody have anything to say about this?

Mr. CESSAR. Oh, yes.

Mr. Speaker, to clarify it, if a senator were so disposed, he would be able to not sign an application for anyone depending on the mood he was in.

So I am just saying that if an individual who is of good moral character submits an application for a notary seal, he should be given that consideration and a senator should sign the application.

The SPEAKER. Would the gentleman object to the Speaker's asking the gentleman a question?

Mr. CESSAR. Go ahead, Mr. Speaker.

The SPEAKER. There are citizen endorsements on notary applications. These are endorsements other than by the senator to whom the application is being submitted. Are you saying that a citizen cannot refuse to sign his name to an application?

Mr. CESSAR. No, no. This would be the senator. The senator must sign the endorsement for the individual who has made the application for a notary.

The SPEAKER. But your amendment does not say that.

Mr. CESSAR. Yes, it does.

The SPEAKER. The amendment says "no person." And you must have the endorsement of certain citizens as well as the senator on the application.

Mr. CESSAR. That is right. Two citizens must endorse it.

The SPEAKER. Well, the way this reads now, it would say that no citizen—and that would include someone other than the senator—shall have the right to refuse to endorse an application if it is given to him.

Mr. CESSAR. Yes; you are correct. They drew it up wrong.

AMENDMENT WITHDRAWN

Mr. CESSAR. Mr. Speaker, can I hold off on this until tomorrow and get a new amendment?

The SPEAKER. I think it would be a very good idea.
 Mr. CESSAR. Thank you, Mr. Speaker.
 The SPEAKER. You are welcome, sir.
 The Chair will entertain the gentleman's amendment tomorrow.

Does the gentleman, Mr. Wilt, desire to be recognized?
 Mr. W. W. WILT. Which bill were we considering?
 The SPEAKER. We just considered House bill No. 229 on page 2.

Mr. W. W. WILT. It says House bill No. 228 on the board, sir.

The SPEAKER. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

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

Agreeable to order,
 The House proceeded to third consideration of **House bill No. 484, printer's No. 533, entitled:**

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), requiring a receipt upon the filing of nomination petitions and papers.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
 The question is, shall the bill pass finally?

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

YEAS—196

Abraham	Geisler	McIntyre	Scirica
Anderson, J. H.	George	McLane	Seltzer
Arthurs	Giammarco	Mebus	Shane
Barber	Gillespie	Menhorn	Shelhamer
Bellomini	Gillette	Milanovich	Shelton
Bennett	Gleason	Miller, M. E.	Shuman
Beren	Gleeson	Miller, M. E., Jr.	Shupnik
Berlin	Goodman	Milliron	Sirianni
Berson	Green	Miscevich	Smith, E.
Bittle	Greenfield	Moehlmann	Smith, L.
Blackwell	Grieco	Morris	Spencer
Bonetto	Gring	Mrkonjc	Stahl
Bradley	Halverson	Mullen	Stapleton
Brandt	Hamilton, J. H.	Musto	Stout
Brunner	Hammock	Myers	Sullivan
Burns	Hasay	Novak	Sweeney
Butera	Haskell	Noye	Taddonio
Caputo	Hayes, D. S.	O'Brien	Tayoun
Cessar	Hayes, S. E.	O'Connell	Thomas
Cimini	Hepford	O'Donnell	Toll
Cole	Hill	O'Keefe	Trello
Cowell	Hopkins	Oliver	Turner
Crawford	Hutchinson, W.	Pancoast	Ustynoski
Cumberland	Irvis	Parker, H. S.	Valicenti
Davies	Itkin	Perri	Vann
Davis, D. M.	Johnson, J.	Perry	Vroon
DeMedio	Katz	Petrarca	Wagner
Deverter	Kelly, A. P.	Pievsky	Walsh, T. P.
Dicarlo	Kelly, J. B.	Pitts	Wansacz
DiDonato	Kernick	Polite	Wargo
Dietz	Kistler	Pratt	Weidner
Dininni	Klingaman	Prendergast	Westerberg
Dombrowski	Knepper	Pyles	Whelan
Dorr	Koller	Rappaport	Whittlesey
Doyle	Kowalshyn	Renninger	Wilson
Dreibelbis	Kusse	Renwick	Wilt, R. W.
Eckensberger	LaMarca	Rhodes	Wilt, W. W.
Engelhart	Laudadio	Richardson	Wojdak
Fawcett	Loughlin	Rieger	Worrilow

Fee	Lederer	Ritter	Wright
Fischer	Lehr	Romanelli	Yahner
Fisher	Letterman	Ross	Yohn
Flaherty	Levi	Ruggiero	Zearfoss
Foster, A.	Lincoln	Ryan	Zeller
Foster, W.	Lynch	Saloom	Zord
Fryer	Manderino	Salvatore	Zwilk
Gallagher	Manmiller	Schaeffer	
Gallen	McCall	Schmitt	Fineman,
Garzia	McClatchy	Schweder	Speaker
Geesey	McCue		

NAYS—0

NOT VOTING—7

Cohen	McGinnis	Mullen, M. P.	Taylor
Hutchinson, A.	McGraw	Reed	

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.

LEGAL CODIFICATION BILLS ON THIRD CONSIDERATION

Agreeable to order,
 The House proceeded to third consideration of **House bill No. 61, printer's No. 647, entitled:**

An Act amending Title 59 (Partnerships) of the Pennsylvania Consolidated Statutes, adding provisions relating to partnerships and providing for the filing of certain documents in the Department of State and in the office of the prothonotary in the county of the principal place of business of a limited partnership.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
 The question is, shall the bill pass finally?

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

YEAS—194

Abraham	Geesey	McIntyre	Scirica
Anderson, J. H.	Geisler	McLane	Seltzer
Arthurs	George	Mebus	Shane
Barber	Giammarco	Menhorn	Shelhamer
Bellomini	Gillespie	Milanovich	Shelton
Bennett	Gillette	Miller, M. E.	Shuman
Beren	Gleason	Miller, M. E., Jr.	Shupnik
Berlin	Gleeson	Milliron	Sirianni
Berson	Goodman	Miscevich	Smith, E.
Bittle	Green	Moehlmann	Smith, L.
Blackwell	Greenfield	Morris	Spencer
Bonetto	Grieco	Mrkonjc	Stahl
Bradley	Gring	Mullen	Stapleton
Brandt	Halverson	Musto	Stout
Brunner	Hamilton, J. H.	Myers	Sullivan
Burns	Hammock	Novak	Sweeney
Butera	Hasay	Noye	Taddonio
Caputo	Haskell	O'Brien	Tayoun
Cessar	Hayes, D. S.	O'Connell	Thomas
Cimini	Hayes, S. E.	O'Donnell	Toll
Cole	Hepford	O'Keefe	Trello
Cowell	Hill	Oliver	Turner
Crawford	Hopkins	Pancoast	Ustynoski
Cumberland	Hutchinson, W.	Parker, H. S.	Valicenti
Davies	Irvis	Perri	Vann
Davis, D. M.	Itkin	Perry	Vroon
DeMedio	Johnson, J.	Petrarca	Wagner
Deverter	Katz	Pievsky	Walsh, T. P.
Dicarlo	Kelly, A. P.	Pitts	Wansacz
DiDonato	Kelly, J. B.	Polite	Wargo
Dietz	Kistler	Pratt	Weidner
Dininni	Klingaman	Prendergast	Westerberg
Dombrowski	Knepper	Pyles	Whelan

Dorr	Kolter	Rappaport	Whittlesey
Doyle	Kowalyshyn	Renninger	Wilson
Dreibelbis	Kusse	Renwick	Wilt, R. W.
Eckensberger	LaMarca	Rhodes	Wilt, W. W.
Englehart	Laudadio	Richardson	Wojdak
Fawcett	Laughlin	Rieger	Worrilow
Fee	Lederer	Ritter	Wright
Fischer	Lehr	Romanelli	Yahner
Fisher	Letterman	Ross	Yohn
Flaherty	Levi	Ruggiero	Zearfoss
Foster, A.	Lincoln	Ryan	Zeller
Foster, W.	Lynch	Saloom	Zord
Fryer	Manderino	Salvatore	Zwikel
Gallagher	Manmiller	Scheaffer	
Gallen	McCall	Schmitt	Fineman,
Garzia	McClatchy	Schweder	Speaker

NAYS—1

McCue

NOT VOTING—8

Cohen	Kernick	McGraw	Reed
Hutchinson, A.	McGinnis	Mullen, M. P.	Taylor

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.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 65, printer's No. 67**, entitled:

An Act amending Titles 45 (Legal Notices) and 1 (General Provisions) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to legal notice and publication of documents.

On the question,

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally?

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

YEAS—195

Abraham	Geisler	McCue	Schweder
Andersen, J. H.	George	McIntyre	Scirica
Arthurs	Giammarco	McLane	Seltzer
Barber	Gillespie	Mebus	Shane
Bellommi	Gillette	Menhorn	Shelhamer
Bennett	Gleason	Milanovich	Shelton
Beren	Gleeson	Miller, M. E.	Shuman
Berlin	Goodman	Miller, M. E., Jr.	Shupnik
Berson	Green	Milliron	Sirianni
Bittle	Greenfield	Miscevich	Smith, E.
Blackwell	Grieco	Mochlmann	Smith, L.
Bonetto	Gring	Morris	Spencer
Bradley	Halverson	Mrkonje	Stahl
Brandt	Hamilton, J. H.	Mullen	Stapleton
Brunner	Hammock	Musto	Stout
Burns	Hasay	Myers	Sullivan
Butera	Haskell	Novak	Sweeney
Caputo	Hayes, D. S.	Noye	Taddonio
Cessar	Hayes, S. E.	O'Brien	Tayoun
Cimini	Hepford	O'Connell	Thomas
Cole	Hill	O'Donnell	Toll
Cowell	Hopkins	O'Keefe	Trello
Crawford	Hutchinson, W.	Oliver	Turner
Cumberland	Irvis	Pancoast	Ustynoski
Davies	Itkin	Parker, H. S.	Valicenti
Davis, D. M.	Johnson, J.	Perri	Vann
DeMedio	Katz	Perry	Vroon
Deverter	Kelly, A. P.	Petrarca	Wagner
Dicarlo	Kelly, J. B.	Pievsky	Walsh, T. P.
DiDonato	Kernick	Pitts	Wansacz
Dietz	Kistler	Polite	Wargo
Dininni	Klingaman	Pratt	Weidner
Dombrowski	Knepper	Prendergast	Westerberg

Dorr	Kolter	Pyles	Whelan
Doyle	Kowalyshyn	Rappaport	Whittlesey
Dreibelbis	Kusse	Renninger	Wilson
Eckensberger	LaMarca	Renwick	Wilt, R. W.
Englehart	Laudadio	Rhodes	Wilt, W. W.
Fawcett	Laughlin	Richardson	Wojdak
Fee	Lederer	Rieger	Worrilow
Fischer	Lehr	Ritter	Wright
Fisher	Letterman	Romanelli	Yahner
Flaherty	Levi	Ross	Zearfoss
Foster, A.	Lincoln	Ruggiero	Zeller
Foster, W.	Lynch	Ryan	Zord
Fryer	Manderino	Saloom	Zwikel
Gallagher	Manmiller	Salvatore	
Gallen	McCall	Scheaffer	Fineman,
Garzia	McClatchy	Schmitt	Speaker
Geesey			

NAYS—0

NOT VOTING—8

Cohen	McGinnis	Mullen, M. P.	Taylor
Hutchinson, A.	McGraw	Reed	Yohn

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.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. PRENDERGAST. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. PRENDERGAST. Mr. Speaker, I would like to be recorded as voting "aye" on House bills Nos. 61 and 65.

The SPEAKER. The gentleman will be so recorded.

BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 154, printer's No. 782**, entitled:

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), authorizing an increase in the amount of tax for fire fighting under certain circumstances.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

Mr. IRVIS moved that House bill No. 154 be removed from the table and be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

HOUSE BILL No. 242 NOT CALLED UP

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I do not wish to have House bills Nos. 242, 243 or 244 called up today. I would prefer that we go to the resolutions. There are amendments to House bills Nos. 242, 243 and 244.

The SPEAKER. The Chair reconsiders its decision as to House bill No. 242 being called up.

HOUSE RESOLUTION NO. 3 ADOPTED

Mr. IRVIS called up **HOUSE RESOLUTION No. 3, printer's No. 121**, entitled:

Speaker of the House of Representatives to appoint a House member to serve on the judicial council of Pennsylvania.

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

HOUSE RESOLUTION NO. 37 ADOPTED

Mr. IRVIS called up **HOUSE RESOLUTION No. 37, printer's No. 545**, entitled:

House Agriculture and Dairy Industries Committee members to investigate the economic difficulties of the agricultural cooperatives.

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

HOUSE RESOLUTION NO. 45 ADOPTED

Mr. IRVIS called up **HOUSE RESOLUTION No. 45, printer's No. 534**, entitled:

Memorializing Congress to defeat the proposed waterways user tax program.

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

HOUSE RESOLUTION No. 46 NOT CALLED UP

The SPEAKER. Does the gentleman, Mr. Ritter, desire to be recognized?

Mr. RITTER. Yes, Mr. Speaker. I have an amendment for House resolution No. 46.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, will the gentleman withdraw his amendment? His amendment is controversial. I know the amendment. I would prefer to put anything controversial on tomorrow's calendar rather than this late today.

Would the gentleman agree to that?
Mr. RITTER. Yes, Mr. Speaker.
Mr. IRVIS. Thank you, Mr. Speaker.

RESOLUTIONS PASSED OVER

The SPEAKER. House resolutions Nos. 46, 47, 50 and 61 will go over in order.

HOUSE RESOLUTION NO. 66 ADOPTED

Mr. IRVIS called up **HOUSE RESOLUTION No. 66, printer's No. 829**, entitled:

House directing the Joint State Government Commission to conduct an investigation of the Pennsylvania Public Utility Commission.

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

HOUSE RESOLUTION NO. 67 ADOPTED

Mr. IRVIS called up **HOUSE RESOLUTION No. 67, printer's No. 773**, entitled:

Urging the Committee on Federal State Relations to undertake a study of the nation's economy from the state point of view.

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

BILLS NOT CALLED UP

The SPEAKER. Will the majority leader advise the Chair if, on page 2, either House bill No. 308 or House bill No. 552, to the best of the knowledge of the majority leader, will precipitate any extensive debate?

Mr. IRVIS. I think they may very well, Mr. Speaker, and I would like to close out the session. We are an hour late. We will call those bills up tomorrow.

The SPEAKER. A half hour late.

Mr. IRVIS. All right, one-half hour.

The SPEAKER. The Chair thanks the gentleman.

MEMORIAL RESOLUTION PRESENTED

The SPEAKER. The Chair recognizes the majority leader, who desires to present a memorial resolution.

Mr. IRVIS. Yes, Mr. Speaker.

The SPEAKER. The clerk will read the resolution.

CONDOLENCE**HOUSE OF REPRESENTATIVES**

WHEREAS, Galen B. Reed, Sr., a prominent citizen of Harrisburg, passed away on Saturday, March 15, 1975; and

WHEREAS, Galen B. Reed, Sr., honorably served the people of Harrisburg as the head of the Harrisburg School District's data processing department; and

WHEREAS, Galen B. Reed, Sr., a respected member of the Linglestown Methodist Church, was a loving and devoted husband and father and will be greatly missed by his widow, Judith, and his four children; Galen B. Reed, Jr.; the Honorable Stephen R. Reed; Mrs. Leslie W. Gray; and Miss Lauren L. Reed; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its solemn deliberations to note with deep sadness the passing of Galen B. Reed, Sr., of Harrisburg and expresses its sincere condolences to his widow, Judith, and his four children; and be it further

RESOLVED, That a copy of this document, be delivered to Mrs. Judith S. Reed, 6201 Pine Street, Maple Crest Manor, Harrisburg, Pennsylvania 17112.

K. LEROY IRVIS
HERBERT FINEMAN
ROBERT J. BUTERA

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

BILLS REPORTED AND CONSIDERED FIRST TIME AND TABLED**HOUSE BILL No. 450**

By Mr. RHODES

An Act to provide for the selection of jurors to serve in the courts of common pleas of this Commonwealth; defining the qualifications of such jurors; providing for the organization of a commission for the selection of

jurors in certain counties, and prescribing its powers and duties; providing for the compensation and expenses of jurors summoned to serve; providing penalties for violation of the act and for failure to serve; and repealing inconsistent acts.

Reported from Committee on Judiciary.

HOUSE BILL No. 503

By Mr. BRUNNER

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), providing for additional uses of fuel tax funds.

Reported from Committee on Finance.

BILL REMOVED FROM TABLE AND REREFERRED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, at a meeting of the Rules Committee, the Rules Committee instructed me to move to remove from the table and rerefer to the Committee on Consumer Protection House bill No. 106, printer's No. 108.

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

BILLS TAKEN FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the committee has instructed me to move to remove the following bills from the table: House bill No. 563, printer's No. 622; and House bill No. 594, printer's No. 799.

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

COMMITTEE REPORT

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the committee has instructed me to report the following resolution: House resolution No. 65, printer's No. 760.

The SPEAKER. The Chair notes the report.

RESOLUTION REPORTED AS COMMITTED

HOUSE RESOLUTION No. 65

By Mr. WARGO

That the House of Representatives of the Commonwealth of Pennsylvania supports any and all actions necessary for the purpose of establishing such National Shrine and Cemetery in the Commonwealth of Pennsylvania.

Reported from Committee on Rules.

BUSINESS COMPLETED

The SPEAKER. Has the majority leader any further motions to make?

Mr. IRVIS. There are no further motions, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the minority leader have any further business to bring before the House?

Mr. BUTERA. No, Mr. Speaker.

ADJOURNMENT

Mr. ABRAHAM moved that this House do now adjourn until Wednesday, March 19, 1975, at 9:30 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 6:05 p.m., e.d.t.) the House adjourned.