COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, JUNE 16, 1975

Session of 1975 | 159th of the General Assembly | Vol. 1, No. 50

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:

O God, our Father, Thou art the protector of all who put their trust in Thee, and without Whom there is no strength and nothing is sacred or holy in life. We beseech Thee this day that Thou wilt increase Thy mercy toward each of us, and multiply before us the tenderness of Thy love toward all mankind. We look to Thee as the ruler and guide of our lives; and we pray that Thou wilt direct us through the temporal affairs of this life so that we may never lose sight of the things which are eternal. We ask it all through Thy gracious love, tender mercy, and everlasting peace, world without end. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Thursday, June 12, 1975, will be postponed until printed.

HOUSE BILLS REFERRED

The SPEAKER. Without objection, the Chair will refer the following bills.

The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

By Messrs. GEORGE, LETTERMAN, MISCEVICH, BRUNNER, GIAMMARCO, USTYNOSKI, VALICENTI and PETRARCA

HOUSE BILL No. 1467

An Act relating to maintenance of certain cemeteries by municipalities and townships; and imposing duties on the Department of Community Affairs and other State agencies.

Referred to Committee on State Government.

By Messrs. SHELHAMER, R. W. WILT, YAHNER, DiCARLO, HOPKINS and WEIDNER

HOUSE BILL No. 1468

An Act amending the "Fruit and Vegetable Grading Law," approved March 28, 1929 (P. L. 86, No. 97), excluding grapes from the provisions of the act; redefining "closed package;" and limiting the right of agents of the Department to enter upon certain premises.

Referred to Committee on Agriculture.

By Messrs. SHELHAMER, ARTHURS, GEESEY, R. W. WILT, LETTERMAN and BONETTO

HOUSE BILL No. 1469

An Act authorizing volunteer fire companies to bill certain owners or operators of motor vehicles on interstate highways for services rendered and providing for liens against such persons in the case of nonpayment; and providing legal representation for volunteer fire companies in such cases.

Referred to Committee on Transportation.

By Messrs. McLANE and WALSH

HOUSE BILL No. 1470

An Act amending the act of August 17, 1951 (P. L. 1254, No. 295), entitled "An act fixing the minimum pensions of policemen and firemen in certain cities," further providing for pensions of policemen.

Referred to Committee on Urban Affairs.

By Messrs. FRYER, MEBUS, PETRARCA, MORRIS, RUGGIERO, SHUMAN, WEIDNER, BURNS, LEVI, Miss SIRIANNI, Messrs. GARZIA, ARTHURS and NOYE

HOUSE BILL No. 1471

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), increasing the authorized amounts of the annual assessments for the necessary expenses of the association of county commissioners.

Referred to Committee on Local Government.

By Messrs. FRYER, MEBUS, PETRARCA, MORRIS, RUGGIERO, SHUMAN, WEIDNER, BURNS, LEVI, Miss SIRIANNI, Messrs. ARTHURS and NOYE

HOUSE BILL No. 1472

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), increasing the authorized amount of the annual assessments for the necessary expenses of the association of county commissioners.

Referred to Committee on Local Government.

By Messrs. FRYER, MEBUS, PETRARCA, YAHNER, WALSH, SALOOM, MORRIS, O'KEEFE, Miss SIRIANNI, Messrs. BURNS, RUGGIERO, SHUMAN, WEIDNER, LEVI, GARZIA, ARTHURS and NOYE

HOUSE BILL No. 1473

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), further providing for the levying of taxes following a county-wide reassessment of real property.

Referred to Committee on Local Government.

By Mr. BEREN

HOUSE BILL No. 1474

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing additional contract areas for the Pennsylvania Historical and Museum Commission.

Referred to Committee on State Government.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. WILSON, DiCARLO and Mrs. KELLY

RESOLUTION No. 112

The House of Representatives, to make the General Assembly's information on the subject more conclusive, directs its Health and Welfare Committee to investigate, study and determine the actual costs to the Department of Public Welfare of implementing existing lien legislation for recovery of moneys due the Commonwealth via the liening process of property owned by persons owing duties of support to welfare recipients.

Referred to Committee on Rules.

By Mr. CESSAR **RESOLUTION No. 113**

The State Government Committee establish a task force directed to design a modern, comprehensive system of firemen's training under the jurisdiction of the Department of Education, retaining such fire training operations as now exist including advisory boards and encompassing such schools and regional administration as deemed efficient and making provision to incorporate all firemen's training schools or training operations in the Commonwealth.

Referred to Committee on Rules.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I request leaves of absence for Mr. VALICENTI for today's session, and for Mr. RICHARDSON for the week's session.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I request leaves of absence for Messrs. DININNI and THOMAS and Mrs. FAWCETT for the week's session.

The SPEAKER. Without objection, leaves are granted.

REPORTS OF COMMITTEE CHAIRMEN REQUESTED

The SPEAKER. Will all committee chairmen now please send forward their reports of committee meetings for the prior week?

REPORTS OF COMMITTEE CHAIRMEN PRESENTED

Mr. SHELHAMER, chairman of the Agriculture Committee, presented the following report:

June 16, 1975

To: The Honorable Herbert Fineman, Speaker

From: Kent D. Shelhamer, Chairman, Agriculture

The Agriculture meetings scheduled for June 10th and 11th were cancelled due to the impending debate on the budget.

Mr. WOJDAK, chairman of the Appropriations Committee, presented the following report:

June 16, 1975

APPROPRIATIONS COMMITTEE MEETING REPORT

During the week of June 9, 1975, there were no Appropriations Committee meetings conducted. Therefore, I will not be turning in any attendance or roll call sheets for that week.

STEPHEN R. WOJDAK
Chairman, House Committee
on Appropriations

Mr. BENNETT, chairman of the Business and Commerce Committee, presented the following report:

June 16, 1975

Subject: Minutes of Business & Commerce Committee Meetings

To: Honorable Herbert Fineman, Speaker

From: Honorable Reid L. Bennett, Chairman
Business & Commerce Committee

There were no Committee meetings held by the Business and Commerce Committee the week of June 9, 1975

Mr. LAUDADIO, chairman of the Conservation Committee, presented the following report:

CONSERVATION COMMITTEE REPORT FOR THE WEEK OF JUNE 9 THROUGH JUNE 15, 1975

The Conservation Committee met on June 9, 1975 a 3:30 p.m. in Room 401. Members absent were Reps Gleeson, Valicenti, Dreibelbis, Menhorn, Caputo, Bradley, Miller, Roger Fischer, and Haskell.

Rep. Jack Arthurs presented his report on the activities of the Sub-Committee on House Bill 367. The repor included meetings held between the Sub-Committee anc various groups and citizens in Forest County.

The Committee voted unanimously to release House Bill 1189 from Committee.

All Committee report forms are attached.

The Conservation Committee, in conjunction with the Joint Legislative Air and Water Pollution Control anc Conservation Committee conducted a field trip to St Louis to look at a prototype recycling plant now ir operation. The trip through the plant was conducted by the design engineers and other officials. Our Committee found this to be a very beneficial tour as a plant of this type could be considered for solid waste recycling ir Pennsylvania. The Committee also traveled to Nashville and observed a solid waste recycling plant, which provided comparative information. The St. Louis plant no only generates energy for heating and air conditioning but provides a ferrous metal that is sold by the ton tc a metal processing concern. The Nashville plant, although it does not provide a marketable by-product, with the exception of fly ash which is used for roadbeds, etc. does provide energy in the form of steam and chillec water, which is used to air-condition and heat downtowr Nashville. The trip was considered by all as a productive and informative tour. Member in attendance from the House Conservation Committee was Rep. John F. Laudadio, Sr.

Attendance Report

The Conservation Committee met on June 9, 1975 in Room 401, Main Capitol. The meeting started at 3:30 p.m. and adjourned at 4:15 p.m.

The roll was taken and was as follows:

Members	Present	Absent
John F. Laudadio	X	
Frank Gleeson		X
Helen Gillette	X	
Philip Ruggiero		X
Samuel Morris	X	
A. Joseph Valicenti		X
Jack Arthurs	X	
Galen Dreibelbis		X
Harry Menhorn		X
Ronald Cowell	X	
Paul Yahner	X	
Charles Caputo		X
Joseph Bradley		X
Thomas McCall	X	
William Wilt	X	
Joseph Pitts	X	
Richard McClatchy	X	
Marvin Miller		X
Roger Fischer		X
D. Michael Fisher	X	
Joseph Levi	X	
Harrison Haskell		X
Joseph Manmiller	X	

Signed
JOHN F. LAUDADIO
Chairman

ROLL CALL

The Conservation Committee met on June 9, 1975 to vote to report out of Committee House Bill No. 1189, sponsored by Mr. McCall, seconded by Mr. Arthurs.

The yeas and nays were taken and were as follows:

Members	Vote
John F. Laudadio	yea
Frank Gleeson	not voting
Helen Gillette	yea
Philip Ruggiero	not voting
Samuel Morris	yea
A. J. Valicenti	not voting
Jack Arthurs	yea
Galen Dreibelbis	not voting
Harry Menhorn	not voting
Ronald Cowell	yea
Paul Yahner	yea
Charles Caputo	not voting
Joseph Bradley	not voting
Thomas McCall	yea
William Wilt	yea
Joseph Pitts	yea
Richard A. McClatchy	yea
Marvin Miller, Sr.	not voting
Roger Fischer	not voting
D. Michael Fisher	yea
Joseph Levi, II	yea
Harrison Haskell, II	not voting
Joseph Manmiller	yea

YEAS—13
NAYS—0
NOT VOTING—10

The motion passed.

Signed
JOHN F. LAUDADIO
Chairman

Mr. SCHMITT, chairman of the Consumer Protection Committee, presented the following report:

Attendance Report

The Consumer Protection Committee met on June 9, 1975 at 11:30 a.m. and at 1:00 p.m. recessed until 8:15 p.m. on June 10, 1975. The meeting adjourned at 10:00 p.m. Both meetings were held in the Majority Caucus Room.

The roll was taken and was as follows:

Members	Present	Absent
C. L. Schmitt	X	
Donald Abraham	X	
James Barber	X	
Mark Cohen	X	
Helen Gillette	X	
Amos Hutchinson	X	
Charles Laughlin	X	
Robert O'Donnell		
James Romanelli	X	
Samuel Ross	X	
Michael Schweder	X	
Fred Taylor	X	
Rose Toll	X	
Fred Trello	X	
John Renninger	X	
Clarence Dietz	X	
Vern Pyles	X	
John Scheaffer	X	
John Stahl		
Lee Taddonio	X	
Peter Vroon	X	
William Yohn, Jr.	X	
Herbert Zearfoss	X	

Mr. O'Donnell was excused.

Signed
C. L. SCHMITT
Chairman

OFFICIAL LEAVE REQUEST

I Robert W. O'Donnell ask for official leave of absence from attending the meeting of the Consumer Protection Committee on June 9, 1975 for the following reason:

Conflicting legislative duties (Mtg. with group of constituents)

Signed: ROBERT W. O'DONNELL

OFFICIAL LEAVE REQUEST

I Robert W. O'Donnell ask for official leave of absence from attending the meeting of the Consumer Protection Committee on June 10, 1975 for the following reason: Conflicting legislative duties (Mtg. with constituents in Phila.)

Signed: ROBERT W. O'DONNELL

ROLL CALL

The Consumer Protection Committee met on June 9, 1975 to vote to table House Bill No. 173, sponsored by Mr. Hutchinson, seconded by Mr. Taddonio.

The yeas and nays were taken and were as follows:

Members	Vote
C. L. Schmitt	yea
Donald Abraham	yea
James Barber	not voting
Mark Cohen	nay
Helen Gillette	nay
Amos Hutchinson	yea
Charles Laughlin	nay
Robert O'Donnell	not voting
James Romanelli	not voting
Samuel Ross	nay
Michael Schweder	yea
Fred Taylor	yea
Rose Toll	yea
Fred Trello	yea
John Renninger	yea
Clarence Dietz	yea
Vern Pyles	not voting
John Scheaffer	yea
John Stahl	not voting
Lee Taddonio	yea
Peter Vroon	yea
William Yohn, Jr.	nay
Herbert Zearfoss	not voting

YEAS—12
NAYS—5
NOT VOTING—6

The motion passed.

Signed
C. L. SCHMITT
Chairman

THE GENERAL ASSEMBLY OF PENNSYLVANIA

Session of 1975

HOUSE BILL No. 173

Printer's No. 178

Introduced by Messrs. Cohen, Manderino, Shane, Fineman, Romanelli, Schmitt, Mrs. Gillette, Messrs. Vann, A. K. Hutchinson, Mrs. Toll, Messrs. Taylor, Laughlin, Ross, Trello, DeMedio, Abraham, Wojdak, Reed, Morris, Berlin, Pievsky, Musto, Shupnik, Green, Perry, Johnson, Zearfoss, Fee, Irvis, Kowalyshyn, Ruggiero, Zord and Wargo, January 28, 1975

Referred to Committee on Consumer Protection, January 28, 1975

An Act repealing the act of May 20, 1949 (P. L. 1584, No. 478), entitled "An act defining and prohibiting unfair sales of cigarettes; conferring powers and imposing duties on the Department of Revenue and on persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; providing for the suspension and revocation of Cigarette Tax Permits; and providing remedies and penalties for violations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of May 20, 1949 (P. L. 1584, No. 478), known as the "Unfair Cigarette Sales Act," is repealed.
Section 2. This act shall take effect immediately.

ROLL CALL

The Consumer Protection Committee met on June 9, 1975 to vote to report House Bill No. 171 out as committed, sponsored by Mr. Hutchinson, seconded by Mrs. Gillette.

The yeas and nays were taken and were as follows:

Members	Vote
C. L. Schmitt	yea
Donald Abraham	yea
James Barber	not voting
Mark Cohen	yea
Helen Gillette	yea
Amos Hutchinson	yea
Charles Laughlin	yea
Robert O'Donnell	not voting
James Romanelli	not voting
Samuel Ross	yea
Michael Schweder	yea
Fred Taylor	yea
Rose Toll	yea
Fred Trello	yea
John Renninger	yea
Clarence Dietz	yea
Vern Pyles	not voting
John Scheaffer	yea
John Stahl	not voting
Lee Taddonio	yea
Peter Vroon	yea
William Yohn, Jr.	yea
Herbert Zearfoss	not voting

YEAS—17
NAYS—0
NOT VOTING—6

The motion passed.

Signed
C. L. SCHMITT
Chairman

THE GENERAL ASSEMBLY OF PENNSYLVANIA

Session of 1975

HOUSE BILL No. 171

Printer's No. 176

Introduced by Messrs. Cohen, Manderino, Shane, Zearfoss, Schmitt, Mrs. Gillette, Messrs. Vann, A. K. Hutchinson, Mrs. Toll, Messrs. Laughlin, Romanelli, Ross, Trello, DeMedio, Irvis, Abraham, Taylor, Wojdak, Rappaport, Morris, Berlin, Pievsky, Musto, Shupnik, Green, Perry, Johnson, Reed, Mrs. Kernick, Messrs. Menhorn, Cowell, Fee, Pratt, Bennett, Zord, Kowalyshyn, Ruggiero and Wargo, January 28, 1975

Referred to Committee on Consumer Protection, January 28, 1975

An Act repealing the act of August 11, 1941 (P. L. 900, No. 344), entitled "An act defining and prohibiting unfair sales, providing remedies for violations thereof, and establishing penalties therefor."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of August 11, 1941 (P. L. 900, No. 344) known as the "Unfair Sales Act," is repealed.
Section 2. This act shall take effect immediately.

ROLL CALL

The Consumer Protection Committee met on June 9, 1975 to vote to report out as committed House Bill No. 172, sponsored by Mr. Hutchinson, seconded by Mr. Taylor.

The yeas and nays were taken and were as follows:

Members	Vote
C. L. Schmitt	yea
Donald Abraham	yea
James Barber	not voting
Mark Cohen	yea
Helen Gillette	yea
Amos Hutchinson	yea
Charles Laughlin	yea
Robert O'Donnell	not voting
James Romanelli	not voting
Samuel Ross	yea
Michael Schweder	yea
Fred Taylor	yea
Rose Toll	yea
Fred Trello	yea
John Renninger	yea
Clarence Dietz	yea
Vern Pyles	not voting
John Scheaffer	yea
John Stahl	not voting
Lee Taddonio	yea
Peter Vroon	yea
William Yohn, Jr.	yea
Herbert Zearfoss	not voting

YEAS—17
NAYS—0
NOT VOTING—6

The motion passed.

Signed
C. L. SCHMITT
Chairman

THE GENERAL ASSEMBLY OF PENNSYLVANIA

Session of 1975

HOUSE BILL No. 172

Printer's No. 177

Introduced by Messrs. Cohen, Manderino, Fineman, Shane, Romanelli, Schmitt, Mrs. Gillette, Messrs. A. K. Hutchinson, Vann, Mrs. Toll, Messrs. Taylor, Laughlin, Ross, Trello, DeMedio, George, Abraham, Wojdak, Reed, Dombrowski, Bellomini, Irvis, Morris, Berlin, Pievsky, Musto, Shupnik, Green, Perry, O'Keefe, Garzia, Letterman, Milliron, Zearfoss, Mrs. Kernick, Messrs. Zord, Wargo and Ruggiero, January 28, 1975

Referred to Committee on Consumer Protection, January 28, 1975

An Act repealing the act of June 5, 1935 (P. L. 266, No. 115), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of June 5, 1935 (P. L. 266, No. 115), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," is repealed.
Section 2. This act shall take effect immediately.

ROLL CALL

The Consumer Protection Committee met on June 9, 1975 to vote to re-refer to Conservation House Bill No. 1346, sponsored by Mr. Taylor, seconded by Mr. Abraham.
A voice vote was taken and the motion passed.

Signed
C. L. SCHMITT
Chairman

THE GENERAL ASSEMBLY OF PENNSYLVANIA

Session of 1975

HOUSE BILL No. 1346

Printer's No. 1575

Introduced by Messrs. Laudadio, DeMedio, Green, George, Petrarca, A. K. Hutchinson, Myers, Valicenti, Arthurs, Ruggiero, Irvis, Manderino, W. W. Wilt, Manmiller, Pitts and Thomas, June 3, 1975

Referred to Committee on Consumer Protection, June 4, 1975

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), entitled, as amended, "An act providing for the conservation and improvement of land affected in connection with surface mining; regulating such mining; and providing penalties," removing the maximum age qualification for mine conservation inspector.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Subsection (b) of section 15.3, act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," amended November 30, 1971 (P. L. 554, No. 147), is amended to read:
Section 15.3. * * *
(b) The qualifications for certification of a candidate for the office of mine conservation inspector shall be as follows: The candidate shall be of temperate habits, of good repute as a person of integrity, in good physical condition, shall be [between the ages of] twenty-five [and fifty-five] years of age, or over, shall have successfully passed the examination for mine conservation inspector provided herein, shall have had sufficient practical experience in surface mining and conservation or in lieu thereof specialized education or a combination of education and experience as specified by the secretary, and shall have served in a probational status for a period of at least six months in this Commonwealth, which shall be evaluated by the secretary.
* * *
Section 2. This act shall take effect in 60 days.

ROLL CALL

The Consumer Protection Committee met on June 9, 1975 to vote to adjourn the meeting, sponsored by Mr. Dietz, seconded by Mr. Vroon.

The yeas and nays were taken and were as follows:

Members	Vote
C. L. Schmitt	nay
Donald Abraham	nay
James Barber	not voting
Mark Cohen	nay
Helen Gillette	nay
Amos Hutchinson	nay
Charles Laughlin	nay
Robert O'Donnell	not voting
James Romanelli	not voting
Samuel Ross	nay
Michael Schweder	nay
Fred Taylor	nay
Rose Toll	not voting
Fred Trello	nay
John Renninger	yea
Clarence Dietz	yea
Vern Pyles	not voting
John Scheaffer	yea
John Stahl	not voting
Lee Taddonio	nay
Peter Vroon	yea
William Yohn, Jr.	yea
Herbert Zearfoss	not voting

YEAS—5
NAYS—11
NOT VOTING—7

The motion failed.

Signed
C. L. SCHMITT
Chairman

ROLL CALL

The Consumer Protection Committee met on June 10, 1975 to vote to report out as amended House Bill No. 170, sponsored by Mr. Trello, seconded by Mrs. Toll.

The yeas and nays were taken and were as follows:

Members	Vote
C. L. Schmitt	yea
Donald Abraham	yea
James Barber	yea
Mark Cohen	yea
Helen Gillette	yea
Amos Hutchinson	not voting
Charles Laughlin	not voting
Robert O'Donnell	not voting
James Romanelli	yea
Samuel Ross	yea
Michael Schweder	not voting
Fred Taylor	not voting
Rose Toll	yea
Fred Trello	yea
John Renninger	yea
Clarence Dietz	yea
Vern Pyles	yea
John Scheaffer	not voting
John Stahl	not voting
Lee Taddonio	yea
Peter Vroon	not voting
William Yohn, Jr.	yea
Herbert Zearfoss	yea

YEAS—15
NAYS—0
NOT VOTING—8

The motion passed.

Signed
C. L. SCHMITT
Chairman

AMENDMENTS TO HOUSE BILL No. 170

Printer's No. 175

Amend Title, page 1, lines 1 through 3 by striking out all of said lines and inserting: Relating to consumer transactions, including credit sales, consumer leases, related direct consumer loans, and advances made to credit card users, regulating contract provisions, the termination of consumer defenses, the disclaimer of warranties, and the entry of judgments by confession, providing additional exemptions from execution in actions on consumer transactions, prohibiting waivers of exemptions, imposing duties on the Attorney General and on prothonotaries, and repealing inconsistent provisions of the Goods and Services Installment Sales Act, the Home Improvement Finance Act, the Motor Vehicle Sales Finance Act and other inconsistent laws.

Amend Bill, page 1, lines 6 through 18; page 2, lines 1 through 30; page 3, lines 1 through 30; page 4, lines 1 through 30; page 5, lines 1 through 30; page 6, lines 1 through 30; page 7, lines 1 through 30; page 8, lines 1 through 11, 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 Transactions Act."

Section 2. Definitions.—The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Consumer." An individual buying, borrowing, or leasing goods or services acquired primarily for personal, family or household use.

"Consumer goods." Goods used, leased or bought for use primarily for personal, family or household purposes, whether acquired in cash or a credit transaction.

"Consumer services." Work, labor or services furnished primarily for personal, family or household purposes, and includes services furnished in connection with the sale or repair of goods, the repair or servicing of motor vehicles, or the installation or application of goods in the modernization, rehabilitation, repair alteration, improvement or reconstruction of real property, whether the goods become fixtures or become real property.

"Default." Notwithstanding any other definition in the contract or agreement of the parties, only the nonpayment of one or more installments, an unauthorized voluntary or involuntary disposition of the collateral increasing the secured party's risk of nonpayment, a failure to repair significant damage to the collateral, a failure to procure or maintain in effect any insurance required under the terms of the contract or agreement or the commission of any other act specified in the agreement which reasonably impairs the prospect of payment or performance.

"Household." Includes all persons who may reasonably be expected to use, consume, or be affected by the consumer goods or services in question.

"Supplying consumer goods or services." Selling, leasing, assigning or awarding by chance or by any other means, consumer goods or services and includes any solicitation by a supplier with respect to any of these means of supplying consumer goods or services.

Section 3. Limitation on Warranty Disclaimers and Limitation of Damages for Breach in Supplying or Manufacturing Goods Becoming Consumer Goods.—(a) No person supplying or manufacturing consumer goods shall limit or disclaim any implied warranties of merchantability or of fitness for a particular purpose, or limit damages for personal injuries arising out of a breach of

warranty. The use of any contract provision purporting to do so shall constitute a violation of this act.

(b) Any limitation of damages for breach of any warranty express or implied to the repair or replacement and installation of defective parts or merchandise shall not be effective unless the person supplying the consumer goods or the manufacturer making the warranty maintains places of business within this State or within 100 miles of the point of sale, whichever is closer to the point of sale, through which warranty service is effected within a reasonable period of time after request therefor by the consumer. In any event such limitation shall not be effective after the second attempt by the seller or manufacturer to cure the same defect; and after such second attempt fails, the consumer shall be entitled to resort to all remedies provided by law, including the right to revoke acceptance and recover all payments theretofore made, less the reasonable value to the consumer of the actual use made of the consumer goods. The consumer's recovery shall include reimbursement of any extra expenses actually incurred for substitute goods or services while the consumer goods were held for repair, if such holding was for more than 10 days at any one time.

(c) Subsections (a) and (b) of this section shall not be construed to abrogate the right to supply previously used consumer goods on an "as is" or "with all faults" basis, provided, however, that the contract of sale or other document evidencing the transaction shall contain the following notice, printed prominently and in the form below in twelve (12) point extra bold type, or larger, directly above or beside the space provided for the buyer's signature or the bottom of the document:

NOTICE TO BUYER

THE GOODS YOU ARE BUYING ARE SOLD TO YOU "AS IS" OR "WITH ALL FAULTS." THIS MEANS THAT NO WARRANTY OR GUARANTEE IS GIVEN AND THAT YOU MUST BEAR THE FULL RISK THAT THESE GOODS MIGHT BE DEFECTIVE.

EXERCISE CAUTION BEFORE BUYING!

(d) No disclaimer of warranties or limitation of remedies or of damages for breach of warranty, including the use of such words as "as is" or "with all faults," shall be effective as against the person supplying or manufacturing the goods unless the contract or agreement discloses, in a conspicuous place on the warranty, in a manner comprehensible to the average consumer served by such person the extent to which his legal rights otherwise inherent in the contract are impaired by his execution of the agreement or contract.

Section 4. Prohibited Contract Terms.—(a) No person supplying consumer goods or services shall use any form of contract or agreement containing any clause or term whereby:

(1) The consumer agrees not to assert against the person supplying the goods or services or any assignee or transferee of the consumer's contract or agreement any claim or defense arising out of the consumer transaction.

(2) The person supplying the goods or services, any assignee, or any person acting on behalf of either is given authority to enter upon the consumer's premises or commit a breach of the peace in the enforcement of the terms of the agreement or contract; but this subdivision shall not prohibit peaceable entry upon the premises with the consent of the consumer given after default.

(3) The consumer waives any right of action against the person supplying the goods or services, any assignee, or any person acting on behalf of either, for any violation of this act or any breach of the peace or other wrongful act committed in the enforcement of the contract or agreement; but this provision shall not prohibit a release of any accrued cause of action as a part of a bona fide settlement of a dispute.

(4) The person supplying the goods or services, any assignee or any person acting on behalf of either is given the right to commence an action or other legal proceeding or require arbitration of disputes in any foreign state or country or in any county of this State other than the county in which the buyer resides at the commencement of the action, or, if the buyer no longer resides in this State, in the county in which he resided at the time the contract or agreement was entered into, or, if the goods are affixed to or so affiliated with real property as to become fixtures, in the county in which the real property is located.

(5) Any provision with respect to repayments or security prohibited by section 12 of this act.

(b) It shall be a violation of this act for any person supplying consumer goods or services to use a form of contract containing any clause, provision or term prohibited by this act, and a separate and additional violation to refer to or utilize any such clause, term or provision in any attempt to effect collection from a consumer or a settlement with a consumer.

Section 5. Control of Acceleration Clauses.—(a) No person supplying consumer goods and services shall use any contract, agreement, note or other instrument in a consumer credit transaction which provides for acceleration of the entire unpaid indebtedness or any portion thereof in advance of the stated due date unless the provision for acceleration is expressed to be operative only if:

(1) the person supplying the goods or services, or an assignee, shall have first given the consumer 14 days prior notice of the intent to accelerate, of the grounds on which the acceleration is based, and of the consequence of default in a conspicuous place and in the following form on the notice and served by such person; and

IMPORTANT NOTICE REQUIRED BY LAW

NOTICE OF INTENTION
TO ACCELERATE
THE MATURITY OF OBLIGATION,
COMMENCE LEGAL ACTION AND/OR REPOSSESS
YOU HAVE DEFAULTED ON YOUR OBLIGATION, DESCRIBED AS FOLLOWS:

Transaction No.
Date of Contract
Contract secured by the following goods you purchased (Specify)
Contract Secured by the following collateral

A. ..... You have violated the following terms of your contract:
(Description, using original contract language)

B. ..... You have failed to make installment payments on:
(Dates)

A statement of your account is as follows:

1. Initial amount — $.....
2. Present amount owing (initial amount minus payments you have made) — $.....
3. Late payments in the total amount of $..... due as of (date) — $.....
4. Current payment due as of (date) — $.....
5. Late charges $.....
6. Actual cost of service of this notice — $.....
7. TOTAL AMOUNT OF PAYMENTS DUE (total of 3, 4, 5 and 6) — $.....

YOU HAVE THE RIGHT TO BRING YOUR ACCOUNT UP TO DATE. IN ORDER TO DO SO, YOU MUST DO THE FOLLOWING NOT LATER THAN (date), WHICH IS NOT LESS THAN 14 DAYS FROM THE DATE YOU RECEIVE THIS NOTICE:

C. ..... (Specify required performance, as described above)

D. ..... (PAY THIS AMOUNT (total amounts of payments due under "7", above

If you do as required under "C" and "D" above, you may continue to keep your contract in effect without any additional penalties or costs being imposed.

SHOULD YOU FAIL TO DO SO BY THE SPECIFIED DATE, THE ENTIRE PRESENT AMOUNT OWING YOUR CONTRACT WILL BECOME IMMEDIATELY DUE; ANY GOODS BY WHICH THE CONTRACT IS SECURED AND/OR ANY COLLATERAL GIVEN UNDER THAT CONTRACT MAY BE IMMEDIATELY, PEACE-

FULLY REPOSSESSED AND LEGAL ACTION MAY BE BEGUN BEFORE OR AFTER REPOSSESSION.

Any overdue installments may be paid at the following:

.....
(address) (phone)

Payment must be made only by (specify: personal check, money order, other).

(2) the consumer shall be in default; and either

(3) the consumer has not, within the 14-day period of the notice, cured the default or given the person sending the notice adequate assurances of payment or performance; or

(4) the default is the third default of the consumer during the term of the contract.

(b) Upon the cure of any default the acceleration shall terminate and the contract shall be reinstated in accordance with its original terms. Cure shall consist of the elimination of the grounds for default, including the payment of all unpaid installments falling due without acceleration in accordance with the contract before and during the period of the default, and the payment of any legal late charges.

(c) Notices of acceleration in the form as set forth above shall be mailed, certified mail return receipt requested in time to be received by the consumer, in current course of mail, or delivered, not less than 14 days before the date at which the indebtedness will become due by acceleration. Mailing in accordance with reasonable estimates of time required for delivery shall constitute compliance with this section, but if a return receipt shows a delivery at a date less than 14 days from the date fixed for acceleration the consumer may effect cure within 14 days of the date of the receipt shown.

Section 6. Entry of Judgments by Confession.—(a) A consumer credit contract may provide for the entry of a judgment by confession on warrant of attorney. But every such warrant shall specify that the judgment is confessed pursuant to and is subject to the provisions of this act. The prothonotary of the court in which the judgment is entered shall note the fact that the judgment is subject to the provisions of this act in the judgment roll and in the docket of judgments. If the judgment so confessed is not confessed subject to the limitation that the lien of the judgment shall not bind any real estate which is used as a principal residence of the consumer, the person entering the judgment shall furnish the prothonotary of the court in which the judgment is to be entered with evidence, satisfactory to such prothonotary, that the entry of the judgment is in compliance with sections 121, 122 and 125 of Title I of the Federal Consumer Credit Protection Act, (82 Stat. 152, et seq.), as amended, and of the relevant provisions of this act. In the absence of such limitation or of such evidence the prothonotary shall not enter the judgment.

(b) No such judgment shall serve as the basis for a levy or execution until the plaintiff files a complaint averring an uncured default and proceeds as in original proceedings in assumpsit. In the proceedings the judgment shall be amended as may be appropriate by the judgment or order entered in the proceedings on the complaint, but the lien of the judgment shall date from the date of the entry of the judgment by confession.

(c) No such judgment shall be entered in any court of this Commonwealth, or elsewhere, if the amount unpaid in the consumer credit transaction shall be, at the time of entry, less than $1,000.

(d) The fee for entering a judgment by confession under this act shall include the fee for entering a satisfaction thereof. No part of all such fees shall be charged to or paid by the consumer.

(e) A failure by a judgment creditor who has received satisfaction to notify the prothonotary thereof, within ten days of receipt of satisfaction shall constitute a violation of this act.

(f) For the purposes of this section satisfaction of a consumer debt shall include the reduction of the amount unpaid in the consumer transaction to a sum less than $1,000.

Section 7. Limitation on Negotiable Instruments.—(a) No person supplying consumer goods or services shall take as evidence of or security for the performance of any obligation of the consumer any negotiable instrument other than a check or bank draft for current collection taken in conditional payment of an obligation presently due.

(b) Any person supplying consumer goods and services and taking a written instrument for the payment of deferred consumer obligations shall conspicuously mark the instrument "Consumer Obligation—Not Negotiable" in conspicuous type on its face.

Section 8. Rights of Assignees of Consumer Contracts or Agreements.—(a) An assignee of a person supplying consumer goods and services or a transferee of a consumer's monetary obligation incurred in a consumer transaction shall not be liable to the consumer in respect of any claim or defense against the person supplying the consumer goods or services beyond the amount originally paid by such assignee or transferee for the obligation assigned or transferred.

(b) This section shall not limit the right of a consumer to withhold payments due in respect of a consumer transaction pending settlement of a disputed claim of which notice has been given.

Section 9. Transferees Subject to Consumer Claims and Defenses.—(a) A transferee of a consumer obligation arising out of a consumer transaction shall be subject to all claims or defenses of the consumer which are good against the person supplying the consumer goods and services except that:

(1) a transferee shall not be subject to claims or defenses arising out of other transactions between the parties which shall accrue after the consumer has been notified of the transfer; or

(2) a transferee of a check or bank draft taken for current collection by a person supplying consumer goods or services may become a holder in due course of the check or bank draft, but there can be no holder in due course of any other instrument taken in a consumer transaction.

(b) The liability under this section exists whether the transferred obligation is evidenced by a negotiable instrument, whether the contract or agreement contains a clause waiving defenses against an assignee, whether the person supplying goods and services has marked any negotiable instrument as required by section 7 (b) of this act and whether the transferee is an immediate or remote transferee of the person supplying consumer goods and services.

(c) Notwithstanding anything contained in this act, neither a depository nor a collecting nor a payor bank shall be or become liable to a consumer's defenses or claims against a person supplying consumer goods or service by reason of the handling in course of current collection for a customer of any item made drawn or accepted by a consumer.

Section 10. Related Lenders and Credit Card Issues Subject to Consumer Claims and Defenses.—(a) With respect to a consumer loan, other than a loan primarily for agricultural purposes, a lender who is a related lender with respect to a person supplying consumer goods or services, shall be subject to all claims and defenses of the borrower arising out of the consumer transaction for which the loan was made, which would be assertable in an action between the borrower and the person supplying the goods and services but the lender's liability in the aggregate for any one consumer transaction shall not exceed the amount originally loaned to the borrower in respect of that transaction.

(b) The term "related lender" refers to a lender whose participation in a consumer transaction is arranged by the seller of the consumer goods purchased. Knowledge alone on the part of the lender that the proceeds of the loan shall be used to purchase consumer goods shall not cause the lender to be a "related lender." Without limiting the scope of inquiry concerning arrangement by the seller, the seller will be deemed to have arranged the loan, and the lender may be presumed to be a "related lender" when one or more of the following circumstances exist:

(1) the lender or a principal officer, principal shareholder, partner, owner, or principal supplier of capital is so connected with or related by blood or through marriage to the person supplying the consumer goods or services or one of such person's principal officers, principal shareholders, partners, owners or principal supplier of capital other than that supplied by the lender, that dealings between the lender and the person supplying the consumer goods and services would not be at arm's length; or

(2) the lender has furnished the seller with forms for loan applications and the form was furnished to the consumer by or on behalf of the person furnishing the consumer goods and services; or

(3) the person supplying the consumer goods or services receives a fee or other thing of value from the lender in respect of the loan or otherwise has a participation, directly or indirectly, with the lender in the finance charge on the loan, or has agreed to purchase from the lender, upon default, any collateral held for the loan; or

(4) the lender directly or indirectly controls, or is directly or indirectly controlled by, or is under direct or indirect common control with the person supplying the consumer goods or services; or

(5) the person supplying the consumer goods or services has referred the consumer, or three or more other borrowers to the lender for loans to acquire consumer goods or services from the person; or

(6) the lender and the person supplying the consumer goods and services are engaged in a joint venture to produce consumer obligations payable to the lender; or

(7) the lender has recourse to the seller for nonpayment of the loan through guaranty, reserve account or otherwise.

(c) An issuer of a third party credit card shall be a related lender if the consumer goods or services are acquired by the use of its credit card and the goods or services acquired:

(1) have a cash price of more than $40; and

(2) do not consist of meals, lodging, drink consumed on premises, or tickets for travel, sports or other entertainment; and

(3) were acquired in the state of the consumer's residence, or, if in another state, at a place within 100 miles of the consumer's residence.

(d) The contract or agreement of the related lender with the consumer shall be subject to the provisions of section 4.

Section 11. Limitation on Liability of a Transferee or Related Lender.—Goods or services purchased by use of a third party credit card or on a revolving credit plan shall not be deemed paid for until the occurrence of the earlier of (1) the balance in the account is reduced to zero, or (2) the good or service acquired would have been fully paid by the application each month to the principal amount originally financed or charged in respect of such good or service of the minimum payment required for a credit of that amount by the rules of the credit card issuer or the person granting the revolving credit.

Section 12. Prohibited Terms and Security Interests.—(a) No consumer transaction shall, except under a revolving credit plan, have any scheduled payment including interest or finance charge which is more than twice as large as the average of the earlier scheduled payments unless the consumer has the option to refinance the amount of that larger payment or payments upon the same interest rate and other terms and without penalty in further payments no larger than the average of the payments preceding such larger payments.

(b) No security interest taken or reserved in a consumer transaction shall attach to goods or services acquired in a prior or subsequent consumer transaction with the same person unless the contract or agreement provides that payments received in respect of unpaid principal shall be applied first to the unpaid principal amount due in respect of the unpaid debts first incurred. To the extent that debts are paid according to this subsection, security interests in items of property for which such debts were first incurred shall terminate.

(c) No contract or agreement entered into in respect of a consumer transaction shall grant a security interest in goods not acquired from or financed by a direct loan from the same secured party, but this section shall not apply to loans made by a lender which is not a related lender with respect to the transaction.

Section 13. Consumer Property Exempt from Execution.—(a) In addition to the exemptions provided by other law the following property shall be exempt from levy and sale under a judgment other than a judgment on a purchase money security interest, obtained in a proceeding arising out of a consumer transaction:

(1) All medical health equipment and supplies used for health purposes by the debtor, the debtor's spouse and dependents.

(2) Tools of the trade, including any income producing property used in the principal occupation of the debtor, not to exceed the value of $500.

(3) Clothing, and other wearing apparel, and furniture, furnishings, appliance and fixtures ordinarily and generally used for household purposes in the principal residence of the debtor, to the value of $1,500.

(b) The dollar values of all property coming within any category of the exemption shall be initially estimated by the officer making the levy, if an excess over the exemption is asserted by the creditor. If the excess so determined is disputed the officer making the levy shall forthwith impanel a jury of three citizens from the vicinity who shall determine the value of the property by a majority vote. If the amount of excess or its existence is still disputed by the creditor the value shall be determined by an impartial appraiser appointed by the court and the creditor shall pay the fees and expenses of the appraiser. As used in this subsection the term "value" means the amount that would ordinarily be realized at an execution sale of the property involved.

(c) The exemptions provided in the preceding section shall not prevent the levy upon and sale of property subject to a purchase money security interest to satisfy a judgment obtained for the unpaid purchase price, but after such levy and sale, the fair market value of the property in the retail market for such property less 10% for costs of resale shall be credited upon the debt, and not the price realized at the execution sale. Any attempt to collect more than the amount remaining unpaid after crediting such market value is a violation of this act.

(d) At the time of making any levy upon the goods or real estate of a consumer, the officer making the levy shall give the consumer a notice setting forth the exemptions from execution to which the consumer is entitled and shall not levy upon any property specifically exempted or then designated by the consumer as property to be retained within the dollar limits of any exemption of property up to a specific dollar limit, except, in each case where the judgment was obtained upon a debt secured by a purchase money security interest in the particular property.

(e) No waiver of exemptions shall be effective.

Section 14. Civil Recoveries.—(a) When a finance charge is involved in a consumer transaction any person who violates any provision of this act shall be liable for each violation to each consumer with respect to whom a violation is committed in an amount equal to the damages actually suffered, but in any event not less than the credit service charge plus 10% of the principal amount of the debt or the time price differential plus 10% of the cash price. The liability to each consumer under this subsection shall not however, exceed $1,000 in the aggregate, in respect of any one transaction.

(b) When a finance charge is not involved in a consumer transaction any person who violates a provision of this act shall be liable for each violation to each consumer with respect to whom the violation is committed for the actual damages suffered but in any event not less than 10% of the cash price or total rental to be charged for each violation plus the sum of $100 but the liability to each consumer in respect of any one transaction shall not exceed $1000 under this subsection.

(c) In a successful action to recover for a violation of this act, the consumer shall also recover the fees and ex-

penses of any necessary expert witnesses and a reasonable counsel fee based on time reasonably spent without regard to the amount in controversy but after taking into account the contingent nature of consumer representation.

(d) The provisions of this section are subject to the provisions of section 15 (b).

Section 15. Public Enforcement.—(a) Whenever the Attorney General or any district attorney has reason to believe that any person is using or is about to use any method, form of contract, or act constituting a violation of this act, and that proceedings would be in the public interest that official may bring an action in the name of the Commonwealth against such person to restrain by injunction the use of further use of such method, form or contract or act. The action may be brought in the court of common pleas in the county in which such person resides, has a principal place of business or is doing business in this Commonwealth, or it may be brought in the Commonwealth Court. The courts are authorized upon proper proof of the violation or proposed violation to issue temporary or permanent injunctions, without bond, to prevent violations of this act. The court may also, in a proper case, order restitution to all injured consumers on such terms as justice may require.

(b) Except where restitution is ordered, any such public action shall not preclude private actions under section 14 but where restitution is ordered, no further individual actions shall be commenced and, on motion any pending action may be stayed or dismissed as justice may require.

Section 16. Duties of Attorney General and District Attorneys.—The Attorney General shall have the power and it shall be his duty to enforce this act. Each district attorney shall have the power and it shall be his duty subject to the general control of the Attorney General to enforce this act in his district.

Section 17. Effect on Other Acts.—(a) This act supplements the act of August 14, 1963 (P. L. 1082, No. 464), known as the "Home Improvement Finance Act," the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," and the act of June 28, 1947 (P. L. 110, No. 476), known as the "Motor Vehicle Sales Finance Act." The provisions of each act shall be construed as harmonious except that in the case of any conflict the provisions of this act shall control.

(b) In the case of conflict between the provisions of this act and the provisions of the Uniform Commercial Code of Pennsylvania, the provisions of this act shall control.

(c) Section 208 of the Home Improvement Finance Act and section 402 of the Goods and Services Installment Sales Act are hereby repealed absolutely.

Section 18. Effective Date.—This act shall take effect in 180 days.

ROLL CALL

The Consumer Protection Committee met on June 10, 1975 to vote to table House Bill No. 1199, sponsored by Mr. C. L. Schmitt, seconded by Mr. J. Renninger.

A voice vote was taken and the motion passed.

Signed
C. L. SCHMITT
Chairman

ROLL CALL

The Consumer Protection Committee met on June 10, 1975 to adopt amendment to House Bill No. 167, sponsored by Mr. J. Renninger, seconded by Mr. J. Romanelli.

A voice vote was taken and the motion passed.

Signed
C. L. SCHMITT
Chairman

AMENDMENTS TO HOUSE BILL No. 167

Printer's No. 172

Amend Sec. 3, page 2, line 17, by inserting a period after "debtor"

Amend Sec. 3, page 2, lines 17 and 18, by striking out "for the purpose of executing on a validly obtained judgment."

Amend Sec. 3, page 3, line 12, by inserting after "which": falsely

Amend Sec. 3, page 4, lines 1 and 2, by striking out "authorized to do so by court order" and inserting: listed in the judgment or order of the court

Amend Sec. 3, page 4, line 3, by striking out "or expenses" and inserting: , late charges, interest and collection expenses and reasonable charges

Amend Sec. 3, page 4, line 4, by inserting after "indebtedness": , the judgment or order of the court

Amend Sec. 6, page 4, line 29, by striking out "proximately"

ROLL CALL

The Consumer Protection Committee met on June 10, 1975 to vote to adopt amendment to House Bill No. 167, reading: Page 2, line 16 before debtor insert permanent address of, sponsored by Mr. Cohen, seconded by Mr. Laughlin.

The yeas and nays were taken and were as follows:

Members	Vote
C. L. Schmitt	yea
Donald Abraham	nay
James Barber	not voting
Mark Cohen	yea
Helen Gillette	nay
Amos Hutchinson	nay
Charles Laughlin	yea
Robert O'Donnell	not voting
James Romanelli	nay
Samuel Ross	nay
Michael Schweder	not voting
Fred Taylor	not voting
Rose Toll	nay
Fred Trello	not voting
John Renninger	nay
Clarence Dietz	nay
Vern Pyles	nay
John Scheaffer	not voting
John Stahl	not voting
Lee Taddonio	nay
Peter Vroon	nay
William Yohn, Jr.	nay
Herbert Zearfoss	nay

YEAS—3
NAYS—13
NOT VOTING—7

The motion failed.

Signed
C. L. SCHMITT
Chairman

ROLL CALL

The Consumer Protection Committee met on June 10, 1975 to vote to report out House Bill No. 167, sponsored by Mr. Pyles, seconded by Mr. Abraham.

The yeas and nays were taken and were as follows:

Members	Vote
C. L. Schmitt	yea
Donald Abraham	yea
James Barber	not voting
Mark Cohen	yea
Helen Gillette	yea
Amos Hutchinson	yea
Charles Laughlin	yea
Robert O'Donnell	not voting
James Romanelli	yea
Samuel Ross	yea
Michael Schweder	not voting
Fred Taylor	not voting
Rose Toll	yea
Fred Trello	not voting
John Renninger	yea
Clarence Dietz	yea
Vern Pyles	yea
John Scheaffer	not voting
John Stahl	not voting
Lee Taddonio	yea
Peter Vroon	yea
William Yohn, Jr.	yea
Herbert Zearfoss	yea

YEAS—16
NAYS—0
NOT VOTING—7

The motion passed.

Signed
C. L. SCHMITT
Chairman

Attendance Report

The Consumer Protection Committee meeting to be held on June 10, 1975 in the Majority Caucus Room at 1:30 p.m. was cancelled.

Signed
C. L. SCHMITT
Chairman

Attendance Report

The Consumer Protection Committee meeting to be held on June 12, 1975 in the Majority Caucus Room at 1:30 p.m. was cancelled.

Signed
C. L. SCHMITT
Chairman

Mr. GALLAGHER, chairman of the Education Committee, presented the following report:

June 16, 1975

Subject: Education Committee Meetings Week of June 9, 1975

To: The Honorable Herbert Fineman, Speaker

From: James J. A. Gallagher, Chairman

There was a formal meeting of the Full Committee held on June 9th in Room 252. The minutes and attendance sheet are attached.

The committee initiated consideration of three bills, to wit, H.B. 1135, H.B. 696, H.B. 379, all of which were reported to the Floor by unanimous voice vote.

The meeting scheduled for June 10th was cancelled.

MINUTES OF THE EDUCATION COMMITTEE MEETING

June 9, 1975

The meeting was called to order at 1:35 p.m. in Room 252 by Committee Vice Chairman William R. Shane. (The attendance sheet is attached)

Mr. Shane informed the members that their folders contained forms for proposed amendments to H.B. 770 (the proposed new School Code).

With the presence of a quorum noted, the Committee initiated consideration of three bills—all of which were reported to the Floor by unanimous voice vote. They are:

H.B. 1135 Pr. No. 1312 designed to speed up the process by which tuition refunds are made to students who must drop out of State-owned colleges. Instead of being processed through the State Treasurer, this bill enables the institution to make the refund upon verification by the Department of Education Comptroller.

H.B. 696 Pr. No. 787 which allows Community Colleges to assess the regular sponsoring agent's share of a student's tuition to the county of his residence when the county does not co-sponsor a Community College. Presently, such a student pays 2/3 of the normal tuition.

H.B. 379 Pr. No. 690 as amended to assure that no school district suffer a loss of State reimbursements due to reduced market values as determined by the Tax Equalization Board in light of the Clean and Green Act.

There being no further business to come before the Committee, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

J. WILLIAM LINCOLN, Secretary

PHILIP M. MURPHY
for Rep. Pancoast

Attendance Report

The Education Committee met on June 9, 1975 in Room 252.

The roll was taken and was as follows:

Members	Present	Absent
James J. A. Gallagher	X	
G. Sieber Pancoast	X	
Roland Greenfield		X
William Shane	X	
Robert Bellomini	X	
Edward Burns	X	
Mark B. Cohen	X	
Ronald R. Cowell		X
John S. Davies	X	
David C. DiCarlo	X	
Roger R. Fischer		X
Samuel Hayes, Jr.	X	
James B. Kelly	X	
J. William Lincoln	X	
Fred R. Milanovich	X	
Marvin E. Miller, Jr.	X	
Robert W. O'Donnell	X	
Sheldon H. Parker	X	

Joseph Rhodes, Jr.	X	
David P. Richardson		X
J. Michael Schweder	X	
Fred Shupnik		X
William D. Hutchinson		X

Mr. RITTER, chairman of the Federal-State Relations Committee, presented the following report:

June 16, 1975

Dear Mr. Speaker:

The Committee on Federal-State Relations did not meet during the week of June 9, 1975.

JAMES P. RITTER
Chairman

Mr. BRUNNER, chairman of the Finance Committee, presented the following report:

Attendance Report

The Finance Committee met on June 11, 1975 at 11:30.

The roll was taken and was as follows:

Members	Present	Absent
John L. Brunner	X	
Joseph Rhodes		X
Galen Dreibelbis	X	
John Hope Anderson		X
Joseph Bonetto		X
Anthony DiDonato	X	
Harry Englehart	X	
Ralph Garzia	X	
James Green	X	
Harry Menhorn	X	
John Milliron	X	
George Miscevich	X	
Michael Mullen		X
Peter O'Keefe	X	
Joseph Wargo	X	
Harry Gring	X	
Forest Hopkins	X	
James Kelly	X	
Robert Kusse	X	
Nicholas Moehlmann	X	
G. Sieber Pancoast	X	
Herbert Zearfoss		X

ROLL CALL

The Finance Committee met on June 11, 1975 to vote to report out as amended House Bill No. 1207.

The yeas and nays were taken and were as follows:

Members	Vote
Brunner	yea
Rhodes	not voting
Dreibelbis	yea
Bonetto	not voting
DiDonato	nay
Englehart	yea
Garzia	yea
Green	yea
Menhorn	yea
Milliron	yea
Miscevich	yea
Mullen	not voting
O'Keefe	nay
Wargo	yea
Anderson	not voting
Gring	nay
Hopkins	nay
Kelly	yea
Kusse	not voting
Moehlmann	nay
Pancoast	nay
Whelan	not voting
Zearfoss	not voting

YEAS—10
NAYS—6
NOT VOTING—7

ROLL CALL

The Finance Committee met on June 11, 1975 to vote to report out as amended House Bill No. 1107.

The yeas and nays were taken and were as follows:

Members	Vote
Brunner	yea
Rhodes	not voting
Dreibelbis	yea
Bonetto	not voting
DiDonato	yea
Englehart	yea
Garzia	yea
Green	yea
Menhorn	yea
Milliron	yea
Miscevich	yea
Mullen	not voting
O'Keefe	yea
Wargo	yea
Anderson	not voting
Gring	yea
Hopkins	yea
Kelly	yea
Kusse	yea
Moehlmann	yea
Pancoast	yea
Whelan	not voting
Zearfoss	not voting

YEAS—17
NAYS—0
NOT VOTING—6

ROLL CALL

The Finance Committee met on June 11, 1975 to vote to report out House Bill No. 1151.

The yeas and nays were taken and were as follows:

Members	Vote
Brunner	yea
Rhodes	not voting
Dreibelbis	yea
Bonetto	not voting
DiDonato	yea
Englehart	yea
Garzia	yea

Green	yea
Menhorn	yea
Milliron	yea
Miscevich	yea
Mullen	not voting
O'Keefe	yea
Wargo	yea
Anderson	not voting
Gring	yea
Hopkins	yea
Kelly	yea
Kusse	yea
Moehlmann	yea
Pancoast	yea
Whelan	not voting
Zearfoss	not voting

YEAS—17
NAYS—0
NOT VOTING—6

ROLL CALL

The Finance Committee met on June 11, 1975 to vote to report out as amended House Bill No. 373.

The yeas and nays were taken and were as follows:

Members	Vote
Brunner	yea
Rhodes	not voting
Dreibelbis	yea
Bonetto	not voting
DiDonato	yea
Englehart	yea
Garzia	yea
Green	yea
Menhorn	yea
Milliron	yea
Miscevich	yea
Mullen	not voting
O'Keefe	yea
Wargo	yea
Anderson	not voting
Gring	yea
Hopkins	yea
Kelly	yea
Kusse	yea
Moehlmann	yea
Pancoast	yea
Whelan	not voting
Zearfoss	not voting

YEAS—17
NAYS—0
NOT VOTING—6

Mr. RENWICK, chairman of the Game and Fisheries Committee, presented the following report:

Subject: Committee Meetings

To: Honorable Herbert Fineman
Speaker

From: William F. Renwick, Chairman
Committee on Game and Fisheries

The Committee on Game and Fisheries did not hold any meetings the week of June 9, 1975.

Mrs. KELLY, chairman of the Health and Welfare Committee, presented the following report:

June 16, 1975

Subject: WEEKLY COMMITTEE MEETING REPORT

To: The Speaker of the House of Representatives

From: Anita P. Kelly, Chairman of the Committee on Health and Welfare

Meetings of the Committee on Health and Welfare were scheduled for Tuesday, June 10, 1975, at 9:30 a.m. and Wednesday, June 11, 1975, at 11:30 a.m., however, they were both cancelled due to important all-day House sessions on the budget.

The Sub-Committee on Welfare conducted a Public Hearing on House Resolution 87, pertaining to paid prescriptions, on Friday, June 13, 1975, in Philadelphia.

Mr. VALICENTI, chairman of the Labor Relations Committee, presented the following report:

June 16, 1975

Subject: Labor Relations Committee Meetings

To: Honorable Herbert Fineman
Speaker

From: A. Joseph Valicenti
Chairman Labor Relations

There were no meetings held during the week of June 9, 1975. The Labor Relations Committee meetings scheduled for June 10, 1975 and June 11, 1975, were cancelled.

Mr. ECKENSBERGER, chairman of the Law and Justice Committee, presented the following report:

June 16, 1975

Subject: Law and Justice Committee

To: The Honorable Herbert Fineman, Speaker

From: William H. Eckensberger, Jr.

Please be advised that the Committee on Law and Justice held no meetings during the week of June 9, 1975.

Mr. SULLIVAN, chairman of the Liquor Control Committee, presented the following report:

June 16, 1975

Honorable Herbert Fineman
Speaker
House of Representatives
139 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Herb:

This letter is to inform you that there were no meetings of the House Liquor Control Committee the week of June 9, 1975.

Sincerely,
JOSEPH A. SULLIVAN
Chairman

JAS:bb

Mr. FRYER, chairman of the Local Government Committee, presented the following report:

June 16, 1975

Subject: Local Government Committee Meetings

To: Herbert Fineman, Speaker

From: Lester K. Fryer, Chairman
Room 149 ext. 3-8683

Please be advised that no meetings of the House Local Government Committee were held during the week of June 9, 1975.

Mr. O'BRIEN, chairman of the Mines and Energy Management Committee, presented the following report:

Subject: Mines and Energy Management Committee Attendance Report

To: The Honorable Herbert Fineman
The Speaker

From: Bernard F. O'Brien, Majority Chairman
James J. Wright, Minority Chairman

The Mines and Energy Management Committee did not hold any meetings the week of June 9th.
6/16/75

Mr. SHELTON, chairman of the Professional Licensure Committee, presented the following report:

Monday, June 16, 1975

The Professional Licensure Committee did not meet the week of June 9, 1975.

ULYSSES SHELTON, Chairman

Mr. PERRY, chairman of the State Government Committee, presented the following report:

June 16, 1975

Mr. Speaker:

The House State Government Committee did not meet during the week of June 9, 1975.

Hon. PETER E. PERRY
Chairman, State Gov't Committee

Mr. BONETTO, chairman of the Transportation Committee, presented the following report:

June 9, 1975

Hon. Herbert Fineman, Speaker
House of Representatives
Harrisburg, Pennsylvania

Dear Herb:

The Transportation Committee of the House of Representatives met on Monday, June 9, 1975, and all members were present except Representatives Berson, Dininni, Foster, McCue, Stout, Wilt and Worrilow, who were absent.

House Bills 77 and 288, and Senate Bill 310 were reported out of Committee, as committed.

Respectfully submitted,
Rep. JOSEPH PETRARCA, Sec.
Transportation Committee

Attendance Report

The roll was taken and was as follows:

Members	Present	Absent
Jack Arthurs	X	
Daniel E. Beren	X	
Norman Berson		X
Rudolph Dininni		X
William W. Foster		X
Eugene Geesey	X	
Camille George	X	
James Green	X	
Joseph Kolter	X	
Charles Laughlin	X	
Raymond Lederer	X	
Russell Letterman	X	
John B. McCue		X
John Milliron	X	
Joseph Petrarca	X	
James Ritter	X	
Barry Stout		X
Benjamin Wilson	X	
Roy Wilt		X
Thomas H. Worrilow		X
W. Joseph Zord, Jr.	X	
Kurt Zwikl	X	
Joseph Bonetto	X	

ROLL CALL

The Transportation Committee met to vote to report out as committed, House Bill No. 77.

The yeas and nays were taken and were as follows:

Members	Vote
Jack Arthurs	nay
Daniel E. Beren	yea
Norman Berson	not voting
Rudolph Dininni	not voting
William W. Foster	not voting
Eugene Geesey	yea
Camille George	yea
James Green	yea
Joseph Kolter	yea
Charles Laughlin	yea
Raymond Lederer	yea
Russell Letterman	not voting
John B. McCue	not voting
John Milliron	yea
Joseph Petrarca	yea
James Ritter	yea
Barry Stout	not voting
Benjamin Wilson	yea
Roy Wilt	not voting
Thomas H. Worrilow	not voting
W. Joseph Zord, Jr.	yea
Kurt Zwikl	yea
Joseph Bonetto	not voting

YEAS—13

NAYS—1
NOT VOTING—9

The motion passed.

Mr. VANN, chairman of the Urban Affairs Committee, presented the following report:

June 16, 1975

Subject: Committee Meeting Attendance Report

To: Herbert Fineman, Speaker

From: Earl Vann, Urban Affairs Committee

The Urban Affairs Committee did not hold any committee meetings during the week of June 9, 1975. However, a meeting had been scheduled for Monday, June 9, but cancelled due to a lack of quorum.

COMMITTEE REPORTS

The SPEAKER. Without objection, the Chair will take reports of committees.

The Chair hears no objection.

BILLS REPORTED AS AMENDED AND CONSIDERED FIRST TIME AND REREFERRED TO COMMITTEE ON RULES

HOUSE BILL No. 167 By Mr. SCHMITT

An Act regulating debt collection practices and providing penalties.

Reported from Committee on Consumer Protection.

HOUSE BILL No. 170 By Mr. SCHMITT

An Act relating to consumer transactions, including credit sales, consumer leases, related direct consumer loans, and advances made to credit card users, regulating contract provisions, the termination of consumer defenses, the disclaimer of warranties, and the entry of judgments by confession, providing additional exemptions from execution in actions on consumer transactions, prohibiting waivers of exemptions, imposing duties on the Attorney General and on prothonotaries, and repealing inconsistent provisions of the Goods and Services Installment Sales Act, the Home Improvement Finance Act, the Motor Vehicle Sales Finance Act and other inconsistent laws.

Reported from Committee on Consumer Protection.

BILLS REREPORTED AS COMMITTED

HOUSE BILL No. 171 By Mr. IRVIS

An Act repealing the "Unfair Sales Act," approved August 11, 1974 (P. L. 900, No. 344).

Rereported from Committee on Rules.

HOUSE BILL No. 172 By Mr. IRVIS

An Act repealing the act of June 5, 1935 (P. L. 266, No. 115), entitled "An act to protect trade-mark owners, distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name.

Rereported from Committee on Rules.

HOUSE BILL No. 981 By Mr. IRVIS

An Act amending the "Vietnam Conflict Veterans' Compensation Act," approved July 18, 1968 (P. L. 405, No. 183), extending the act.

Rereported from Committee on Rules.

HOUSE BILL No. 1135 By Mr. IRVIS

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for refund of tuition or related fees by State-owned educational institutions.

Rereported from Committee on Rules.

HOUSE BILL No. 1346 By Mr. IRVIS

An Act amending the "Surface Mining Conservation and Reclamation Act," approved May 31, 1945 (P. L. 1198, No. 418), removing the maximum age qualification for mine conservation inspector.

Rereported from Committee on Rules.

MASTER ROLL CALL

The SPEAKER. Without objection, the Chair is about to take today's master roll call.

The roll was taken and was as follows:

YEAS—194

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

NOT VOTING—9

Dininni	McGraw	Salvatore	Thomas
Fawcett	Richardson	Sweeney	Valicenti
Gleeson			

The SPEAKER. One hundred ninety-four members

having indicated their presence, a master roll is established.

NO REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I just want to advise the Republican members that there is no need for a Republican caucus.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I would request the Democratic members to report immediately to the majority caucus room.

ANNOUNCEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. One more announcement, Mr. Speaker: For the benefit of the Republican members, the rest of today is going to be devoted to the consideration of those amendments which we did not cover last week.

EDUCATION COMMITTEE MEETING CONTINUED

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

Mr. GALLAGHER. Mr. Speaker, the Education Committeee met at 11 o'clock this morning and recessed until 3 p.m. We will continue the meeting at 3 p.m. in room 115.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 3 p.m.

The Chair hears no objection.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (A. J. DeMedio) IN THE CHAIR

FAMILY OF MR. SCHMITT WELCOMED

The SPEAKER pro tempore. The Chair wishes to welcome to the hall of the House Mrs. Sally Lou Schmitt, Susan Reed and Laura Reed, the wife, daughter and granddaughter of our colleague, Representative C. L. Schmitt.

THE SPEAKER (Herbert Fineman) IN THE CHAIR

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. HASAY. Mr. Speaker, I forgot to bring it to the attention of the Chair last week but my switch was stuck in the affirmative on House bill No. 999. I wish to be recorded as voting in the negative.

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

Mr. HASAY. Thank you.

PERMISSION TO ADDRESS HOUSE

Mr. ITKIN requested and obtained unanimous consent to address the House.

Mr. ITKIN. Mr. Speaker, a major issue confronting us in this budget crisis is the fact that despite its size, despite its contributions and despite its rights, the Pittsburgh area is being shortchanged by the state.

I would like to focus your attention on another instance of how Pittsburgh is being mistreated by this House. As you know, one of the paramount problems besetting Pittsburgh is the debate over whether to retain its court-appointed school board or to adopt an elected school board. It is contemptuous to Pittsburgh that the chairman of the Education Committee has allowed a public hearing on this question to be scheduled in Harrisburg for this coming Thursday. First, a hearing that may decide the fate of our children's education should not be held during a major budget crisis. This problem requires our complete attention, not token consideration.

Second, it is inexcusable for this public hearing to be held at a time and place that forbids the participation of the public. Twice in a letter dated April 7, the chairman of the Education Committee promised to hold the hearing in Pittsburgh. At a May 3 hearing on the proposed new School Code, the chairman told the parents of Pittsburgh school children that a hearing would be held in Pittsburgh to hear testimony on the elected school-board question. The members of the Education Subcommittee who were chosen to conduct this hearing were picked because they live in the Pittsburgh area and could attend the hearing in Pittsburgh. Yet, what is the reason given for holding this hearing in a city 200 miles from Pittsburgh?

We have been told, "Initial efforts to arrive at a suitable meeting site and time were unsuccessful." In other words, the five members of the subcommittee who live in the Pittsburgh area cannot find a suitable weekend when they will be home. In other words, a city that boasts a fine state office building, a city council chamber, a courthouse, scores of buildings with appropriate meeting rooms and dozens of schools with auditoriums cannot provide a suitable meeting site for a legislative hearing on a local issue of immense importance.

To add further insult to this affront to the parents and children of Pittsburgh, we are given 5-days notice to prepare for this hearing. By holding this hearing on Thursday in Harrisburg, the subcommittee has assured itself of getting a limited view on the public's reaction to the school board question. Obviously, the only people who can and will attend will be the representatives of financially able pressure groups.

The people most concerned, the parents of our school children, will not be heard. The elective school-board issue is a grass-roots community movement. The leading spokespeople are the men and women and the housewives. They will be unable to take a day off to come to Harrisburg to testify on such short notice.

Parent representatives, people elected by fellow parents to represent them on important school issues, have been meeting to work out a proposal on school-board selection. Even though I have worked with these parent representatives on this project for months, I have urged them not to come here.

I certainly will not participate in a meeting to be held on such short notice in a city 200 miles away from the people who want to attend. I have urged the parents of Pittsburgh school children to boycott this hearing. Through this boycott at least the subcommittee will know that it is not getting the full story.

Other than the subsidized witnesses who can afford the trip, few people will participate in this hearing until the promise made three times has been kept. The legislature will not learn what the people of Pittsburgh think until a hearing is held at a time when working people can attend and a place where the parents of school children can come. Clearly the only suitable time is an evening or a weekend and obviously the only place is in Pittsburgh.

I urge the Education Committee to reconsider this hearing and reschedule it so the people concerned can come and testify before you. Thank you, Mr. Speaker.

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

Mr. MILANOVICH. Mr. Speaker, in reply to Mr. Itkin.

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

Mr. MILANOVICH. As chairman of the House Education Subcommittee on the Pittsburgh School Board hearing, I would like to make a brief statement.

The hearing will take place on Thursday, this week, commencing at 10 a.m., in room 401. After careful consideration, the committee decided it is best that the hearing be held here in Harrisburg where we may have the benefit of more membership from the committee all over the state to attend this important hearing.

Now this hearing has been held previously, just 2 years ago in the city of Pittsburgh.

Last month the House Education Committee conducted a school code hearing in Pittsburgh. Therefore, the committee feels that this hearing should be held in Harrisburg.

There is a great volume of testimony on this particular situation already and, if there is any new testimony, I am sure that all groups involved will have adequate information relayed to them.

Those who are not able to attend will be able to make a written dissertation to this committee, which we welcome from any and all groups in the Pittsburgh area.

So we would hope that the hearings would go on as scheduled on Thursday so that all members of this committee and perhaps most members can be in attendance. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, I would like to respond to Mr. Milanovich.

The Education Committee has spent the entire month of May going around the state to get input from people on the new public school code revisions. They understand that it is important to go to the major locations throughout the state because they will not get the input unless they go to visit with the people.

What he is suggesting here is that instead of the state going to the people, the people have to come to the state. As a Representative from Pittsburgh, I am appalled by this type of declaration, and I oppose it and I can tell the chairman of the subcommittee that as far as I have anything to do with it, there will be no one from Pittsburgh to speak on behalf of the elected school board.

Thank you.

DAVIS FAMILY WELCOMED

The SPEAKER. The Chair is pleased to welcome Mr. and Mrs. George Andrako from Temple City, California, brother-in-law and sister-in-law of Mr. Don Davis, and also Mrs. Davis, Mr. Davis' wife.

HOUSE BILL No. 1336 AND AMENDMENTS TAKEN FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that House bill No. 1336, and the amendments thereto, be taken from the table.

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

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

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

Amend Sec. 2, page 51, line 19, by removing the colon after "year" and inserting: , except that each county that has a State correctional institution located therein shall be paid for the direct costs incurred by the county in prosecuting cases arising out of the correctional institution prior to prorating the amount available:

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

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

Mr. SCIRICA. Thank you, Mr. Speaker.

Mr. Speaker, this amends the section dealing with miscellaneous court costs. In House bill No. 1336, we have decided to expend the amount of $14 million for miscellaneous court costs.

This amendment would not increase the total cost of the miscellaneous court costs but rather would reallocate some of those expenses to those seven counties that house the seven state correctional institutions.

In Montgomery County, in Allegheny County, and in a few of the other counties across the state that have correctional institutions, money is expended every year for costs incurred by the county in prosecuting cases that come out of those correctional institutions. In Montgomery County, for example, it is estimated by the court administrator that we spend the full time of one judge per year simply in prosecuting cases arising out of the Graterford State Correctional Institution. The same could be said for Allegheny County. To a lesser degree, it could be said for those counties that house Rockview, Huntingdon, Muncy and Dallas.

We estimate that it would cost us about $50,000 in court costs per year for us to do this. This amendment provides that prior to the proration of the court costs called for in House bill No. 1336, these seven counties would first be able to be reimbursed the direct cost of these cases.

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

Mr. WOJDAK. Mr. Speaker, what Mr. Scirica is doing here is to the benefit of the seven counties to which he is referring, counties in which there is a penal institute and wherein a case is tried, an inmate at that penal institute is tried, in the county where the institute is located, and what he is doing is in order to benefit those particular seven counties, but they will benefit at the expense of the other 60 counties in the state.

What you must keep in mind is that there is $24 million in the county court-cost fund. Now any moneys paid into these particular seven counties, will result in a shortage proportionately to the other counties.

I see no particular reason for reimbursing those particular counties, although I cannot understand why Mr. Scirica is doing this inasmuch as he is from Montgomery County. My recommendation is to defeat this amendment for it will shortchange most counties in the state.

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

Mr. BEREN. Mr. Speaker, one of the first amendments that was adopted almost unanimously by this House was an amendment that looked to the problem that counties have that make them unique in dealing with their court costs.

This was the amendment that the Allegheny County Representatives put forth when they stated that, it is only fair—and it is only fair—that the court costs put forth by the Commonwealth should go to maintain those costs that relate to higher-court judges, such as superior and supreme court judges.

This did not increase in any way the total appropriation, but in fact was a more equitable approach to court costs, keeping in mind that these are matters that benefit the Commonwealth. They benefited the Commonwealth in the amendment that we adopted for Allegheny County and they certainly benefit the Commonwealth in this amendment, because we deal here in these seven state institutions with prisoners who are placed and they are not just from one county but, indeed, from counties all over the state.

So we would ask you to support this amendment that is truly a statewide amendment because it is unfair that these particular counties should bear the burden of the state cost as a whole. We ask you so to support it.

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

Mr. FISHER. I rise in support of the amendment offered by Mr. Scirica. I would just like to point out briefly that in the counties where the large correctional institutions are located, many of the cases which are tried in those counties, as a result of violations arising out of those institutions, involve inmates that have been transferred from other counties within the state.

Since the Bureau of Corrections has taken a policy of interchanging the prisoners from the east to west, and west to east, and sometimes into the central portions, into the Rockview Institution, there are exorbitant court costs in some instances that arise out of attacks on one prisoner by another, by felonious assaults which arise to the degree of homicide. I can think of numerous cases where the expenses probably have risen past $10,000 for one case.

I do not think this is a cost which the local counties —which in some instances are unfortunate enough to have the state correctional institution located—should have to bear. I think this is an area where we definitely can help out the county-court system. I would urge your support.

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

Mr. LETTERMAN. Thank you, Mr. Speaker. I rise in support of the Scirica amendment. I know this is a burden on the counties with the large institutions and if Mr. Wojdak could give me a better answer, I would certainly appreciate it. I did not think the answer was to the point of the amendment as to why we should not first pay these costs to the counties with these large institutions.

May I interrogate the gentleman from Philadelphia Mr. Wojdak?

The SPEAKER. Will the gentleman from Philadelphia Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. LETTERMAN. Would you tell me what you mean when you said that we would be robbing from the rest of the counties when that expense is on the county with the institution? If a crime is committed or some reprimand is demanded by the courts of a prisoner who has some kind of a crime and is institutionalized then it is our court in the county of the institution.

Mr. WOJDAK. Mr. Speaker, what I said is that the total fund is $24 million. The effect of this amendment is to take seven counties in particular in the Commonwealth, deduct an unspecified amount—and I really do not have a breakdown of the figures—from that and then proportionately distribute the reimbursement for county-court costs.

The net effect of that is to shortchange the 60 counties and make their proportionate share less, inasmuch as an unspecified amount will be deducted for costs on a particular county where a penal institute is located and determined to be its connected costs for prosecuting the prisoner from one of the penal institutions in that county.

Mr. LETTERMAN. Do those other counties have that expense though?

Mr. WOJDAK. There are other expenses involved. For instance, Mr. Beren referred, I think, to the expenses of housing supreme and superior court judges.

Mr. LETTERMAN. Do you think it is fair, just because we are going to shortchange another county, that the counties which have these institutions are now being shortchanged? All this amendment does is to try to rectify that situation.

Mr. WOJDAK. I do not know that they are being shortchanged. It has been traditionally handled in this manner. I think what they are really looking for is new money within those particular seven counties.

Mr. LETTERMAN. Thank you.

Mr. Speaker, may I make a statement, please?

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

Mr. LETTERMAN. I just feel that the expense is really burdened by the county which has the institution and I would ask for an affirmative vote on this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Will the gentleman from Philadelphia, Mr. Wojdak, consent to a brief interrogation?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. I shall, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DeVERTER. Mr. Speaker, you have indicated on, I believe, two or three different occasions now that the sum we are talking about is $24 million. According to the bill, it is $14 million. Is that correct?

Mr. WOJDAK. It is $14 million in the general appropriations and $10 million in the revenue-sharing, the trust fund. The total fund is $24 million.

Mr. DeVERTER. Then that does bring it up to the same appropriation as last year? Is that correct, sir?

Mr. WOJDAK. It is the exact appropriation from the last fiscal year.

Mr. DeVERTER. Thank you very much.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. SCIRICA and WOJDAK and were as follows:

YEAS—87

Abraham	Gillette	McCue	Scirica
Anderson, J. H.	Gleason	McGinnis	Seltzer
Beren	Gring	Mebus	Sirianni
Bittle	Hamilton, J. H.	Menhorn	Smith, E.
Bonetto	Hammock	Miscevich	Smith, L.
Brandt	Hasay	Moehlmann	Stahl
Butera	Haskell	Mrkonic	Sweeney
Caputo	Hayes, D. S.	Mullen	Taddonio
Cessar	Hayes, S. E.	Novak	Trello
Cowell	Hill	Noye	Vroon
Crawford	Hopkins	O'Connell	Weidner
Cumberland	Itkin	Pancoast	Westerberg
Davies	Katz	Parker, H. S.	Whelan
Deverter	Kelly, J. B.	Pitts	Wilt, R. W.
Dietz	Kernick	Polite	Wilt, W. W.
Dreibelbis	Kistler	Pyles	Worrilow
Fisher	Knepper	Reed	Wright
Flaherty	Letterman	Renninger	Yohn
Foster, A.	Levi	Rhodes	Zearfoss
Foster, W.	Lynch	Romanelli	Zeller
Gallen	Manmiller	Ryan	Zord
Geisler	McClatchy	Scheaffer	

NAYS—104

Arthurs	George	Milanovich	Shane
Barber	Giammarco	Miller, M. E.	Shelhamer
Bellomini	Gillespie	Miller, M. E., Jr.	Shelton
Berlin	Goodman	Milliron	Shuman
Berson	Green	Morris	Shupnik
Blackwell	Greenfield	Mullen, M. P.	Spencer
Bradley	Grieco	Musto	Stapleton
Brunner	Halverson	Myers	Stout
Burns	Hepford	O'Brien	Sullivan
Cimini	Hutchinson, A.	O'Donnell	Taylor
Cohen	Hutchinson, W.	O'Keefe	Tayoun
Cole	Irvis	Oliver	Toll
Davis, D. M.	Johnson, J.	Perry	Turner
DeMedio	Kelly, A. P.	Petrarca	Ustynoski
Dicarlo	Klingaman	Pievsky	Vann
DiDonato	Kolter	Pratt	Yahner
Dombrowski	Kowalyshyn	Prendergast	Walsh, T. P.
Dorr	Kusse	Rappaport	Wansacz
Doyle	Laudadio	Renwick	Wargo
Eckensberger	Laughlin	Rieger	Whittlesey
Englehart	Lederer	Ritter	Wilson
Fee	Lehr	Ross	Wojdak
Fischer	Lincoln	Ruggiero	Zwikl
Fryer	Manderino	Saloom	
Gallagher	McCall	Schmitt	Fineman, Speaker
Garzia	McIntyre	Schweder	
Geesey	McLane		

NOT VOTING—12

Bennett	Gleeson	Perri	Thomas
Dininni	LaMarca	Richardson	Valicenti
Fawcett	McGraw	Salvatore	Wagner

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

Amend Sec. 2, page 27, line 12, by striking out "310,794,000" and inserting: 305,794,000

Amend Sec. 2, page 27, line 23, by striking out "75,542,000" and inserting: 80,542,000

On the question,

Will the House agree to the amendments?

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

Mr. FLAHERTY. I want to amend page 27, line 12, by striking out $310,794,000 and inserting $305,794,000, and also on page 27, line 23, by striking out $75,542,000 and inserting $80,542,000.

The reason for this amendment is that the community services have faced a drastic cutback in Federal funds. It seems to be the trend of the day that the institutions are releasing more people out into the community, but they have only received an increase which would just take into consideration inflation.

Also, it is not as expensive to treat someone in the community as it is in the institution.

So due to the drastic Federal cutback which will affect the urban areas, especially like I know one catchment area in Allegheny County and four catchment areas in Philadelphia County that will be greatly affected, unless they receive this extra $5 million. Therefore, I am asking everyone here for a "yes" vote on this amendment.

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

Mr. WOJDAK. Mr. Speaker, this amendment is an attempt to shift money again from the mental institutions into the community-treatment facility. All the items and the various reasons that Mr. Flaherty gave we considered in setting this particular appropriation.

I am opposed to the amendment. We had originally cut from the community-treatment facilities because they have consistently lapsed $4 million to $5 million every fiscal year. Now the lapse, in my opinion, was not from bad intentions, but every year we seem to budget faster than the department is able to open various community-treatment centers.

Now when I say it is not from bad intentions, what is happening is, in the department's attempt to open various community-treatment facilities, they are running into local opposition, either zoning problems or any type of local resistance that the community can generate.

As a result, they are not opening centers as quickly as they would like to. That causes a lapse every year

of $4 million to $5 million. What it really means is that we are budgeting $4 million to $5 million, which we know that it has a history of lapsing every fiscal year.

Now in this very tight fiscal situation that we are in, rather than allowing that money to remain there, we took that money and put it into general use in the general fund.

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

Mr. FLAHERTY. Yes, Mr. Speaker. I find in Allegheny County just the opposite of what Mr. Wojdak has said. The community wants to keep these centers open. They feel very strongly about this.

I have been contacted by people from the Philadelphia area and also from Allegheny County. They feel that if they do not receive at least this $5 million, it will greatly affect our constituents in these communities.

As I said, in Allegheny County, again, I have gone to countless meetings. The people want these services to keep up on the par that they have for the past 2 years, but there is no way that they can accomplish this with the loss of Federal funds.

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

Mr. WOJDAK. I would like to make one thing clear: The cut here of $5 million will in no way affect the operation of that community-treatment facility in Allegheny County.

Now as to your statement of a loss of Federal funds, we are really uncertain at this point as to which direction the Federal Government is going to take. Congress is inclined, and we have figured into our appropriation, their inclination to keep funding the community-treatment facilities.

All this cut represents—and I believe it was an exact cut of $4.9 million—is an amount that they are lapsing every year, again because they are having difficulty opening new community-treatment facilities. It in no way affects the operation of existing facilities.

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

Mr. McCLATCHY. Mr. Speaker, would Mr. Wojdak consent to interrogation?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. I shall, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. McCLATCHY. I hate to get up again, but we talked about the same subject on Mr. Shane's amendment the other day and, since that time, I have checked with the Delaware County base unit and they did run out of funds. Can you explain exactly where that shortage would come if we are lapsing funds out of the total program?

Mr. WOJDAK. The response given to me on the side was that they probably overspent their allocation. I do not know the direct answer to that, Mr. Speaker.

Mr. McCLATCHY. Would it be fair to say that if we raised the total allocation for the department that Delaware County might get more funds?

Mr. WOJDAK. No; I do not think there is any guarantee of that.

Mr. McCLATCHY. How will we insure Delaware County's allocation to be a higher amount? I understand that some counties spend less and some spend more. That is where you have got the lapse.

Mr. WOJDAK. See, you are asking me about the internal distribution of funding of particular counties. That is information I can surely gather. I do not have it in front of me.

What I am saying to you is, every year they lapse $4.5 million to $5 million. All we have done is cut back on that. The reason is and the reason we have been given for the lapse is that they are not able to open community-treatment facilities as quickly as we budget that money. Again, it is because of various community resistance. I think the department would like to open those facilities, but they have just been unable to in the past.

As to why Delaware County runs out of its money, I do not know the exact answer to that. I suspect it is because they overspend their allocation.

Mr. McCLATCHY. Mr. Speaker, I will yield a moment to Mrs. Whittlesey and then I would like to make a motion.

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

Mrs. WHITTLESEY. Mr. Speaker, I do have the reason, I think, to clarify the question about the lapsing of funds. It is my understanding that the counties of Pennsylvania do not know until the fourth quarter how much money they are receiving from the Department of Welfare every year. So it is impossible for them to budget their money throughout the year when they do not know from month to month what their total allocation will be. The big extra chunk of money comes very late in the year. That is the reason for the lapse.

It is not, as Mr. Wojdak suggests, that they cannot spend the money or overspend their allocation. It is quite the contrary in Delaware County, for example, where the Secretary of Welfare owes Delaware County Commissioners over $200,000 for the interim care treatment, which has not been forthcoming from the department.

So I urge support for this amendment. I know the community-treatment centers can use the money in all the counties of this state.

The reason for the allocation, as I understand it, and for the lapsing of funds is not that they do not need it, but the Department of Welfare is not giving them adequate notice as to how much money they will receive every year.

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

Mr. WOJDAK. Mr. Speaker, I do not know how increasing this appropriation is going to speak to the problem the lady raises. For these ongoing county programs, there is a 9-percent increase built into this budget. To increase it $5 million more will not speak to the problem that she raises, and I am certain at the end of the year you are going to see another lapse of close to $5 million.

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

Mr. McCLATCHY. Mr. Speaker, this amendment, I think, takes away from the mental institutions but attempts to give money to the state service units. Would it be divisible?

The SPEAKER. Technically, the amendment is divisible. The intention of the amendment, however, was to take money from one place and put it into another place.

The Chair believes that to divide it would do violence to the intention of the mover of the amendment.

Mr. McCLATCHY. Then my motion would not be in order to just vote on the first portion of the amendment?

The SPEAKER. The first part of the amendment reduces the appropriation from $310 million to $305 million. The second part of the amendment increases another appropriation from $75 million to $80 million. These are replacement of funds, taking it from one place and putting it into another.

Does the gentleman want to divide on that basis? I think, as I indicated before, that that does violence to the intention of the maker of the amendment, because if the first part of the amendment does not prevail and the second part of the amendment does prevail, it means we will be spending $5 million additionally in the budget without having provided for those revenues.

Mr. McCLATCHY. I have in my hand, Mr. Speaker, some information on the welfare budget, and it is our staff's feeling that it is overestimated by $20 million.

Hopefully, some of that money could go toward the increase of the day-service unit. But I could not agree with you more that my motion would certainly change this amendment. Would my motion still be in order?

The SPEAKER. The question is a divisible one. Technically the question is a divisible one, and the amendment can be divided.

Before the division is made, the Chair would like to recognize the other speakers on it.

PARLIAMENTARY INQUIRY

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

Mr. ROMANELLI. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROMANELLI. Mr. Speaker, if the amendment is divided, as the gentleman so intends, it would clearly be a $5-million increase to the amendment, and that was not the intent of the original amendment. I would agree that it is not divisible.

The SPEAKER. That will depend on the outcome of the vote on the first part of the amendment. If the first part of the amendment, which seeks to reduce the budget elsewhere by $5 million, fails and the second part of the amendment should prevail, in that instance there will be an increase in spending of $5 million.

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

Mr. SHANE. It may be that as a parliamentary nicety the amendment is divisible, but I think that would completely nullify the intent of Mr. Flaherty and would also affect my voting behavior. I can vote for the amendment as one complete amendment, but if the gentleman divides it and the first half of the amendment is defeated, namely, the $5-million cut, I cannot vote for the $5-million increase for community mental health. My suggestion would be that, if he wants to place the issue to the members, just as the second half, that he have his own amendment.

Mr. McCLATCHY. I withdraw my motion.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ITKIN. Mr. Speaker, I would like to address myself to some of the remarks which Mr. Wojdak made. It seems that there are two categories here, mental health and mental retardation. It is quite true that in certain areas we have not been able to get sufficient facilities to embark on our community mental retardation programs. Where the hangup is and where the money is lacking is in the mental health area in which most of the areas have established mental health centers and their case load is extremely great. They could use this extra money, and I am sure in the mental health area of community MH-MR there would be no problem in making good use of this money.

I support Mr. Flaherty's amendment for two reasons: One, because I think the community mental health program needs it and which need has been made more acute by the fact that some of the Federal staffing grants were supposed to be 3-year grants on the assumption that the state would pick up the difference. In other words, for the first 3 years they were to get the program started and it was the expectation that the state was going to pick this up. The state took the money and then, knowing full well that the money was going to come to an end, decided, well, the Federal Government did not give us the money this year, that is too bad. I think the state has an obligation, if it decides to make use of this money, that it will meet the continued obligation. It makes little sense to me to start a program and get the community involved and oriented to such a program and then have to pull the rug from under the program.

The second reason is that I also support the transfer of the money, because I am not convinced that the Welfare Department will use the money wisely in the state institutions. Perhaps if we put some constraints on them, they will.

I would like to bring to the attention of the House that last year, after a young boy was almost choked to death at Western State School and Hospital, a number of us concerned Representatives and Senators got together and we proposed an emergency $2.5-million appropriation for the purpose of providing additional personnel for the care of such children so that these incidents of choking on food and things like that would not happen. As to what happened to that $2.5 million, we suddenly learned that—and we tried to structure the supplemental appropriations in such a way that the Welfare Department would not use this money for a purpose it was not intended—the Welfare Department, of course, took their time and decided that the way the amendment was written they certainly could use it for additional personnel and went ahead to increase custodial personnel to operate the boilers, to do other things of that nature, and took that $2.5 million, which we had specifically intended for additional child care at these state schools and hospitals, and misabused that money in that regard.

I think it is about time that this legislature stand up and expect that this legislative intent be followed out by the Department of Welfare. Therefore, I support this amendment.

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

Mr. WOJDAK. Mr. Speaker, in breaking out the various components of this line item, we, in fact, provided for all the necessary expansion in the various facilities now in existence.

In breaking those components out, where we took the $4.9 million was from their anticipated new construction of facilities. We did not think they could meet the standard they set. They have not traditionally in the past, and that is where we took the $4.5 million from.

We provided for all the expansion that everyone is concerned about. Please understand it is only from the new construction and provision for new facilities that we cut back on. So when you talk about that cut of $4.9 million, you are really not talking about the concerns you have now. We provided for that type of increased service and expansion of the type of services that you are talking about.

The SPEAKER. The Chair would like to remind the members that there is still a long list of amendments to go. The gentleman has spoken three times previously I believe, and the Chair would hope that henceforth the members would try to get into the record all that they wish to say in their first two appearances.

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

Mr. FLAHERTY. All I would want to add is that the Allegheny County staff from 2 years ago, approximately two-thirds of the staff has been laid off. This consists of social workers, psychologists, community counselors, and I think this is the real heart of the matter: There are not enough employes to handle the case load, and that is it. Thank you.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. FLAHERTY and WOJDAK and were as follows:

YEAS—52

Beren	Hayes, D. S.	Mrkonic	Shane
Brunner	Hutchinson, W.	Mullen	Shuman
Caputo	Itkin	Novak	Stahl
Cessar	Katz	O'Connell	Stapleton
Flaherty	Lynch	O'Keefe	Taddonio
Geisler	McClatchy	Perri	Trello
Gillespie	McCue	Polite	Weidner
Gillette	McGinnis	Pyles	Whelan
Gleason	Mebus	Renninger	Whittlesey
Green	Menhorn	Rhodes	Wilt, R. W.
Gring	Miller, M. E.	Romanelli	Worrilow
Hamilton, J. H.	Miller, M. E., Jr.	Ryan	Zearfoss
Hasay	Miscevich	Schmitt	Zord

NAYS—138

Abraham	Foster, A.	Levi	Schweder
Anderson, J. H.	Foster, W.	Lincoln	Scirica
Arthurs	Fryer	Manderino	Seltzer
Barber	Gallagher	Manmiller	Shelhamer
Bellomini	Gallen	McCall	Shelton
Berlin	Geesey	McIntyre	Shupnik
Berson	George	McLane	Sirianni
Bittle	Garzia	Milanovich	Smith, E.
Blackwell	Giammarco	Milliron	Smith, L.
Bradley	Goodman	Moehlmann	Spencer
Brandt	Greenfield	Morris	Stout
Burns	Grieco	Mullen, M. P.	Sullivan
Butera	Halverson	Musto	Sweeney
Cimini	Haskell	Myers	Taylor
Cohen	Hayes, S. E.	Noye	Tayoun
Cole	Hepford	O'Brien	Toll
Cowell	Hill	O'Donnell	Turner
Crawford	Hopkins	Oliver	Ustynoski
Cumberland	Hutchinson, A.	Pancoast	Vann
Davies	Irvis	Parker, H. S.	Vroon
Davis, D. M.	Johnson, J.	Perry	Wagner
DeMedio	Kelly, A. P.	Petrarca	Wansacz
Deverter	Kelly, J. B.	Pievsky	Wargo
Dicarlo	Kernick	Pitts	Westerberg
DiDonato	Kistler	Pratt	Wilson
Dietz	Klingaman	Prendergast	Wilt, W. W.
Dombrowski	Knepper	Rappaport	Wojdak
Dorr	Kolter	Reed	Wright
Doyle	Kowalyshyn	Renwick	Yahner
Dreibelbis	Kusse	Rieger	Yohn
Eckensberger	Laudadio	Ritter	Zeller
Englehart	Laughlin	Ross	Zwikl
Fee	Lederer	Ruggiero	
Fischer	Lehr	Saloom	Fineman, Speaker
Fisher	Letterman	Scheaffer	

NOT VOTING—13

Bennett	Gleeson	McGraw	Thomas
Bonetto	Hammock	Richardson	Valicenti
Dininni	LaMarca	Salvatore	Walsh, T. P.
Fawcett			

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

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Hill.

Mr. HILL. Mr. Speaker, I just wanted to ask the Appropriations Committee chairman just one question on the last amendment.

The SPEAKER. Does the gentleman recognize that the matter is not before the House at the moment?

Mr. HILL. Okay.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

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

Amend Sec. 2, page 2, lines 20 and 21, by striking out all of said lines

Amend Sec. 2, page 23, line 4, by striking out "125,000" and inserting: 375,000

On the question,

Will the House agree to the amendments?

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

Mr. WOJDAK. Mr. Speaker, I was wondering if the gentleman is aware that the intent of the amendment has already been accomplished in the amendment offered last week.

I assume you are raising the IAG from $6 million to $12 million. Is that correct?

The SPEAKER. No; this amendment is an amendment on page 2, lines 20 and 21, by striking out all of said lines and, on page 3, line 4, by striking out $125,000 and inserting $375,000.

Mr. WOJDAK. Mr. Speaker, I do not have a copy of that amendment.

ANDERSON AMENDMENTS PASSED OVER TEMPORARILY

The SPEAKER. Will the gentleman, Mr. Anderson make certain that the Appropriations Committee chairman gets a copy of the amendment, and the Chair will temporarily pass over this amendment?

On the question recurring,

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

Mr. JOHNSON requested and obtained unanimous

consent to offer the following amendments, which were read:

Amend Sec. 2, page 13, line 12, by striking out "1,300,372,000" and inserting: 1,253,022,775

Amend Sec. 2, page 13, by inserting between lines 12 and 13:

For payments on account of poverty and for additional special assistance grants on account of low income families to school districts of the first class to be maintained by such school district in a separate account and used solely and exclusively for education of the children of low income families 47,349,225

On the question,

Will the House agree to the amendments?

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

Mr. JOHNSON. Mr. Speaker, the first thing I want to say is that these amendments do not increase or decrease the budget.

Mr. Speaker, during the Appropriation Committee hearings, it was brought to my attention that as to the poverty children in Philadelphia, the money they receive from this House of Representatives cannot be accounted for when it is distributed to the school districts.

I was surprised to know that every county across this Commonwealth does report their spending to the Secretary of Education, but the city of Philadelphia does not have to do that.

What I intend to do, Mr. Speaker, is to take the poverty money that this House has appropriated to the city of Philadelphia and divide it among the appropriations that the school board of Philadelphia uses for their operation budget. What they are doing in Philadelphia is taking the $47 million that we spend for poverty children and putting it in their general operations fund. This money was never intended to be used for general operations; this money was supposed to be used for poverty children which I represent.

I am asking the House today to approve my amendment to call for the board of education to separate their $47 million from the general operation funds. That is what my amendment is asking for, Mr. Speaker.

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

Mr. McGINNIS. Mr. Speaker, I rise to support my colleague, Mr. Johnson. This money that goes for poverty from the Department of Education should be used in those schools to support the neighborhood schools and the neighborhood concept. Mr. Johnson and the other Representatives in the areas that are poverty areas are not receiving this money that we appropriate. I support this amendment.

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

Mr. WOJDAK. Mr. Speaker, I really have no problem conceptually with the amendment. It is my opinion that it is going to take a separate piece of legislation, however. If, in fact, the enabling legislation is not passed, an adjustment of this is going to have to be made prior to budget time.

Now some of the dangers in that substantive legislation are: We can also parcel out or make separate, for instance, the scarcity factor. For instance, the scarcity factor in Lebanon County, now how we go about that, I do not know.

Again, I have no problem with the amendment conceptually, assuming the substantive legislation is going to pass.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. JOHNSON and WOJDAK and were as follows:

YEAS—169

Abraham	Geesey	McGinnis	Schweder
Anderson, J. H.	Geisler	McIntyre	Scirica
Arthurs	George	McLane	Seltzer
Barber	Gillespie	Mebus	Shane
Bellomini	Gillette	Menhorn	Shelhamer
Beren	Gleason	Miller, M. E.	Shelton
Berson	Goodman	Miller, M. E., Jr.	Shuman
Bittle	Green	Milliron	Sirianni
Blackwell	Grieco	Miscevich	Spencer
Bradley	Gring	Moehlmann	Stahl
Brunner	Halverson	Morris	Stout
Burns	Hasay	Mrkonic	Sweeney
Butera	Haskell	Mullen, M. P.	Taddonio
Caputo	Hayes, D. S.	Mullen	Taylor
Cessar	Hayes, S. E.	Myers	Tayoun
Cimini	Hepford	Novak	Toll
Cohen	Hill	Noye	Trello
Cole	Hopkins	O'Brien	Turner
Crawford	Hutchinson, A.	O'Connell	Ustynoski
Cumberland	Hutchinson, W.	O'Donnell	Vann
Davies	Irvis	O'Keefe	Wagner
Davis, D. M.	Itkin	Oliver	Walsh, T. P.
DeMedio	Johnson, J.	Pancoast	Wansacz
Deverter	Kelly, A. P.	Parker, H. S.	Weidner
Dicarlo	Kelly, J. B.	Perry	Westerberg
DiDonato	Kernick	Petrarca	Whelan
Dietz	Kistler	Polite	Whittlesey
Dombrowski	Klingaman	Prendergast	Wilson
Dorr	Knepper	Pyles	Wilt, R. W.
Doyle	Kolter	Rappaport	Wilt, W. W.
Dreibelbis	Kowalyshyn	Reed	Wojdak
Eckensberger	Kusse	Renninger	Worrilow
Englehart	Lederer	Renwick	Wright
Fee	Lehr	Rhodes	Yahner
Fischer	Letterman	Rieger	Yohn
Fisher	Levi	Ritter	Zearfoss
Flaherty	Lincoln	Romanelli	Zeller
Foster, A.	Lynch	Ross	Zord
Foster, W.	Manderino	Ruggiero	Zwikl
Fryer	Manmiller	Ryan	
Gallagher	McCall	Saloom	Fineman, Speaker
Gallen	McClatchy	Scheaffer	
Garzia	McCue	Schmitt	

NAYS—16

Berlin	Katz	Pievsky	Smith, E.
Cowell	Laudadio	Pitts	Sullivan
Greenfield	Laughlin	Pratt	Vroon
Hamilton, J. H.	Milanovich	Shupnik	Wargo

NOT VOTING—18

Bennett	Giammarco	Musto	Smith, L.
Bonetto	Gleeson	Perri	Stapleton
Brandt	Hammock	Richardson	Thomas
Dininni	LaMarca	Salvatore	Valicenti
Fawcett	McGraw		

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. STAPLETON. I was not at my seat on that last vote. I would like to be recorded in the affirmative on the Johnson amendment to House bill No. 1336.

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

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

Mr. ZELLER. Mr. Speaker, the vote on the board did not run the second time and I did not get the count. What was it, please?

The SPEAKER. How does the gentleman desire to be recorded?

Mr. ZELLER. No; I voted. I just want to know what the count is so I can record it, please?

The SPEAKER. 169 in favor; 16 opposed.

CONSIDERATION OF ANDERSON AMENDMENTS RESUMED

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Anderson, who will address himself to the matter of the amendments offered by the gentleman.

Mr. ANDERSON. Mr. Speaker, this amendment would delete the $250,000 that is in the budget for the Governors' Conference of next year and put this money in the Department of Labor and Industry to finance the work-incentive program.

Last year, the work-incentive program was appropriated $250,000. That was the request in the Governor's budget for this year, but it was reduced in the House Appropriations Committee, apparently, to $125,000. This amendment would put it back to $375,000 for this coming year.

I did a little checking. Ten years ago we hosted the Governors' Conference here in Pennsylvania and at that time there was $100,000 in the budget for the Governors' Conference. Also at that time, the budget to run the Governor's office was $1,448,500. That figure for this year, to operate the Governor's office and the same departments that were in that year, is now $6,874,000, or an increase of 474 percent to operate the office of the Governor in the past 10 years.

It seems to me that with an increase of this kind and with the amount of money that is in there, there can be enough money found in the budget for the Governor's office to host the Governors of the other 49 states next year and put this money into the work-incentive program, where it will do a lot of good for the people who need it badly.

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

Mr. WOJDAK. Mr. Speaker, the intent and the effect of this amendment is to cut out the $250,000 set aside for the Governor's hosting of the Governors' Conference during our Bicentennial year.

Mr. Anderson is taking that money and putting it into the WIN program in the Department of Labor and Industry. Now, under no circumstances does that particular fund need this money. What has been happening over the past several years is that they have not used the money in the WIN program that we have given to them. They have been very successful in finding private matching funds and they have used the money in that fashion.

It was our original intent to cut that figure out altogether because they have been able to function through these various matching private moneys and have that WIN program operate quite efficiently and effectively.

What you are really doing here is adding $250,000 to that WIN program which they really do not need. We left the $125,000 there just to act as a cushion should the need arise. In my opinion, they may not even need that money.

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

Mr. ANDERSON. Apparently, the Governor's office felt that they did need the money because the original request was for $250,000. The program has been operating in York County and I think has been fairly successful, and certainly this is the time when we should be trying to get more of those people educated to go out and earn a living rather than stay on relief. I think this money would be well spent in that program.

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

Mr. WOJDAK. I would agree with the gentleman that it is working very effectively. I would agree also that the original request was for $375,000,000. What the gentleman failed to say to you was that last year they lapsed that amount of money because of their success in finding matching funds. They have not used that money over the past several fiscal years. What we have done is taken that money now and used it for other programs. We have left them the cushion of $125,000.

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

Mr. PYLES. Mr. Speaker, will Mr. Anderson answer some questions, please?

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

Mr. ANDERSON. I will.

The SPEAKER. The gentleman may proceed.

Mr. PYLES. The Governors' Conference for this year just concluded in New Orleans. I was wondering whether the gentleman has any figures as to how much the Governors' Conference in New Orleans cost this year?

Mr. ANDERSON. No, I do not.

Mr. PYLES. Was it anywhere near the State of Louisiana's appropriation of $250,000?

Mr. ANDERSON. I do not have the figures on that, Mr. Speaker.

Mr. PYLES. I am led to believe that contributions other than state funds are put on the Governors' Conference, is that correct?

Mr. ANDERSON. I was of the impression that there were private contributions to the State of Louisiana or to some department to help finance it.

Mr. PYLES. Does each state also contribute some money to pay for the Governors' Conference?

Mr. ANDERSON. I would presume that most of the Governors would have an expense account.

Mr. PYLES. Is there any reason to believe that this state should put forth a quarter of a million dollars to support a Governors' Conference in 1976?

Mr. ANDERSON. Mr. Speaker, it was my opinion that there probably should be some money put forth to finance it, but with an increase in the Governor's office of 474 percent in the last 10 years, I felt there should be money available from that source.

Mr. PYLES. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, would Mr. Wojdak consent to interrogation?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, as I understand this amendment, this is to delete from the budget the $250,000 for the Governors' Conference, is that right?

Mr. WOJDAK. That is correct.

Mr. RYAN. Now if my division is correct, that means that we are being asked, prior to this amendment, to fund each Governor to the tune of $5,000 per Governor. Is my division right?

Mr. WOJDAK. In simplistic addition, that is correct.

Mr. RYAN. I do not know how you could complicate that division, but it is simplistic. The simplistic part of it that bothers me is how we spend $5,000 on each one of these Governors in 4 days' time. This is living pretty high. In addition, each Governor has his own contingency fund and expense account, I am sure. What is it we are doing with $250,000, $5,000 per Governor?

Mr. WOJDAK. The direction you are coming at me from, Mr. Speaker—

Mr. RYAN. Pardon me?

Mr. WOJDAK. From the direction you are coming at this question, I do not know the answer to that, why it takes $5,000 for each Governor, if you wish to break it out that way. The cost given to us is that it would cost $250,000 to host this Governors' Conference next year. We have been committed to that. It is my understanding that there are no private funds from industry that are going to be donated for the cost of holding that conference. If you ask me for an individual breakout of the figures, I do not have it and I do not know.

Mr. RYAN. Further simplistic division would seem to indicate that for 4 days it comes to $1,250 a day. You and I can live pretty high, Mr. Speaker—

Mr. WOJDAK. We can break that into hours and minutes.

Mr. RYAN. Then we would really have some fun.

Mr. WOJDAK. Right.

Mr. RYAN. For $1,250 a day, that seems to be enough, probably enough, for one of the rough riders from the far east to come over here and live the way they are used to living all over, living like a king.

I am curious as to what we intend to do with all this money to take care of 50 Governors, including, of course, our own Governor who has all the facilities available. That includes New Jersey, Delaware and our neighboring states. Do we pay their transportation in? Would that be part of the $1,250?

Mr. WOJDAK. I assume it would be. I do not really know though. I do not want to make a definitive statement on that.

Mr. RYAN. It seems to me they should pay for their own junkets, and we should not pay that kind of money to host the Governors' Convention. Five thousand dollars per man, I think, is too much, and I would support the amendment on that fact alone, without going into the debate as to whether Labor and Industry needs the money.

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

Mr. NOYE. Mr. Speaker, will Mr. Wojdak answer a question or two?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. Yes, I shall, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. NOYE. Mr. Speaker, you made a statement that there are no funds from private industry. Is that correct?

Mr. WOJDAK. It is my understanding that there will be no funds from private industry for that conference.

Mr. NOYE. There is no contribution then being made to this conference by the Hershey estates?

Mr. WOJDAK. It is my understanding that there are no private funds being used to finance this Governors' Conference.

Mr. NOYE. Thank you.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. ANDERSON and WOJDAK and were as follows:

YEAS—115

Abraham	Geesey	Mebus	Sirianni
Anderson, J. H.	George	Miller, M. E.	Stahl
Beren	Gleason	Miller, M. E., Jr.	Stapleton
Bittle	Grieco	Milliron	Smith, E.
Brandt	Gring	Miscevich	Smith, L.
Burns	Halverson	Moehlmann	Spencer
Butera	Hasay	Mrkonic	Stout
Cessar	Hayes, D. S.	Mullen, M. P.	Taddonio
Cimini	Hayes, S. E.	Novak	Taylor
Cowell	Hepford	Noye	Turner
Crawford	Hill	O'Connell	Ustynoski
Cumberland	Hopkins	O'Donnell	Vroon
Davies	Kelly, J. B.	Pancoast	Wagner
Davis, D. M.	Kernick	Parker, H. S.	Wansacz
Deverter	Kistler	Pitts	Weidner
Dicarlo	Klingaman	Polite	Westerberg
Dietz	Knepper	Pyles	Whelan
Dorr	Kolter	Reed	Whittlesey
Doyle	Kusse	Renninger	Wilson
Dreibelbis	Laughlin	Renwick	Wilt, R. W.
Eckensberger	Lederer	Rhodes	Wilt, W. W.
Fischer	Lehr	Ryan	Worrilow
Fisher	Letterman	Scheaffer	Wright
Flaherty	Levi	Schweder	Yahner
Foster, A.	Lynch	Scirica	Yohn
Foster, W.	Manmiller	Seltzer	Zearfoss
Fryer	McClatchy	Shane	Zeller
Gallen	McCue	Shelhamer	Zord
Garzia	McGinnis	Shuman	

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Arthurs	Gillespie	Menhorn	Ross
Barber	Goodman	Milanovich	Ruggiero
Bellomini	Green	Morris	Saloom
Berlin	Greenfield	Mullen	Schmitt
Berson	Hamilton, J. H.	Musto	Shelton
Blackwell	Haskell	Myers	Shupnik
Bonetto	Hutchinson, A.	O'Brien	Sullivan
Bradley	Hutchinson, W.	O'Keefe	Sweeney
Brunner	Irvis	Oliver	Tayoun
Caputo	Itkin	Perri	Toll
Cohen	Johnson, J.	Perry	Trello
Cole	Katz	Petrarca	Vann
DeMedio	Kelly, A. P.	Pievsky	Walsh, T. P.
DiDonato	Kowalyshyn	Pratt	Wargo
Dombrowski	Laudadio	Prendergast	Wojdak
Englehart	Lincoln	Rappaport	Zwikl
Fee	Manderino	Rieger	
Gallagher	McCall	Ritter	Fineman,
Geisler	McIntyre	Romanelli	Speaker
Giammarco	McLane		

NOT VOTING—12

Bennett	Gillette	LaMarca	Salvatore
Dininni	Gleeson	McGraw	Thomas
Fawcett	Hammock	Richardson	Valicenti

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?

Mr. COWELL requested and obtained unanimous con-

sent to offer the following amendments, which were read:

Amend Sec. 2, page 2, line 19, by striking out "1,945,000" and inserting: 1,905,000
Amend Sec. 2, page 2, line 25, by striking out "3,565,000" and inserting: 3,560,000
Amend Sec. 2, page 2, line 27, by striking out "1,130,000" and inserting: 1,117,000
Amend Sec. 2, page 9, line 3, by striking out "749,000" and inserting: 746,000
Amend Sec. 2, page 10, line 18, by striking out "1,500,000" and inserting: 1,000,000
Amend Sec. 2, page 10, line 29, by striking out "5,579,000" and inserting: 5,499,000
Amend Sec. 2, page 11, line 20, by striking out "13,447,000" and inserting: 13,250,000
Amend Sec. 2, page 11, line 23, by striking out "1,374,000" and inserting: 1,360,000
Amend Sec. 2, page 17, line 15, by striking out "65,802,000" and inserting: 65,358,000
Amend Sec. 2, page 22, line 5, by striking out "7,623,000" and inserting: 7,185,000
Amend Sec. 2, page 23, line 27, by striking out "7,759,000" and inserting: 7,509,000
Amend Sec. 2, page 24, line 13, by striking out "26,144,000" and inserting: 25,640,000
Amend Sec. 2, page 24, line 23, by striking out "20,029,000" and inserting: 19,729,000
Amend Sec. 2, page 28, line 5, by striking out "44,643,000" and inserting: 43,670,000
Amend Sec. 2, page 29, line 30, by striking out "4,500,000" and inserting: 4,428,000

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

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

Mr. COWELL. Thank you, Mr. Speaker. First of all, Mr. Speaker, I had circulated last week two amendments. One was a two-page amendment; the other was substantially shorter. I am offering today only the long amendment, the two-page amendment.

The amendments which I am offering today deal with several different departments and are directed basically at those line items in the budget which are labeled something like general government operations. What I had done in preparing the amendments was to go through those particular line items labeled general government operations and tried to determine a figure which would be approximately 108 percent of last year's budgeted figure.

We identified those items, those line items, which were in excess of 108 percent. Then on one evening last week I had the opportunity to sit down with some Representatives of the Appropriations Committee to discuss exactly why those particular line items were in excess of 108 percent. On the basis of those conversations, we made some adjustments and ended up with the amendments which I am offering today.

AMENDMENTS DIVIDED

Mr. COWELL. I would like to divide this amendment. First of all, we offered it in one continuous amendment to save paper. I would like to divide it really to separate a couple issues with which we have already dealt.

First of all, the first three items deal with the Governor's office. At least indirectly we have already dealt with that just a few moments ago. I would like to divide that out.

In addition, the seventh amendment sentence deals with the Department of Education. We dealt with that last week with Mr. Shane's amendment. I would like to divide that out.

The SPEAKER. Which one is that?

Mr. COWELL. That reads: "Amend Sec. 2, page 11, line 20, by striking out '13,447,000' . . . ."

The SPEAKER. The gentleman may proceed.

Mr. COWELL. I would like to divide out those four lines or amendment sections which I have mentioned and consider the rest of the amendment as a single unit.

To briefly review the impact of the amendment, first of all, let me make a couple comments as to why I offer the amendment. Since last Tuesday, directly and indirectly we have been telling an awful lot of groups across the state, many departments, and we have been telling state employes, we have been telling welfare groups, we have been telling our universities, our colleges and many other institutions and organizations which depend heavily on state funds, that this is a tight year; they have got to hold the line; they have got to, in some cases, cut back or retrench. I believe that is the language we used with the state colleges. I think that at a time when we are telling this to so many others, it is most appropriate that we look to our own bureaucracy, our administrative department, and see to what greater extent we, too, can hold the line. I think it is incumbent upon us to do that.

Secondly, I offer these amendments because I think it is about time that we really begin to get a handle on the bureaucracy, that is, the administration part of state government. Frankly, I feel that we have failed to do that. We particularly have failed to do that with a budget that is designed as this one is.

My session with the Representatives of the Appropriations Committee was particularly enlightening because they had a little bit of a history lesson in terms of how things tend to be put into that general government appropriation line. I find there were an awful lot of cases, as we look back over the past few years, where there may, in the past, have been distinct line items for various programs during the early year or years of those programs. But after these programs are in existence for a year or 2, they tend to get buried in that line called general government operations.

Frankly, I would think that most members on this floor today do not really know what is in that item labeled general government operations. Certainly as each year passes, we tend to have less and less of a handle on what really is in that particular line item in terms of programs, in terms of those services which it is intended to support.

Another problem with which we must deal when we have everything in that one general line called general government operations is the fact that we really do not have much of a grasp on how much money is being spent on personnel versus how much money might be spent on other types of administrative purposes or administrative costs.

So I offer these amendments, in part anyway, to draw out from the chairman of the Appropriations Committee or the appropriate staff a more detailed explanation for the benefit of the members as to exactly what is in these particular line items and why, in these particular cases, the increases, in their opinion, should be greater than the 108 percent of last year's appropriated figure.

To briefly review those line items, the first one which remains reads: "Amend Sec. 2, page 9." We are striking out really only $3,000. That is for the security commis-

sion, which is budgeted at $749,000. At 108 percent it would be $746,000 and we saw no particular reason to even go over that even to the extent of $3,000, although that is minimal.

The second part of the amendment is to amend section 2, page 10, by striking out $1,500,000 and inserting $1 million. This deals with tourist promotion. If I recall correctly, the Governor's management review commission—

PARLIAMENTARY INQUIRY

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

Mr. DiCARLO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. The gentleman started out his statement by taking the document in front of us and stating that he had 15 separate amendments and asked the Chair if he could divide the question. At that time he struck out four of the amendments. Am I correctly under the impression that he is going to deal with the other 11 amendments one at a time, or is he going to now come back and offer the package totally?

The SPEAKER. The Chair has no way of knowing what the intentions of the gentleman are until he speaks those intentions.

Mr. COWELL. Mr. Speaker, in response to the inquiry, I believe I indicated that I would simply like to divide the question to pull out those four sections with which we have already dealt.

The SPEAKER. The remainder of the package?

Mr. COWELL. Is offered as a single unit.

The SPEAKER. The Chair thanks the gentleman.

Mr. DiCARLO. Mr. Speaker, I would like to ask the Chair if the question can be divisible. As I look over the amendments, I think each of them should be audited by us, and I would like to ask the Chair if we can vote on each amendment separately.

The SPEAKER. This would create 11 separate amendments for the House. The Chair would hope the gentleman will not seek that course of action. We already have something like 27 more amendments to go. This would make it 38. The Chair would hope the gentleman would be free to vote on this amendment as a single unit, rather than to break it out in the interest of time.

MOTION TO DIVIDE WITHDRAWN

Mr. DiCARLO. I will withdraw the motion, Mr. Speaker, if, indeed, the gentleman doing the speaking now would speak as succinctly as possible on the amendments in front of us.

Mr. COWELL. As I indicated, the second section of the amendment deals with tourist promotion. The effect is to cut the recommended appropriation by $500,000 The Governor's Management Review Task Force, a couple of years ago, I believe, indicated that this entire program should be discontinued. I do not know the exact language that they used, but the thrust of it was that the program is ineffective. Indeed, in discussing a similar amendment just last week, Mr. Wojdak indicated that he tended also to agree—and I forget his exact language—that the program was not really that effective.

Therefore, my inclination is really to wipe out the program completely, but in this case we are recommending a cut of $500,000.

The next section deals with the Department of Community Affairs. At 108 percent of last year's budget, it would be $5,499,000. We, therefore, are cutting back to 108 percent of last year's recommended level, which is a cut, therefore, of $80,000 from the recommended figure.

We skip over the education line, which has already been dealt with.

The next line deals with page 11, line 23, state libraries. Once again, we are reverting to 108 percent of last year's budgeted figure, which would be, therefore, $1,360,000. The cut here is $14,000.

The next line deals with page 17, line 15, for the Department of Environmental Resources. At 108 percent of the Environmental Resources' budget last year, it would have totaled $63,873,000. The recommended figure for Environmental Resources was in excess of that 108-percent level by $1,929,000. This was one of the points which we discussed with the Appropriations Committee staff. They had indicated several points which explained a huge percentage of that $1.9-million increase. As you note, we are recommending a cut, not of $1,900,000, but only of $444,000. Approximately $1.5 million of the increase above and beyond 108 percent was explained by the fact that the gypsy moth program, which last year, I believe, was a separate line item to the effect of about $985,000, is now included in general government operations. There was also another $500,000 for a separate program, and, frankly, I cannot recall exactly what it was. But I believe last year that, too, was a separate line item. We took that into consideration and chose not to recommend a cut in that area.

Our cut is premised basically on the point that the Appropriations Committee staff indicated that there are now about $700,000 worth of vacancies in this department, unfilled positions. It was our opinion that many of these positions will go throughout the year without being filled, and it is, therefore, not unreasonable to suggest a cut of $444,000.

The next line deals with page 22, line 5, which is justice and probation. We are recommending a cut here of $438,000. Excuse me, not justice and probation; I am reading my own sheet incorrectly. For the Justice Department, we are recommending a decrease or a cut of $438,000. At 108 percent of last year's budget, it would be $7,185,000. We are recommending that we cut back to that level.

The next section of the amendment deals with probation and parole, which would be page 23, line 27. At 108 percent of last year's figure, it would be $7,233,000. The recommended figure from the Appropriations Committee is in excess of that figure by $526,000.

The reasoning for the excess of $526,000 is that the department made an error last year of $526,000. Our thinking is that the department this year is getting that 8-percent increase. We doubt whether they really need the additional $526,000. They did without it last year. The department, it seems, did not fall apart. Probably, as many of our institutions, our colleges, many organizations across the state, they did, indeed, do without some things, perhaps cut back on purchases of some supplies and what have you. It was a question of whether we needed to give them the entire $526,000 back this year because they made an error last year. We cut that approximately in half and recommend a cut of $250,000 from the recommended figure.

The next line deals with page 24, line 13, for Depart-

ment of Property and Supplies. At 108 percent of last year's figure, it would be $25,231,000. The recommended figure is in excess of that 108-percent level by $913,000. In our conversation with the staff of the Appropriations Committee, it was indicated that most of the $913,000 would go to new renovations of different buildings around the state, different state buildings. Again, we are recommending that we not give that entire $913,000, but that we give approximately half of it and cut back the recommended figure by $500,000.

The next line deals with public welfare, on page 24, line 23. The recommended figure from the Appropriations Committee is far and above the 108-percent level In fact, it is approximately 112 to 113 percent of last year's recommended level. Again, as a number of cases have increased across the state, it will, indeed, take more moneys to administer a heavier case load. We question though whether the full increase is necessary. The full increase would have amounted to almost $2 million. $1,981,000. We are cutting that figure back by $300,000 and, in fact, granting above and beyond 108 percent an increase of $1,681,000.

In our conversation with the Appropriations Committee again about that particular line item, it was indicated that there are approximately 54 vacancies computed at $10,000 a year for jobs vacant back in March. Again it was indicated to us that this is about an average figure for the entire year. We figure we would just stretch that out over 6 months and we can save the $300,000 there.

The next to the last section is the amendment on page 28, line 5, which deals with the Department of Revenue. At 108 percent of last year's budgeted figure, it would be $43,670,000. We are recommending that we budget this year at the 108-percent level, cutting, therefore, $973,000 from the recommended figure of the Appropriations Committee.

In our conversation with the Appropriations Committee, we received no particular rationale for the increase of $973,000 above and beyond the 108-percent level.

The last section of the amendment deals with public television, page 29, line 30. Again it is a nominal cut from the proposed figure of $4,500,000. We take it back to 108 percent of last year's budgeted figure, $54,428,000

We did discuss this figure also with the Appropriations Committee. It was indicated that approximately $1.5 million of the budgeted figure goes to various stations around the state. We did not intend in any way to cut into that.

There was a rather significant increase though in government operations and personnel. We intend that the cut come in those areas rather than those state grants or those grants that go to various stations and cities around the state.

The total package of amendments, if adopted, would result in a cut in the budget of $3,600,000.

QUESTION OF PERSONAL PRIVILEGE AND PARLIAMENTARY INQUIRY

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

Mr. GLEASON. I rise to a question of personal privilege and a parliamentary inquiry.

The SPEAKER. The gentleman will state them.

Mr. GLEASON. I recognize that the gentleman who offered the amendment indicated that he would have the amendment considered in its entirety, but am I correct in saying that any one member of the House can divide out of an amendment of this sort, one section of it as I would like to do?

The SPEAKER. That is correct, but the gentleman, Mr. DiCarlo, had indicated that he wanted to take a similar course of action but, at the request of the Speaker, the gentleman refrained from doing that because of the time factor.

If any one member were to start that process, I am certain that that would be followed by other members seeking to carve out other individual amendments.

There are a total of 11 on this sheet. And in the interest of not having to subject the membership to voting 11 additional times on amendments, the gentleman, Mr DiCarlo, was kind enough to refrain from that course of action. The Chair would hope the gentleman, Mr. Gleason, would do likewise.

Mr. GLEASON. Let me extend my unkindness only as to one of these and express the hope that perhaps other members will not opt out for the same procedure.

The SPEAKER. If it is good enough for Gleason, it is good enough for anybody else.

Mr. GLEASON. I would, therefore, Mr. Speaker, ask that the amendment, section 2, page 10, line 18, which cuts $500,000 from tourist promotion, be considered separately from the other measures in the amendment.

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

Mr. WOJDAK. Mr. Speaker, I do not know what I am responding to at this time. Am I responding to Mr. Gleason's motion?

The SPEAKER. The gentleman has suggested that the one item be divided out of the package offered by the gentleman, Mr. Cowell, on page 10, line 18, the appropriation dealing with tourist promotion. The gentleman, Mr. Gleason, has requested that that particular amendment be taken as a single unit for consideration of the House.

Mr. WOJDAK. Mr. Speaker, am I right in opposing that motion? Can I oppose that motion?

The SPEAKER. No; the motion automatically prevails. The question is divisible and is not subject to motion.

Mr. WOJDAK. Then I will speak to the other 10 items.

The SPEAKER. Well, why does the gentleman not speak to this one first, because the Chair is going to put the question on this particular amendment to the House first?

Mr. WOJDAK. Okay.

Mr. Speaker, as to tourist promotion, I believe it was Mr. Eckensberger who was successful the other day in cutting that item from $1.8 million to $1.5 million.

The SPEAKER. Mr. Eckensberger's amendment was not to tourist promotion. That was to the Council on the Arts.

Mr. WOJDAK. Mr. Speaker, I would oppose the amendment to cut it from $1.5 million to $1 million. I think it would severely affect that program, especially with the coming Bicentennial year.

On the question,

Will the House agree to Part I of the Cowell amendments?

The yeas and nays were required by Messrs. COWELL and WOJDAK and were as follows:

YEAS—23

Abraham	Hamilton, J. H.	McGinnis	Stapleton
Cowell	Hutchinson, W.	Morris	Taylor
Davis, D. M.	Kernick	Pyles	Wagner
DiDonato	Kolter	Shane	Zearfoss
Fischer	Lederer	Shuman	Zeller
Gillette	McClatchy	Sirianni	

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Anderson, J. H.	Geisler	Menhorn	Schmitt
Arthurs	George	Milanovich	Schweder
Barber	Giammarco	Miller, M. E.	Scirica
Bellomini	Gillespie	Miller, M. E., Jr.	Seltzer
Beren	Gleason	Milliron	Shelhamer
Berlin	Goodman	Miscevich	Shelton
Berson	Green	Moehlmann	Shupnik
Bittle	Greenfield	Mrkonic	Smith, E.
Blackwell	Grieco	Mullen, M. P.	Smith, L.
Bonetto	Gring	Mullen	Spencer
Bradley	Halverson	Musto	Stahl
Brandt	Hasay	Myers	Stout
Brunner	Haskell	Novak	Sullivan
Burns	Hayes, D. S.	Noye	Sweeney
Butera	Hayes, S. E.	O'Brien	Taddonio
Caputo	Hepford	O'Donnell	Tayoun
Cessar	Hill	O'Keefe	Toll
Cimini	Hopkins	Oliver	Trello
Cohen	Irvis	Pancoast	Turner
Cole	Katz	Parker, H. S.	Ustynoski
Crawford	Kelly, A. P.	Perri	Vann
Cumberland	Kelly, J. B.	Perry	Vroon
Davies	Kistler	Petrarca	Walsh, T. P.
DeMedio	Klingaman	Pievsky	Wansacz
Deverter	Knepper	Pitts	Wargo
Dicarlo	Kowalyshyn	Polite	Weidner
Dietz	Kusse	Pratt	Westerberg
Dombrowski	LaMarca	Prendergast	Whelan
Dorr	Laudadio	Rappaport	Whittlesey
Doyle	Laughlin	Reed	Wilson
Dreibelbis	Lehr	Renninger	Wilt, R. W.
Eckensberger	Letterman	Renwick	Wilt, W. W.
Englehart	Levi	Rhodes	Wojdak
Fee	Lincoln	Rieger	Worrilow
Fisher	Lynch	Ritter	Wright
Foster, A.	Manderino	Romanelli	Yahner
Foster, W.	Manmiller	Ross	Zord
Fryer	McCall	Ruggiero	Zwikl
Gallagher	McCue	Ryan	
Gallen	McIntyre	Saloom	Fineman, Speaker
Garzia	McLane	Scheaffer	
Geesey	Mebus		

NOT VOTING—16

Bennett	Gleeson	Johnson, J.	Salvatore
Dininni	Hammock	O'Connell	Thomas
Fawcett	Hutchinson, A.	McGraw	Valicenti
Flaherty	Itkin	Richardson	Yohn

So the question was determined in the negative and Part I of the Cowell amendments was not agreed to.

On the question,

Will the House agree to Part II of the Cowell amendments?

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

Mr. MEBUS. Mr. Speaker, could the gentleman, Mr. Cowell, repeat the four items on here that he is not—

The SPEAKER. The first three amendments on page 1, that is page 2, line 19; page 2, line 25; page 2, line 27 and page 11, line 20.

For what purpose does the gentleman, Mr. Mebus, rise?

Mr. MEBUS. I wanted to ask the question. That is all.

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. YOHN. Just to record for the record my vote on the last amendment.

The SPEAKER. How does the gentleman wish to be recorded?

Mr. YOHN. I wish to be recorded in the negative on Part I of Mr. Cowell's amendment to House bill No. 1336.

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

The Chair recognizes the lady from Susquehanna, Miss Sirianni. For what purpose does the lady rise?

Miss SIRIANNI. I rise to a question of personal privilege.

The SPEAKER. The lady will state it.

Miss SIRIANNI. On the last amendment, I would like to switch my vote to "no." I inadvertently voted in the affirmative on Part I of Mr. Cowell's amendment to House bill No. 1336.

The SPEAKER. The remarks of the lady will indicate her desire.

For what purpose does the gentleman, Mr. Shelhamer, rise?

Mr. SHELHAMER. Mr. Speaker, my vote was not recorded. I wish to be recorded in the negative on Part I of Mr. Cowell's amendment to House bill No. 1336.

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

The Chair is trying to correct the record for those members who did not have their votes properly reflected.

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

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

The SPEAKER. The gentleman will state it.

Mr. ITKIN. My vote was not recorded. I would like to be recorded in the negative on Part I to Mr. Cowell's amendment to House bill No. 1336, please.

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

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

Mr. WOJDAK. Mr. Speaker, prior to my responding to the amendments, I believe Mr. Seltzer had interrogation that he wished to have.

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Will the gentleman from Allegheny, Mr. Cowell, consent to interrogation?

The SPEAKER. Will the gentleman from Allegheny, Mr. Cowell, consent to interrogation?

Mr. COWELL. I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SELTZER. As I understand the third from the bottom amendment on page 1, it is an elimination of $448,000 from the general government of the Department of Justice. Is that correct? Page 22, line 5.

Mr. COWELL. $438,000, I believe.

Mr. SELTZER. Mr. Speaker, for 3 years we have been attempting to fund the special prosecutor in the city of Philadelphia. Does the gentleman realize that with this reduction in the general government of the Department of Justice, we will again be eliminating the funds for the special prosecutor in the city of Philadelphia?

Mr. COWELL. Mr. Speaker, as I indicated in my brief remarks prior to going through the sections one by one, part of my intent in introducing the amendments was to elicit more specific comment as to exactly what was included in that particular line item.

I imagine that a number of remarks and revelations such as Mr. Seltzer's might come out during the ensuing discussion. In my discussion with the Appropriations Committee, no mention was made of any impact on the special prosecutor's office.

Mr. SELTZER. Mr. Speaker, would it be appropriate to ask that this amendment be voted on separately?

The SPEAKER. The question is a divisible question.

We are now on the third line from the bottom, section 2, page 22, line 5, "by striking out '7,623,000' and inserting '7,185,000.'"

On the question recurring,

Will the House agree to Part II of the Cowell amendments?

The yeas and nays were required by Messrs. COWELL and WOJDAK and were as follows:

YEAS—15

Abraham	DiDonato	Lederer	Tayoun
Burns	Gillette	Mullen, M. P.	Wright
Cowell	Hasay	Stahl	Zeller
Davis, D. M.	Kernick	Taylor	

NAYS—172

Anderson, J. H.	Giammarco	Mebus	Schmitt
Arthurs	Gillespie	Menhorn	Schweder
Barber	Gleason	Milanovich	Scirica
Bellomini	Goodman	Miller, M. E.	Seltzer
Beren	Green	Miller, M. E., Jr.	Shane
Berlin	Greenfield	Milliron	Shelhamer
Berson	Grieco	Miscevich	Shuman
Bittle	Gring	Moehlmann	Shupnik
Blackwell	Halverson	Morris	Sirianni
Bradley	Hamilton, J. H.	Mrkonic	Smith, E.
Brandt	Haskell	Mullen	Smith, L.
Brunner	Hayes, D. S.	Musto	Spencer
Butera	Hayes, S. E.	Myers	Stapleton
Caputo	Hepford	Novak	Stout
Cessar	Hill	Noye	Sullivan
Cimini	Hopkins	O'Brien	Sweeney
Cohen	Hutchinson, A.	O'Connell	Taddonio
Cole	Hutchinson, W.	O'Donnell	Toll
Crawford	Irvis	O'Keefe	Trello
Cumberland	Itkin	Oliver	Turner
Davies	Katz	Pancoast	Ustynoski
DeMedio	Kelly, A. P.	Parker, H. S.	Vann
Deverter	Kelly, J. B.	Perri	Vroon
Dicarlo	Kistler	Perry	Wagner
Dietz	Klingaman	Petrarca	Walsh, T. P.
Dombrowski	Knepper	Pievsky	Wansacz
Dorr	Kolter	Pitts	Wargo
Doyle	Kowalyshyn	Polite	Weidner
Dreibelbis	Kusse	Pratt	Westerberg
Eckensberger	LaMarca	Prendergast	Whelan
Englehart	Laudadio	Pyles	Whittlesey
Fee	Laughlin	Rappaport	Wilt, R. W.
Fischer	Lehr	Reed	Wilt, W. W.
Fisher	Letterman	Renninger	Wojdak
Flaherty	Levi	Renwick	Worrilow
Foster, A.	Lincoln	Rhodes	Yahner
Foster, W.	Lynch	Ritter	Yohn
Fryer	Manderino	Romanelli	Zearfoss
Gallagher	Manmiller	Ross	Zord
Gallen	McCall	Ruggiero	Zwikl
Garzia	McClatchy	Ryan	
Geesey	McCue	Saloom	Fineman, Speaker
Geisler	McGinnis	Scheaffer	
George	McLane		

NOT VOTING—16

Bennett	Gleeson	McIntyre	Shelton
Bonetto	Hammock	Richardson	Thomas
Dininni	Johnson, J.	Rieger	Valicenti
Fawcett	McGraw	Salvatore	Wilson

So the question was determined in the negative and Part II of the Cowell amendments was not agreed to.

On the question,

Will the House agree to Part III of the Cowell amendments?

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

Mr. MEBUS. I would like to get one thing firm in my mind before we go any further, and that is, these items that Mr. Cowell has said he wished struck. Are they going to be voted separately?

The SPEAKER. No, the gentleman is not offering those amendments.

Mr. MEBUS. Thank you.

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

Mr. WOJDAK. Mr. Speaker, I would oppose the remaining amendments. What Mr. Cowell has done here is just to strike across the board at all the general government operations and kind of use the meat-ax approach on it. In his discussions with the Appropriations Committee—

The SPEAKER. Will the gentleman put his meat ax away, please?

The Chair recognizes the gentleman, Mr. Wojdak.

Mr. WOJDAK. Mr. Speaker, in our work in the Appropriations Committee, in looking at the requested amount for each department, in looking at the requested amounts for general government operations of each department, what we did in the Appropriations Committee was to break out each department into various components. Those components were made up of its existing personnel, its general operation expenses, its contractual expenses and, in many instances—in the one instance referred to was in DER—included within the general government appropriation is an item, for instance, in DER for the control of the gypsy moth.

Now Mr. Cowell refers specifically to that. Last year, he is correct, it was a line item. The department ran into various problems in not using up all of that money, then had need to use that type of money for the problems created by the oak leaf roller, but because it was a line item, was not able to do so.

So this year in order to give the various departments—and I cite DER as one example—the required flexibility to handle their various areas of responsibility, we did include within the general government operation many of those types of expenses. For instance, in the Health Department in some very new programs—the treatment of Cooley's disease and various other diseases such as that—we have given the Department of Health the responsibility to look into. Because they are new programs and we could not estimate what the exact cost would be, we did include that also in the general government operations.

Now in breaking out the various components, we had the same objective that Mr. Cowell is trying to accomplish here today. What we were trying to do was to do away with various layers of bureaucracy so that we could streamline that appropriation and look at each component where we felt they were overspending or the money was not needed, and we have already cut the appropriation for various departments.

In going across the entire budget, I do not believe there is one part of the government operations budget that we did not cut from the amount requested by the Governor.

Now the effect of the amendments that you are going to be voting on, that Mr. Cowell has presented here, is that you are going to be cutting in to many general government operation appropriations. You are going to have a very severe effect. Forget about the personnel and the general government operation. In many instances, you are going to have an effect on worthwhile and needed programs that we have included in there to give the particular secretary the flexibility to handle some of these problems.

The aim of Mr. Cowell's amendment is the same thing that we aimed at in the Appropriations Committee. The difference is that we looked at each one of them individually. In looking at each one of them individually, we have already cut where we felt it could take a cut.

What he is now doing is coming down and saying he is going to increase it only at the rate of 108 percent. Now in some instances, in some departments, they did not get an 8-percent increase. In other instances, they got more than an 8-percent increase, because we are including within the general government operations needed and worthwhile programs.

To just arbitrarily take a figure of 108 percent and cut it across the board is going to have a very devastating effect on some of the general government operations because of programs within there. I would really strongly urge the membership to vote in the negative on these remaining amendments.

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

Mr. DORR. Mr. Speaker, I rise to support the gentleman's amendment. If one follows the logic of the chairman of the Appropriations Committee to its logical extension, we would appropriate some $4.7 billion to the Governor to divide it as he wanted, and I do not think that is what the legislature's job is.

Now it seems to me that the members of this House who are interested in economy in government should support the amendment of the gentleman, because there are many of us who do not have the opportunity to sit in judgment as members of the Appropriations Committee. Those of us who do not have that opportunity, if we are in favor of economy in government, and if we see the fiscal crunch coming and want to do something about it now, we had better support the gentleman's amendment or else ask the chairman of the Appropriations Committee to make a response which is in line with that, that the gentleman, Mr. Cowell, suggested awhile ago that gets down to some details on this.

We cannot just say that the gentleman takes a meat-ax approach and therefore we should not vote for his amendment. Let us get specific or else let us be in favor of economy in government and vote for the amendment.

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

Mr. WOJDAK. The end result of my logic is not as Mr. Dorr explains it to be. In just about every instance, we cut the Governor's request. I do not know of any other logical way to do this except to look at each department on an individual basis. That is the responsibility the Appropriations Committee is vested with. If in fact you question some of the figures that the Appropriations Committee arrives at, you have the opportunity to make that request of us. Several members have; not several, many members, have. In fact, Mr. Cowell sat and looked at each of these appropriations.

I want to clear up one inference that Mr. Cowell is making. In no instance in any of these particular amendments does the Appropriations Committee agree that it can be cut or does it in any way condone taking a pure and simple straight-line 8 percent across the board. That really, in my mind, is evading the responsibility that we have in that committee, to look at the component parts and what makes up each individual government operation appropriation.

The conclusion that Mr. Dorr accuses me of reaching is erroneous. In no instance am I taking the Governor's recommended figures. In fact, in just about every instance we have cut back on that.

I think it is our responsibility to do that, but to do it in some kind of reasonable and intelligent way by looking at each department individually, rather than taking an arbitrary or, what I consider, a very harmful method of just taking an across-the-board decrease, I should say. I would ask for a negative vote.

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

Mr. A. C. FOSTER. Mr. Speaker, I rise in support of the remaining amendments offered by the gentleman, Mr. Cowell. I do so because I feel that he has not used the meat-ax approach here. He has very carefully researched his subject matter. I did not agree with him on each separate amendment and, as a matter of fact, I voted in the negative on the two portions that were divisible. But I feel the remaining items are fully deserving of our support. He has not taken a meat-ax approach. I would recommend an affirmative vote on this amendment.

On the question recurring,

Will the House agree to Part III of the Cowell amendments?

The yeas and nays were required by Messrs. COWELL and WOJDAK and were as follows:

YEAS—95

Abraham	Gleason	McGinnis	Smith, L.
Anderson, J. H.	Grieco	Mebus	Spencer
Beren	Gring	Miller, M. E.	Stahl
Bittle	Halverson	Miller, M. E., Jr.	Stapleton
Brandt	Hamilton, J. H.	Moehlmann	Sweeney
Butera	Hasay	Mrkonic	Taddonio
Cimini	Hayes, S. E.	Mullen, M. P.	Taylor
Cowell	Hepford	Noye	Tayoun
Crawford	Hill	O'Connell	Turner
Cumberland	Hopkins	Pancoast	Ustynoski
Davies	Hutchinson, W.	Perri	Vroon
Davis, D. M.	Katz	Pitts	Wagner
Deverter	Kelly, J. B.	Polite	Weidner
Dietz	Kernick	Pyles	Westerberg
Dorr	Kistler	Reed	Whelan
Dreibelbis	Klingaman	Ryan	Whittlesey
Eckensberger	Kolter	Scheaffer	Wilt, R. W.
Fischer	Kusse	Scirica	Worrilow
Foster, A.	Lehr	Seltzer	Wright
Foster, W.	Levi	Shane	Yohn
Fryer	Lynch	Shelhamer	Zearfoss
Gallen	Manmiller	Shuman	Zeller
Garzia	McClatchy	Sirianni	Zord
Geesey	McCue	Smith, E.	

NAYS—97

Arthurs	George	McLane	Ritter
Barber	Giammarco	Menhorn	Romanelli
Bellomini	Gillespie	Milanovich	Ross
Berlin	Gillette	Milliron	Ruggiero
Berson	Gleeson	Miscevich	Saloem
Blackwell	Goodman	Morris	Schmitt
Bonetto	Green	Mullen	Schweder
Bradley	Greenfield	Musto	Shupnik
Brunner	Haskell	Myers	Stout

Burns	Hayes, D. S.	Novak	Sullivan
Caputo	Hutchinson, A.	O'Brien	Toll
Cessar	Irvis	O'Donnell	Trello
Cohen	Itkin	Oliver	Vann
Cole	Kelly, A. P.	O'Keefe	Walsh, T. P.
DeMedio	Knepper	Parker, H. S.	Wansacz
Dicarlo	Kowalyshyn	Perry	Wargo
DiDonato	LaMarca	Petrarca	Wilson
Dombrowski	Laudadio	Pievsky	Wilt, W. W.
Doyle	Laughlin	Pratt	Wojdak
Englehart	Lederer	Prendergast	Yahner
Fee	Letterman	Rappaport	Zwikl
Fisher	Lincoln	Renninger	
Flaherty	Manderino	Renwick	Fineman,
Gallagher	McCall	Rhodes	Speaker
Geisler	McIntyre	Rieger	

NOT VOTING—11

Bennett	Hammock	Richardson	Thomas
Dininni	Johnson, J.	Salvatore	Valicenti
Fawcett	McGraw	Shelton	

So the question was determined in the negative and Part III of the Cowell amendments was not agreed to.

On the question recurring,

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

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

Amend Sec. 2, page 28, line 16, by inserting after "including": the Bureau of Professional and Occupational Affairs

Amend Sec. 2, page 28, line 18, by striking out "1,916,000" and inserting: 4,883,000

Amend Sec. 2, page 28, lines 19 and 20, by striking out both of said lines

Amend Sec. 2, page 28, by inserting between lines 24 and 25:

For payment of all necessary expenses of the Commission on Revision of the Pennsylvania Election Code 60,000

On the question,

Will the House agree to the amendments?

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

Mr. GREEN. Mr. Speaker, thank you. This amendment deals with the Department of State and is found on page 28 of House bill No. 1336. The amendment combines the general appropriation budget line with the Bureau of Professional and Occupational Affairs, making it a one-line budget item. It does not increase or decrease the amount of moneys involved.

As the bill stands right now, you are taking the fiscal responsibility from the department head and giving it to a bureau director. I do not think this is wise.

The amendment further provides $60,000 to fund the Commission on the Revision of the Pennsylvania Election Code that this House passed last month. Presently there is $60,000 in the Department of State allocated for this commission, which has not been used and the moneys are still there. So this amendment will provide the $60,000 to continue in the next fiscal year for the commission to do their work. I ask for a "yes" vote on the amendment.

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

Mr. WOJDAK. Mr. Speaker, if I could speak to the second portion of Mr. Green's amendment first, the reason it was not included in the budget is that most of the recommendations by the commission have already been embodied in legislation. We did not feel that they would be bearing an additional expense. That is the reason that $60,000 was not included in the appropriation.

Now as to the first part of his amendment, what the Appropriations Committee has done is to line-item, in this case, the Bureau of Professional and Occupational Affairs. Now we did it because of a particular problem that has been brought to our attention. What has been brought to our attention is that there are severe problems with the Bureau because of backlogs in requests for licenses, and various occupations are suffering as a result of this.

Now there have been concerns expressed that an adequate amount of money does not reach that bureau. In order to answer some of the complaints that we have been getting, in order to insure that an adequate amount of money reaches that bureau, we have line-itemed that particular bureau. You could really go either way and include it back with the general appropriation. That was our reasoning. I am not firm in any position as to whether it should be line-itemed or put into the general government operation.

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

Mr. GREEN. The purpose of the commission which this House passed was to rewrite the Pennsylvania Election Code in its entirety. Over the years, we have seen the piecemeal approach here and it has not been successful. I believe that this commission that has passed the House would look at the entire problem and then present a package to us which we would consider all at once, and not by the piecemeal approach. In order for the commission to do its work, it must have these moneys provided for in my amendment.

Regarding the one line item, as a former bureaucrat, I do not think it is wise to make a direct appropriation to a bureau director. I think you must deal with the department head. When you start appropriating moneys directly to the bureau directors, you are going to have chaos here on the hill. There will be no control, whatsoever, from the department head.

So I do not think it is wise at all for this House to make a separate appropriation to a bureau under the auspices that there are problems over there. This will not solve the problems. This will create further problems in that department if we circumvent the head of the department. I ask for an affirmative vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Haskell

Mr. HASKELL. Mr. Speaker, I wish to address myself to the second part of the amendment. If I understood Mr. Wojdak correctly, he said that there is no need for the additional $60,000 to finance the operation of the commission which will soon be created by saying that most of the proposals are now in legislative form. I must take exception to his remarks. They are not in legislative form. The $60,000 is needed to thoroughly examine the Election Code. I ask an affirmative vote on this amendment.

Thank you, Mr. Speaker.

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

Mr. BARBER. Mr. Speaker, I do not think we should separate the moneys for the simple reason that sometime ago they had planned to abolish the office of Secretary

of State. Since that time, I believe that the Secretary of State has done a very good job.

I do believe that the head of that department, Mrs. Tucker, should receive the money as any other department.

AMENDMENTS DIVIDED

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

Mr. DORR. Mr. Speaker, I do not like to prolong the matter, but the question deserves division and I would request that the amendment be divided between the first two lines, which I understand to be the first portion of the intent of the gentleman and the rest of the amendment.

The SPEAKER. Will the gentleman from Butler, Mr. Green, indicate where this amendment can be divided to accomplish what Mr. Dorr wants to do?

Mr. GREEN. The division can come after "Amend Sec. 2, page 28, lines 19 and 20, by striking out both of said lines."

The SPEAKER. All the material above the line reading and including "Amend Sec. 2, page 28, lines 19 and 20, by striking out both of said lines" would constitute one amendment?

Mr. GREEN. Yes.

The SPEAKER. Is that correct?

Mr. GREEN. Yes, Mr. Speaker.

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

The question has been divided, and the Chair will submit to the House for its determination the amendment of the first six lines of the page in front of you. It will be considered as the first amendment.

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

Mr. DORR. Mr. Speaker, may I interrogate Mr. Wojdak for a moment, please?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DORR. Mr. Speaker, does this separate appropriation for the Bureau of Professional Occupational Affairs include, for example, such moneys as additional appropriations for the purpose of printing rules and regulations?

Mr. WOJDAK. To my best recollection, it does.

Mr. DORR. If I may make just a brief statement Mr. Speaker, many of the members of this House, I am sure, experience the same thing I do, and that is, not only do we have serious delays and very great bureaucratic red tape involved in that bureau, and Mr. Wojdak indicates some of the problems to have been caused by the lack of funding from the department to the bureau, but also the people who are supposed to take examinations in order to be licensed by this state—for example the real estate salesmen, real estate brokers, and an additional prominent example would be beauticians and barbers—those people cannot in many instances even get a copy of the rules and regulations that pertain to that particular profession. It is extremely difficult for any individual in this state to qualify in an area unless he can know what rules and regulations he is being examined on. I think it is important that we try to solve this particular red-tape problem and keep that bureau separate. I would, therefore, recommend a "no" vote on this portion of the amendment.

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

Mr. GREEN. Mr. Speaker, being a former employe of this department and working there for 3 years, I am aware of some of the problems that exist in the department. But again to reiterate, I do not believe it is going to solve the problem by taking the fiscal responsibility away from that department head who would have the purse strings to be able to control this particular bureau. If we are going to permit bureau directors to come to the House of Representatives and ask for a separate appropriation, we will be here until doomsday.

I feel if you separate the Bureau of Professional License and Occupation from the Department of State you are only going to cause more problems than we have there now. I feel that we must keep the department together, work out the internal problems in the department. I favor a "yes" vote for fiscal responsibility in permitting that department head to run her department. I ask for a "yes" vote.

On the question,

Will the House agree to Part I of the Green amendments?

The yeas and nays were required by Messrs. GREEN and WOJDAK and were as follows:

YEAS—58

Arthurs	Gillespie	Moehlmann	Shane
Beren	Gillette	Morris	Sirianni
Berlin	Gleason	O'Connell	Stapleton
Bittle	Green	Parker, H. S.	Stout
Brandt	Halverson	Polite	Taylor
Butera	Hayes, D. S.	Pratt	Whelan
Cessar	Hill	Pyles	Whittlesey
Cole	Kolter	Reed	Wilson
Cumberland	Levi	Renninger	Worrilow
Davis, D. M.	Lincoln	Ross	Wright
Dicarlo	McCue	Ryan	Yohn
Doyle	McGinnis	Scheaffer	Zearfoss
Fee	Mebus	Schweder	Zord
Flaherty	Miller, M. E.	Seltzer	Zwikl
Garzia	Miller, M. E., Jr.		

NAYS—130

Abraham	Geisler	Manmiller	Schmitt
Anderson, J. H.	George	McCall	Scirica
Barber	Giammarco	McClatchy	Shelhamer
Bellomini	Goodman	McIntyre	Shuman
Berson	Greenfield	McLane	Shupnik
Blackwell	Grieco	Menhorn	Smith, E.
Bonetto	Hamilton, J. H.	Milanovich	Smith, L.
Bradley	Hasay	Milliron	Spencer
Brunner	Haskell	Miscevich	Stahl
Burns	Hayes, S. E.	Mrkonic	Sullivan
Caputo	Hepford	Mullen	Sweeney
Cimini	Hopkins	Mullen, M. P.	Taddonio
Cohen	Hutchinson, A.	Musto	Tayoun
Cowell	Hutchinson, W.	Myers	Toll
Crawford	Irvis	Novak	Trello
Davies	Itkin	Noye	Turner
DeMedio	Katz	O'Brien	Ustynoski
Deverter	Kelly, A. P.	O'Donnell	Vann
DiDonato	Kelly, J B.	Oliver	Vroon
Dietz	Kernick	Pancoast	Wagner
Dombrowski	Kistler	Perry	Walsh, T. P.
Dorr	Klingaman	Petrarca	Wansacz
Dreibelbis	Knepper	Pievsky	Wargo
Eckensberger	Kowalyshyn	Pitts	Weidner
Englehart	Kusse	Prendergast	Westerberg
Fischer	LaMarca	Rappaport	Wilt, R. W.
Fisher	Laudadio	Renwick	Wilt, W. W.
Foster, A.	Laughlin	Rhodes	Wojdak
Foster, W.	Lederer	Rieger	Yahner

Fryer	Lehr	Ritter	Zeller
Gallagher	Letterman	Romanelli	
Gallen	Lynch	Ruggiero	Fineman,
Geesey	Manderino	Saloom	Speaker

NOT VOTING—15

Bennett	Gring	O'Keefe	Shelton
Dininni	Hammock	Perri	Thomas
Fawcett	Johnson, J.	Richardson	Valicenti
Gleeson	McGraw	Salvatore	

So the question was determined in the negative and Part I of the Green amendments was not agreed to.

On the question,

Will the House agree to Part II of the Green amendments?

The yeas and nays were required by Messrs. GREEN and WOJDAK and were as follows:

YEAS—82

Anderson, J. H.	Geesey	Lincoln	Pratt
Arthurs	Gillespie	Lynch	Prendergast
Beren	Gillette	Manmiller	Reed
Berlin	Gleason	McClatchy	Saloom
Bonetto	Green	McCue	Shane
Brandt	Gring	McGinnis	Shelton
Burns	Halverson	Mebus	Spencer
Cimini	Haskell	Menhorn	Stapleton
Cole	Hayes, D. S.	Miller, M. E.	Taddonio
Cowell	Hepford	Miller, M. E., Jr.	Taylor
Cumberland	Hill	Milliron	Tayoun
Davies	Hopkins	Miscevich	Trello
Davis, D. M.	Hutchinson, A.	Morris	Weidner
Dicarlo	Hutchinson, W.	Mullen	Westerberg
DiDonato	Itkin	O'Connell	Whelan
Dorr	Kelly, J. B.	O'Keefe	Whittlesey
Doyle	Kernick	Pancoast	Wilson
Fee	Klingaman	Parker, H. S.	Wilt, R. W.
Fisher	Kolter	Petrarca	Wright
Flaherty	Lehr	Polite	Zearfoss
Foster, A.	Levi		

NAYS—108

Abraham	Goodman	Novak	Sirianni
Barber	Greenfield	Noye	Smith, E.
Bellomini	Grieco	O'Brien	Smith, L.
Berson	Hamilton, J. H.	O'Donnell	Stahl
Bittle	Hasay	Oliver	Stout
Bradley	Hayes, S. E.	Perry	Sullivan
Brunner	Irvis	Pievsky	Sweeney
Butera	Katz	Pitts	Toll
Caputo	Kelly, A. P.	Pyles	Turner
Cessar	Kistler	Rappaport	Ustynoski
Cohen	Knepper	Renninger	Vann
Crawford	Kowalyshyn	Renwick	Vroon
DeMedio	Kusse	Rhodes	Wagner
Deverter	LaMarca	Rieger	Walsh, T. P.
Dietz	Laudadio	Ritter	Wansacz
Dombrowski	Laughlin	Romanelli	Wargo
Dreibelbis	Lederer	Ross	Wilt, W. W.
Eckensberger	Letterman	Ruggiero	Wojdak
Englehart	Manderino	Ryan	Worrilow
Fischer	McCall	Scheaffer	Yahner
Foster, W.	McIntyre	Schmitt	Yohn
Fryer	McLane	Schweder	Zeller
Gallagher	Milanovich	Scirica	Zord
Gallen	Moehlmann	Seltzer	Zwikl
Garzia	Mrkonic	Shelhamer	
Geisler	Mullen, M. P.	Shuman	Fineman,
George	Musto	Shupnik	Speaker
Giammarco	Myers		

NOT VOTING—13

Bennett	Gleeson	McGraw	Salvatore
Blackwell	Hammock	Perri	Thomas
Dininni	Johnson, J.	Richardson	Valicenti
Fawcett			

So the question was determined in the negative and Part II of the Green amendments was not agreed to.

SCHEDULE FOR BALANCE OF THE DAY

The SPEAKER. For the information of the members of the House, it is the intention of the Chair to continue to run the session as long as it is necessary to handle all remaining amendments tonight. Provisions have been made to have dinner brought into the House, call it what you will. There will be some kind of repast provided for the membership of the House, but we intend to run until all the amendments are disposed of.

On the question recurring,

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

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

Amend Sec. 2, page 26, line 30, by striking out "922,694,000" and inserting: 910,194,000

Amend Sec. 2, page 30, line 14, by striking out "27,500,000" and inserting: 40,000,000

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, just some preliminary remarks before I get into my formal presentation. Most of the members have been scrutinizing this budget looking for the fat, and I think I found some. Mr. Speaker, I rise today to offer an amendment to House bill No. 1336 in the support of the needs of our 117,000 state employes for an equitable wage increase.

What I am proposing today is not an unreasonable request. It is a modest 5-percent increase across the board. It is what the state employes receive during the first 2 years of their contract. How can anyone deny, with the rate of inflation hovering around the 12-percent level, that a 5-percent increase is unjustified? The Governor has offered a piddling 3.5 percent, and the House leadership, so far, has backed up the Governor.

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

Mr. DiCARLO. Mr. Speaker, I hate to interrupt my colleague's campaigning, but I have about 30 amendments in front of me. Could Mr. Itkin please tell us what page and which line amendment he is addressing himself to?

Mr. ITKIN. My amendment is the amendment which is referred to in the upper right-hand corner with the numeral 11, followed by the letter A, 11-A in the upper right-hand corner.

The SPEAKER. Is this page 26, line 30, by striking out $922,694,000, and inserting $910 million?

Mr. ITKIN. Et cetera, that is correct, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ITKIN. The Governor has offered a piddling 3.5 percent, and the House leadership, so far, has backed up the Governor. They claim the state budget cannot accommodate a greater increase without an increase in taxes.

Mr. Speaker, this is simply not the case. Since March of this year, the number of persons receiving public assistance has decreased, 752,000 in March, 750,000 in April, 749,000 in May, and for the first half of June the number has further decreased to 747,700.

House bill No. 1336 is based on a projection of 750,000 public-assistance recipients for July 1975 and steadily

increasing to 850,000 in June of 1976. The monthly average for the fiscal year on the basis of this projection is 798,583. Obviously, this projection is not well founded. It projects a steady rise which the recent data showing a decrease does not support. It is, in my estimate, highly conservative.

I am, therefore, proposing that the projection of the 103,000 increase in public-assistance recipients be discarded. I suggest that a projected maximum of 60,000 is much more realistic, and still could be too conservative. This would reduce the yearly average some 20,000 at a net savings of some $13 million. Consequently, this amendment takes $12.5 million, required to provide funds for the 5-percent wage increase, from this category in welfare.

I should like to point out that this distribution in no way disturbs the 7-percent increase to welfare recipients. All the money required for the 7-percent increase is still contained in that line item in the budget. What it will do is prevent the Secretary of Welfare from squandering away this money in the likely event that the welfare case load projection on which House bill No. 1336 is presently based is not realized. I urge your support for this amendment. Thank you.

THE SPEAKER PRO TEMPORE (Joseph A. Sullivan) IN THE CHAIR

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

Mr. WOJDAK. Mr. Speaker, what Mr. Itkin is doing here is cutting $12.5 million from the cash grants to the blind, disabled, and that category of cash grants, and taking that money and adding it onto the state employe increases.

As to that first item, his rationale for cutting it, the $12.5 million, is that he speaks to the projected case loads. We in the Appropriations Committee looked at that and have already spoken to the projected case load. We have already cut from the public-assistance projections $70 million.

What Mr. Itkin is now proposing is that we cut it another $12.5 million. In my opinion—and I believe he bases that on the recent spring figures—there is no doubt there is a decline during the spring months. That is brought about for several reasons. For instance, there is employment to be gained at the shore. There is spring construction jobs, whatever they may be. There is increased activity.

What he fails to realize is that it is a very short spurt of activity. If you project it over the entire months of the fiscal year which we are speaking to—and as I said, we cut it already $70 million—to cut it an additional $12.5 million, I think is going to seriously jeopardize the needed funds for the cash grants to the blind, disabled, aid to dependent children categories and such as that.

I take very strong exception to the types of projections that Mr. Itkin has made. I do not think he has built into it the seasonal adjustment for the spring decreases in the rolls. If you project it out, as we did in the Appropriations Committee, I think this additional cut is going to severely hamper the needed money that we are going to need for cash grants to these various recipients.

In addition in my opinion, I think it will seriously hamper the Governor's ability and our ability—and this House has spoken on that issue—to grant the 7-percent increase that we do anticipate giving to the welfare recipients. I ask for a negative vote on the amendments.

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

Mr. ITKIN. Mr. Speaker, what I just heard is pure poppycock. Here is where it is and here is the fact: The chairman of the Appropriations Committee starts telling us why this spring, as one would expect, there is a reduction in the public-assistance case loads as expected.

I ask this question of the Appropriations Committee chairman: Why does not his projected figure for next year for the spring show such a decrease also?

Mr. WOJDAK. It does, Mr. Speaker.

Mr. ITKIN. But it steadily rises through the spring months.

It seems to me, Mr. Speaker, I happen to have some knowledge in this area. I happen to have a PhD in mathematics, and my area has been in mathematical models and projections, and I can smell a piece of garbage when I see it.

These projections are based on the same projections for the high school algebra student. They are done without any finesse. They are done by looking at a bunch of data and finagling and trying to project the case load.

I am saying this: No public-assistance recipient would be denied his need if that should develop. I am suggesting to you that for the next year this case load has been overly inflated, that it is the buffer, which you will find out as we get through the course of next year, for special products that arrive, and that such moneys will come from. It will be all of a sudden discovered that, aha, how wonderful the economy has turned around and we have less public-assistance case loads.

If you feel that there is legitimacy to providing the state employes with a modest 5-percent increase and you do not want to see this money bottled up for some purpose that you have no knowledge of at the present time, you will support me in my amendment, because it is a correct and proper one.

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

Mr. WOJDAK. Mr. Speaker, let me make one thing clear: All the information that Mr. Itkin is referring to we had in the Appropriations Committee.

The argument he is making—and it is really a difference in degree—is that we have projected that the case load will not be as high as the Welfare Department has indicated. The figure that we have cut that case load by is $70 million. Mr. Itkin comes along at this date and attempts to project that to $82.5 million, and it is a politically sexy and expedient thing to do at this point, looking at what he is attempting to tie it into.

I resent his remarks that we worked with a bunch of figures and finagled, because he apparently did the same thing in making his projections, although I think you have to plug into his estimated projections what he is attempting to do on the very face of these amendments, which is something very politically expedient. But in terms of the actual moneys needed and taking into consideration all the seasonal adjustments, not only this spring but next spring, we have arrived at a cut in those projections of somewhere near $70 million. I think you would really seriously impair the department's ability

to put out the cash grants to the categories receiving them, the blind, the disabled, aid-to-dependent-children categories. You are going to seriously hamper their ability to put out those types of cash grants. I ask for a negative vote.

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

Mr. McCLATCHY. Mr. Speaker, I just want to go over some figures we have also in regard to the case load. In March of this year, which was the highest case load for the state, we project roughly $37 million. If you multiply that times 12, we get an amount of $444 million. The monthly state blind pension comes to a very liberal figure if you use between $600,000 and $650,000 a month times 12; using $650,000 that is $8 million. If you add the 7-percent increase, we get $32 million, for a total of $484 million. You subtract that from the projected budget we have before us of $504 million, you have got a $20-million surplus. I am not so sure that $20 million is exact, but certainly we can afford the $13 million.

I think if there is anyplace we want to try to give the state employes an increase, this is one place where we can do it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, I wonder if the gentleman from Allegheny, Mr. Itkin, would submit to a brief interrogation.

The SPEAKER pro tempore. Will the gentleman from Allegheny, Mr. Itkin, consent to interrogation?

Mr. ITKIN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DiCARLO. I have some questions, Mr. Speaker. Presently the AFSCME union is in negotiations with the Governor of the Commonwealth of Pennsylvania. Are you familiar with anything that has been presented to the Governor or what is being negotiated?

Mr. ITKIN. Mr. Speaker, the only thing I know is what I read in the newspapers, that the Governer had offered a 3.5-percent increase, totalling some $35 million; $27.5 million from this particular piece of legislation and an additional $7.5 million from the motor license fund to provide for this 3.5-percent increase to the PennDOT workers.

Mr. DiCARLO. Do you know any specifics that perhaps the AFSCME union is asking for above and beyond the Governor's amount that he will be able to supply or would want to supply?

Mr. ITKIN. I read it this way: The AFSCME union obviously is negotiating to get as much as they want for their employes. I am not trying to reflect their position or their concerns. My concern is, as a member of this House, to insure that they are provided with what I consider a realistic amount. I think 5 percent is realistic. No way do you see me supporting 30-percent increases or 10-percent increases. I am supporting what I consider to be a modest 5 percent. It requires $12.5 million. I have personally found that $12.5 million a fact, and I think the contention that we would love to give it to you people but we do not have the money is not well founded, because the money is right here.

Mr. DiCARLO. What I am wondering, too, Mr. Speaker—perhaps you can answer me—the purpose of Act 195 is to do what with public employes?

Mr. ITKIN. It provides for collective bargaining.

Mr. DiCARLO. Are we not intervening with that process by saying ahead of time, before negotiations are even completed, that here is the amounts of money that you can appropriate, that you can deal with or that you can ask for?

Mr. ITKIN. Mr. Speaker, I agree that it is very inappropriate to begin negotiations at this time prior to the adoption of a budget. Obviously, that is what was negotiated with respect to the administration and union. The administration should have known better 3 years ago than to allow this type of opener to exist right now during the budget. It could have been quite conceivable that the administration was trying to develop a wedge by trying to lock only a certain amount of money in the budget and, therefore, telling the union that there is no more money available.

Mr. DiCARLO. Mr. Speaker, let me ask you this: If the Governor finishes negotiations and he finally settles with the union and says the package is, indeed, not going to be $34 million, but I will give you $75 million, what is the status of that contract then?

Mr. ITKIN. As far as I am concerned, unless this state legislature appropriates the money in a deficiency appropriation, that money will not be given to the state employes.

Mr. DiCARLO. So at that time, after contract negotiations, the legislative body still has the right, still has the power and is mandated by law to okay those deficiencies. Am I right?

Mr. ITKIN. That is true.

Mr. DiCARLO. Mr. Speaker, what I am trying to bring out here is that the whole purpose of Act 195 and the whole purpose of having state employes come under collective bargaining is to give them the right to negotiate, to give them the right to go to the bargaining table. In the past, years after years, this legislature and the administration has said to state employes, this is all you are going to get; this is all the money that is available. Finally, 3 years ago, we liberalized our concepts. We gave them the right to unionize and we gave them the right to go into the Governor and say, we want to sit down fairly; we want to talk to you; we want to negotiate. Then the checks and balances were that the legislature, at the end of those negotiations, would ratify that contract and, if excess moneys were needed, we would provide those moneys if it were deemed necessary.

I think the offering of this amendment is very illtimed. I think Mr. Itkin at this time is intervening in the negotiating process, that he has no jurisdiction in, and I think this legislature should do well to stay out of all labor disputes or disagreements until the time comes or we should sit down and look over the contract. If the moneys are needed at that time, address ourselves to the problem.

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

Mr. ZELLER. Mr. Speaker, my first question would be: Can we divide the issue? And I would like to comment on it first, if I may, as to the reasons.

We have a problem. In effect, Mr. Speaker, what we are doing is vying the welfare people against the state

employes. You are going to have this battle here, and I think it is unfortunate.

Secondly, in the past—and I believe I have about as much time in union work as anybody else in here, 35 years—what we are doing is entertaining a negotiating problem. I think Mr. DiCarlo is right in saying that final negotiations have been done. At no time should we vote for legislation to override such rights that they have to do this. They have done it; they have come into the Appropriations Committee; they have given them what they agreed upon evidently, and here we are now, we are going to upset that negotiation. That is one of the reasons, Mr. Speaker, I feel, if we can, I would like to see the issue divided.

The SPEAKER pro tempore. Are you asking for a ruling, Mr. Zeller?

Mr. ZELLER. Yes, sir.

The SPEAKER pro tempore. Would you indicate just how you would like to have this divided?

Mr. ZELLER. Yes; I would like to separate the second line from the third and fourth lines, if it is possible. In other words, on the item, amend section 2, then we go to $910,194,000. Separate that from the amendment, section 2, page 30, line 14, . . . $40,000,000. I wish to separate the two items.

The SPEAKER pro tempore. The question is divisible.

Mr. ZELLER. Thank you.

AMENDMENTS DIVIDED

Mr. ZELLER. I would like to move that we divide it.

The SPEAKER pro tempore. The question is divisible.

Mr. ZELLER. Thank you.

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

Mr. ITKIN. Mr. Speaker, I would like to respond to the remarks of the gentleman from Lehigh, Mr. Zeller.

I would like to set the record straight right on this floor. In no way would this amendment take any money from those who are on welfare.

What I am suggesting by this amendment and arguing by this amendment is that the projected figures are far higher than they should be. No one is going to deprive the public assistance recipients because of this amendment, because the excess that has been provided for this purpose will not be used in any event. The exception I have concern about is that the moneys, as they remain toward the end of the fiscal year, will be consumed for some other purpose.

Secondly, with respect to Mr. Zeller's comments, the question of negotiations and whether this type of a line item should be included in the budget was determined prior to my offering this amendment. There is now in the budget document, in House bill No. 1336, a proposed settlement of some $27.5 million. I did not put that figure in there. I am saying that now that that figure is in, in my estimation, it does not give the Governor enough money to offer to the state workers a reasonable wage settlement. I do not want to come back to this House and hear that the reason the Governor could not give the state employes anymore money was because this legislature could not find the money. I am finding the money right now in an item which will not inflate the size of the budget and will not cost the taxpayers one thin dime.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Caputo. For what purpose does the gentleman rise?

Mr. CAPUTO. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAPUTO. Has the Chair ruled that the question is divisible?

The SPEAKER pro tempore. Yes.

Mr. CAPUTO. Well, will the Chair then explain to the House what part of the amendment we are going to vote on first?

The SPEAKER pro tempore. We will vote on the first two lines first, Mr. Caputo.

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

Mr. ZELLER. Mr. Speaker, I have been motivated for several reasons to do this. One is the fact that I saw a fight here between the two departments. That may sound like that is the only reason and I am using this as a ploy, but I also am going to be honest with you in regard to why I want to see this first item voted on: That is the fact that I would like to see that area cut. I am with the gentleman, Mr. Itkin; there is no problem there. I would like to see us vote "yes" for a cut in this area.

When we get to the second one, I will give my reasons for that. I would like to see a "yes" vote on this issue.

The SPEAKER pro tempore. The members will proceed to vote on the first part of the amendment—Section 2, page 26, line 30.

On the question,

Will the House agree to Part I of the Itkin amendments?

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

YEAS—105

Abraham	Gleason	Manmiller	Seltzer
Anderson, J. H.	Grieco	McClatchy	Shelhamer
Beren	Gring	McCue	Shuman
Berlin	Halverson	McGinnis	Sirianni
Bittle	Hamilton, J. H.	McIntyre	Smith, E.
Brandt	Hasay	Menhorn	Smith, L.
Butera	Haskell	Milliron	Spencer
Cessar	Hayes, D. S.	Miscevich	Stahl
Cimini	Hayes, S. E.	Moehlmann	Taddonio
Cowell	Hepford	Morris	Trello
Crawford	Hill	Mullen	Turner
Cumberland	Hopkins	Mullen, M. P.	Ustynoski
Davies	Hutchinson, W.	Novak	Vroon
DeMedio	Itkin	Noye	Wagner
Deverter	Katz	O'Connell	Walsh, T. P.
Dietz	Kelly, J. B.	Pancoast	Weidner
Dorr	Kernick	Parker, H. S.	Westerberg
Dreibelbis	Kistler	Pitts	Whelan
Fee	Klingaman	Pyles	Wilt, R. W.
Fischer	Knepper	Renninger	Wilt, W. W.
Fisher	Kusse	Renwick	Worrilow
Flaherty	LaMarca	Romanelli	Yahner
Foster, A.	Lehr	Ryan	Yohn
Foster, W.	Letterman	Saloom	Zearfoss
Gallen	Levi	Scheaffer	Zeller
Geesey	Lynch	Scirica	Zord
George			

NAYS—83

Arthurs	Gillespie	Miller, M. E., Jr.	Schmitt
Barber	Gillette	Mrkonic	Schweder
Bellomini	Goodman	Musto	Shane
Berson	Green	Myers	Shupnik
Blackwell	Greenfield	O'Brien	Stapleton

Brunner	Hutchinson, A.	O'Donnell	Stout
Burns	Irvis	O'Keefe	Sullivan
Caputo	Johnson, J.	Oliver	Taylor
Cohen	Kelly, A. P.	Perry	Tayoun
Cole	Kolter	Petrarca	Toll
Davis, D. M.	Kowalyshyn	Pievsky	Vann
Dicarlo	Laudadio	Polite	Wansacz
DiDonato	Laughlin	Pratt	Wargo
Dombrowski	Lederer	Prendergast	Whittlesey
Doyle	Lincoln	Rappaport	Wilson
Eckensberger	Manderino	Reed	Wojdak
Englehart	McCall	Rhodes	Wright
Fryer	McLane	Rieger	Zwikl
Gallagher	Mebus	Ritter	
Garzia	Milanovich	Ross	Fineman,
Geisler	Miller, M. E.	Ruggiero	Speaker
Giammarco			

NOT VOTING—15

Bennett	Fawcett	Perri	Sweeney
Bonetto	Gleeson	Richardson	Thomas
Bradley	Hammock	Salvatore	Valicenti
Dininni	McGraw	Shelton	

So the question was determined in the affirmative and Part I of the Itkin amendments was agreed to.

On the question,
Will the House agree to Part II of the Itkin amendments?

THE SPEAKER (Herbert Fineman) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Sullivan, for temporarily presiding.

The Chair recognizes the gentleman, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, in this area, as I stated before, since this has been negotiated and since it has been set at 3½ percent and the Appropriations Committee has agreed, I feel that it is no time for us to allow final negotiations to come before this body. I have fought it in the past and I do not believe the floor of this House should be used for this reason. They have their right under Act 195 to work it out. I feel at this time we should vote a big fat "no."

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

Mr. CAPUTO. Mr. Speaker, it is my understanding that the negotiators for the state employes and the negotiators for the administration met today. There will be an announcement tomorrow morning as to the outcome of those negotiations.

Now I am in favor of increased remunerations for state employes. I have a couple of my relatives on the payroll and I have sponsored a lot of my constituents. However, Mr. Speaker, it has been historically and it is the law since we adopted House bill No. 185 that the representatives of the administration and of the state employes negotiate a salary. Some legislation that would have given the legislators the right to participate in those negotiations has never been passed. We stand idly by and wait until the negotiations are consummated, then we are asked to raise the money either by taxes or getting it out of the general fund.

I think that an affirmative vote on this bill would seriously jeopardize the negotiations that are going on presently. I think that even if we raise it by 1½ percent by passing the second part of this amendment that that would not be binding on the negotiating parties, nor would it, Mr. Speaker, indicate how we would vote if we have to raise more than the 1½ percent.

It is equally conceivable to believe that the representatives of the state employes will be able to negotiate more than a 1½-percent increase as it is to believe that the administration will be able to hold the line.

I do not think that it is proper for one branch of this legislature to indicate encouragement for the employes' representatives to go above 3½ percent by an affirmative vote of this amendment or to indicate our position on whether or not we will come up with the money if they are successful in getting more than that, or to encourage the administration to hold the line at 3½ percent.

Since we have never been considered in the past, I do not think we should make the first decision on this bill. For that reason, and because I know that a lot of members of this general legislature, who will have to make a decision if this is called up for a vote without any idea that their decision will be the final determination between the negotiating parties, I ask that this part of the amendment be tabled.

MOTION TO TABLE

Mr. CAPUTO. I move that we table Part II of Mr. Itkin's amendment to House bill No. 1336.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin. This is not a debatable motion.

Mr. ITKIN. I would hope that the Chair would allow some latitude on the motion.

The SPEAKER. This is not a debatable motion.

Mr. ITKIN. Mr. Speaker, I hope this tabling motion does not carry. It does not have any effect on what the Governor can and will do in terms of what he wants to negotiate to. It just allows him to know that the funds are available to negotiate up to 5 percent. He cannot go ahead—

The SPEAKER. This is not a debatable motion.

Mr. ITKIN. Mr. Speaker, I oppose the motion to table.

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

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

YEAS—95

Arthurs	Garzia	McLane	Ritter
Barber	Geisler	Milanovich	Ross
Bellomini	Giammarco	Miller, M. E.	Schmitt
Bennett	Gillespie	Miller, M. E., Jr.	Schweder
Berlin	Gillette	Morris	Shane
Berson	Gleeson	Mrkonic	Shuman
Blackwell	Goodman	Mullen	Shupnik
Bradley	Green	Mullen, M. P.	Smith, E.
Brandt	Hamilton, J. H.	Musto	Stapleton
Caputo	Hill	Myers	Sullivan
Cohen	Hopkins	O'Brien	Taylor
Cole	Hutchinson, A.	O'Donnell	Tayoun
Cowell	Irvis	O'Keefe	Toll
Crawford	Johnson, J.	Oliver	Vann
Davis, D. M.	Katz	Parker, H. S.	Vroon
Dicarlo	Kernick	Perry	Wansacz
DiDonato	Kolter	Petrarca	Wargo
Doyle	Laudadio	Pievsky	Wojdak
Dreibelbis	Letterman	Pitts	Zeller
Eckensberger	Lincoln	Pratt	Zord
Englehart	Manderino	Prendergast	Zwikl
Fischer	McCall	Rappaport	
Flaherty	McClatchy	Rhodes	Fineman,
Fryer	McIntyre	Rieger	Speake
Gallagher			

NAYS—96

Abraham	Greenfield	Manmiller	Sirianni
Anderson, J. H.	Grieco	McCue	Smith, L.
Beren	Gring	McGinnis	Spencer
Bittle	Halverson	Mebus	Stahl
Brunner	Hasay	Milliron	Stout

Burns	Haskell	Miscevich	Sweeney
Butera	Hayes, D. S.	Moehlmann	Taddonio
Cessar	Hayes, S. E.	Novak	Trello
Cimini	Hepford	Noye	Turner
Cumberland	Hutchinson, W.	O'Connell	Ustynoski
Davies	Itkin	Pancoast	Wagner
DeMedio	Kelly, A. P.	Polite	Walsh, T. P.
Deverter	Kelly, J. B.	Pyles	Weidner
Dietz	Kistler	Reed	Westerberg
Dombrowski	Klingaman	Renninger	Whelan
Dorr	Knepper	Renwick	Whittlesey
Fee	Kowalyshyn	Romanelli	Wilson
Fisher	Kusse	Ruggiero	Wilt, R. W.
Foster, A.	LaMarca	Ryan	Wilt, W. W.
Foster, W.	Laughlin	Saloom	Worrilow
Gallen	Lederer	Scheaffer	Wright
Geesey	Lehr	Scirica	Yahner
George	Levi	Seltzer	Yohn
Gleason	Lynch	Shelhamer	Zearfoss

NOT VOTING—12

Bonetto	Hammock	Perri	Shelton
Dininni	McGraw	Richardson	Thomas
Fawcett	Menhorn	Salvatore	Valicenti

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

On the question recurring,
Will the House agree to Part II of the Itkin amendments?

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

Mr. ITKIN. Mr. Speaker, just with respect to that last amendment, let us hope that the Governor and the negotiating team do some work tonight because I am going to ask to remove this amendment from the table tomorrow.

Mr. Speaker, I have lost so many times on the floor of this House, I cannot recognize a winner.

Mr. Speaker, I would like to call for the vote. I think it is a legitimate demand.

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

Mr. WOJDAK. Mr. Speaker, the $27 million in this bill providing raises for the state employes, percentagewise, breaks out to approximately 3½ percent.

In addition to that, there is a 5-percent increment included within the various general government operations. This increment will go to—

PARLIAMENTARY INQUIRY

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

Mr. CAPUTO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAPUTO. Is it proper to ask for immediate reconsideration of the last vote?

The SPEAKER. If the motion for reconsideration is in writing, signed by two persons, it is always in order.

The gentleman, Mr. Caputo, indicates that he is about to make a motion for reconsideration of the vote by which the first amendment offered by the gentleman, Mr. Itkin, was not tabled.

RECONSIDERATION OF VOTE
ON MOTION TO TABLE ITKIN AMENDMENT

Mr. CAPUTO moved that the vote by which the motion to table Part II of the Itkin amendments was defeated on this day be reconsidered.

Mr. PIEVSKY seconded the motion.

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

On the question recurring,
Will the House agree to the motion to table Part II of the Itkin amendments?

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

YEAS—97

Arthurs	Fischer	McCall	Ritter
Barber	Flaherty	McIntyre	Ross
Bellomini	Fryer	McLane	Ruggiero
Bennett	Gallagher	Menhorn	Schmitt
Berlin	Garzia	Milanovich	Schweder
Berson	Geisler	Miller, M. E.	Shane
Blackwell	Giammarco	Miller, M. E., Jr.	Shupnik
Bonetto	Gillespie	Morris	Stapleton
Bradley	Gillette	Mrkonic	Stout
Brunner	Gleeson	Mullen	Sullivan
Caputo	Goodman	Mullen, M. P.	Sweeney
Cohen	Green	Musto	Taylor
Cole	Greenfield	Myers	Toll
Cowell	Hamilton, J. H.	O'Donnell	Trello
Davis, D. M.	Hutchinson, A.	O'Keefe	Vann
DeMedio	Irvis	Oliver	Wansacz
Dicarlo	Johnson, J.	Parker, H. S.	Wargo
DiDonato	Kelly, A. P.	Perry	Wojdak
Dombrowski	Kernick	Petrarca	Zeller
Dorr	Kolter	Pievsky	Zord
Doyle	Kowalyshyn	Pratt	Zwikl
Dreibelbis	Laudadio	Prendergast	
Eckensberger	Letterman	Rappaport	Fineman, Speaker
Englehart	Lincoln	Rhodes	
Fee	Manderino	Rieger	

NAYS—92

Abraham	Halverson	McGinnis	Sirianni
Anderson, J. H.	Hasay	Mebus	Smith, E.
Beren	Haskell	Milliron	Smith, L.
Bittle	Hayes, D. S.	Miscevich	Spencer
Brandt	Hayes, S. E.	Moehlmann	Stahl
Burns	Hepford	Novak	Taddonio
Butera	Hill	Noye	Tayoun
Cessar	Hopkins	O'Brien	Turner
Cimini	Hutchinson, W.	O'Connell	Ustynoski
Crawford	Itkin	Pancoast	Wagner
Cumberland	Kelly, J. B.	Pitts	Walsh, T. P.
Davies	Kistler	Polite	Weidner
Deverter	Klingaman	Pyles	Westerberg
Dietz	Knepper	Reed	Whelan
Fisher	Kusse	Renninger	Whittlesey
Foster, A.	Laughlin	Renwick	Wilson
Foster, W.	Lederer	Ryan	Wilt, R. W.
Gallen	Lehr	Saloom	Wilt, W. W.
Geesey	Levi	Scheaffer	Worrilow
George	Lynch	Scirica	Wright
Gleason	Manmiller	Seltzer	Yahner
Grieco	McClatchy	Shelhamer	Yohn
Gring	McCue	Shuman	Zearfoss

NOT VOTING—14

Dininni	LaMarca	Romanelli	Thomas
Fawcett	McGraw	Salvatore	Valicenti
Hammock	Perri	Shelton	Vroon
Katz	Richardson		

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. ROMANELLI. Mr. Speaker, my switch was not functional on the last vote. Had I been able to vote by

switch, I would have voted "no" to table Part II of Mr. Itkin's amendment to House bill No. 1336.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, I would like to correct a vote previously made on the Johnson amendment. I am incorrectly recorded as voting "no." I intended to vote "yes" on that particular amendment, Mr. Speaker.

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

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

Mr. ITKIN. I just want to advise the House once again that there will be a motion made tomorrow to bring the amendment from the table.

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

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

The SPEAKER. The gentleman will state it.

Mr. ROMANELLI. On the first portion of Mr. Itkin's amendment to House bill No. 1336, I inadvertently voted "yes" but I wish to be recorded in the negative.

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

Will the gentleman, Mr. Itkin, send all the amendments forward at one time, please?

Mr. ITKIN. Mr. Speaker, I cannot be sure as to which amendments I am going to offer. It depends upon which amendment passes.

On the question recurring,

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

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

Amend Sec. 2, page 32, line 8 by striking out "385,000" and inserting: 250,000

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, this is another "finder." Mr. Speaker, I found some more money in this general appropriation bill.

The SPEAKER. For what purpose does the gentleman from Montgomery, Mr. Polite, rise?

Mr. POLITE. I want to find out which amendment he is running now.

Mr. ITKIN. This is the amendment with the Roman numeral "VII" in the upper right-hand corner.

Mr. POLITE. Thank you.

The SPEAKER. This is page 32, line 8, striking out $385,000 and inserting $250,000.

The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, this is an item for covering the expenses for Senators to cover their $5,000 personal expense account. As you can see, if you take 50 Senators and multiply by $5,000 per Senator, the number should be $250,000.

Now it is true that in the past there have been some additional expenses because when we changed the law, those Senators who were in office could not receive a combination of their $7,200 and $8,400 expenses and therefore there had to be some additional moneys provided in the expense account. But since the last election, every Senator and Representative ought to be on a single $5,000 personal expense account.

You take the 50 Senators and you multiply $5,000; it is $250,000. There is a line item in the bill for $385,000. By supporting this amendment, we will save $135,000. Mr. Speaker, I hope the members will support me in this amendment.

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

Mr. WOJDAK. Mr. Speaker, these figures were provided to us by the Senate.

I do not have any breakout of the figures. I do not know one way or the other. It was a figure provided to us by the Senate.

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

Mr. ITKIN. If the Senate needs it, they will put it back in.

On the question recurring,

Will the House agree to the amendment?

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

YEAS—137

Abraham	Geisler	McCue	Shane
Anderson, J. H.	George	McIntyre	Shelhamer
Bellomini	Gillespie	McLane	Shuman
Beren	Gillette	Mebus	Sirianni
Bittle	Gleason	Menhorn	Smith, E.
Bradley	Green	Miller, M. E.	Smith, L.
Brunner	Grieco	Miller, M. E., Jr.	Spencer
Burns	Gring	Milliron	Stahl
Butera	Halverson	Miscevich	Stapleton
Cessar	Hamilton, J. H.	Moehlmann	Stout
Cimini	Hasay	Morris	Sweeney
Cole	Haskell	Mrkonic	Taddonio
Cowell	Hayes, D. S.	Mullen, M. P.	Taylor
Crawford	Hayes, S. E.	Novak	Tayoun
Cumberland	Hepford	Noye	Trello
Davies	Hill	O'Connell	Turner
Davis, D. M.	Hopkins	O'Keefe	Ustynoski
Deverter	Hutchinson, W.	Pancoast	Walsh, T. P.
Dicarlo	Itkin	Parker, H. S.	Wansacz
DiDonato	Katz	Petrarca	Wilson
Dietz	Kelly, J. B.	Pitts	Weidner
Dombrowski	Kernick	Polite	Westerberg
Dorr	Kistler	Pyles	Whelan
Doyle	Klingaman	Reed	Whittlesey
Dreibelbis	Knepper	Renninger	Wilt, R. W.
Eckensberger	Kusse	Renwick	Wilt, W. W.
Englehart	Laughlin	Ritter	Worrilow
Fischer	Lehr	Romanelli	Wright
Fisher	Letterman	Ruggiero	Yahner
Flaherty	Levi	Saloom	Yohn
Foster, A.	Lincoln	Scheaffer	Zearfoss
Foster, W.	Lynch	Schweder	Zeller
Fryer	Manmiller	Scirica	Zord
Gallen	McClatchy	Seltzer	Zwikl
Geesey			

NAYS—53

Arthurs	Giammarco	Milanovich	Ross
Barber	Goodman	Mullen	Ryan
Bennett	Hutchinson, A.	Musto	Schmitt
Berlin	Irvis	Myers	Shupnik
Berson	Johnson, J.	O'Brien	Sullivan
Blackwell	Kelly, A. P.	O'Donnell	Toll
Bonetto	Kolter	Oliver	Vann
Brandt	Kowalyshyn	Perry	Wagner
Caputo	LaMarca	Pievsky	Wargo
Cohen	Laudadio	Pratt	Wojdak

DeMedio	Lederer	Prendergast	
Fee	Manderino	Rappaport	Fineman, Speaker
Gallagher	McCall	Rhodes	
Garzia	McGinnis	Rieger	

NOT VOTING—13

Dininni	Hammock	Richardson	Thomas
Fawcett	McGraw	Salvatore	Valicenti
Gleeson	Perri	Shelton	Vroon
Greenfield			

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

Amend Sec. 2, page 39, line 30, by striking out "for attending National"

Amend Sec. 2, page 40, lines 1 and 2, by striking out all of line 1 and "Clerk of the House and the appropriation" in line 2

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. This is the amendment with the "IX" in the upper right-hand corner. This just strikes out some superfluous language. It seems when the Appropriations Committee had the bill redrafted for this year's budget, they left in language pertaining to a national legislative conference. There are no funds available for that conference this year.

All this simply does is strike the language that relates to how such disbursements were to be made. Since there are no disbursements, we do not have to worry about the language. Support me on this amendment.

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

Mr. WOJDAK. Mr. Speaker, I assume this is Mr. Itkin's amendment numbered nine?

Mr. ITKIN. That is correct.

Mr. WOJDAK. Mr. Speaker, it is a technical amendment and the gentleman is correct. I would ask that the membership vote in the affirmative.

On the question,

Will the House agree to the amendments?

Amendments were agreed to.

On the question recurring,

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

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

Amend Sec. 2, page 34, line 11, by striking out "whenever possible"

Amend Sec. 2, page 35, line 21, by striking out "whenever possible"

Amend Sec. 2, page 36, lines 11 and 12, by striking out "whenever possible"

Amend Sec. 2, page 37, line 2, by striking out "whenever possible"

Amend Sec. 2, page 37, line 21, by striking out "whenever possible"

Amend Sec. 2, page 38, line 9, by striking out "whenever possible"

Amend Sec. 2, page 41, line 27, by striking out "whenever possible"

Amend Sec. 2, page 43, lines 7 and 8, by striking out "whenever possible"

Amend Sec. 2, page 44, line 4, by striking out "whenever possible"

Amend Sec. 2, page 44, line 27, by striking out "whenever possible"

Amend Sec. 2, page 45, line 16, by striking out "whenever possible"

Amend Sec. 2, page 46, lines 4 and 5, by striking out "whenever possible"

Amend Sec. 2, page 46, line 19, by striking out "whenever possible"

Amend Sec. 2, page 47, line 9, by striking out "whenever possible"

Amend Sec. 2, page 48, lines 22 and 23, by striking out "whenever possible"

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, this is amendment number "8" in the upper right-hand corner. This is not a money item. This is a documentation item. This is a right-to-know item.

What this amendment does is, in all those funds of the majority leaders and the Speaker and all these other funds of the hundreds of thousands of dollars that we provide in this House and the Senate, there is required under the present bill that supporting documents whenever possible shall be filed in the respective offices to which that fund is disbursed.

That means that the majority leader, after spending his $650,000 or whatever he receives, has to supply documentation at the time he leaves office as to how he spent the money. The hooker is "supporting documents whenever possible."

Now I do not think when we are dealing with several million dollars that we should permit "whenever possible." I think that there should be an accounting of how this money is disbursed and maybe we will not find so many of our members eating in Lombardo's. Thank you.

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

Mr. WOJDAK. Mr. Speaker, in practice, that is what is being done now. The safeguard on the "whenever possible" language is through an audit by the Legislative Audit Commission and by an outside auditing firm, an outside CPA firm, Price Waterhouse.

What Mr. Itkin is doing here is, if there is no receipt, to provide no money in those very few circumstances where a receipt cannot be provided. The effect of the amendment really is to question the integrity of every member of this House. I would ask for a negative vote on it.

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

Mr. ITKIN. Mr. Speaker, may I respond?

I know it bothers you, Mr. Speaker, because we are treading on very sacred ground here.

The SPEAKER. Your remarks are out of order.

Mr. ITKIN. I apologize, Mr. Speaker. It was an abusive remark. I apologize. Yet my sentiments, however, are not to the contrary.

What I am trying to get out, Mr. Speaker, is that we, as members, are restricted to a $5,000 personal expense account. We are required to document. If we do not

document, Jean Francis scratches it if it is an inappropriate expense. We have to live by the rules that we established by ourselves in filing these expense accounts.

I do not think it is unreasonable that before the leadership disburses their money that they remind those persons to whom that money is disbursed that a receipt will be required. It seems a decent way to do business. I think the legislature ought to start adopting these practices. Thank you.

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

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

YEAS—107

Abraham	Geesey	Manmiller	Sirianni
Anderson, J. H.	George	McCue	Smith, E.
Beren	Gillette	Mebus	Smith, L.
Bittle	Gleason	Menhorn	Spencer
Brandt	Grieco	Miller, M. E.	Stahl
Brunner	Gring	Miller, M. E., Jr.	Stapleton
Burns	Halverson	Moehlmann	Stout
Butera	Hamilton, J. H.	Mrkonic	Taddonio
Cessar	Hasay	Noye	Tayoun
Cimini	Haskell	O'Connell	Turner
Cowell	Hayes, D. S.	Pancoast	Ustynoski
Crawford	Hayes, S. E.	Parker, H. S.	Vroon
Davies	Hepford	Pitts	Wagner
DeMedio	Hill	Polite	Wansacz
Deverter	Hopkins	Pyles	Weidner
Dicarlo	Itkin	Reed	Westerberg
Dietz	Katz	Renninger	Whittlesey
Dorr	Kelly, J. B.	Renwick	Wilson
Eckensberger	Kernick	Romanelli	Wilt, R. W.
Englehart	Kistler	Ryan	Wilt, W. W.
Fischer	Klingaman	Saloom	Wright
Fisher	Knepper	Scheaffer	Yahner
Flaherty	Kusse	Schweder	Yohn
Foster, A.	Lehr	Scirica	Zearfoss
Foster, W.	Levi	Seltzer	Zeller
Fryer	Lincoln	Shelhamer	Zord
Gallen	Lynch	Shuman	

NAYS—86

Arthurs	Giammarco	McIntyre	Rieger
Barber	Gillespie	McLane	Ritter
Bellomini	Gleeson	Milanovich	Ross
Bennett	Goodman	Milliron	Ruggiero
Berlin	Green	Miscevich	Schmitt
Berson	Greenfield	Morris	Shane
Blackwell	Hutchinson, A.	Mullen	Shupnik
Bonetto	Hutchinson, W.	Mullen, M. P.	Sullivan
Bradley	Irvis	Musto	Sweeney
Caputo	Johnson, J.	Myers	Taylor
Cohen	Kelly, A. P.	Novak	Toll
Cole	Kolter	O'Brien	Trello
Cumberland	Kowalyshyn	O'Donnell	Vann
Davis, D. M.	LaMarca	O'Keefe	Walsh, T. P.
DiDonato	Laudadio	Oliver	Wargo
Dombrowski	Laughlin	Perry	Whelan
Doyle	Lederer	Petrarca	Wojdak
Dreibelbis	Letterman	Piovsky	Worrilow
Fee	Manderino	Pratt	Zwikl
Gallagher	McCall	Prendergast	
Garzia	McClatchy	Rappaport	Fineman,
Geisler	McGinnis	Rhodes	Speaker

NOT VOTING—10

Dininni	McGraw	Salvatore	Thomas
Fawcett	Perri	Shelton	Valicenti
Hammock	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?

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

Amend Sec. 2, page 27, line 11 by striking out ", excluding the" and inserting: 318,294,000

Amend Sec. 2, page 27, lines 12 to 16 by striking out all of said lines

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

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

Mr. ITKIN. Mr. Speaker, this is amendment No. 5 and I hope the House will just bear with me for one second.

Mr. Speaker, I lost my place in the information I was trying to find, but I think I can do it in any event to discuss the propriety of this amendment.

If you notice under this line item, this line item separates Southeastern State School and Hospital from the other state schools and hospitals. Right now there are a lot of our state schools and hospitals grossly underoccupied and their population is much lower than their capacity. Southeastern State School is probably one of the worst and has the lowest occupancy level of any of the state schools and hospitals.

What the bill originally purported to do was to demand that welfare increase the occupancy of this state school and hospital, fill it, so that it would not have to be closed.

I see my people from Luzerne County up here complaining about the phasing out of Retreat State Hospital and some of the other state hospitals around this state. I share my concern with them. I do not think that we, as a legislative body, ought to say, yes, keep Southeastern State School open. Let us close down Retreat and let us send the kids from Retreat down to Southeastern State. Why should one state school and hospital get preferential treatment than any other? If they are being unoccupied, then the thing to do is close them down.

What this amendment would do would be to take the appropriation for Southeastern State School and Hospital and lump it together with all the state schools and hospitals, and I think they ought to be closed down on their ability to stay in business.

Thank you, Mr. Speaker.

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

Mr. WOJDAK. Mr. Speaker, the reason for line-iteming this particular appropriation—and I want to correct one fact that Mr. Itkin referred to. He said they were under capacity at the various state schools and hospitals. That is just not true. We are filled to capacity at the state schools and hospitals. That may be true of our mental institutions, but at state schools and hospitals, we are filled. We are operating very near capacity.

The reason for the line item in this particular instance is that the people at Woodhaven have been systematically avoiding the legislative intent in using the funding at this particular institution. It is a relatively new facility. It was built for a capacity of 529 people. They are now saying that the capacity is slightly less. When we looked at the figures a short time ago, they had 125 people at that institution.

What the line item does is to require them to have that filled at 80 percent capacity in order to avail themselves of this particular appropriation.

What is happening is they have entered into a contract at Woodhaven with Temple University. Temple is really setting the standards for admission and passing finally on who is to be admitted into Woodhaven.

What is actually happening is Temple University is using Woodhaven as a teaching laboratory and really a

playpen for their various theories, while many of our other institutions, our state school hospitals, are really bulging at the seams, and I am thinking particularly of Pennhurst. There are many parents who are very desirous of having their children admitted to Woodhaven because of the very restricted standards that Temple University is setting up really for their own purposes to use it as a teaching laboratory. An almost brand-new facility is really under capacity. Now if it were just slightly under capacity, there would be no problem. They are substantially under capacity. According to the original capacity when it was built, they are operating now at less than 25 percent of capacity.

What this line item is doing is requiring them to fill it at least to 80 percent. I ask for a negative vote on Mr. Itkin's amendment.

On the question recurring,

Will the House agree to the amendments?

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

YEAS—13

Abraham	Itkin	Miscevich	Shupnik
Gleason	McCue	Mrkonic	Whelan
Hasay	McGinnis	Saloom	Whittlesey
Hutchinson, W.			

NAYS—173

Anderson, J. H.	Garzia	McIntyre	Seltzer
Arthurs	Geesey	McLane	Shane
Barber	George	Mebus	Shelhamer
Bellomini	Giammarco	Menhorn	Shuman
Bennett	Gillespie	Milanovich	Sirianni
Beren	Gillette	Miller, M. E.	Smith, E.
Berlin	Goodman	Miller, M. E., Jr.	Smith, L.
Berson	Green	Milliron	Spencer
Bittle	Greenfield	Moehlmann	Stahl
Blackwell	Grieco	Morris	Stapleton
Bradley	Gring	Mullen, M. P.	Stout
Brandt	Halverson	Mullen	Sullivan
Brunner	Hamilton, J. H.	Musto	Sweeney
Burns	Haskell	Myers	Taddonio
Butera	Hayes, D. S.	Novak	Taylor
Caputo	Hayes, S. E.	Noye	Tayoun
Cimini	Hepford	O'Brien	Toll
Cohen	Hill	O'Donnell	Trello
Cole	Hopkins	O'Keefe	Turner
Cowell	Hutchinson, A.	Oliver	Ustynoski
Crawford	Irvis	Pancoast	Vann
Cumberland	Johnson, J.	Parker, H. S.	Vroon
Davies	Katz	Perry	Wagner
Davis, D. M.	Kelly, A. P.	Petrarca	Walsh, T. P.
DeMedio	Kelly, J. B.	Pievsky	Wansacz
Deverter	Kernick	Pitts	Wargo
Dicarlo	Kistler	Polite	Weidner
DiDonato	Klingaman	Pratt	Westerberg
Dietz	Knepper	Pyles	Wilson
Dombrowski	Kolter	Rappaport	Wilt, R. W.
Dorr	Kowalyshyn	Reed	Wilt, W. W.
Doyle	Kusse	Renninger	Wojdak
Dreibelbis	Laudadio	Renwick	Worrilow
Eckensberger	Laughlin	Rhodes	Wright
Englehart	Lederer	Rieger	Yahner
Fee	Lehr	Ritter	Yohn
Fischer	Letterman	Romanelli	Zearfoss
Fisher	Levi	Ross	Zeller
Flaherty	Lincoln	Rugglero	Zord
Foster, A.	Lynch	Ryan	Zwikl
Foster, W.	Manderino	Scheaffer	
Fryer	Manmiller	Schmitt	Fineman, Speaker
Gallagher	McCall	Schweder	
Gallen	McClatchy	Scirica	

NOT VOTING—17

Bonetto	Gleeson	O'Connell	Salvatore
Cessar	Hammock	Perri	Shelton
Dininni	LaMarca	Prendergast	Thomas
Fawcett	McGraw	Richardson	Valicenti
Geisler			

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

Mr. ITKIN. Mr. Speaker, I think you abused my opportunity to have this floor.

The SPEAKER. Does the gentleman have additional amendments to offer?

Mr. ITKIN. I do not understand why you are reacting this way.

The SPEAKER. Does the gentleman have additional amendments to offer?

Mr. ITKIN. Yes, I do, Mr. Speaker.

The SPEAKER. The gentleman will offer the amendments.

Mr. ITKIN. But I expect better treatment from the Chair, Mr. Speaker.

The SPEAKER. The clerk will read the amendments.

On the question recurring,

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

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

Amend Sec. 2, page 3, lines 2 and 3, by striking out "all necessary expenses" and inserting: benefits

Amend Sec. 2, page 3, line 4, by striking out "3,452,000" and inserting: 3,171,000

Amend Sec. 2, page 3, by inserting between lines 4 and 5: For all other necessary expenses for the proper administration of the Human Relations Commission program 281,000

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, I wonder whether maybe you should not vacate the Chair and let someone with more objectivity take the Chair.

The SPEAKER. The gentleman is out of order. He will proceed with the amendments.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, it would be a big help to us, if he has so many amendments, if somebody would tell us the page number that he is going to amend.

Mr. ITKIN. Mr. Speaker, the amendment I am offering is amendment 1-A. What this does is amend page 3, lines 2 and 3. You can get to that part of the bill and I will describe to you what the amendment does.

The SPEAKER. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, one of the committees I serve on is the Appropriations Committee and one of my opportunities is to spend hours and hours listening to departments and agencies present their budgets. One of the things I spent my time doing was reading all the stuff that they sent us, which probably is about a yard high.

With respect to this particular item in the budget, this has to do with the Pennsylvania Human Relations Commission. One of the things I found out in reading their budget proposal to the Appropriations Committee was that they had been given, in the last year's budget, moneys to provide for 17 personnel slots to be filled and on that basis the money was appropriated.

The Budget Secretary, in fact, asserted at the Appro-

priations Committee hearings that the money for these 17 positions was appropriated and that was his recommendation at the time and that is why the figures were adjusted to reflect this increase in personnel.

I could not understand, therefore, why those 17 slots were not filled until I found out the answer being that there was not money available to fill those 17 slots. I inquired why there was not money to fill those 17 slots when in fact the money was appropriated for this purpose. What turned out was that the money was spent in lieu of filling those slots for a lot of other different purposes.

I asked the Governor's office to make a complete audit to see where these moneys went, and we found out that they went for consultant fees and specialized services fees and increased travel, increased telephones and a lot of other operating expenses and not for the purpose that they were intended, namely, to create 17 new personnel positions.

This year we have substantially increased the appropriation of this agency. I strongly support the objectives of this agency and I want to insure that the moneys we appropriate are used specifically for the purposes that they were intended. Now they have indicated that they will, in fact, hire those 17 positions and, of course, we have increased their general government budget by some 22 percent.

I would like to point out to you that we have held others to 8 and 10 percent. We are increasing the Pennsylvania Human Relations Commission some 22 percent.

What does my amendment do? My amendment divides the appropriation into two categories, one for wages, salaries and benefits and one for all other necessary expenses. The total appropriation is the same, Mr. Speaker. We are going to provide them with the 22-percent increase. My concern with dividing this appropriation is that we have a great need for additional personnel in that agency. Last year we passed a bill which gave the Human Relations Commission the responsibility to protect the handicapped in hiring. I want to insure that there is going to be additional personnel added for that purpose.

In this way, what I am suggesting that we do by voting this amendment is to separate the total appropriation into two categories, one for personnel and one for operating expenses. If they do not fill the personnel, this will then go back to the general fund.

Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, oftentimes when an individual offers a long series of amendments, the membership, as the process progresses, tends not to take him seriously. The amendment which the gentleman offers in this instance goes right to the problem, the heart of the problem. Unfortunately, he is only dealing with a small agency, but, nevertheless, makes a very valid point.

If agencies and departments of this government are going to give us information, such as the gentleman took the time to read, then we should hold them accountable for what they tell us in advance. If they tell us, for example, as they could have in this instance, that they cannot distinguish between employe salaries, et cetera, and expenses, that is one thing. But when they take the time to set it out and then do just the opposite because we are lax in overseeing them, then we should let them know that we are not going to tolerate that in the future. I support the amendment.

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

Mr. RHODES. Mr. Speaker, I understand the House does not want to spend too much time on this. I will be brief.

It never ceases to amaze me that when we choose to make an example of an agency in the Commonwealth to prove a point about efficiency or popular organization of the executive branch, invariably we single out the Human Relations Commission. I think that is an unfortunate tendency in the House and it reveals our tendency sometimes to focus attention on the Human Relations Commission which is unwarranted. There may be some merit in the view that we should line-item all of our executive departments' bureau and agency personnel budgets in one line item and other expenses in another line item. But surely we do not want to single out this one Human Relations Commission appropriation and make that delineation and hold that up as our example of executive reform in this budget.

Secondly, we all realize that now the Human Relations Commission, as the Representative from Allegheny County, Mr. Itkin, pointed out, has greatly expanded responsibilities now. These responsibilities include not just the discrimination area of race and sex but age and now disability. Our constituents who are disabled, aged, et cetera, are in those categories that are rapidly expanding in the terms of the service of the Human Relations Commission.

Last year's budget did not delineate between personnel and expenses. I am sure if you went into every other executive department in detail, you would find out that there had been shifts from personnel to other expense budgets within the other departments, some of which were equal and significant to what Mr. Itkin points out was the case in the Human Relations Commission. Therefore, I appeal to the other members of the House not to single out the Human Relations Commission this instant and to vote "no" on the amendment offered by Mr. Itkin.

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

Mr. ITKIN. Mr. Speaker, I did not wish to single out the Human Relations Commission. To be quite candid, it was the only departmental agency where the abuse was so blatant that it stuck out like a sore thumb. I did consider a long time, because I recognized how this may be interpreted by my standing up here and calling for improved management with respect to this commission. I expected Mr. Rhodes to get up and make the remarks he did. But after wrestling with my conscience, I felt that if we are ever going to get a handle on the management of this state, we have got to start somewhere. I found it out here and I think we ought to support the amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I do not think any of us want to single out any particular agency in highlighting that which Mr. Itkin has done for us. I, for one, oppose line-itemizing every particular expenditure which a department makes. However, I oppose even stronger

any department, any agency, coming to this General Assembly with supporting documentation and then going ahead and ignoring, during the ensuing year, the documentation which they gave us. If they are unable to separate, they should say so.

The Lancaster New Era newspaper, June 12, 1975, which I believe Mr. Hill has circulated the House with just today, has a news article there by Jack Moore involving a similar violation by the Welfare Department, where money was sent to Lancaster County because it was going to lapse shortly, and Lancaster County then is asked to pay for expenses all over the state for some kind of a state program. That is just as reprehensible as is this.

I think the gentleman makes a very good point and, perhaps by adopting his language, we will put a stop to this kind of practice which I would guess—I do not know—is perpetrated upon us by many departments of this Commonwealth, and it is time we stand up and tell them to stop it and give us the straight information.

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

Mr. RHODES. Mr. Speaker, not to terribly prolong the debate, the point which was raised by the minority leader is an interesting one. He, in effect, asked the House to consider matters, on the one hand, in the abstract and, on the other hand, in the concrete.

I would always ask members of the House, when we are considering legislation in amendment form or otherwise, to consider not the abstract but the concrete. It does not matter really whether the distinguished minority leader or my colleague from Allegheny County say abstractly that they are intending a general effect, an abstract effect, on the process of the executive branch of the government. Even references to the Welfare Department only lend more support to this abstract general view that they are trying to portray for us. That is all fine and good and proper for debate. But what we are considering here is a specific concrete amendment offered by the member from Allegheny County, Mr. Itkin, and his specific concrete amendment adds up to, in fact, the setting up of the Human Relations Commission and their process as the highlighted agency or department. The effect of the amendment is to highlight: whether or not they say in general that their desire is to set a general example is irrelevant.

Therefore, I ask the membership to not set up the Human Relations Commission as a special case. If we choose to have line-item budgeting, let us offer a general line-item budget for the whole budget. I think we do not want to hamper the executive director of the Human Relations Commission precisely because he has this enormous new responsibility which touches on everyone's district in this chamber, this question of the disabled. So please vote against this amendment.

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

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

YEAS—117

Abraham	Goodman	McCue	Shuman
Anderson, J. H.	Gricco	McGinnis	Sirianni
Beren	Gring	Mebus	Smith, E.
Bittle	Halverson	Menhorn	Smith, L.
Bradley	Hamilton, J. H.	Miller, M. E.	Spencer
Brandt	Hasay	Miller, M. E., Jr.	Stahl
Burns	Haskell	Miscevich	Stapleton
Butera	Hayes, D. S.	Moehlmann	Stout
Cessar	Hayes, S. E.	Mrkonic	Taddonio
Cimini	Hepford	Novak	Tayoun
Cole	Hill	Noye	Turner
Cowell	Hopkins	O'Brien	Ustynoski
Crawford	Hutchinson, W.	O'Connell	Vroon
Cumberland	Itkin	O'Donnell	Wagner
Davies	Katz	O'Keefe	Walsh, T. P.
Davis, D. M.	Kelly, J. B.	Pancoast	Wansacz
Deverter	Kernick	Parker, H. S.	Weidner
Dietz	Kistler	Petrarca	Westerberg
Doyle	Klingaman	Pitts	Whelan
Dreibelbis	Knepper	Polite	Whittlesey
Fisher	Kolter	Pyles	Wilson
Foster, A.	Kusse	Renninger	Wilt, R. W.
Foster, W.	Laughlin	Renwick	Wilt, W. W.
Fryer	Lehr	Ryan	Worrilow
Gallen	Letterman	Saloom	Wright
Geesey	Levi	Scheaffer	Yahner
George	Lynch	Seltzer	Zearfoss
Gillespie	Manmiller	Shane	Zeller
Gillette	McClatchy	Shelhamer	Zord
Gleason			

NAYS—75

Arthurs	Flaherty	McCall	Romanelli
Barber	Gallagher	McIntyre	Ross
Bellomini	Garzia	McLane	Ruggiero
Bennett	Geisler	Milanovich	Schmitt
Berlin	Giammarco	Milliron	Schweder
Berson	Gleeson	Morris	Scirica
Blackwell	Green	Mullen	Shupnik
Bonetto	Greenfield	Mullen, M. P.	Sullivan
Brunner	Hammock	Musto	Sweeney
Caputo	Hutchinson, A.	Oliver	Taylor
Cohen	Irvis	Perry	Toll
DeMedio	Johnson, J.	Pievsky	Trello
Dicarlo	Kelly, A. P.	Pratt	Vann
DiDonato	Kowalyshyn	Prendergast	Wargo
Dombrowski	LaMarca	Rappaport	Yohn
Dorr	Laudadio	Reed	Zwikl
Eckensberger	Lederer	Rhodes	
Englehart	Lincoln	Rieger	Fineman,
Fee	Manderino	Ritter	Speaker
Fischer			

NOT VOTING—11

Dininni	Myers	Salvatore	Valicenti
Fawcett	Perri	Shelton	Wojdak
McGraw	Richardson	Thomas	

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?

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

Amend Sec. 2, page 10, line 12, by striking out "950,000" and inserting: 1,000,000

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, this is the amendment marked No. 2 in the upper right-hand corner. This is my last amendment. Had I had the opportunity in the Appropriations Committee, this probably would not have been necessary.

Mr. Speaker, this is a modest increase from House bill No. 1336. This is for the Pennsylvania Science and Engineering Foundation. Before we get the oh-oh's and the ah-ah's, let me explain. This is on page 10, line 12. Now the Governor had proposed keeping the appropriation for the Pennsylvania Science and Engineering Foundation at a million dollars, which had been its appropriation the last year and the year before that. This

appropriation is used as seed money; that is to say, for every dollar that is invested by the state in the Science and Engineering Foundation, we normally get dollars from other areas in matching funds.

What does the Science and Engineering Foundation do? It provides grants for much more than the state gives it so it can do research in areas of interest to the Commonwealth. What could be of interest to the Commonwealth in the last year or two? Naturally, the energy crisis. I serve on the Mines and Energy Management Committee, and, through the able leadership of the chairman, Mr. O'Brien, we have been going around the state trying to get a handle on this energy problem and to find out what we can do about it and how we can use coal, because coal is the major energy source in Pennsylvania. If we can find good ways of utilizing it, we will spur an economy in Pennsylvania the likes of which have not been seen in decades.

What does this Science and Engineering Foundation do? I have a document here about the Pennsylvania Science and Engineering Foundation coal and energy project investments for the fiscal year 1973 through 1975. Here are some of the investments that this foundation has made, and I would like the people from Luzerne County and from Fayette County, the soft coal areas and the hard coal areas, and those who are concerned with our energy in general, to bear with me. There are things about the relation of coal characteristics to liquefaction behavior, so that we may be able to develop a method for liquefying coal and using our natural gas pipelines as a means of conducting this liquefied coal, work in coal-research priorities, development of fine cleaning methods of coal, so that we can meet ambient air standards and so that we can burn coal in Pennsylvania without having to use coal from other areas or not using coal at all.

Material aspects of energy conversion and conservation, combustion evaluation for the suitability of coals for normal pressure gasification, advanced technology for the mining of coal—and I can go on and on and on and on of how these grants are serving the interests of the Commonwealth and the interests of the people in trying to find out ways of providing an ample supply of energy for the Commonwealth and rebringing to birth a coal economy that this Commonwealth needs so very badly.

Mr. Speaker, this is $50,000 so well worth spending. I hope you will support this amendment.

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

Mr. W. W. WILT. Mr. Speaker, I think that this is a good amendment and I join Representative Itkin in asking the members to support it.

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

Mr. WOJDAK. Mr. Speaker, I oppose this amendment. During this last fiscal year the Legislative Budget and Finance Committee audited this particular foundation. They took some formal exceptions to some of their expenditures.

Now everything that Mr. Itkin said is very true. They do provide a worthwhile service, worthwhile research for many of the problems in the Commonwealth. But on certain projects they have wandered from that legislative intent, and it is the audit that the Legislative Budget and Finance Committee made that pointed that out and it is those particular projects that they took formal exceptions to.

Now our position in the Appropriations Committee in cutting this by $50,000 was, and it still is, and it is our thinking, that until the exceptions are answered and satisfied that we would recommend that this cut stand.

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

Mr. ROMANELLI. Mr. Speaker, would Mr. Itkin consent to interrogation?

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

Mr. ITKIN. I shall.

The SPEAKER. The gentleman may proceed.

Mr. ROMANELLI. Mr. Speaker, do you have any knowledge of what portion or if any portion of these moneys is contributed by the energy companies?

Mr. ITKIN. Mr. Speaker, let me give you some examples. In 1973-74, the fiscal year of 1973-74, the state contributed $522,000 for these items; the institutions contributed a $189,000. The Federal Government came up with $448,000, and other grants pulled $879,000, for a total contribution to the foundation of $2 million. In other words, for $500,000 we contribute to a program of $2 million.

I do not know what items Representative Wojdak objects to, but certainly when you have a foundation that is able to match 3 to 1 the state grants, and if some of that money that is contributed is used exclusively for other purposes that may not be what the Legislative Budget and Finance Committee would like to see done, I certainly think that it is in the realm of being reasonable.

Mr. ROMANELLI. Mr. Speaker, that does not answer the question. I want to know what the private sector has contributed towards this. Have their contributions increased?

Mr. ITKIN. Mr. Speaker, the contribution has not increased, but it has at least in part matched and exceeded the amount of money provided in state funds.

Mr. ROMANELLI. Mr. Speaker, I think that if the private sector has not increased their contribution, I do not think that the state should increase theirs either.

Mr. ITKIN. I will retract from that statement. I have 1974-75 to date, and the date is April 3, and it does show a significant decrease, but of course there are several more months in the fiscal year for additional contributions to be received.

Let me say this, that in any event the state is getting a good deal. It is at least getting 1 to 1 and conceivably more in the realm of 2 to 1. In past years it has gotten 3 to 1.

I think these projects are not frivolous. I think that they go to the heart of the energy question and I seek again an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

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

YEAS—46

Anderson, J. H.	Hepford	Miller, M. E., Jr.	Turner
Beren	Hutchinson, W.	Moehlmann	Wagner
Burns	Itkin	O'Connell	Weidner
Butera	Kistler	Parker, H. S.	Westerberg
Cessar	Klingaman	Pyles	Wilson

Fischer	Lehr	Scheaffer	Wilt, R. W.
Fryer	Letterman	Scirica	Wilt, W. W.
Gleason	Levi	Shelhamer	Worrilow
Halverson	McCue	Spencer	Wright
Hasay	Mebus	Stout	Yohn
Haskell	Menhorn	Taddonio	Zearfoss
Hayes, D. S.	Miller, M. E.		

NAYS—147

Abraham	Gallagher	Manderino	Ross
Arthurs	Gallen	McCall	Ruggiero
Barber	Garzia	McClatchy	Ryan
Bellomini	Geesey	McGinnis	Saloom
Bennett	Geisler	McIntyre	Schmitt
Berlin	George	McLane	Schweder
Berson	Giammarco	Milanovich	Seltzer
Bittle	Gillespie	Milliron	Shane
Blackwell	Gillette	Miscevich	Shuman
Bonetto	Gleeson	Morris	Shupnik
Bradley	Goodman	Mrkonic	Sirianni
Brandt	Green	Mullen	Smith, E.
Brunner	Greenfield	Mullen, M. P.	Smith, L.
Caputo	Grieco	Musto	Stahl
Cimini	Gring	Myers	Stapleton
Cohen	Hamilton, J. H.	Novak	Sullivan
Cole	Hammock	Noye	Sweeney
Cowell	Hayes, S. E.	O'Brien	Taylor
Davis, D. M.	Hill	O'Donnell	Tayoun
DeMedio	Hopkins	O'Keefe	Toll
Dicarlo	Hutchinson, A.	Oliver	Trello
DiDonato	Irvis	Pancoast	Ustynoski
Dombrowski	Johnson, J.	Perry	Vann
Doyle	Katz	Petrarca	Vroon
Dreibelbis	Kelly, A. P.	Pievsky	Walsh, T. P.
Crawford	Kelly, J. B.	Pitts	Wansacz
Cumberland	Kernick	Polite	Wargo
Davies	Knepper	Pratt	Whelan
Deverter	Kolter	Prendergast	Whittlesey
Dietz	Kowalyshyn	Rappaport	Wojdak
Dorr	Kusse	Reed	Yahner
Eckensberger	LaMarca	Renninger	Zeller
Englehart	Laudadio	Renwick	Zord
Fee	Laughlin	Rhodes	Zwikl
Fisher	Lederer	Rieger	
Flaherty	Lincoln	Ritter	Fineman,
Foster, A.	Lynch	Romanelli	Speaker
Foster, W.			

NOT VOTING—10

Dininni	McGraw	Salvatore	Thomas
Fawcett	Perri	Shelton	Valicenti
Manmiller	Richardson		

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. A. C. FOSTER requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 2, page 46, line 8, by striking out all of said line

On the question,

Will the House agree to the amendment?

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

Mr. A. C. FOSTER. Mr. Speaker, the first amendment to which I will address myself is the Foster No. 1 amendment. This goes to section 2, page 46, line 8, by striking out all of that said line.

My reasoning in doing this, Mr. Speaker, is that this would eliminate funding for the legislators' conference which we will host next year.

My reasoning in doing this is that we have eliminated such funds with respect to the governors' conference and I think that it is altogether consistent that we might do so here.

In conjunction with this, I would like to ask Mr. Wojdak some questions.

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

Mr. WOJDAK. I shall.

The SPEAKER. The gentleman may proceed.

Mr. A. C. FOSTER. Mr. Speaker, could you give me a figure on the number of legislators whom you might expect to attend this conference?

Mr. WOJDAK. Twenty-five hundred legislators.

Mr. A. C. FOSTER. I believe that it is a practice for them to pay their expenses to such conferences?

Mr. WOJDAK. They will pay their own travel expenses; there is no money included in this appropriation for that purpose.

Mr. A. C. FOSTER. They would be expected to provide their own meals?

Mr. WOJDAK. That is correct.

Mr. A. C. FOSTER. I believe, Mr. Speaker, that they will also pay their own lodging?

Mr. WOJDAK. That is correct.

Mr. A. C. FOSTER. Now, Mr. Speaker, in addition to this, is it not customary for such conference to have a registration fee?

Mr. WOJDAK. I am sorry, Mr. Speaker, I did not hear that question.

Mr. A. C. FOSTER. Is it not the usual thing for there to be a registration fee for such conferences, say $50 or something?

Mr. WOJDAK. I do not know what is usual. In this particular case, I do not believe that there is any registration fee.

Mr. A. C. FOSTER. Is this not the practice in the past, Mr. Speaker?

Mr. WOJDAK. I have to correct my last response. There is a registration fee and I understand that it is $50.

Mr. A. C. FOSTER. Fifty dollars per person and multiplied by 2,500, that would give a substantial sum with which to work.

Mr. WOJDAK. It is $125,000.

Mr. A. C. FOSTER. One hundred twenty-five thousand dollars. Then if that be the case, Mr. Speaker, what is the purpose of the $150,000 that is outlined in our budget?

Mr. WOJDAK. Well, in addition to our other activities, there will be a full state dinner, hosting 2,500 state legislators from all across this country, plus the various meetings and conferences that will take place during the conference period.

Mr. A. C. FOSTER. So, for $125,000 they would receive a steak dinner?

Mr. WOJDAK. No, I said a state dinner, not steak.

Mr. A. C. FOSTER. I stand corrected, Mr. Speaker.

Is there a distinction in economics, a distinction in cost, between a state dinner and a steak dinner?

Mr. WOJDAK. Am I to respond to that?

The SPEAKER. Would the gentleman pose a more serious question?

Mr. A. C. FOSTER. Mr. Speaker, I think it is a serious question. Is there really that much difference in cost?

Mr. WOJDAK. I really do not have the menu in front of me, I do not know what the costs break out to.

Mr. A. C. FOSTER. Very well.

Mr. Speaker—

The SPEAKER. I wonder if the gentleman would allow me to give him some background on this, since I have some familiarity with it? Maybe it can help the gentleman.

Mr. A. C. FOSTER. What had you in mind, Mr. Speaker?

The SPEAKER. For the benefit of the information of the gentleman, prior to January of this year there were three national legislative organizations. There were the National Society of State Legislators, the National Legislative Conference and the National Conference of State Legislative Leaders.

Each of these groups held annually a convention in various parts of the country. It was traditional that the state that hosted these conventions put up a substantial sum of money, ranging somewhere between $75,000 and $100,000 for each of these conventions.

Commencing in January of this year, these three groups were merged into what is now known as the National Conference of State Legislatures and, through a former position that I held, I was able to get that conference to come to the State of Pennsylvania to hold their first annual conference in October of this year. Part of that commitment included a commitment to have state funds made available for this purpose.

The leadership of this House, including both sides of the aisle, and the leadership of the Senate chamber, including both sides of the aisle, have been formed into an executive committee.

The proposed plans in hosting that convention have been spread before the members of that executive committee, including the engagement of a professional public relations firm to handle the details. The proposed spending has been authorized, and authorized signatories on a bank account have been established, and for us, at this late date, to turn our backs on this convention—at which, incidentally, many members sitting in this House have been appointed as members of a host committee—would be a very serious thing. It would represent a breach by the Commonwealth of Pennsylvania to a commitment to host the first annual convention of this new group.

Now the moneys that are being advanced are being fully accounted for, properly disbursed by signature and counter signature, with a full accounting after disbursement of the moneys. They are not on frill matters; they are legitimate convention expenses, including the state dinner and including inviting guest speakers down to seminars.

The registration fees belong to the national legislative organization and do not become part of the moneys that are available for the visit of the legislators who are coming from out of state.

This organization represents 7,500 legislators across this nation, as well as the staff of all of these legislatures across this nation.

I thought that might be helpful.

Mr. A. C. FOSTER. Mr. Speaker, would you consent to a point of interrogation?

The SPEAKER. Yes, of course.

Mr. A. C. FOSTER. Now you spoke in terms of money being advanced. That implies then that it will be returned?

The SPEAKER. No, no, no. What I indicated was that we have engaged a public relations firm to proceed with the plans, in keeping with the agreement of the members of the executive committee. That public relations firm alone is costing us $30,000, besides the work of the security necessary because of inviting the President of the United States to the Commonwealth of Pennsylvania to be in attendance at that convention. And when this money is received from the budget, the moneys will be disbursed from that account in payment of these bills.

Mr. A. C. FOSTER. Mr. Speaker, insofar as the President of the United States is concerned, to what extent will we augment the protection offered him by the Secret Service? Is this a large item?

The SPEAKER. This is a large item—police protection and security.

Mr. A. C. FOSTER. I thought this was the function of the Secret Service?

The SPEAKER. The Secret Service always has their organization supplemented by the work of the local police departments wherever the President visits. The Secret Service by themselves certainly could not provide all of the protection that the President of the United States commands whenever he visits. But that is only one facet of the expenses that are involved.

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

I would like to make a few remarks.

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

Mr. A. C. FOSTER. Mr. Speaker, it is still not at all clear in my mind as to why we are to expend $150,000 in this affair, in that it would seem that all of the expenses are to be paid by the legislators attending; and, secondly, there is a registration fee which will certainly cover a substantial portion of any other expenses incurred. And I would like to know what greater expenses we will incur here than we would incur through the Governors' Conference, and if we are consistent in thus saying that we should not appropriate money for the Governors' Conference, I feel that it is entirely consistent that we also delete this appropriation. I would ask for an affirmative vote on the amendment.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. A. C. FOSTER and WOJDAK and were as follows:

YEAS—30

Anderson, J. H.	Dorr	Hepford	Pitts
Bittle	Foster, A.	Lehr	Seltzer
Butera	Gallen	Levi	Smith, L.
Cimini	Geesey	Manmiller	Whittlesey
Cumberland	Gleason	McCue	Wilson
Davies	Hasay	Mrkonic	Yohn
Deverter	Hayes, D. S.	Noye	Zearfoss
Dietz	Hayes, S.E.		

NAYS—161

Abraham	Gleeson	Miller, M. E.	Shelhamer
Arthurs	Goodman	Miller, M. E., Jr.	Shelton
Barber	Green	Milliron	Shuman
Bellomini	Greenfield	Miscevich	Shupnik
Bennett	Grieco	Moehlmann	Sirianni
Beren	Gring	Morris	Smith, E.
Berlin	Halverson	Mullen	Spencer
Berson	Hamilton, J. H.	Mullen, M. P.	Stahl
Blackwell	Haskell	Musto	Stapleton
Bonetto	Hill	Myers	Stout
Bradley	Hopkins	Novak	Sullivan
Brandt	Hutchinson, A.	O'Brien	Sweeney
Brunner	Hutchinson, W.	O'Connell	Taddonio
Burns	Irvis	O'Donnell	Taylor
Caputo	Itkin	O'Keefe	Tayoun
Cessar	Johnson, J.	Oliver	Toll
Cohen	Katz	Pancoast	Trello
Cole	Kelly, A. P.	Parker, H. S.	Turner
Cowell	Kelly, J. B.	Perry	Ustynoski
Davis, D. M.	Kernick	Petrarca	Vann
DeMedio	Kistler	Pievsky	Vroon
Dicarlo	Klingaman	Polite	Wagner
DiDonato	Knepper	Pratt	Walsh, T. P.
Dombrowski	Kolter	Prendergast	Wansacz

Doyle	Kowalyshyn	Pyles	Wargo
Dreibelbis	Kusse	Rappaport	Weidner
Eckensberger	LaMarca	Reed	Westerberg
Englehart	Laudadio	Renninger	Whelan
Fee	Laughlin	Renwick	Wilt, R. W.
Fischer	Lederer	Rhodes	Wilt, W. W.
Fisher	Letterman	Ritter	Wojdak
Flaherty	Lincoln	Romanelli	Worrilow
Foster, W.	Lynch	Ross	Wright
Fryer	Manderino	Ruggiero	Yahner
Gallagher	McCall	Ryan	Zeller
Garzia	McClatchy	Saloom	Zord
Geisler	McGinnis	Scheaffer	Zwiki
George	McIntyre	Schmitt	
Giammarco	McLane	Schweder	Fineman, Speaker
Gillespie	Menhorn	Scirica	
Gillette	Milanovich	Shane	

NOT VOTING—12

Crawford	Hammock	Perri	Salvatore
Dininni	McGraw	Richardson	Thomas
Fawcett	Mebus	Rieger	Valicenti

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

Amend Sec. 2, page 13, line 12, by striking out "1,300,372,000" and inserting: 1,254,372,000

Amend Sec. 2, page 13, by inserting between lines 12 and 13:

For payments to school districts on account of basic instructional and vocational education costs: Provided, That payments shall be made to school districts on the basis that the number of students enrolled in the school district on the last day of the 1974-1975 school year bears to the entire student population of the Commonwealth so enrolled	46,000,000

On the question,

Will the House agree to the amendments?

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

Mr. STAHL. Mr. Speaker, this amends page 13, line 12, for the benefit of the members.

Basically, the amendment does this: The Governor's budget was set up for $1,254,000,000. The House Appropriations Committee increased that by $46 million. Now we all know what that $46 million was for. So what I have done is take that $46 million out of the line item and put in a separate line item and, essentially, divide it up among all the school districts in the state. It comes to approximately a little less than $22 per student per school district.

Now let me tell you why. For instance, in my home district, the city of Reading is faced with a 33-1/3-percent increase in real estate taxes and a substantial decrease of 10 percent in the number of teachers.

Several school districts around the state are faced with the same problem. I have talked with members of the minority and the majority on this problem.

If you were listening to Mr. Butera the other day, you must know that we have been looking at each and every school district in this Commonwealth and we have learned that many, if not most, of the school districts in this Commonwealth are either cutting services, raising taxes, or both.

I do commend the Philadelphia-Pittsburgh delegations for fighting for their taxpayers at home. I do not blame them. However I, and most of you, do not represent the cities of Philadelphia and Pittsburgh; we represent the taxpayers who live in the remaining 75 percent of Pennsylvania.

Unfortunately, the way the Governor put his budget together, none of us was in a position to get help for our people at home.

I am here to stand up for the 58,000 people in my district, the 126th district, and I ask that each one of you look to your districts. Do you have tax increases, do you have cutbacks in services, or both? If you do, we will correct this school-funding inequity.

If you do, you can go back to your districts and say that you got $22 for every student in your district, and then you can say, next year, that you represented them when the chips were down, and this is as important for your taxpayers as it is for the rest of the Commonwealth of Pennsylvania. I will leave it at that for now, Mr. Speaker.

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

Mr. WOJDAK. Mr. Speaker, what Mr. Stahl is doing here is raising the ceiling on the basic school subsidy from $750 to $770.

Mr. STAHL. Mr. Speaker—

The SPEAKER. Will the gentleman yield?

Mr. STAHL. I think you have the wrong amendment.

Mr. WOJDAK. Is this amendment to page 13, line 5?

Mr. STAHL. Page 13, line 12, by striking out $1,300,372,000 and inserting $1,254,372,000, et cetera.

Mr. WOJDAK. Mr. Speaker, this appropriation is an implementation. Mr. Speaker, what Mr. Stahl is doing by this amendment is not funding a new proposal. What he is attempting to do is to really cut away the $46 million in this budget in the area of vo-tech education for the cities of Philadelphia and Pittsburgh, the only two cities not on parity with the other school districts in the state.

Now the amendment itself as it is drawn is really at odds with the Public School Code. The way I read the amendment I do not think it could be implemented in any way, because we are now limited by law in the Public School Code as to the amount to be distributed. I think you need implementing legislation on this.

It also has the effect of providing surplus moneys in many of the school districts, if in fact it could be implemented. I see what the gentleman's intent is, but the amendment as it is drawn, I believe, is incomplete. I do not think the money could ever be disbursed in the manner in which the gentleman is attempting to disburse it. I ask for a negative vote on the amendment, Mr. Speaker.

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

Mr. STAHL. Mr. Speaker, I think the gentleman is mistaken about the fact that it cannot be distributed. The amendment simply said that the $46 million will be distributed on the following basis: That at the end of the fiscal year 1974-75 the state will determine the number of students attending at that time. Each school district will receive a proportionate share as their total number of students at the end of that year bears to the total number of school districts in the state. It is perfectly legal and I think the gentleman is entirely mistaken.

Now let us face the issue where it is at. This $46 million is a continuing appropriation to the city of Phila-

delphia, and why do you not call it that? The city of Philadelphia has not made any local effort in the past several years to raise their taxes. These people out here who represent the rest of the Commonwealth of Pennsylvania have been facing tax increases year after year after year, and this year it is really bad, and it is the worst that it has ever been, and it is time to treat the rest of the state a little bit more fairly.

Philadelphia gets about $5 million under this program so they still get the lion's share.

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

Mr. WOJDAK. Mr. Speaker, the gentleman refers to local-tax efforts. This $46 million to Philadelphia and Pittsburgh really has nothing to do with the local taxing effort.

What we are doing here is bringing Philadelphia and the Pittsburgh school districts on par with every other school district in this state for their vo-tech education.

Now if, in fact, the gentleman is successful with this amendment, the effect of it is going to be that if Philadelphia and Pittsburgh are brought up to par, it is going to detract from and put less money into the other school districts in this state. So your intent in this legislation will really take money away from the other school districts in this state if Philadelphia and Pittsburgh are given what they are legally entitled to be given. They are the only two school districts in this state that have not been brought on par in the area of vo-tech education.

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

Mr. CAPUTO. Will the gentleman, Mr. Stahl, consent to interrogation?

Mr. STAHL. I will.

The SPEAKER. The gentleman may proceed.

Mr. CAPUTO. Mr. Speaker, is it not a fact that all but the school districts of Philadelphia and Pittsburgh have already received their payments for vo-tech education?

Mr. STAHL. It is my understanding that they have. Yes.

Mr. CAPUTO. Thank you.

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

Mr. CAPUTO. Mr. Speaker, the Pittsburgh School District is the second largest school district in the Commonwealth of Pennsylvania and is comprised of some 65,000 students. About 40 percent of those students are from low-income families, yet those people as well as the other people and those without children are paying taxes to the city of Pittsburgh and have a tax input of the second largest in the state. The local tax effort is above any other county or municipality in Pennsylvania with the exception of Philadelphia. Even at that, Mr. Speaker, Philadelphia has a broader base tax.

Now Mr. Stahl has admitted, and everybody in this House knows, that every other school district but these two school districts have received their payments for vo-tech education. We believe it is only just and right that the school district of Pittsburgh and the school district of Philadelphia should be treated as the rest of the state and the rest of the school districts are presently being treated.

Now I recognize the fact that if you count urban legislators against rural legislators, probably the urban legislators are on the short end of any vote. But I suggest that the education of our children in this state should be above any division of that type. And I also represent that in my past experience in this House, both as a member and as a lobbyist for the city of Pittsburgh, that the constituents from Allegheny County and those from Philadelphia have risen to support my appropriating moneys for the school children of the entire state, not only for Philadelphia and Pittsburgh; and if one of the rural school districts need money, we are there with our votes.

I am asking this body to defeat this amendment so that Pittsburgh and Philadelphia can get their fair share of the money that is available.

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

Mr. McCUE. Mr. Speaker, I support the Stahl amendment. I live in a school district which is one of the largest in Pennsylvania in area as a result of the forced merger some years ago, a forced merger on which the citizens had no opportunity to vote. As a result of the merger, there has been an increased cost in expenses and taxation burden on the part of the people. The school district is so large that it takes three representatives in this House to represent that school district.

I feel that areas such as the one I represent, due to the burden imposed upon us by the Commonwealth of Pennsylvania, Department of Education, should receive additional assistance.

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

Mr. D. S. HAYES. Will the gentleman, Mr. Stahl, please consent to interrogation?

The SPEAKER. Will the gentleman from Berks, Mr. Stahl, consent to interrogation?

Mr. STAHL. I will.

The SPEAKER. The gentleman may proceed.

Mr. D. S. HAYES. If I am reading the amendment properly, does this mean that there will be $22 per pupil added to the school budget of other school districts throughout the state?

Mr. STAHL. Yes. It is a little less than $22. Right.

Mr. D. S. HAYES. For example, say, for the school district of the city of Erie would this amount to approximately $393,800?

Mr. STAHL. That would be correct.

Mr. D. S. HAYES. Thank you, Mr. Stahl.

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

Mr. SWEENEY. Mr. Speaker, will Mr. Stahl consent to interrogation?

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

Mr. STAHL. I shall.

The SPEAKER. The gentleman may proceed.

Mr. SWEENEY. Mr. Speaker, where would the $46 million taken from the school districts in Philadelphia and Pittsburgh be applied?

Mr. STAHL. It would be applied to each and every school district in the Commonwealth of Pennsylvania, including Pittsburgh and Philadelphia. Under this formula, Pittsburgh would receive about $1,300,000, if I am not mistaken—$1,500,000, something like that—as an out-

right bonus. You might look at this whole amendment as a bonus process.

Mr. SWEENEY. If that were to happen, what would be the average dollar amount per student across the board in Pennsylvania?

Mr. STAHL. For this amendment it would be a little less than $22.

Mr. SWEENEY. For each student?

Mr. STAHL. For each student.

Mr. SWEENEY. The students in Pittsburgh and Philadelphia Counties would receive the same as every other student in the state?

Mr. STAHL. Yes. Under this amendment only.

Mr. SWEENEY. There would be no disparity under this amendment?

Mr. STAHL. You have to remember that the maximum WADAM amount is still $750. The $1,254,000,000 would still be disbursed based on the average daily membership factors that are applied against the $750, with superpoverty, poverty, sparsity, et cetera.

Mr. SWEENEY. If your amendment were to fail, would there be a disparity in the money to the students in Philadelphia and Pittsburgh compared with the rest of the state?

Mr. STAHL. Yes. They would get much more, yes. Without this amendment, the school districts around the Commonwealth, except for Pittsburgh and Philadelphia, would receive no more. They would get their $750 per student times their WADAM factor. Pittsburgh and Philadelphia would still get their same amount.

What they are attempting to do in this budget is take $46 million and make an administrative decision. There is language in the bill which says that the Secretary of Education, with the consent of the Governor, can make a decision that there are depressed-area and distressed-area school districts within the Commonwealth and advance payments to them. What they are attempting to do, then, is to take $36 million and give it to Philadelphia and give $10 million of that to Pittsburgh as advanced payments.

Mr. SWEENEY. Thank you.

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

Mr. WOJDAK. Mr. Speaker, may I interrogate the gentleman, Mr. Stahl?

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

Mr. STAHL. Yes.

The SPEAKER. The gentleman may proceed.

Mr. WOJDAK. Did I understand the gentleman correctly that he indicated this was a continuing appropriation?

Mr. STAHL. Yes. What I meant to say was that the $36 million for Philadelphia was, in effect, a continuing appropriation. Over the past several years, the Governor, as you will recall, made a deal with Philadelphia so that they could get an advanced payment for their going into an intermediate unit.

PARLIAMENTARY INQUIRY

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

Mr. MILLIRON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLIRON. It is my understanding, Mr. Speaker, that there are to be no allegations or insinuations made of other members on the floor of this House. Am I correct?

The SPEAKER. That is a standing rule of this House.

Mr. MILLIRON. I would appreciate it if that could be extended to the Governor. I am not being partisan, but I am tired of always hearing, in the last 10 minutes, of deals being made here and deals being made there. I wish Mr. Stahl would either be more explicit or stop making allegations.

The SPEAKER. The Chair thanks the gentleman.

The Chair hopes the gentleman will guide himself accordingly.

Mr. STAHL. Yes. I am sorry that I disturbed the gentleman's sensibilities. I should have not used the word "deal." Perhaps "arrangement" would have been a better word.

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

Mr. WOJDAK. Mr. Speaker, are you aware that when a school district becomes an intermediate unit they are entitled to advanced funding in the area of vo-tech on a one-shot basis?

Mr. STAHL. I am aware that the intermediate units get their money before the fact and school districts get their money after the fact.

Mr. WOJDAK. That is a one-shot arrangement, is it not?

Mr. STAHL. It is a continuing arrangement, yes. Which weighs more, the pound in your left hand or the pound in your right hand?

Mr. WOJDAK. Is the gentleman aware that every intermediate unit or every school district that has become an intermediate unit in the area of vo-tech has already received advanced funding but for the cities of Philadelphia and Pittsburgh?

Mr. STAHL. Yes; that was true when the school districts in the state went to an intermediate unit. But Pittsburgh and Philadelphia have continued to receive moneys for their vo-tech units.

I think the mistake you are trying to make here is that there is an implication that we somehow owe Pittsburgh and Philadelphia $46 million when, in fact, they have received their moneys for the operation of their vo-techs in the years past.

What we are attempting to do here is inject $46 million into those two cities by the use of some administrative technique.

Mr. WOJDAK. You are inferring some kind of clandestine plan here to get money to Philadelphia and Pittsburgh, and I really kind of resent that.

Mr. STAHL. It is not very clandestine; it is very clear.

Mr. WOJDAK. Every school district in the state—

The SPEAKER. Will the gentleman, Mr. Stahl, yield?

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. CAPUTO. Mr. Speaker, by some inference of deals or arrangements, it can only be implied or concluded that such a deal or arrangement was made with the city of Pittsburgh, the legislators from that city or

Allegheny County, to secure support for the present appropriation bills.

If Mr. Stahl or anybody else in this House had read the newspapers, they would find that Allegheny County's entire delegation, both Democrats and Republicans, has indicated we are not satisfied, and at this time no votes are forthcoming for this bill.

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

Mr. W. D. HUTCHINSON. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. W. D. HUTCHINSON. Mr. Speaker, I do not recall the gentleman from Berks County making any inferences or referring to any improper deals, and, therefore, Mr. Speaker, I wonder why this harassment is being directed at him.

The SPEAKER. The gentleman, Mr. Stahl, has not indicated that he feels harassed as yet.

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

Mr. WOJDAK. Mr. Speaker, may I continue to interrogate the gentleman?

The SPEAKER. The gentleman may proceed.

Mr. WOJDAK. Mr. Speaker, if in fact your amendment is successful, are you aware that the Secretary of Education could, in fact, still provide the $46 million?

Mr. STAHL. I think so. I think that he probably could still provide the $46 million, if the money is available for him to so expend. However, I think that if you analyze your total appropriation of $1,254,000,000, I believe that would be mandated for the Secretary of Education to expend because of the $750 maximum allowance times the WADAM factor. So, therefore, I doubt seriously, if my amendment were adopted, that there would be sufficient moneys for the secretary to expend on those cities' behalf.

Mr. WOJDAK. Let me tell you how the money would be available. Are you aware, Mr. Speaker, that if, in fact, the secretary were to provide the advanced funding which Philadelphia and Pittsburgh are entitled to—in fact, there is a law suit requiring and mandating just that—that the effect will be that every school district or every intermediate unit in this state will fall short by $22 per pupil?

Mr. STAHL. Well, then—

Mr. WOJDAK. Then what?

Mr. STAHL. If a law suit were successful against the Commonwealth, obviously, then, we must come up with the funds and then we would be deficient the $46 million. It would not mean, then, that the school districts would receive $46 million less; it would be incumbent upon the legislature to come up with the $46 million. But I doubt seriously that that situation would occur.

Mr. WOJDAK. Mr. Speaker, it is a case of very simple logic. If, in fact, there is "X" amount of dollars in the fund, including the $46 million, everyone will be treated equally. Now, if in fact, the fund is short $46 million and the secretary, on his own volition or as a result of the mandate by the court, must give the cities of Philadelphia and Pittsburgh $46 million, it is a fact and simplistic logic that every other school district or intermediate unit in this state will be short by $46 million or, as your figures indicate, short to the tune of $22 per pupil.

Mr. STAHL. It is my understanding that that is absolutely not so. What would happen in that particular instance is that we would be morally obligated to find the funding for a deficiency appropriation to the tune of $46 million. The secretary could not deduct $22 per student. That is my understanding.

Mr. WOJDAK. In other words, the gentleman is suggesting that if the secretary decides administratively or the court mandates that it must be paid—and in my opinion it must, inasmuch as they are the only two intermediate units in the entire state who have not received advanced funding—that he will then come back for a deficiency appropriation in the amount of $46 million?

Mr. STAHL. Mr. Speaker, the minority chairman of the Appropriations Committee is a little bit more familiar with the situation than I on this particular point. And it is my understanding that the gentleman, Mr. Wojdak, is incorrect. And if I could, I would like to yield for a second to Mr. Seltzer?

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, let me first clear up one point. The Philadelphia and Pittsburgh school districts are not losing $46 million. They are going to be paid like every other school district in Pennsylvania; they are just not going to get a double dip this year.

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

Mr. WOJDAK. The minority appropriations chairman refers to a double dip. Now it is very easy to characterize it as that, but they are the only two school districts and the only two intermediate units in this state which have not received advanced funding in the area of vo-tech. Now how you characterize that as a double dip is beyond me.

Mr. SELTZER. Will the gentleman from Philadelphia indicate to this House whether or not Philadelphia and Pittsburgh together are going to receive $46 million this year under the current law?

Mr. WOJDAK. Under current law?

Mr. SELTZER. Under current law.

Mr. WOJDAK. Assuming House bill No. 1336 is passed and finally passed into law?

Mr. SELTZER. Yes.

Mr. WOJDAK. They will receive $46 million, which they are entitled to under the advanced funding for vo-tech.

Mr. SELTZER. And if this amendment passes, Philadelphia and Pittsburgh school districts will still receive $46 million?

Mr. WOJDAK. Yes; they could receive $46 million.

Mr. SELTZER. And under this amendment, they will receive the $46 million plus about $22 per student?

Mr. WOJDAK. No, that is not the case.

Mr. SELTZER. Well, it is the simple division of the number of public school students into the $46 million, which is the amount of additional money that is being provided for the school subsidy.

Mr. WOJDAK. You are going to need additional legislation raising that basic school subsidy from $7.50 to $7.72.

Mr. SELTZER. This language is very clear to me that this $46 million will be divided among all of the school districts on an equal basis of approximately $22 per student.

Mr. WOJDAK. What is the question?

Mr. SELTZER. Well, I think what we should face first is an agreement in this House that Philadelphia and Pittsburgh are not going to lose $46 million. They are going to receive $46 million whether or not this amendment passes. The question is: Are they going to receive $92 million, not $46 million?

Mr. WOJDAK. No. The question is: If the $46 million is not put in the budget and they do get the $46 million, every other intermediate unit and school district in this state will suffer a loss of the moneys they were entitled to.

Mr. SELTZER. Philadelphia and Pittsburgh, accumulatively, will receive their $46 million whether or not this amendment passes. If this amendment passes, they will receive $22 per student in addition to that. They will not receive the double dip, which means every other school district in Pennsylvania is meeting their problems by raising their funds locally. Those two districts are coming to Pennsylvania to the General Assembly and saying, you fund our deficits.

The SPEAKER. The Chair recognizes the majority whip.

Mr. SELTZER. I am glad I whetted someone's appetite.

Mr. MANDERINO. Mr. Speaker, I do not think there is anyone in this assembly in the last few years who has paid more attention to the funding of school districts in the rural areas, in those areas outside of Pittsburgh and Philadelphia, than I have. I know that many of the people on the other side shared my concern in the last session of the assembly when the then-majority leader, Mr. Lee, and his Appropriations Committee chairman suggested that the school districts of Pittsburgh and Philadelphia become intermediate units so that they could, at that time, receive some $19 million in advance funding. It is the same problem we are facing today.

You started the ball game. You made a deal, an arrangement, or whatever it was. But you asked Philadelphia and Pittsburgh to go to the intermediate-unit status, and when they went to the intermediate-unit status at that time in the last session of the assembly, there was a $19-million one-time payment that had to be made to them because they were entitled to it as an intermediate unit for current funding of special education.

Now what we are talking about is that every school district in the Commonwealth that runs special education through an intermediate unit is entitled to current funding.

The last time we went through this route, we gave current funding for special education to Pittsburgh and Philadelphia. At that time I made a fight on the floor of this House—and many of you joined—to make that figure $43 million because there were many districts that funded their special education through districts that were not getting current funding.

Now the law is that the intermediate unit is entitled to current funding for vo-tech education. And you started the ball game last session when they became intermediate units and we provided special education funds on a current basis. What is being asked now by the intermediate units of Pittsburgh and Philadelphia is that they get what they are entitled to, what every intermediate unit in this state gets, and that is current funding; that is funding within the year the expenditure is made for their vo-tech schools. Every other intermediate unit gets current funding.

When Pittsburgh and Philadelphia school districts were not intermediate units, they were not entitled to current funding. They are intermediate units. The ball game started, as I say, in the last session, and they are entitled to vo-tech payments currently. They are asking for it. They started a suit for it.

The way the gentleman, Mr. Stahl, would like to go, because he says everyone has their problems with school financing this day—and that is probably true—is that if I am starving, the best way to cure my hunger is to steal food from my neighbor. That is what he is suggesting. He is suggesting that the school districts of Philadelphia and Pittsburgh, who under the current formula for paying vo-tech services are entitled to current funding, that we take that money from them, which is equitable to give them—we have decided that because we have given it to every other intermediate unit in the state—and distribute it to the other school districts. Well, that is just not fair. It is just not equitable.

When I looked at the $46-million figure in the budget, I checked to see whether I was being given the straight facts, whether they were the only two districts that were not on current funding for vo-tech. And they are. They are receiving payment this year—the double dip that Mr. Seltzer would like to talk about and characterize—for the services provided last year. Every other district in the state is getting money this year for services being provided this year. And Pittsburgh and Philadelphia are entitled to that, too, since they are now intermediate units.

To say that there are many districts in this Commonwealth that are not receiving anything in new money is not true. When we changed the formula last year, we pumped $150 million into the various school districts across the state. That figure is increased to $180 million this year. They are receiving new money.

Many districts all across the state have been able to avert tax increases because of the change in the formula that we made last year that affects everyone. But fair is fair. And if everyone else is receiving current funding through the intermediate unit for vo-tech services, the districts of Philadelphia and Pittsburgh are, too. And if I had a school district that was not receiving current funding, I would be up here screaming for current funding because that is what they are entitled to under the law.

I think we ought to stop talking about douple dips, deals, and arrangements, and face the facts. The intermediate units are, under the law, permitted to request current funding for vo-tech services. These two intermediate units have made that request, and it is our responsibility to fulfill that request. We do not rob our neighbor so that we do not starve ourselves when our neighbors are in the same condition as we. Thank you, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, I think Mr. Manderino explained the situation as it is, and I want to ask Mr. Seltzer a few questions, if he will care to answer them.

The SPEAKER. Will the gentleman from Lebanon, Mr. Seltzer, consent to interrogation?

Mr. SELTZER. I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. CAPUTO. Mr. Speaker, is it not a fact that Pitts-

burgh and Philadelphia are being paid for the services rendered a year after they have been rendered?

Mr. SELTZER. Yes, Mr. Speaker, and if I may expand on my answer: From the very beginning when we started this funding, all districts have been paid the same number of years, all except Philadelphia and Pittsburgh before the fact, but Philadelphia and Pittsburgh after the fact. But we have all been paid the same number of years. If we make the double-dip payment now, you guys are going to go 1 year ahead of us.

Mr. CAPUTO. Mr. Speaker, further interrogation: The intermediate units of this state, the school districts of this state outside of Philadelphia and Pittsburgh, are getting current funding? Is that true?

Mr. SELTZER. I just acknowledged that to be true, yes.

Mr. CAPUTO. Now, if they are getting current funding, there is less likelihood that they will have to borrow any money to get through the school year. Is that correct?

Mr. SELTZER. Which school year?

Mr. CAPUTO. The current school year. And if they are getting the money and if it is sufficient to take care of their budget problems, they do not have to borrow any money, is that correct?

Mr. SELTZER. Well, I personally do not know whether Pittsburgh School District and/or Philadelphia School District will have surpluses or deficits with this money or not.

Mr. CAPUTO. My question is hypothetical in this sense: If the budget for each school district in this state is adequately funded by the current money being paid by the state, they will not have to borrow any money, is that correct?

Mr. SELTZER. Well, it is my understanding, Mr. Speaker, that the vast majority of the 500-and-some school districts in Pennsylvania are going to have to increase their taxes this year whether or not this bill passes.

Mr. CAPUTO. Well, I am not arguing with that, Mr. Speaker; I am creating a hypothetical case. Assuming that the budget of any school district in Pennsylvania, outside of Pittsburgh and Philadelphia, is equal to the allocations or the revenues they have received from the state, they would not have to borrow any money, is that correct?

Mr. SELTZER. If the gentleman is saying if the Pittsburgh School District's budget is $50 million and their revenues are $50 million, they will on paper be balanced and therefore will not have to raise taxes this year, the answer is correct; yes.

Mr. CAPUTO. Now assuming that because Pittsburgh does not get the current funding that every other school district except Philadelphia gets, it is conceivable—in fact, it is factual—that the School District of Pittsburgh will have a deficit during the current school year?

Mr. SELTZER. This I cannot agree with because I do not believe the answer is factual, because Pittsburgh will be receiving the same amount of money this year as they received last year and that they will receive next year.

Mr. CAPUTO. But they will be getting their money after the fact, after they have paid for the services.

Mr. SELTZER. But the money they will be getting next year after the fact will be the same money they got this year after the fact and the money they got last year after the fact. It is built into their budgets. Really, you cannot get away from the fact that what this bill does, as is, is make two payments in the same year for two school districts. I cannot blame the members from Philadelphia and Pittsburgh for fighting for this. But, unfortunately, you are splitting $46 million between two school districts while the vast majority of the other 503 have to raise taxes. So we are just as capable of fighting back in our small way to try and get some additional money for our districts.

Mr. CAPUTO. Mr. Speaker, we are getting $46 million under this bill for bills already accumulated during the past 12 months. And we are getting another $46 million, if the bill becomes law and payments are designated by the secretary, to pay for current obligations. Is that correct?

Mr. SELTZER. You will receive $92 million collectively, rather than $46 million collectively.

Mr. CAPUTO. Right. But that will finance the past year as well as the current year. Is that correct?

Mr. SELTZER. You cannot finance the same year twice. You have had only one expenditure. You are catching up with a double payment, but what you are doing is building in a deficit for the following year then, because assuming you were successful in getting it, you are building into your school budget a deficit of, in your case, $10 million next year.

Mr. CAPUTO. Are the other school districts getting current funding?

Mr. SELTZER. Well, this was established before.

Mr. CAPUTO. I know. Mr. Speaker, they are. The answer is "yes," right?

Mr. SELTZER. Yes. But the rest of the answer to the question is: Whether you are current funding or 1 year later, we have all gotten the same number of payments. And if you would get this double payment this year, you would go a year ahead of us.

Mr. CAPUTO. Are you indicating that if the Pittsburgh School District got $10 million currently, we would be ahead of the other districts throughout the state?

Mr. SELTZER. If you get two payments this year, yes.

Mr. CAPUTO. But one of these payments is for the past year, is it not?

Mr. SELTZER. Regardless of what the payments are for, if you get two payments this year, you will go a year ahead.

Mr. CAPUTO. Thank you, Mr. Speaker. That is all.

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, will the members please remain in their seats and will the pages now begin to distribute the food?

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, on the questions of Mr Caputo, it seems to me that the key question here, to which I do not have the answer—I ask Mr. Pancoast; he gives me one answer, and Mr. Wojdak gives me another—is, how these payments are made.

The key year to determine whether everyone has been treated equally up until now is the initial year of this program. If in the initial year, all school districts except Pittsburgh and Philadelphia received money in advance

—let us say in a September payment—and later in that school year but within the fiscal year, Philadelphia and Pittsburgh received a payment after the fact, then we are all equal.

If, however, in the initial year of this program, which I think was 1965 or 1966, two districts in this state did not receive anything before or after the fact, then this payment would merely be permitting them to catch up what they lost in the initial year.

However, if in that first year all school districts received a payment, one before school started and one after that particular school year finished, then everyone has received the same number of payments.

That really is the key question which will eliminate all the rest of this confusion. If somebody could answer it and back up his answer with facts, then I think we can decide whether or not this is a double payment or whether it is a catch-up payment.

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

Mr. WOJDAK. Mr. Speaker, this is really a catch-up payment.

Assuming it has been in existence for 10 years, all school district intermediate units now have received 10 payments. In the case of Philadelphia and Pittsburgh we have received only nine.

At the point at which the school district went into an intermediate unit was when they were brought current and received the advance funding to carry them through that fiscal year. That is not the case with Philadelphia and Pittsburgh. We are one payment behind. In other words, we are paying, in Philadelphia and Pittsburgh, bills that were accumulated and paid for in the last fiscal year. We are not on current funding as every other intermediate unit in this state is, and if you count payments, we are one payment behind.

Now Mr. Butera, I think, alluded to this: While the funding may come at the beginning of the school term, he is really asking the question, in the cases of Philadelphia and Pittsburgh, will we receive it at the end of the school term? The answer to that is, we do but we receive it in the next fiscal year, and we are always a year behind. We are not current in our funding as every other intermediate unit in this state is. That is the purpose of this $46 million, to bring us on par with every other intermediate unit in the state.

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

Mr. M. P. MULLEN. Mr. Speaker, I am just going to say a few words because I do not want to see my colleagues from the other counties of the state or the other districts being hurt by this amendment. As I view the situation, all the districts in the state are going to be hurt a little bit. I do not think Philadelphia and Pittsburgh are going to be hurt at all, and I will tell you why.

Under the intermediate law, every intermediate unit has a right to take their money in advance, and every other intermediate unit in the state did it at one time or another. Most of you did it when we originally passed the Intermediate Act. But the problem we face if we adopt Mr. Stahl's amendment is that it is going to create chaos in the rest of the state, and I will tell you why.

We are going to get our $36 million which we are entitled to this year, but in addition to that, since we have elected with the district of Pittsburgh as an intermediate unit to take our money in advance, the Secretary of Education is then going to be required to apportion whatever moneys are left.

Now, if we take $46 million out of this fund and decide that it is going to be distributed in some other manner, we are going to deplete the fund necessary to fund vocational-technical education on an advance basis. Philadelphia will then elect to take as they are now. They will get their proportionate share. I am only taking a guess at this figure, but I would think that they would probably get around $30 million or $32 million, and that would pick $6,100,000 up under Mr. Stahl's amendment. But the districts that are going to be hurt are the rest of the districts in the state, and I do not think it is fair. I think it is absolutely essential that all of the intermediate units be funded fully for the school year coming up in the next fiscal period, and if we adopt Mr. Stahl's amendment, we are not going to fund them all. They are all going to be funded on a proportionate basis, and you are going to be hurt. And I do not want any of my friends in the rest of the state to be hurt because we are just as interested in your problems and your school districts as we are in ours.

I do not think Philadelphia and Pittsburgh would be hurt by this, but I do not think that we should adopt it because the other districts in the state are going to be hurt.

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

Mr. PANCOAST. Mr. Speaker, a couple of points ought to be made with respect to the concept of the double dip and such. It was in 1965 that the Federal Government acted to encourage the creation of area vocational-technical schools. Philadelphia and Pittsburgh already had operating vocational-technical schools. Many other school districts in the Commonwealth also had operating vocational schools in their own school system.

At the present time Philadelphia and Pittsburgh are funded on a reimbursement factor from last year's performance, but so are 18 other school districts in the Commonwealth of Pennsylvania so funded. Philadelphia and Pittsburgh are not the only two that are not on current funding. This particular proposal would place Philadelphia and Pittsburgh on current funding. It would, however, in a sense be a double dip, because they are entitled to a reimbursement on the basis of their performance last year and if they are given this as a second contribution this year, it would amount to a double dip or a double payment.

They have never been short one payment, as the chairman of the Appropriations Committee seemed to indicate, because they were already operating before the Federal program became effective and the intermediate units picked up the funding on a current basis. They still have not picked it up for 18 school districts that still are not a part of comprehensive area vocational-technical schools.

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

Mr. WOJDAK. Mr. Speaker, what Mr. Pancoast says is true. There are 18 districts that are not intermediate units and therefore are not entitled to the advance payment. But he creates the impression as though there

are 18 other school districts in the same position as Philadelphia and Pittsburgh. That is not the case. They are not intermediate units, have not elected to go that route, and, therefore, are not entitled to advance payment.

As to the intermediate units entitled to advance payment, there are only two school districts in the state that are not on current funding. Those 18 are really an exception. They have not gone to intermediate units and, therefore, under the law are not entitled to advance payment. Every school district in this state that has gone to an intermediate unit is receiving the advance funding, but for Pittsburgh and Philadelphia.

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

Mr. PANCOAST. What the gentleman, Mr. Wojdak, says is absolutely correct. It is a question of, I think, the interpretation of the word "entitlement." Pittsburgh and Philadelphia are the two intermediate units that are not now presently currently funded for vocational-technical education. That is absolutely correct. However, if they are funded this year on a reimbursement basis and also on a current-year basis, they will in effect be getting two payments instead of one, and this would in effect give them, say, 11 payments over the last 10 years instead of merely 10 payments over the last 10 years.

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

Mr. CAPUTO. Mr. Speaker—

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. ZELLER. I believe this is Mr. Caputo's third time at the trough. I do not mind. The only thing is that I would like to have a chance.

The SPEAKER. The Chair will recognize the gentleman in due course.

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

Mr. CAPUTO. Mr. Speaker, I just received some information. Mr. Pancoast has described the situation as it is. Pittsburgh and Philadelphia are among those districts that are paid under the reimbursement factor. However, there is a slight change in what has been left as the impression of the double dip, from the information I have received.

Under the reimbursement factor, I understand that Philadelphia at the end of this current year will be entitled to approximately $1,200,000, and the Pittsburgh School District will be entitled to $500,000. We are not talking about two payments of $46 million each. We are talking about a payment to Philadelphia of $36 million plus the $1,200,000 to make it current that they would be receiving under the reimbursement-factor formula. And at Pittsburgh we are talking about the $10 million that would bring them up to current funding, as are all the other school districts, plus a reimbursement of $500,000. We are not talking about $92 million.

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

Mr. PYLES. Mr. Speaker, I think we have to put this $46 million in the proper perspective.

I have heard people speak about the equity or the inequity of the school subsidies and the division of this $46 million. I have an article here from the Sunday Bulletin of June 8 that was an analysis made wherein they charted the costs of the school budget comparisons in the five counties in the Delaware area.

To give you some examples, in Chester County, they report that Coatesville's school budget was going up 5 percent, and in order to cover that, they were raising their millage 6 mills. In Delaware County, the Haverford School District budget was going up 12 percent and they were raising their millage 12 mills. Interboro in the same county was raising their budget 7 percent. In order to cover that expense, they were raising the millage 25 mills. Springfield School District in Delaware County was raising their budget 11 percent and raising the millage 17 mills. In Bucks County, Neshaminy School District was raising their budget 9 percent and raising their millage 15 mills. In Montgomery County, Abington's budget was going up 6 percent, raising millage 10 mills. In my own school district in Montgomery County, Upper Dublin, the budget was going up 3 percent; they were raising the millage 10 mills.

When you get down to Philadelphia County, Mr. Speaker, they are raising their budget 13 percent; their millage, zero. They are depending on this additional $36 million that is being discussed here today, which is being built into their budget twice so that they will have a bigger deficit next year.

I would like to submit for the record, Mr. Speaker, this comparison chart to let everybody know that those school districts in the Delaware Valley that are concerned about the cost are also raising the millage, except Philadelphia.

ANALYSIS SUBMITTED FOR THE RECORD

Mr. PYLES presented the following analysis for the Legislative Journal:

School Budgets Compared In 5 Counties

School District	Est. No. of Pupils 1975-6	1974-5 Budget	1975-6 Budget Proposed	% Increase	1974-5 Millage	1975-6 Millage Proposed	Teachers Layoffs Proposed	Per Pupil Expenditure	Average Teachers Salary
Chester County									
Avon Grove	2,529	3,437,011	3,743,249	9	76	63	0	$1480.	10,508
Coatesville	8,070	11,960,000	12,608,000	5	74	80+6	0	1576.	11,200
Downingtown	6,900	9,157,111	10,075,619	10	69	54	0	1460.	11,000
Great Valley	4,300	7,345,000	7,862,000	7	80	70	2-3	1828.	12,300
Kennett Consolidated	3,100	4,369,086	4,749,960	9	78	76	0	1532.	11,706
Octorara†	2,750	3,753,670	4,136,332	10	78 114	70 122+8	0	1504.	11,000
Owen J. Roberts	4,453	6,998,784	7,792,365	11	74	67	0	1751.	10,910*
Oxford	2,875	3,768,813	3,959,896	5	54	?	0	1379.	10,825
Phoenixville	4,352	7,482,265	7,713,015	5	62	?	0	1773.	11,534*
Tredyffrin/ Easttown	6,500	12,083,417	Not Yet Proposed		84.5	?	22	?	11,247
Unionville-Chadds Ford	2,550	3,686,042	4,181,360	13	90	71	0	1639.	11,800
West Chester	12,345	19,284,516	20,918,518	8	77.6	71.5		1700.	14,000
Delaware County									
Chester-Upland	11,400	22,482,000	20,800,000	(—8)	63	63	?	1824.	11,211
Chichester	4,785	7,276,183	7,525,621	3	144	156.8	0	1572.	10,552**
Garnet Valley	1,900	3,687,726	3,702,391	0	148.4	164.7	3.15	1948.	11,400**
Haverford	Not avail.	11,306,851	12,711,020	12	127.5	139.5+12	0	?	N.A.
Interboro	4,700	7,557,066	8,057,877	7	123	148.28+25	10	1714.	10,835
Marple-Newtown	6,700	10,601,741	11,412,702	8	129	135	0	1703.	11,250
Penn-Delco	5,620	7,449,257	8,435,393	13	146	161	0	1500.	10,700**
Radnor	4,198	8,608,107	9,120,943	6	131.5	134.5	6.5	2172.	14,000**
Ridley	8 500	12,233,290	12,854,649	5	135.	150	0	1512.	12,579
Rose Tree Media	5,200	10,167,691	10,931,985	8	153.49	153.49	0	2102.	12,200**
Southeast Delco	6,404	10,787,490	11,256,317	4	126.	126.	0	1757.	11,500**
Springfield	4,700	8,004,815	8,415,560	11	129	146+17	4	1790.	10,560
Upper Darby	11,300	20,234,955	20,867,855	3	118.5	124.61	26	1846.	12,300
Wallingford-Swarthmore	4,263	7,245,810	7,617,687	5	148.1 151.2	155*** 158.4	3-4	1787.	10,700
William Penn	6,504	10,300,358	11,261,235	9	128.3	144.2	?	1731.	10,414**
Bucks County									
Bensalem	8,222	13,894,251	17,041,263	23	92	116	25 (possible)	2072.	12,400
Bristol Borough	1,870	2,773,000	2,793,000	1	73	78	3	1493.	11,425
Bristol Township	12,938	22,187,751	22,946,634	10	108.5	126	?	1610.	13,493**
Centennial	14,250	20,571,000	21,456,614	4	97.5	97.5	0	1443.	11,500**
Central Bucks	12,196	18,330,000	19,814,000	8	77.4	77.4	0	1624.	11,775
Council Rock	8,558	12,124,566	14,158,209	17	78.9	78.9	0	1654.	11,200
Morrisville	1,852	3,277,757	3,249,226	(—1)	80.8	90	1	1754.	10,900
Neshaminy	12,500	20,437,508	22,253,458	9	92	107+15	0	1780.	11,500
New Hope-Solebury	900	1,737,039	1,791,771	3	60.5	60.5	0	1991.	11,150
Palisades	2,510	3,680,056	4,250,974	16	77	77	0	1693.	10,560
Pennridge	6,556	9,115,950	10,207,796	12	50	61	2	1557.	10,760
Pennsbury	12,900	20,617,000	21,968,000	11	102.5	112.5	10	1703.	11,450
Quakertown	4,310	6,623,315	7,237,446	9	56	66	5	1679.	10,997
Montgomery County		‡	‡						
Abington	10,815	21,200,000	22,400,000	6	107	117+10	20	2034.	12,866
Boyertown	6,590	10,000,000	10,300,000	3	70	73	0	1563.	11,300
Cheltenham	5,550	12,400,000	13,300,000	7	116	121.75	0	2396.	11,073
Colonial	7,500	14,000,000	15,200,000	9	103	109.5	9	2026.	10,540
Hatboro-Horsham	4,700	8,100,000	8,800,000	9	104.5	109.68	7	1723.	10,900
Jenkintown	800	1,700,000	1,800,000	6	100	112 (estim.)	0	2250.	no scale
Lower Merion ††	8,600	19,100,000	20,000,000	5	62.25	64	4	2325.	12,450
Lower Moreland	3,115	5,300,000	5,900,000	11	113	123	0	1894.	11,418
Methacton	5,200	8,450,000	9,300,000 (adopted)	10	98	98	0	1788.	10,920
Norristown	8,950	14,600,000	16,500,000	13	86	105	?	1843.	11,220
North Penn	11,400	17,400,000	18,000,000	3	96	103	0	1579.	11,300
Perkiomen Valley	3,100	5,100,000	5,600,000	10	105	113	0	1806.	10,700
Pottsgrove	2,800	4,250,000	4,600,000	8	82	90	0	1643.	10,800
Pottstown	4,400	7,100,000	7,400,000	4	117	127	5	1682.	11,050
Souderton	5,840	8,800,000	9,200,000	5	82	87-88	0	1575.	11,250
Springfield	3,478	7,350,000	7,040,000	(—4)	119	126+7	20	2024.	12,388
Spring-Ford †††	4,450	7,000,000	7,100,000	1	—	—	0	1595.	11,000
Upper Dublin	5,200	10,000,000	10,300,000	3	117	127+10	8	1931.	11,600
Upper Merion	6,100	12,000,000	?	?	84	?	10	?	10,850
Upper Moreland	5,300	8,500,000	9,400,000	11	83	92.5	0	1773.	10,982
Upper Perkiomen	3,400	5,200,000	5,600,000	8	84	87	0	1647.	11,500
Wissahickon	4,700	9,600,000	10,900,000	11	128.5	128.5	?	2274.	11,370
Philadelphia Co.									
Philadelphia ††††	262,515	465,800,000	501,300,000 526,470,000	8 13	28	28	0	1909. 2005.	12,914

†-In Octorara the millage is 78 for residents in Chester County and 114 for those in Lancaster County because assessment ratios are 30 percent of market value in Chester and 25 percent in Lancaster. The actual taxes paid on both counties by residents are the same.

††-Lower Merion's tax rate is low because it has many high tax ratables such as apartment houses and commercial establishments on City Line Ave.

†††-Spring-Ford spans two counties and does not have a comparable taxing system.

††††-Philadelphia School Board adopted a $501.3 million budget but approved a second $526.4 million budget which would be needed to operate the schools for a full year. If the $25 million deficit is not funded next year, the budget will be cut to the lower spending level. The 28 mills is a tax on real estate. The school district also receives revenue from general business taxes, and taxes on horse races, corporate net income, rental occupancy and non-business income from sale of personal property.

‡-Montgomery County budget figures listed in rounded millions.

*-Salaries listed are for teachers with a master's degree and five years experience. At Owen J. Roberts the median salary for teachers is $13,200 and in Phoenixville the median is $13,195. At Tredyffrin-Easttown teachers' salaries are based on merit increases but the median salary in the district is $11,247.

**-Average salary for district—others are for teachers with masters degree and 5 years experience.

***-Wallingford-Swarthmore taxpayers who live in Swarthmore and Rutledge Boroughs pay more taxes because they contribute to funding Delaware County Community College. Nether Providence and Rose Valley residents do not.

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

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, is this amendment divisible?

The SPEAKER. The Chair does not think so.

Mr. ZELLER. Well, could we have a ruling on it by the Parliamentarian?

The SPEAKER. The Chair just ruled.

Mr. ZELLER. Thank you, Mr. Parliamentarian.

No, seriously, Mr. Speaker—

The SPEAKER. I think that what has been done here is to take $46 million from one portion and substitute the $46 million in another portion of the budget, and to try and divide these two questions would destroy the intention of the maker of the amendment.

Mr. ZELLER. Mr. Speaker, it sounds right, but we did that with the welfare versus the public employes, and I was just wondering if we could do the same here.

The SPEAKER. Does the gentleman, Mr. Stahl, have any objection to the division of this question?

Mr. STAHL. Yes; I think that I do.

I think I know what the gentleman is trying to do, but I believe that it is my intention that the school districts in the Commonwealth be helped that need the help. I think I know what the gentleman is intending, but I think that we have got to vote the amendment in its entirety.

Mr. ZELLER. One point, Mr. Speaker.

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

Mr. ZELLER. I felt that it would be, due to the fact that with the welfare-versus-the-public-employes issue, we acted on that, and to me this is nothing different.

What I wanted to do was, really, here is a chance to cut some fat away, and we could vote the one and down the other and—

The SPEAKER. If the gentleman insists, the Chair will divide the question, simply because we have done it earlier today, as the gentleman indicates.

Mr. ZELLER. I would like to very much move to that effect.

AMENDMENTS DIVIDED

The SPEAKER. All right. The question is being divided.

The first amendment will consist of the first two lines of the printed amendment in front of the members. striking out "1,300,372,000" and inserting: 1,254,372,000

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

Mr. ZELLER. Mr. Speaker, we had cut $12 million away earlier, and this would be another $46 million if we could do it. We have almost half of our $120 million. Let us get on with it.

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

Mr. STAHL. Mr. Speaker, I urge an affirmative vote on this particular section of the amendment. I think that it is important, of course, that we vote affirmatively on both sections of the amendment. I am sorry to see that the gentleman has insisted on this, because Lehigh County will get quite a bit of money under this program that I have outlined.

It really does not solve the problem if we just vote the first part of the amendment, so I urge that we vote affirmatively.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I will be very brief. What the gentleman, Mr. Stahl, was trying to say is that if you intend to vote for the second part of his amendment, then you had better vote for the first part, because if you do not, then you are in fact adding $46 million to the budget. That is what he was trying to say in asking for a "yes" vote on both by the same people.

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

Mr. ZELLER. Mr. Speaker, I do not see it that way. The reason why I cannot buy that is, if we were to vote—and I am not talking about how you are going to vote on the second one, but I am talking about the first one—if we were to vote to cut this, we do not have to worry about the second one as far as that is concerned. They have got their cause. The only thing is, I would talk then on the second one. I would like to take them one at a time and vote "yes" to cut this one.

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. Would the effect of an affirmative vote be to just reduce the entire appropriation to the Education Department?

The SPEAKER. That is correct.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, we have heard a lot of debate and talk about this and I think the members may perhaps be confused, but I think this is an important vote.

At this point if you vote "yes" on this, you are cutting $46 million from the budget overall. Now the problem and the issue here is that there is $46 million extra this year, no matter how you slice it, in here for Philadelphia and Pittsburgh. The effect of the Stahl amendment would be to take that out.

If you vote "yes" on this, you will simply be cutting $46 million out, and if you then vote "yes" on the second part, you will, I think, have the effect of reducing the subsidy.

Thank you.

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

Mr. STAHL. Mr. Speaker, I think I want to put this a little bit more simply; that is, if you vote against this —would you strike the board, Mr. Speaker?

The SPEAKER. Continue to discuss it, Mr. Stahl, will you? Do not worry about the board.

Mr. STAHL. Mr. Speaker, if you vote against this section of the amendment, that means that your school districts will not be getting the $22 per student, and that is exactly how you have got to look at it.

DIVISION WITHDRAWN

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

Mr. ZELLER. Mr. Speaker, I withdraw my division.

The SPEAKER. You withdraw the division?

Mr. ZELLER. Yes.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. STAHL and WOJDAK and were as follows:

YEAS—85

Abraham	George	Lynch	Smith, E.
Anderson, J. H.	Gleason	Manmiller	Smith, L.
Beren	Grieco	McClatchy	Spencer
Bittle	Gring	McCue	Stahl
Brandt	Halverson	McGinnis	Taddonio
Burns	Hasay	Miller, M. E.	Turner
Butera	Haskell	Miller, M. E., Jr.	Ustynoski
Cessar	Hayes, D. S.	Moehlmann	Wagner
Cimini	Hayes, S. E.	Noye	Weidner
Crawford	Hepford	O'Connell	Westerberg
Cumberland	Hill	Pancoast	Whelan
Davies	Hopkins	Parker, H. S.	Whittlesey
Deverter	Hutchinson, W.	Pitts	Wilson
Dietz	Kelly, J. B.	Polite	Wilt, R. W.
Dorr	Kernick	Pyles	Wilt, W. W.
Fischer	Kistler	Renninger	Worrilow
Fisher	Klingaman	Ryan	Wright
Foster, A.	Kusse	Saloom	Yahner
Foster, W.	LaMarca	Scheaffer	Yohn
Fryer	Lehr	Seltzer	Zearfoss
Gallen	Levi	Sirianni	Zeller
Geesey			

NAYS—104

Arthurs	Giammarco	Milliron	Schmitt
Barber	Gillespie	Miscevich	Schweder
Bellomini	Gillette	Morris	Scirica
Bennett	Gleeson	Mrkonic	Shane
Berlin	Goodman	Mullen	Shelhamer
Berson	Green	Mullen, M. P.	Shelton
Blackwell	Greenfield	Musto	Shuman
Bradley	Hamilton, J. H.	Myers	Shupnik
Brunner	Hutchinson, A.	Novak	Stapleton
Caputo	Irvis	O'Brien	Stout
Cohen	Itkin	O'Donnell	Sullivan
Cole	Johnson, J.	O'Keefe	Sweeney
Cowell	Katz	Oliver	Taylor
Davis, D. M.	Kelly, A. P.	Perry	Tayoun
DeMedio	Knepper	Petrarca	Toll
Dicarlo	Kolter	Pievsky	Trello
DiDonato	Kowalyshyn	Pratt	Walsh, T. P.
Dombrowski	Laudadio	Prendergast	Wargo
Doyle	Laughlin	Rappaport	Vann
Dreibelbis	Lederer	Reed	Wansacz
Eckensberger	Letterman	Renwick	Wojdak
Englehart	Lincoln	Rhodes	Zord
Fee	Manderino	Ritter	Zwikl
Flaherty	McCall	Romanelli	
Gallagher	McLane	Ross	Fineman, Speaker
Garzia	Menhorn	Ruggiero	
Geisler	Milanovich		

NOT VOTING—14

Bonetto	McGraw	Richardson	Thomas
Dininni	McIntyre	Rieger	Valicenti
Fawcett	Mebus	Salvatore	Vroon
Hammock	Perri		

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

RECESS

The SPEAKER. The Chair declares a recess until 10 of 8.

The Chair hears no objection.

Mr. BUTERA. Mr. Speaker, is this what is called eating at the public trough?

The SPEAKER. The House is now in recess.

AFTER RECESS

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

COMMITTEE REPORTS

The SPEAKER. Without objection, the Chair will take reports of committees.

The Chair hears no objection.

BILL REPORTED AND CONSIDERED FIRST TIME AND REREFERRED TO COMMITTEE ON RULES

HOUSE BILL No. 1438 By Mr. GALLAGHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for purchase of books for nonpublic school children.

Reported from Committee on Education.

BILLS REPORTED AS AMENDED AND CONSIDERED FIRST TIME AND REREFERRED TO COMMITTEE ON RULES

HOUSE BILL No. 1439 By Mr. GALLAGHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for auxiliary services for the benefit of children attending nonpublic schools in the Commonwealth.

Reported from Committee on Education.

HOUSE BILL No. 1440 By Mr. GALLAGHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for the loan of textbooks and instructional materials for the benefit of children attending nonpublic schools in this Commonwealth.

Reported from Committee on Education.

CONSIDERATION OF HOUSE BILL No. 1336 RESUMED

On the question recurring,

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

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

Amend Sec. 2, page 13, line 5, by removing the colon after "costs" and inserting: as required by clause (12) of section 2501 of the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," in a maximum amount of $770 for the school year July 1, 1975 to June 30, 1976:

On the question,

Will the House agree to the amendment?

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

Mr. STAHL. Mr. Speaker, this simply raises the maximum from $750 to $770, an increase of $20 on the maximum WADAM. Of course, this will not put as much money into the system as the prior amendment, but it

still leaves a considerable amount of money available to Pittsburgh and Philadelphia.

This is the Stahl amendment No. 1.

The SPEAKER. This amendment reads: "Amend Sec. 2, page 13, line 5, by removing the colon after 'costs' and inserting."

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

Mr. WOJDAK. Mr. Speaker, I would like to raise a question for the Speaker.

I know we have been through the arguments about inserting substantive language in a GA bill, but this particular language seems to be clearly violative of that rule. What Mr. Stahl is doing here is amending the Public School Code of 1949 via an insertion into House bill No. 1336. I think it is clearly violative of the rule against substantive language in the GA bill.

The SPEAKER. The Chair has repeatedly stated during the course of the debate on the amendments all of last week and again this week that the general appropriation bill cannot be a vehicle for altering, modifying, amending, or repealing other existing law outside of the provisions of the general appropriation bill.

This House, upon the reference of the matter of constitutionality to it by the Speaker, has gone contrary to that instruction from the Speaker. I do not know what position the House would take on the matter at this time, but, obviously, it should immediately become clear to everyone that an appropriation is a bill of one year's duration. Therefore, this would not have the effect of permanently amending any other law as has been stated in the opinions of three separate Attorneys General. You cannot use the general appropriation bill as a vehicle for a rider that has the effect of amending, altering, modifying, or repealing other existing law.

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

Mr. STAHL. What we are doing here—and I do realize and I do agree with the gentleman that this does not have the effect of currently amending in a permanent way the School Code; this does not amend the School Code in a permanent way—is directing the Secretary of Education to pay the school districts, in effect, a bonus to the extent of increasing the WADAM for this current appropriation from $750 to $770.

I would yield to the gentleman, Mr. Shane, for any further response on that particular subject.

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

Mr. WOJDAK. Mr. Speaker, that Public School Code sets out the methods for disbursing and to give the secretary authority to disburse, and I think that, despite the fact were this amendment to be successful, he would be limited to the ceiling of $750 per pupil for the particular school year, despite the fact that Mr. Stahl says it is only applicable for this year and expresses it in terms of a bonus.

I think, because the method of distribution and WADAMs, et cetera, are all laid out in the School Code, what you really are attempting to do here is give a bonus without giving the authority in the School Code for disbursing it in that manner. I think what you really need to clear this up is an additional piece of enabling or substantive legislation. I do not think the substantive language you have in this amendment is sufficient to amend that code to allow the secretary to do what you want to do.

The SPEAKER. Is the gentleman now raising the question of constitutionality?

Mr. WOJDAK. Mr. Speaker, what I am saying is, this language has no effect. It is not going to allow the secretary to do what Mr. Stahl wants him to do and it is really a nullity.

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

Mr. SHANE. I do not wish to ventilate the constitutional issue, which was fully discussed last week and still remains at issue in the minds of many people. I do not think anybody is convinced about that. I want to talk about this amendment as being really kind of fiscally dangerous, although it is attractive.

First of all, staff tells me it is going to cost approximately $19 million, which I do not think we can afford in this type of budget.

Point number 2, this body decided last week to put a lid on the state colleges by requiring retrenchment. I personally feel that the same thing needs to be done with the public schools. We should not be increasing the maximum-per-student reimbursement figures; we should be keeping the lid on that figure for the next 2 or 3 years and forcing some cutbacks in the public schools, where I think all of us could point out instances of egregious waste.

Although the gentleman offered to yield to me on the constitutional issue, I want to dodge that thing completely at the moment and say that it has been well ventilated and simply oppose this amendment on the grounds of its fiscal impact and upon the secondary ground of what I see as a need to keep a lid on that per-student subsidy to accomplish some of the same things we intended to accomplish in the retrenchment amendment. I think the people will oppose some of these increases in local taxes and we are going to get some wholesome, healthy cutbacks in the public school system, and when I say that I am talking about personnel. So I urge a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Lincoln.

Mr. LINCOLN. Mr. Speaker, I rise to oppose this amendment.

I believe that probably the most difficult experience I had in my life was during the last 2-year session when I was very much involved in the poverty payments to the local school districts and the eventual raising of the average weighted daily membership to $750. This was something that took up over 50 percent of my time in my first session, and for some member to come in during the deliberations of the budget and attempt to fool with the reimbursement formulas in any manner or any shape, to me, is just totally irresponsible.

I would think that we are going to have to face the issue of possibly increasing that $750 figure in the future. But when it is done, I, myself, would like to have it done in an atmosphere of study, an atmosphere of total bipartisan cooperation. I do not believe that it should be offered in a partisan manner such as is being done today.

I, myself, hope that the membership sees through this sham and votes against this amendment.

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

Mr. STAHL. Mr. Speaker, as I stated in the debate on the previous amendment, what we are attempting to do here is to spread some of the largess that is being created by the Appropriations Committee in increasing the Governor's request by $46 million.

If you do not want more money for your local school districts—and this is what it comes down to—and you want that money to go to Philadelphia and Pittsburgh, again, do not vote for this amendment. But if you want to save your local school districts from financial chaos and cutbacks and services, vote for this amendment. That is what it comes down to.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose Mr. Stahl's amendment.

I think he has been here for a couple of years, but he should know that to change the base of the basic instructional subsidy formula, you have to do it through the School Code. You have to change section 2105, which is part of the Public School Code of 1949.

This does more than just raise it from $750 to $770. The total cost would be more than $19 million because you have to calculate into that figure, sparsity, density, supersparsity, superdensity, poverty. And all of that is calculated with your WADAM's and your aid ratio, which has not even come anywhere near trying to do what Mr. Stahl is doing.

What you should do, Mr. Speaker, when we have a bill on the calendar that amends the School Code, is to offer such an amendment to it. When we changed the school subsidy formula, if you recall, we had to do it by two different methods—one, pass a bill to raise the base to $750; and, in addition to that, put the amount of money in the GA bill. You cannot put both together because you are amending two separate codes and you will not achieve what you are attempting to do.

If you want to fight Philadelphia and Pittsburgh, say it like it is. Do not put up Mickey Mouse amendments like this and then try to tell the people it is only going to cost a couple of bucks. You are talking about a lot more than a couple of dollars; you are going to be talking about at least $80 million to put it up to $770.

So I think the gentleman is finished playing his game. I suggest we just vote "no."

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Lincoln.

Mr. LINCOLN. Mr. Speaker, I resent the remarks of the gentleman, Mr. Stahl, in reference to Philadelphia and Pittsburgh school districts.

The gentleman was in this Assembly in the last session, but his memory must not be too long. When the 1970 census came out, it very seriously affected 444 school districts out of the 501 in Pennsylvania as far as their reimbursement for poverty was concerned. The funny part of that story was that Philadelphia got an increase when the rest of us were getting a decrease. But yet, when we worked on that formula and when we finally came to the floor of this House with a situation that was going to make everybody happy, Philadelphia supported that totally and completely.

I received, in my efforts during the deliberations on that particular piece of legislation, much more help from the Philadelphia members than from a lot of other members in this House who were going to benefit from that piece of legislation being passed. I say, let us give it to them right now; let us vote this amendment down.

CONSTITUTIONAL POINT OF ORDER

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

Mrs. KERNICK. I rise to a point of order.

The SPEAKER. The lady will state it.

Mrs. KERNICK. Mr. Speaker, would you rule on the constitutionality of this amendment?

The SPEAKER. The Speaker does not rule on the matter of constitutionality. The Speaker, if the question is raised, would refer the matter of constitutionality to the membership.

Mrs. KERNICK. I am sorry. I am one of those new members who is constantly being referred to. Would you rule on the germaneness of it?

The SPEAKER. The amendment is germane, but the amendment is not constitutional.

Mrs. KERNICK. Will you refer the question of constitutionality to the members of the House?

The SPEAKER. All right. The Speaker refers the matter of the constitutionality of the amendment to the membership of the House.

On the question,

Will the House sustain the constitutionality of the amendment?

The yeas and nays were required by Mrs. KERNICK and Mr. STAHL and were as follows:

YEAS—74

Anderson, J. H.	Gleason	Manmiller	Smith, L.
Beren	Grieco	McClatchy	Spencer
Bittle	Gring	McCue	Stahl
Brandt	Halverson	McGinnis	Turner
Butera	Hamilton, J. H.	Miller, M. E.	Ustynoski
Cessar	Hasay	Miller, M. E., Jr.	Vroon
Cimini	Haskell	Moehlmann	Wagner
Crawford	Hayes, D. S.	Noye	Weidner
Cumberland	Hayes, S. E.	O'Connell	Westerberg
Davies	Hepford	Pitts	Whelan
Deverter	Hill	Pyles	Whittlesey
Dietz	Hopkins	Renninger	Wilson
Dorr	Katz	Ryan	Wilt, R. W.
Eckensberger	Kistler	Scheaffer	Wilt, W. W.
Fischer	Klingaman	Scirica	Worrilow
Foster, A.	Kusse	Seltzer	Wright
Foster, W.	Lehr	Sirianni	Zearfoss
Gallen	Levi	Smith, E.	Zeller
Geesey	Lynch		

NAYS—120

Abraham	George	Menhorn	Ross
Arthurs	Giammarco	Milanovich	Ruggiero
Barber	Gillespie	Milliron	Saloom
Bellomini	Gillette	Miscevich	Schmitt
Bennett	Gleeson	Morris	Schweder
Berlin	Goodman	Mrkonic	Shane
Berson	Green	Mullen, M. P.	Shelhamer
Blackwell	Greenfield	Mullen	Shuman
Bonetto	Hammock	Musto	Shupnik
Bradley	Hutchinson, A.	Myers	Stapleton
Brunner	Hutchinson, W.	Novak	Stout
Burns	Irvis	O'Brien	Sweeney
Caputo	Itkin	O'Donnell	Sullivan
Cohen	Johnson, J.	O'Keefe	Taddonio
Cole	Kelly, A. P.	Oliver	Taylor
Cowell	Kelly, J. B.	Pancoast	Tayoun
Davis, D. M.	Kernick	Parker, H. S.	Toll
DeMedio	Knepper	Perry	Trello
Dicarlo	Kolter	Petrarca	Vann
DiDonato	Kowalyshyn	Pievsky	Walsh, T. P.
Dombrowski	LaMarca	Polite	Wansacz

Doyle	Laudadio	Pratt	Wargo
Dreibelbis	Laughlin	Prendergast	Wojdak
Englehart	Lederer	Rappaport	Yahner
Fee	Letterman	Reed	Yohn
Fisher	Lincoln	Renwick	Zord
Flaherty	Manderino	Rhodes	Zwikl
Fryer	McCall	Rieger	
Gallagher	McIntyre	Ritter	Fineman,
Garzia	McLane	Romanelli	Speaker
Geisler	Mebus		

NOT VOTING—9

Dininni	Perri	Salvatore	Thomas
Fawcett	Richardson	Shelton	Valicenti
McGraw			

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative, and the amendment was declared unconstitutional.

On the question recurring,

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

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

Amend Sec. 2, page 26, lines 23 through 30, by striking out all of said lines and inserting:

For supplemental assistance to the aged, blind and disabled, including a grant increase of 7% by January 1, 1976	58,528,000
For medical assistance	276,737,000
For county administration	82,612,000
For cash assistance payments including an increase of 7% for cash grants by September 1, 1975	484,817,000

Notwithstanding any provision of any law to the contrary, the levels of payment for public assistance shall not be increased without the approval of the General Assembly in accordance with the procedures established by the act of April 7, 1955 (P. L. 23, No. 8), known as the "Reorganization Act of 1955," and a message to the General Assembly from the Governor for the purposes of executing such function shall be transmitted as in other cases under the Reorganization Act.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Hill.

Mr. HILL. Mr. Speaker, first of all, I would like to advise the House that we are talking about my amendment No. 4. This amends section 2, page 26, lines 23 through 30.

This amendment, let me emphasize, keeps the 7 percent in the budget as presented to us for the blind, the disabled, the aged. It keeps the 7 percent in the budget for the cash grant increase as of September 1, 1975. It does just three things.

Number one, it would line-item the budget, which I think, as we have heard many times here, should be done; it reduces the appropriation for cash assistance payments by $20 million; and has in it the provision which, of course, this House had something to do with; that is, the Reorganization Act of 1955, which is a rather very simple thing, that any time a Governor decides to give an increase, we should know about it, and if he presents a bill and no action is taken within 30 days, of course, it goes in. That is the extent of what this amendment does.

PARLIAMENTARY INQUIRY

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

Mr. DiCARLO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. Mr. Speaker, earlier in the day, the Itkin amendment cut $12.5 million from the department for public assistance. I am wondering—in light of that, that throws the dollar figures off on the Hill amendment—what effect does this amendment have? It seems that the dollars are off and the point would be moot.

The SPEAKER. The Chair will wait until it gets a look at the Itkin amendment.

The Chair desires to advise the gentleman that the effect of the amendment offered by the gentleman, Mr. Hill, if adopted, would not be cumulative in terms of the total reduction of the figures.

The amendment being offered by the gentleman, Mr. Hill, is being offered to the bill as it exists without the Itkin amendment.

If there is a disparity that follows because of the adoption of the Hill amendment, the Reference Bureau will then resolve the disparity. But the total reduction is not cumulative.

Mr. DiCARLO. Thank you, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the Hill amendment which I am looking at, which is No. 4, contains a provision which, in my opinion, is an unconstitutional rider which contravenes the Public Welfare Code. I ask that the question of constitutionality be referred to the House.

The SPEAKER. It is the opinion of the Chair, for reasons stated on the previous amendment, that this rider is unconstitutional.

The question of constitutionality has been raised, and the Chair refers the matter of constitutionality to the House.

The Chair recognizes the gentleman from Lebanon, Mr. Seltzer. For what purpose does the gentleman rise?

Mr. SELTZER. Mr. Speaker, is this question debatable or open for discussion?

The SPEAKER. This question is open for discussion.

Mr. SELTZER. Mr. Speaker, if my memory serves me correctly, for the last number of years—I do not know how many—the law has been as the amendment would like it to be. We have broken out into four categories this very item and that is the current law. We have county administration, medicare, cash grants, and whatever the fourth one is, separate now. That is current law, and I do not know what is unconstitutional about it.

Mr. MANDERINO. Mr. Speaker, I am talking about the last paragraph of the amendment which contravenes the Public Welfare Code, not the changes in figures.

Mr. SELTZER. Mr. Speaker, I am not familiar with what you are—

The SPEAKER. Let me read it to the gentleman, Mr. Seltzer. The last paragraph of this amendment states: "Notwithstanding any provision of any law to the contrary,"—and that in itself is unconstitutional, that one statement—"the levels of payment for public assistance shall not be increased without the approval of the

General Assembly in accordance with the procedures established by the Act of April 7, 1955 . . . known as the 'Reorganization Act of 1955,' and a message to the General Assembly from the Governor for the purposes of executing such function shall be transmitted as in other cases under the Reorganization Act." You cannot change other existing substantive law by a rider to a general appropriation bill.

Mr. SELTZER. Mr. Speaker, that we will debate at another time. I ask whether or not this amendment can be divided, and I suggest that the division be to eliminate that language at the end which has been objected to by the majority leader.

The SPEAKER. The amendment, in the opinion of the Chair, can be divided.

AMENDMENT DIVIDED

Mr. HILL. Mr. Speaker, I would ask for the division. However, I must say that this is not wrong; it is not incorrect. In fact, it came from the very people, your people, who suggested that this very thing be reemphasized.

The SPEAKER. At what point in the amendment does the gentleman desire the division? The last paragraph beginning with the word "Notwithstanding"?

Mr. SELTZER. Yes, Mr. Speaker.

The SPEAKER. Since the question of constitutionality has been raised, the Chair will take as a first order of business the last paragraph of this amendment beginning with the words "Notwithstanding any provision" and refer the matter of constitutionality to the House.

On the question,

Will the House sustain the constitutionality of Part I of the Hill amendment?

The yeas and nays were required by Messrs. HILL and WOJDAK and were as follows:

YEAS—87

Anderson, J. H.	Gring	McCue	Smith, L.
Beren	Halverson	McGinnis	Spencer
Bittle	Hamilton, J. H.	Mebus	Stahl
Brandt	Hasay	Miller, M. E.	Taddonio
Butera	Haskell	Miller, M. E., Jr.	Turner
Cessar	Hayes, D. S.	Mochlmann	Ustynoski
Cimini	Hayes, S. E.	Noye	Vroon
Crawford	Hepford	O'Connell	Wagner
Cumberland	Hill	Pancoast	Weidner
Davies	Hopkins	Parker, H. S.	Westerberg
Deverter	Hutchinson, W.	Pitts	Whelan
Dietz	Katz	Polite	Whittlesey
Dorr	Kelly, J. B.	Pyles	Wilson
Eckensberger	Kistler	Ryan	Wilt, R. W.
Fischer	Klingaman	Scheaffer	Wilt, W. W.
Foster, A.	Knepper	Scirica	Worrilow
Foster, W.	Kusse	Seltzer	Wright
Fryer	Lehr	Shane	Yohn
Gallen	Levi	Shelhamer	Zearfoss
Geesey	Lynch	Shuman	Zeller
Gleason	Manmiller	Sirianni	Zord
Grieco	McClatchy	Smith, E.	

NAYS—105

Abraham	Gallagher	McIntyre	Ritter
Arthurs	Garzia	McLane	Romanelli
Barber	Geisler	Menhorn	Ross
Bellomini	George	Milanovich	Ruggiero
Bennett	Giammarco	Milliron	Saloom
Berlin	Gillespie	Miscevich	Schmitt
Berson	Gillette	Morris	Schweder
Blackwell	Gleeson	Mrkonic	Shupnik
Bonetto	Goodman	Mullen, M. P.	Stapleton
Bradley	Green	Mullen	Stout
Brunner	Greenfield	Musto	Sullivan
Burns	Hammock	Myers	Sweeney
Caputo	Hutchinson, A.	Novak	Taylor
Cohen	Irvis	O'Brien	Tayoun
Cole	Itkin	O'Donnell	Toll
Cowell	Johnson, J.	O'Keefe	Trello
Davis, D. M.	Kelly, A. P.	Oliver	Vann
DeMedio	Kernick	Perry	Walsh, T. P.
Dicarlo	Kolter	Petrarca	Wansacz
DiDonato	Kowalyshyn	Pievsky	Wargo
Dombrowski	LaMarca	Pratt	Wojdak
Doyle	Laudadio	Prendergast	Yahner
Dreibelbis	Laughlin	Rappaport	Zwikl
Englehart	Lederer	Reed	
Fee	Lincoln	Renwick	Fineman, Speaker
Fisher	Manderino	Rhodes	
Flaherty	McCall	Rieger	

NOT VOTING—11

Dininni	McGraw	Richardson	Thomas
Fawcett	Perri	Salvatore	Valicenti
Letterman	Renninger	Shelton	

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative, and Part I of the amendments was declared unconstitutional.

On the question,

Will the House agree to Part II of the Hill amendment?

The SPEAKER. We are now limited in our deliberations and consideration to that portion of the amendment down to the word "Notwithstanding."

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

Mr. WOJDAK. Mr. Speaker, I rise to oppose those amendments. What Mr. Hill is doing here is breaking out each individual item into line items here. We have already laced up this appropriation fairly tightly. We have cut it by $70 million; Mr. Itkin cut it by an additional $12.5 million; the total cut is around $82.5 million.

We are getting to a point—in fact, I think we are well beyond the point—where we are severely restricting and severely jeopardizing many of the programs that are referred to specifically here in the line items that Mr. Hill is proposing.

One of the reasons I would object to this is that one of the ways to give them flexibility, should they run into problems, is to line-item all these amounts into one item, rather than splitting them apart. Because if, in fact, we have missed on our projection—and hopefully we have not—one of the ways that they could still get by is by giving them the flexibility of including it within one item so that they can really shift funds to meet the needs and immediate needs at that point at which they run into difficulty. I ask the membership for a negative vote on these amendments.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Hill.

Mr. HILL. Mr. Speaker, on that very subject of this cut—now it goes back some weeks ago—from the Governor's budget there was taken, as the Appropriations chairman mentioned, somewhere in the neighborhood of $70 million. Actually, from the Governor's budget, other than about $8 million, there was $64,679,000 taken from that budget all of a sudden. We have tried very hard, from everybody that we could find, to see just exactly what these costs are going to be. Using the projections of last year, from July—the beginning of this fiscal year—through the end of May and a projection for June of this year, there is no way that this amount of funds would be needed. This is taking the figures just as everybody should have them if they do not have

them. We even added to the month of March, which was used as a guideline, at which time the Welfare Department, in cash grants, gave a total of $36,597,344 in payments, and that was the high. Then in April it reduced; in May it reduced. And using the projection for June as of May, there is just no way, with the number of recipients and the proposed number, that you reach this total that is on the budget.

As far as line-iteming is concerned, in trying to arrive at something to do, we only used the figures as we got them. The figures that were used to arrive at this $922,000,694 are the only figures that we could find anywhere plus the other figures which I just mentioned.

The thing that I think certainly we should do is line-item. I think that we should reduce it. And as has been said many, many times on this floor, if for some reason something should happen within the next year, I am sure that this General Assembly would give it.

Listening to the debate last week when we were talking about the total for the budget, we were informed that everything looked good for next year, at least, and it had better look good when we are talking about our total budget. If this is so, then for more reasons than not, this should certainly be adopted.

PARLIAMENTARY INQUIRY

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

Mr. KUSSE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KUSSE. Mr. Speaker, earlier today we approved the first Itkin amendment, which cut $12.5 million from welfare. Was that from this same item?

The SPEAKER. It was from the same appropriation.

Mr. KUSSE. Well, then, if the Hill amendment were to pass, would that have the effect of negating the $12.5 million from approval?

The SPEAKER. Has the gentleman been in the hall of the House all night?

Mr. KUSSE. Yes, Mr. Speaker.

The SPEAKER. The Chair has explained this once before.

Mr. KUSSE. I am sorry.

The SPEAKER. The Chair has indicated to the members of the House that the effect of these amendments is not cumulative.

The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, I rise in support of the amendment and I refer you right to Volume I of the Governor's budget, page 70, wherein you will find the appropriate figures broken out for medical assistance, for county administration, for cash assistance, and for SSI payments.

The budget as presented to us was in four items. The amendment that we have before us is to put the budget back into the same four items, with the same amounts of money as asked for by the Governor with one exception, and that is the increase from 6 to 7 percent for cash grants which was taken into account in this amendment.

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

Mr. SHELHAMER. Thank you, Mr. Speaker.

Very briefly, the budget we have before us today is one that is lumped with the four items that were mentioned heretofore.

The budget as arrived at, it is my understanding, is one that has gone through the Appropriation Committee hearings and from those hearings, the Appropriations Committee's recommendation appears before us here today.

It boils down to this: If you believe the department, in lumping all these together, is better designed to say what the amount of money is that shall go into the individual programs, then you will vote against this amendment.

But if, on the other hand, you believe that the Governor's office and you, as a General Assembly member, should have some right to decide what the appropriation shall be in these different categories, then vote to line-item them. Vote "yes" on this amendment, if that is the way you believe.

Thank you.

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

Mr. WOJDAK. Mr. Speaker, when we cut the original $70 million in public assistance—again, it is an argument I have made here many times—you could still, of course, line item it—because we cut them back so severely and, in order to give them the flexibility they needed, we again lumped it into one item. That is not to say that they are going to be able to spend in areas that we do not line-item.

Mr. Speaker, you can always break out what the individual expenditures are. You do not have to line-item them. By line-iteming it, you really take away a flexibility. That is not to say that they can hide figures within that line item because the case loads, the number of people on medical assistance, all those items are really available on a monthly basis to members of the General Assembly. There is no attempt here to put money in there to give them the discretion to spend in areas that we do not wish them to spend in. What it does do is give them some flexibility. That is the reason we put it into one item. I suggest that we go with that inasmuch as we have cut back on them so severely. I recommend a negative vote, Mr. Speaker.

On the question recurring,

Will the House agree to Part II of the Hill amendments?

The yeas and nays were required by Messrs. HILL and WOJDAK and were as follows:

YEAS—90

Anderson, J. H.	Grieco	McClatchy	Sirianni
Beren	Gring	McCue	Smith, E.
Bittle	Halverson	McGinnis	Smith, L.
Brandt	Hamilton, J. H.	Mebus	Spencer
Butera	Hasay	Miller, M. E.	Stahl
Cessar	Haskell	Miller, M. E., Jr.	Taddonio
Cimini	Hayes, D. S.	Moehlmann	Tayoun
Crawford	Hayes, S. E.	Mullen, M. P.	Turner
Cumberland	Hepford	Noye	Ustynoski
Davies	Hill	O'Connell	Wagner
Davis, D. M.	Hopkins	Pancoast	Wansacz
Deverter	Hutchinson, W.	Parker, H. S.	Weidner
Dietz	Katz	Pitts	Westerberg
Dorr	Kelly, J. B.	Polite	Whelan
Eckensberger	Kernick	Pyles	Whittlesey
Fischer	Kistler	Renninger	Wilt, R. W.
Fisher	Klingaman	Ryan	Wilt, W. W.
Foster, A.	Knepper	Scheaffer	Worrilow
Foster, W.	Kusse	Scirica	Wright
Fryer	Lehr	Seltzer	Yohn
Gallen	Levi	Shelhamer	Zeller

Geesey	Lynch	Shuman	Zord
Gleason	Manmiller		

NAYS—102

Abraham	Garzia	McIntyre	Ritter
Arthurs	Geisler	McLane	Romanelli
Barber	George	Menhorn	Ross
Bellomini	Giammarco	Milanovich	Ruggiero
Bennett	Gillespie	Milliron	Saloom
Berlin	Gillette	Miscevich	Schmitt
Berson	Gleeson	Morris	Schweder
Blackwell	Goodman	Mrkonic	Shane
Bonetto	Green	Mullen	Shelton
Bradley	Greenfield	Musto	Shupnik
Brunner	Hammock	Myers	Stapleton
Burns	Hutchinson, A.	Novak	Stout
Caputo	Irvis	O'Brien	Sullivan
Cohen	Itkin	O'Donnell	Sweeney
Cole	Johnson, J.	O'Keefe	Taylor
Cowell	Kelly, A. P.	Oliver	Toll
DeMedio	Kolter	Perry	Trello
Dicarlo	Kowalyshyn	Petrarca	Vann
DiDonato	LaMarca	Pievsky	Walsh, T. P.
Dombrowski	Laudadio	Pratt	Wargo
Doyle	Laughlin	Prendergast	Wojdak
Dreibelbis	Lederer	Rappaport	Yahner
Englehart	Letterman	Reed	Zwikl
Fee	Lincoln	Renwick	
Flaherty	Manderino	Rhodes	Fineman,
Gallagher	McCall	Rieger	Speaker

NOT VOTING—11

Dininni	Perri	Thomas	Wilson
Fawcett	Richardson	Valicenti	Zearfoss
McGraw	Salvatore	Vroon	

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative and Part II of the Hill amendments was not agreed to.

On the question recurring,

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

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

Amend Sec. 2, page 26, lines 23 through 30, by striking out all of said lines and inserting:

For supplemental assistance to the aged, blind and disabled, including a grant increase of 7% by January 1, 1976	58,528,000
For medical assistance	276,737,000
For county administration	82,612,000
For cash assistance payments including an increase of 7% for cash grants by September 1, 1975	504,817,000

Notwithstanding any provision of any law to the contrary, the levels of payment for public assistance shall not be increased without the approval of the General Assembly in accordance with the procedures established by the act of April 7, 1955 (P. L. 23, No. 8), known as the "Reorganization Act of 1955," and a message to the General Assembly from the Governor for the purposes of executing such function shall be transmitted as in other cases under the Reorganization Act.

On the question,

Will the House agree to the amendment?

AMENDMENT DIVIDED

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Hill.

Mr. HILL. Mr. Speaker, the exact amount of money is in Amendment No. 5, but it still remains as a line item.

Of course, because of the division of the last vote, I would ask for a division on this amendment.

CONSTITUTIONALITY QUESTIONED

The SPEAKER. The gentleman asks for a division of the question, beginning with the paragraph starting with the word "Notwithstanding." The Chair has indicated previously to the membership of the House that that is an unconstitutional rider to the general appropriation bill.

Those voting in the affirmative will vote to sustain the constitutionality. Those voting in the negative will vote to hold that it is unconstitutional.

On the question,

Will the House sustain the constitutionality of Part I of the Hill amendment?

The yeas and nays were required by Messrs. HILL and WOJDAK and were as follows:

YEAS—85

Anderson, J. H.	Gring	Manmiller	Shuman
Beren	Halverson	McCue	Sirianni
Bittle	Hamilton, J. H.	McGinnis	Smith, E.
Brandt	Hasay	Mebus	Smith, L.
Butera	Haskell	Miller, M. E.	Spencer
Cessar	Hayes, D. S.	Miller, M. E., Jr.	Stahl
Cimini	Hayes, S. E.	Moehlmann	Taddonio
Crawford	Hepford	Noye	Turner
Cumberland	Hill	O'Connell	Ustynoski
Davies	Hopkins	Pancoast	Wagner
Deverter	Hutchinson, W.	Parker, H. S.	Weidner
Dietz	Katz	Pitts	Westerberg
Dorr	Kelly, J. B.	Polite	Whelan
Eckensberger	Kistler	Pyles	Whittlesey
Fischer	Klingaman	Renninger	Wilt, R. W.
Foster, A.	Knepper	Ryan	Wilt, W. W.
Foster, W.	Kusse	Scheaffer	Worrilow
Fryer	Lehr	Scirica	Wright
Gallen	Letterman	Seltzer	Yohn
Geesey	Levi	Shane	Zeller
Gleason	Lynch	Shelhamer	Zord
Grieco			

NAYS—106

Abraham	Gallagher	McIntyre	Ritter
Arthurs	Garzia	McLane	Romanelli
Barber	Geisler	Menhorn	Ross
Bellomini	George	Milanovich	Ruggiero
Bennett	Giammarco	Milliron	Saloom
Berlin	Gillespie	Miscevich	Schmitt
Berson	Gillette	Morris	Schweder
Blackwell	Gleeson	Mrkonic	Shelton
Bonetto	Goodman	Mullen, M. P.	Shupnik
Bradley	Green	Mullen	Stapleton
Brunner	Greenfield	Musto	Stout
Burns	Hammock	Myers	Sullivan
Caputo	Hutchinson, A.	Novak	Sweeney
Cohen	Irvis	O'Brien	Taylor
Cole	Itkin	O'Donnell	Tayoun
Cowell	Johnson, J.	O'Keefe	Toll
Davis, D. M.	Kelly, A. P.	Oliver	Trello
DeMedio	Kernick	Perry	Vann
Dicarlo	Kolter	Petrarca	Walsh, T. P.
DiDonato	Kowalyshyn	Pievsky	Wansacz
Dombrowski	LaMarca	Pratt	Wargo
Doyle	Laudadio	Prendergast	Wojdak
Dreibelbis	Laughlin	Rappaport	Yahner
Englehart	Lederer	Reed	Zwikl
Fee	Lincoln	Renwick	
Fisher	Manderino	Rhodes	Fineman,
Flaherty	McCall	Rieger	Speaker

NOT VOTING—12

Dininni	McGraw	Salvatore	Vroon
Fawcett	Perri	Thomas	Wilson
McClatchy	Richardson	Valicenti	Zearfoss

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative and Part I of the Hill amendment was declared unconstitutional.

On the question,

Will the House agree to Part II of the Hill amendment?

The SPEAKER. We are now talking about the first part of the amendment as it appears in front of you designated as amendment "No. 5."

The Chair recognizes the gentleman from Lancaster, Mr. Hill.

Mr. HILL. As I mentioned when I came up here, the only difference between this and the previous amendment is that it is now line-itemed instead of reducing it by $20 million in line items. That is the only difference.

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

Mr. WOJDAK. Mr. Speaker, the effect of this amendment is not only to line item, but it does restore the cut that Mr. Itkin made in the cash grants. I would recommend an affirmative vote on this.

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, reluctantly, I must agree with my friend from Philadelphia, Mr. Wojdak. It does that very thing, and those who would want to restore the cut should vote "aye."

Before they do that, I hope that the gentleman from Lancaster will withdraw it.

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

Mr. ITKIN. Mr. Speaker, I would concur in the minority appropriations committee chairman's remarks. This would reverse just what my amendment earlier did. It would bring back the full $922 million. Therefore, I would strongly urge a negative vote.

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Hill.

Mr. HILL. I will now withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HILL. No, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. RAPPAPORT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAPPAPORT. Would it be proper for me to offer the amendment that Mr. Hill has just withdrawn?

The SPEAKER. Any member of this House is free to offer any amendment.

Mr. RAPPAPORT. Might I be recognized for that purpose, Mr. Speaker?

The SPEAKER. Does the gentleman have the amendment drawn?

Mr. RAPPAPORT. I wish to offer the same amendment that Mr. Hill had offered, which is in print and before the membership.

The SPEAKER. Does the clerk have the printed amendment up here?

The clerk will remove the name of the gentleman, Mr. Hill, and substitute the name of Mr. Rappaport.

The gentleman, Mr. Rappaport, offers the amendment which has been read by the clerk.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, in my 19 years on the floor of this House, this is a first.

I really do not know how to begin other than to say, right off the top of my head, that when an amendment is prepared for a member, that amendment belongs to the member who made the request.

It would be my interpretation of, at least, good sportsmanship, that that amendment cannot be bandied around from one member to another without the consent of that member who requested it originally from the Reference Bureau.

If the gentleman from Philadelphia would like the amendment, I would suggest that we be at ease until he calls the Reference Bureau to have the proper amendment drafted. Let us not set a precedent that we can hand an amendment around from member to member.

PARLIAMENTARY INQUIRY

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

Mr. DRIBELBIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DREIBELBIS. Would it be correct to assume that if a gentleman or a lady in the House withdrew an amendment, that they can go get it and put it in their possession again?

The SPEAKER. The gentleman does not necessarily take back physical possession of the amendment. The amendment has been submitted to the desk. We are really tilting at windmills because mechanically it would be a very simple matter for the gentleman, Mr. Rappaport, to immediately order from the Legislative Reference Bureau the preparation of this amendment. And I am sure that every member knows that there have been occasions when they have ordered an amendment; it has come to their possession; they have decided not to offer it themselves and they have handed it to another member to offer.

So there has been no breach of any law or rule or regulation that the Chair knows about in Mr. Rappaport offering an amendment which had originally been intended to be offered by another member.

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, it is my understanding that the amendment that was presented was signed by the gentleman from Lancaster, Mr. Hill. Does the gentleman from Philadelphia, Mr. Rappaport, have his signature on that amendment? I would assume that he does not and, therefore, the gentleman from Lancaster, Mr. Hill, can reclaim it. He should not have to reclaim it.

AMENDMENT TEMPORARILY WITHDRAWN

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

Mr. RAPPAPORT. Mr. Speaker, could I temporarily withdraw that amendment?

The SPEAKER. The gentleman is in order to withdraw the amendment temporarily. And the gentleman, I assume, is going to undertake to have another amendment prepared?

Mr. RAPPAPORT. I am, Mr. Speaker.

The SPEAKER. It is just a waste of time.

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

Mr. WOJDAK. Mr. Speaker, am I correct in assuming that Mr. Hill has withdrawn his additional amendment?

The SPEAKER. Yes. The gentleman, Mr. Hill, is not offering any additional amendment.

On the question recurring,

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

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

Amend Sec. 2, page 27, by inserting between lines 8 and 9: And provided further, That the Secretary of Public Welfare shall provide the names, addresses, age and social security numbers of all able bodied recipients to the Secretary of Transportation for the purpose of employment by the Department of Transportation. For those able bodied welfare recipients employed by the Department of Transportation at a maximum salary of $3 per hour or $6,240 per year, the Department of Transportation shall be reimbursed for the expenditures by the Department of Public Welfare up to $124,800,000 for a maximum of 20,000 such jobs. Any able bodied recipient refusing employment under this provision shall be disqualified from any further public assistance or medical assistance payments or programs.

On the question,

Will the House agree to the amendment?

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

Mr. McGINNIS. Mr. Speaker, let me first apologize to my colleagues, because I did not have the amendments marked.

The particular amendment that I am offering at this point is: "Amend Sec. 2, page 27, by inserting between lines 8 and 9."

The SPEAKER. The Chair would again bring to the attention of the mover of the amendment and the membership of the House that once more we are confronted with the proposition of the general appropriation bill being a vehicle for the attachment of a rider affecting, modifying, altering, and changing other existing substantive law.

Mr. McGINNIS. Mr. Speaker, I got this idea from the Appropriations Committee.

In going through House bill No. 1336, starting on line 27 on page 11 and running through page 12, there are some rather startling statements in House bill No. 1336. So I felt if Mr. Wojdak and the Appropriations Committee could write things like that into the appropriation, then I could, too. And in all deference to my colleagues who are lawyers, I could not give a damn what the judges or anybody else thinks; the legislature is the body that decides where the money is going to go.

The SPEAKER. The legislature does, by a general appropriation bill, decide how money is to be disbursed, but the established law of the Commonwealth is to the effect that other law cannot be changed by a rider to the general appropriation bill. And again I repeat to the gentleman, that such an attempt is a nullity simply because of the existing law of the Attorneys General of this state which is binding on the executive branch of government and advisory to the legislative branch of government.

The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, to the members of the House who have before them a copy of House bill No. 1336, I wish they would turn to page 11, line 29, and continue on to page 12 and practically all of page 12. There is substantive language in this general appropriation bill.

If they would turn to page 17, line 20, "For payments to municipalities or municipal authorities for up to 50% of the cost . . . ." and so and so—substantive language in the general appropriation bill.

And if they will turn to page 19, lines 14, 15 and 16: "For payments to conservation districts for employment of executive assistants on a 50% cost-sharing basis, not to exceed $5,000 per district . . . ."—substantive language.

And if they will turn to page 22, lines 13 through 18, "For the operation, maintenance and administration of the State Correctional Institutions and Community Treatment Centers, not including funds for the establishment, maintenance or operation of a maximum security facility at Farview State Hospital." That is certainly substantive language.

And we can go to page 26—

The SPEAKER. The gentleman need not recite a delineation of those instances in the general appropriation bill. If, in fact, any of that language does what the Chair has indicated, that language, too, is not properly contained in that bill, and it represents an idle gesture for this House to repeatedly resort to this kind of device because, as I have indicated, it is a nullity.

Now the net effect of what we are doing is this: If we allow this course of proceeding to take place, eventually every statute that is on the books in the Commonwealth of Pennsylvania will be written into the general appropriation bill sooner or later, and we will have no need for any other statute. All of the statutory law will be in a general appropriation bill which will be of one year's duration and have to be reenacted each year to have any effect. We are really wasting our time.

Mr. SELTZER. Mr. Speaker, I must remind the gentleman—if the court agrees with him.

But if I may go on with one or two other instances, on page 26, lines 10 to 12—

The SPEAKER. Will the gentleman suspend?

The gentleman has made his point. There is no need to further recite those points.

Mr. SELTZER. Mr. Speaker, I would not want to suggest that you are attempting to cut off debate.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, I would like to ask you a question.

If you say, as you have ruled, that this—

The SPEAKER. I have not ruled. The matter of constitutionality is for the House to decide. The Speaker has made an observation.

Mr. ZELLER. He has made an observation that this substantive language that Mr. Seltzer has referred to is now contained in the bill. And if it is not correct, then evidently the appropriation bill is not correct before us now. Is that right?

The SPEAKER. No. There are portions of the appropriation bill—and I am referring specifically to the matter of retrenchment which was in the appropriation bill when it came to the floor—which the Chair feels contain unconstitutional language. That does not make the whole bill a nullity. Only that portion of the general appropriation bill that contains that language can be ignored by the executive branch of government because the opinion of the Attorney General is binding on the executive branch of government.

The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, if I may have the privilege of just citing one more, I will be through.

The SPEAKER. The Chair recognizes the gentleman.

Mr. SELTZER. On page 26, lines 23 to 30, in this general appropriation bill, this General Assembly sets the increase for cash grants at 7 percent.

Now if what the gentleman from Montgomery is suggesting is unconstitutional, then I say setting a 7-percent increase for cash grants is also unconstitutional.

Mr. Speaker, I ask the members to vote in support of the constitutionality of the amendment and then to vote "aye" on the amendment itself.

Thank you.

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

Mr. COHEN. I ask that the Speaker refer the question of constitutionality to the House.

The SPEAKER. The Chair is about to do that.

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

Mr. MANDERINO. Mr. Speaker, the general appropriation bill as embodied in House bill No. 1336 indeed contains many instances of oversight language. The staff of the Appropriations Committee and the Appropriations Committee chairman inform me that in each instance where oversight language was placed in it, it was their opinion that it did not contravene existing law; it did not affect existing law. In most cases it was a spelling-out of the appropriation; in most cases it was a blending-in with existing law.

Now I have looked at the instances that Mr. Seltzer pointed out and I think that those statements made by the Appropriations Committee are, in effect, correct. If you remember when I made the argument of unconstitutionality in great detail the other day, I made the statement that whether it was an unconstitutional rider or not depended not on whether it was tacked onto an appropriation, but whether being so tacked onto an appropriation it affected, suspended, altered, or in some manner changed existing law.

There is no question that the amendment before us does that and should be considered unconstitutional, and I ask all members to vote in the negative on the matter of constitutionality.

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

Mr. McGINNIS. I agree with Mr. Manderino to a point. He said that everything else that was cited by Mr. Seltzer looked all right, but just because I am offering it now it does not.

I must say, Mr. Speaker—and unfortunately, I am not a lawyer and many of my colleagues are not—the courts have to rule on whether or not this is constitutional, not a couple a characters over in the Attorney General's office.

Now you gentlemen have read this amendment. There is nothing in this amendment any different from the other things that were cited, and I would like you to vote that this is constitutional.

On the question,

Will the House sustain the constitutionality of the McGinnis amendment?

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

YEAS—101

Abraham	Gleason	McClatchy	Shuman
Anderson, J. H.	Goodman	McCue	Sirianni
Arthurs	Grieco	McGinnis	Smith, E.
Beren	Gring	Mebus	Smith, L.
Bittle	Halverson	Miller, M. E.	Spencer
Brandt	Hamilton, J. H.	Miller, M. E., Jr.	Stahl
Burns	Hasay	Moehlmann	Taddonio
Butera	Haskell	Morris	Trello
Cessar	Hayes, D. S.	Mrkonic	Turner
Cimini	Hayes, S. E.	Noye	Ustynoski
Crawford	Hepford	O'Connell	Wagner
Cumberland	Hill	O'Keefe	Walsh, T. P.
Davies	Hopkins	Pancoast	Weidner
Davis, D. M.	Hutchinson, W.	Parker, H. S.	Westerberg
Deverter	Katz	Pitts	Whelan
Dietz	Kelly, J. B.	Polite	Whittlesey
Dorr	Kistler	Pyles	Wilson
Dreibelbis	Klingaman	Renninger	Wilt, R. W.
Eckensberger	Knepper	Ryan	Wilt, W. W.
Fischer	Kusse	Saloom	Worrilow
Fisher	Lehr	Scheaffer	Wright
Foster, A.	Letterman	Scirica	Yohn
Foster, W.	Levi	Seltzer	Zearfoss
Fryer	Lynch	Shane	Zeller
Gallen	Manmiller	Shelhamer	Zord
Geesey			

NAYS—89

Barber	Geisler	McCall	Ritter
Bellomini	George	McIntyre	Romanelli
Bennett	Giammarco	McLane	Ross
Berlin	Gillespie	Menhorn	Ruggiero
Berson	Gillette	Milanovich	Schmitt
Blackwell	Gleeson	Milliron	Schweder
Bonetto	Green	Miscevich	Shelton
Bradley	Greenfield	Mullen	Shupnik
Brunner	Hammock	Musto	Stapleton
Caputo	Hutchinson, A.	Myers	Stout
Cohen	Irvis	Novak	Sullivan
Cole	Itkin	O'Brien	Sweeney
Cowell	Johnson, J.	Oliver	Taylor
DeMedio	Kelly, A. P.	Perry	Tayoun
Dicarlo	Kernick	Petrarca	Toll
DiDonato	Kolter	Pievsky	Vann
Dombrowski	Kowalyshyn	Pratt	Wargo
Doyle	LaMarca	Prendergast	Wojdak
Englehart	Laudadio	Rappaport	Yahner
Fee	Laughlin	Reed	Zwikl
Flaherty	Lederer	Renwick	
Gallagher	Lincoln	Rieger	Fineman, Speaker
Garzia	Manderino		

NOT VOTING—13

Dininni	O'Donnell	Richardson	Valicenti
Fawcett	Perri	Salvatore	Vroon
McGraw	Rhodes	Thomas	Wansacz
Mullen, M. P.			

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

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

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

Mr. WOJDAK. Now that we have determined that it is constitutional, each year the Welfare Department must submit a plan to the Federal Government. In this case, you are talking about Federal moneys of about $300 million. Our plan must be in compliance with Federal regulations.

Now this specific issue that Mr. McGinnis is raising was something that was tried in New York State. There is a Federal court case on it, Debrino v. New York, where the Federal courts ruled that any attempt such as this, a forced-work program, was violative of Federal regulations and that the Federal Government did not have to give us the Federal funds, and in this case you are talking about $300 million.

I understand philosophically what Mr. McGinnis is attempting to do, but I want to relate to the House that we cannot do it without jeopardizing our Federal funds, and the Federal funds in question are roughly $300 million. I would ask for a negative vote on this.

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

Mr. CAPUTO. Mr. Speaker, without indicating which way I sympathize, assuming that I did sympathize with Mr. McGinnis' feelings—and I do not mean to say that I am opposed to any program that would require full-bodied, able-bodied persons to work rather than to get relief—I would have to oppose this amendement because of the language of the amendment, specifically because of the fact that the state could force a person to go to work at a maximum salary of $3 an hour and a maximum annual income of $6,240 a year.

I point out that what is unfair about that is that a man may be working beside another person, another state employe, engaged in the same program, the same effort, the same hours, who is getting $7 an hour. So it would be unfair to the person who is forced into such a program, plus the fact that this man's earnings would be limited to $6,240 a year, which would be subject to income tax as well as state taxes.

I think that although I might be able to vote for a program that would require able-bodied persons to do some work, I do not think it is within the realm of this legislature, if we want to be fair to people, to say you can only make $6,240 a year when somebody else in the same job might be making $15,000.

I ask for a "no" vote on the amendment.

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

Mr. McGINNIS. Mr. Speaker, I feel the same way when I am sitting next to the staff around here. They are making more than I am.

Mr. Speaker, about 2 weeks ago we sat here when the impassioned pleas of the people came from the balcony: "We want jobs; we want jobs." The Welfare Department of this state, besides the 900-and-some million dollars that we appropriate to them, to the best of my knowledge, receives almost the same amount from the Federal Government.

What I am saying here is, if I had more guts, I would have put 50,000 or 60,000 jobs in there, but I felt that by taking 8 to 10 percent of the welfare cases in this state—and incidentally, Mr. Speaker, there are a lot of people out there who are getting a welfare check who do not want one; they want a paycheck.

When you come up the highways of Pennsylvania and you see a flagman standing out there, I think it is better to pay that man $3 an hour to stand out there than for him to get a welfare check. That is what I think. And after all, as a state employe, he gets paid prescriptions and medical help and a few other little goodies besides his $6,240, and I do not think it is going to hurt him to stand out there with that flag, and maybe we will get a couple of potholes filled. If we can fill one for every dollar, we will have a lot of them filled. Thank you very much.

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

Mr. LAUGHLIN. Could I please ask a few questions of Mr. McGinnis?

The SPEAKER. Will the gentleman from Montgomery, Mr. McGinnis, consent to interrogation?

Mr. McGINNIS. Certainly.

The SPEAKER. The gentleman may proceed.

Mr. LAUGHLIN. Mr. Speaker, first you state $3 an hour and you set a figure. Now you are including benefits for these people. Is that correct?

Mr. McGINNIS. That is correct.

Mr. LAUGHLIN. Would that not substantially raise that figure over and above the $6,200 you are talking about?

Mr. McGINNIS. No, not really, because the Welfare Department is already paying it anyway.

Mr. LAUGHLIN. I do not think the Welfare Department is paying paid holidays. I do not think they are paying social security.

Mr. McGINNIS. Do they pay Sundays?

Mr. LAUGHLIN. Just a minute, Mr. Speaker. I do not mean it the way it sounded.

In other words, I am talking about an expense. I am not talking about a paid day as such that you are considering on welfare. I am talking about an expense to the state in addition to the money that you are allocating for the $6,240, whatever it is a year.

Mr. McGINNIS. I must admit I had a little sneaker in here because according to the caseworkers, I think the caseworkers claim they are handling 130 to 150 cases. If you divide that into the 20,000, that is $2½ million we save on caseworkers.

Mr. LAUGHLIN. Mr. Speaker, I still have a few more questions.

Mr. Speaker, if you are saying to me that you anticipate a $6,240 outlay for each of these 20,000 jobs, I do not know how you would make the selection and I do not know how you would make the determination as to the size of the family and so on. Do you have any idea about that?

Mr. McGINNIS. Let us make it on a first-come basis, because there are a lot more people than 20,000 who want a job.

Mr. LAUGHLIN. All right. Then what you are say-

ing to me is that it is very possible that someone would have three or four in the family and thus it would appreciably cut the amount of welfare payments that we are talking about here. Right?

Mr. McGINNIS. No; I do not believe so.

Mr. LAUGHLIN. You do not?

Mr. McGINNIS. No.

Mr. LAUGHLIN. Does a single person receive the same amount of welfare as a person with four children?

Mr. McGINNIS. No.

Mr. LAUGHLIN. Well, then I would have to say that as the family goes up, the income from welfare would correspondingly go up. Would it not?

Mr. McGINNIS. You do not get paid for productivity of children. We do not pay that way in the state, or business does not pay. You do not apply for a job with business and say I have got six kids so far—

Mr. LAUGHLIN. We are talking about welfare, Mr. Speaker. We are not talking about industry or business.

Mr. McGINNIS. Yes, but $6,240 is not below the poverty level, after all, sir.

Mr. LAUGHLIN. You still have not answered the question, but I will pass that one.

What you are saying to us is that you would want to have people who are employed under the AFSCME union, people who are employed by the state, working side by side with people who are making far less money. The AFSCME people would be telling you and telling me that you are taking jobs away from us; you are not giving us an opportunity. As they would be going down by attrition, you would be putting more and more people out on those jobs. And I do not think that you really want to do things like that, do you, Mr. Speaker?

Mr. McGINNIS. No; I do not want to do things like that. But if I were unemployed and on welfare and the AFSCME guy did not like it, I would say, do you want to switch jobs?

Mr. LAUGHLIN. You know, Mr. Speaker, you are making a lot of comical remarks and things, and I am sure that is—

Mr. McGINNIS. I am very, very serious, sir.

Mr. LAUGHLIN. You are? Well, it does not sound that way.

Would these people that you have here be eligible for membership in the AFSCME union?

Mr. McGINNIS. I really do not know.

Mr. LAUGHLIN. You do not know. Well, I tend to think then that you have not really thought out this amendment and the effect it would have on the state, and I would ask all of the members of the House to vote it down.

Mr. McGINNIS. I say, Mr. Speaker, I have thought out the amendment and I realize that this only goes for a year, and I pray to God that within the year Pennsylvania is back on track and that these people can be working in industry. But at this point we have got to do something to help the people and get them off welfare.

Mr. LAUGHLIN. I am certain that most of the members here in the House agree with some type of program that would help the welfare people find jobs, Mr. Speaker. I just find a little fault with the idea that you have.

Mr. McGINNIS. I hope you vote for it, though.

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

Mr. WOJDAK. Mr. Speaker, may I interrogate the gentleman from Montgomery, Mr. McGinnis?

The SPEAKER. Will the gentleman from Montgomery, Mr. McGinnis, consent to interrogation?

Mr. McGINNIS. Yes, Mr. Speaker,

The SPEAKER. The gentleman may proceed.

Mr. WOJDAK. Mr. Speaker, as I understand your amendment, you are proposing to spend approximately $124 million in the Department of Transportation. Is that correct?

Mr. McGINNIS. Yes, sir.

Mr. WOJDAK. Where is that money going to come from?

Mr. McGINNIS. From the Department of Welfare.

Mr. WOJDAK. Are you—

The SPEAKER. Will the gentleman suspend?

There is entirely too much noise on the floor of the House. This is, notwithstanding the levity of the comments that have been made so far, a very serious subject matter.

The gentleman may proceed.

Mr. WOJDAK. Are you aware, Mr. Speaker, that by adopting this amendment, the Welfare Department stands to lose in Federal funds approximately $300 million?

Mr. McGINNIS. No; I am not aware of that.

Mr. WOJDAK. Well, that is a fact. And the effect of your amendment—

Mr. McGINNIS. That will not happen.

Mr. WOJDAK. The effect of your amendment is a loss of $300 million in welfare, plus an additional expenditure of $124 million in the Department of Transportation. You are talking roughly of a cost to this state of $425 million. Are you aware of that?

Mr. McGINNIS. I am not aware of that because it is not going to happen. You know it is not going to happen. And there is no directive out of Washington that is going to cut off welfare.

Mr. WOJDAK. Well, I know it is going to happen because it happened in New York, and it happened specifically there as a result of a Federal court case testing the very provisions that you are attempting to put in here.

Now as the Speaker said, the levity is fine. But I want everyone to realize that you are talking about an expenditure via this amendment, the net effect of which is a hole of approximately $425 million in this state. I do not think that is the real intent of—

Mr. McGINNIS. Mr. Speaker, how do you arrive at those figures?

Mr. WOJDAK. Let me finish.

I do not think that is the real intent of what Mr. McGinnis is trying to do. I think I understand what he is trying to do. He is just going about it in the wrong way. And the net effect is a cost to this state of about $425 million.

Mr. McGINNIS. Mr. Speaker, could you tell me how you arrive at those figures?

Mr. WOJDAK. Well, you are proposing to spend in the Department of Transportation $125 million?

Mr. McGINNIS. That is correct.

Mr. WOJDAK. If this program is adopted by us, we will lose Federal funding to the tune of about $300 million.

Mr. McGINNIS. Where? Where, Mr. Speaker?

Mr. WOJDAK. From our Federal funding.

Mr. McGINNIS. Why?

Mr. WOJDAK. Because the Federal courts have ruled that any state with this type of program in it is not in compliance with the Federal regulations and—

Mr. McGINNIS. What court? Could you tell me what court?

Mr. WOJDAK. Yes. The specific case is Debrino v. New York. It is a New York case where the State of New York and the legislature in New York attempted to do the same thing that you are doing.

Mr. McGINNIS. Good for them.

Mr. WOJDAK. It has been tested in the courts.

Mr. McGINNIS. What happened?

Mr. WOJDAK. It was declared unconstitutional, and New York jeopardized its Federal funding.

Mr. McGINNIS. Well, nobody lost any money if it was declared unconstitutional.

Mr. WOJDAK. No; no. The Federal court ruled that New York could not participate or was not in compliance with Federal regulations and Federal funding would be held back. I do not know the specific amount held back in New York.

Mr. McGINNIS. Mr. Speaker, was that not about 10 years ago up in Newburgh, New York?

Mr. WOJDAK. I believe the year was 1968.

The SPEAKER. Will the gentlemen both yield for a moment?

For what purpose does the gentleman, Mr. Beren, rise?

Mr. BEREN. May I interrogate Mr. Wojdak on the case that he is talking about?

The SPEAKER. Will the gentleman yield until Mr. Wojdak completes his interrogation?

Mr. BEREN. I certainly will.

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

Mr. WOJDAK. I am finished.

Mr. McGINNIS. Mr. Speaker, did not California enact this?

Mr. WOJDAK. Pardon?

Mr. McGINNIS. Did not the State of California enact this same type of legislation?

Mr. WOJDAK. Not that I am aware of.

Mr. McGINNIS. Well, I believe they did. You had better have your staff check it.

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

Mr. BEREN. Thank you, Mr. Speaker.

Mr. Speaker, in the case that you are talking about, are you not talking about rules and regulations that were adopted by the city or county of Newburgh, New York?

Mr. WOJDAK. I am not certain. I do not know that.

Mr. BEREN. Well, Mr. Speaker, that is the case—

Mr. WOJDAK. The point is, it is a New York case speaking directly to this question.

Mr. BEREN. Mr. Speaker, the point is that you may be missing the point, because if the State of New York put this forth as a law and, as a result of that law, the courts ruled that Federal funds could not come into the state in the Welfare Department, that would be exactly what you are talking about.

If, on the other hand, rather than the State of New York, a municipal subdivision enacted a program that was contra or against both the State of New York's welfare laws and the welfare laws of Washington, D. C., you would have a different state of facts altogether.

I submit to you that the case you are talking about is one in which the rules and regulations were not put forth by the state but were put forth by a political subdivision, and the rules would be differently applied.

Mr. WOJDAK. Well, that situation you describe may be true, but the principle holds that the same principle would apply to the state funding as to the individual county that you are speaking of.

Mr. BEREN. Well, I disagree completely, Mr. Speaker. I think you and I and everyone else in here understands that if the facts are different in the case, the rules can be different.

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

Mr. McGINNIS. Mr. Speaker, would Mr. Wojdak consent to interrogation?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. I shall.

The SPEAKER. The gentleman may proceed.

Mr. McGINNIS. Mr. Speaker, could you tell me in the Welfare Code of the State of Pennsylvania right now, if a welfare recipient in the State of Pennsylvania who is able-bodied refuses a job at this point, what is in the Welfare Code right now that is not being enforced?

Mr. WOJDAK. They have authority, and he will in fact lose his eligibility for welfare payments.

Mr. McGINNIS. They have to sign up to take jobs. Is that correct?

Mr. WOJDAK. That is correct.

Mr. McGINNIS. It is in our Welfare Code right now, so I do not know what the big argument is.

Mr. WOJDAK. Well, you are making it a mandatory work program.

Mr. McGINNIS. In our Welfare Code right now we have it.

Mr. WOJDAK. There is a great distinction.

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

Mr. ROMANELLI. Mr. Speaker, I wonder if Mr. McGinnis would submit to one question.

The SPEAKER. Will the gentleman from Montgomery, Mr. McGinnis, consent to interrogation?

Mr. McGINNIS. Certainly.

The SPEAKER. The gentleman may proceed.

Mr. ROMANELLI. Mr. Speaker, if your amendment is successful, do you know whether these employes then would be governed by Act 195?

Mr. McGINNIS. No; I really cannot answer that question truthfully. I do not know the answer.

Mr. ROMANELLI. If they were, do you realize the ramifications?

Mr. McGINNIS. That is subject to negotiation.

Mr. ROMANELLI. Can you find out whether they would be covered by Act 195?

Mr. McGINNIS. I do not believe so. This is only temporary.

It cannot be any worse than it is now.

Mr. ROMANELLI. Mr. Speaker, can you rule on that as to whether those employes would be covered by Act 195 or not?

The SPEAKER. That is not a parliamentary inquiry.

That is a factual question which is beyond the prerogative of the Chair to rule upon.

Mr. ROMANELLI. Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, I am not rising to support or oppose this amendment, but I would like to remind this House that the local governments, the state government, and the Federal Government today are making it very convenient for people to become very lazy, because sometimes people can become a victim of their own environment.

I would like to state a case in my district where a family that I have known for a long time went on welfare. And to prove that it became very evident that it is convenient for people to become lazy because of the rules and regulations now, they live in a housing project. The county provides somebody to clean their porch and their hallway for them. The gentleman managed to buy a new car and he is paying for it. He manages to keep that in very good shape and he polishes it every day, but he cannot sweep off the porch. So it is becoming very convenient for people to become lazy.

I think Mr. McGinnis' idea is a good one, so that people will not become victims of their own environment and stay on welfare.

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

Mr. DREIBELBIS. Mr. Speaker, may I ask Mr. Wojdak a question, please?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. I shall.

The SPEAKER. The gentleman may proceed.

Mr. DREIBELBIS. Mr. Speaker, as I understand it—and I am trying to clarify how I might vote on this—the Welfare Department presently has a work-incentive program where if the income is not great enough, there are supplemental welfare grants made to that individual in addition to the job that he holds through a work-incentive program. Are these additional funds supplemented by Federal grants?

Mr. WOJDAK. Yes, they are.

Mr. DREIBELBIS. Would it be impossible for Mr. McGinnis' proposal to fall under the same category of work incentive, and if 60-some hundred dollars a year is not adequate salary for the ones whom Mr. Laughlin is worried about, who may have four or six children, would they have supplemental welfare grants partially funded by Federal grants?

Mr. WOJDAK. No; the intent of Mr. McGinnis' amendment would not fit within the provisions of the work-incentive program. It is more of a forced-work program.

If I can quote the exact Federal regulation to you, it says: "Federal financial participation"—and this is a quote from the regulation—"will not be available . . . made in the form of payments for work performed in any month after June, 1968, except under the Work Incentive Program authorized by Title IV; Part C of the Social Security Act or under the Work Experience Training Programs . . . of the Economic Opportunity Act."

Mr. DREIBELBIS. Mr. Speaker, could this proposal of Mr. McGinnis not be construed to be a work-incentive program?

Mr. WOJDAK. No; it cannot.

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

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

Mr. SWEENEY. Mr. Speaker, would Mr. McGinnis submit to interrogation?

The SPEAKER. Will the gentleman from Montgomery, Mr. McGinnis, consent to interrogation?

Mr. McGINNIS. Yes, I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SWEENEY. Mr. Speaker, would it be your intention, if your amendment were to prevail, that in the event the head of a household refused employment with the Department of Transportation, the entire household would be wiped off the welfare rolls?

Mr. McGINNIS. Would the entire household be left off if the head of the household—

Mr. SWEENEY. That is right.

Mr. McGINNIS. Whatever the regulations are, sir.

The only thing I know is that there are many pilot programs today, CETA and so on down the line, and I feel that this is a pilot program. And certainly the Federal Government has funded a lot of pilot programs for people to get jobs.

Mr. SWEENEY. Unfortunately, Mr. Speaker, that does not answer the thrust of my question. My concern is not for the head of the household who refuses to work but for the family of that household head who might suffer due to whatever reasons would prompt the man to refuse the employment.

Mr. McGINNIS. If I came home and I told my wife I quit my job, I am sure that the industry that I was working for would not continue part pay to my family.

You are asking me a question, if a man refuses to work, will his family suffer? We have laws in this state where if you lose your license, you cannot drive and you lose your job and your family suffers because you went 11 miles an hour too fast.

You are asking me, if a man refuses a job, is his family going to suffer? Certainly.

Mr. SWEENEY. Then the answer to my question is yes, is it not?

Mr. McGINNIS. That is the current law.

Mr. SWEENEY. You are answering in the affirmative to my question. Is that correct?

Mr. McGINNIS. That is under the current Welfare Code, sir, that they are supposed to accept jobs.

Mr. SWEENEY. I think one of the objections is most of the amendment you proposed is under the current welfare rolls. That is not my question.

Are you telling me yes, that the entire household would be wiped off if the man refused to work for the Department?

Mr. McGINNIS. I am assuming that if a man refuses to work, just as he would in private industry, that he would not get part checks, yes.

Mr. SWEENEY. Thank you.

Mr. McGINNIS. It is the law as it is.

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

Mr. REED. Mr. Speaker, I have just two quick questions, if Mr. McGinnis would consent to interrogation.

The SPEAKER. Will the gentleman from Montgomery, Mr. McGinnis, consent to interrogation?

Mr. McGINNIS. I shall.

The SPEAKER. The gentleman may proceed.

Mr. REED. First, in reading this over, I notice that you make reference to people who are receiving, of course, cash assistance. Are you including into that the aid-to-dependent-children category of public assistance, for which the Commonwealth pays a very small percentage, as well as all of general assistance which the Commonwealth entirely supports?

Mr. McGINNIS. There are hundreds of thousands of people on the welfare rolls in Pennsylvania who are disabled or sick or old or needy. There are also a hundred thousand people on the rolls who are able-bodied, who can work and want to work.

The point I am trying to make is, you heard the people screaming that they wanted jobs. Did not anybody hear it? I heard it.

Mr. REED. Mr. Speaker, my question was, are you including all able-bodied persons who fall in the ADC and GA categories of assistance? That is all I am asking you.

Mr. McGINNIS. I am including able-bodied people who are able to work.

Mr. REED. Okay.

I think several points need to be made. The first is that under aid to dependent children, which is almost entirely federally financed, as you and I know, I think this is the point that Mr. Wojdak was getting to—that general assemblies of the various states in the nation do not have the legal right to modify or add to existing Federal laws or regulations which have the effect of law that govern eligibility for ADC, that is, aid to dependent children.

The question is, are there able-bodied people under aid-to-dependent-children cases? The answer is "yes," because we are talking about the head of a household where there are minor children involved, that is, under the age of 18 or whatever. So there are many able-bodied people in aid to dependent children, which is a federally financed category that would be included in this provision.

My point in raising that is that I served without pay or expenses for 3 years as chairman of the Dauphin County Board of Assistance. During that period of time, the public assistance rolls in this county, and particularly in the capital city, were reduced in excess of 52 percent, Mr. Speaker. And I am here to say that—

Mr. McGINNIS. I have not looked at the state—

Mr. REED. Please, I have the floor.

You are absolutely correct that as a Federal and as a Commonwealth government, we have not nearly come close to doing our job in providing job opportunities for able-bodied and other people who are on public assistance. Agreed to 100 percent.

The manner in which you are doing it here covers ADC, which is not under our jurisdiction. If it were limited to just simply general assistance, which we finance, then I would say that it might be a lot more germane.

While I appreciate the concept that goes into this provision, there are a whole variety of problems with it. One of them is the legalistic. Mr. Wojdak referred to it; I have referred to it.

Secondly, among the able-bodied persons in the aid-to-dependent-children category—excluding children, of course—able-bodied persons, assuming that they are out of school, in the ADC category would become, under your provisions, because it does not say otherwise, all the mothers who have children, particularly of preschool age, in the household. That presents a problem, and the problem is this: Wherever we were able to provide day-care services—we all, of course, know what that is—when I was able to secure departmental funding for day-care services, with very, very few exceptions I was able to put to work mothers who otherwise would have had to have stayed at home because of the minor age of the children, particularly of a preschool age. To arbitrarily say that all of those women with those children at home are now covered by this provision, which they are because you have not excluded them, is to place the Department of Public Welfare and a lot of mothers with underage children in a very precarious position.

I understand the intent of what you are doing. I honestly cannot support this particular provision because it creates more problems than it would be settling. And I would offer to the gentleman and anybody else who is interested after this week's activities are over that we sit down and really do something comprehensive that answers the Federal legal questions, the day-care questions, and so on. I really think the intent is commendable, but this is not the vehicle that we are going to achieve it by. I can see a great deal of problems coming from that from my own personal experience with the same.

PARLIAMENTARY INQUIRY

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

Mr. LETTERMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LETTERMAN. If "Pothole" McGinnis were to state on this floor his intentions that people from the welfare rolls who went to work were not covered by Act 195, would that be sufficient if he is stating his intentions?

The SPEAKER. A declaration of intention is nothing but a declaration of intention, and it cannot contravene what might be existing law to the contrary or existing rule or regulation to the contrary.

Mr. LETTERMAN. Thank you very much.

May I make a statement?

The SPEAKER. The gentleman is in order.

Mr. LETTERMAN. Mr. Speaker, in 1973 or 1974—I am not sure exactly which—House bill No. 1843 was passed in this House. It did exactly what you are talking about, except it took into exception all the complaints that I have heard, and many members on both sides of the aisle signed that bill. I would suggest that you withdraw this and get that bill out and we will go to work on it. I would like to help you with it, too. Thank you.

AMENDMENTS TABLED

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

Mr. REED. Mr. Speaker, because there is a variety of questions that have arisen, including the one that my colleague, Mr. Letterman, just raised, I would move that we table this particular amendment for all the reasons which I am not even going to reiterate that we have already discussed in the last 20 minutes.

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

The yeas and nays were required by Messrs. REED and McGINNIS and were as follows:

YEAS—101

Abraham	Garzia	McCall	Ritter
Arthurs	Geisler	McLane	Romanelli
Barber	George	Menhorn	Ross
Bellomini	Giammarco	Milanovich	Ruggiero
Bennett	Gillespie	Miller, M. E.	Schmitt
Berlin	Gillette	Milliron	Schweder
Berson	Gleeson	Miscevich	Shane
Blackwell	Goodman	Mullen, M. P.	Shelton
Bonetto	Green	Mullen	Shupnik
Bradley	Greenfield	Musto	Stapleton
Brunner	Hammock	Myers	Sullivan
Caputo	Hutchinson, A.	Novak	Sweeney
Cohen	Irvis	O'Brien	Taylor
Cole	Itkin	O'Donnell	Tayoun
Cowell	Johnson, J.	O'Keefe	Toll
Davis, D. M.	Kelly, A. P.	Oliver	Trello
DeMedio	Kernick	Perry	Vann
Dicarlo	Kolter	Petrarca	Walsh, T. P.
DiDonato	Kowalyshyn	Pievsky	Wargo
Dombrowski	LaMarca	Pratt	Yahner
Doyle	Laudadio	Prendergast	Wojdak
Dreibelbis	Laughlin	Rappaport	Zwikl
Englehart	Lederer	Reed	
Fee	Letterman	Renwick	Fineman, Speaker
Flaherty	Lincoln	Rhodes	
Gallagher	Manderino	Rieger	

NAYS—92

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

NOT VOTING—10

Dininni	McIntyre	Salvatore	Valicenti
Fawcett	Perri	Thomas	Vroon
McGraw	Richardson		

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

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

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

Amend Sec. 2, page 13, line 12, by striking out all of said line and inserting: their public schools open.
No disbursement shall be made to any school district or intermediate unit which assigns any pupil, without the consent of the parent or the legal guardian of the pupil, to a school other than the school closest to the home of the pupil except to relieve overcrowded conditions within the district 1,300,372,000

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

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

Mr. McGINNIS. Mr. Speaker, this is a very minor amendment. It amends section 2, page 13, line 12, by striking out all of said line and inserting:

> No disbursement shall be made to any school district or intermediate unit which assigns any pupil, without the consent of the parent or the legal guardian of the pupil, to a school other than the school closest to the home of the pupil except to relieve overcrowded conditions within the district.

It is a very minor amendment.

QUESTION OF CONSTITUTIONALITY RAISED

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose the amendment in a different manner.

First, I thought that we had heard enough of Archie Bunker tonight with the previous amendment.

Mr. Speaker, I raise the question of constitutionality of this amendment.

Again, here we are tonight attempting to do something that relies on and stays basically in the present School Code. What we are saying here is that the ". . . school district or intermediate unit which assigns any pupil, without the consent of the parent or the legal guardian of the pupil, to a school other than the school closest to the home of the pupil except to relieve overcrowded conditions within the district."

This is the very heart of the School Code, and here we are attempting to amend the general appropriation bill by placing in sections that belong in the School Code.

Under that fact, I raise the constitutionality of this amendment, Mr. Speaker.

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

Mr. McGINNIS. Mr. Speaker, I am not too sure whether I like the Archie Bunker part, but if that is what fits me, then that fits me. I did not feel that way when I talked about the poverty bill today for Mr. Johnson.

But I do think that the people of the State of Pennsylvania are tired of having their children herded like cattle on the buses and bused where some liberal bureaucrat wants to bus them.

If you do not like the constitutionality, let the court rule on it. I urge a vote for constitutionality.

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

Mr. RHODES. Mr. Speaker, I am sorry to hear Mr. McGinnis bring out that intention in the amendment.

I certainly hope the House will not enact an amendment which basically will strip our school boards of

their essential power to assign pupils just because of this emotionalism on the question of busing.

There is legislation to that effect already pending in the legislature. There is no reason to adopt this amendment except to make some kind of display out of our budget. I think it would show considerable lack of responsibility if we do not vote for this amendment being unconstitutional, which it obviously is.

The SPEAKER. On the matter of constitutionality, those voting in the affirmative will vote to sustain constitutionality; those voting in the negative will be voting that the amendment is unconstitutional.

On the question,

Will the House sustain the constitutionality of the McGinnis amendment?

The yeas and nays were required by Messrs. GALLAGHER and McGINNIS and were as follows:

YEAS—98

Anderson, J. H.	Gillespie	McCue	Sirianni
Bennett	Gleason	McGinnis	Smith, E.
Beren	Grieco	Mebus	Smith, L.
Bittle	Gring	Miller, M. E.	Spencer
Brandt	Halverson	Miller, M. E., Jr.	Stahl
Burns	Hamilton, J. H.	Moehlmann	Stapleton
Butera	Hasay	Mrkonic	Stout
Cessar	Haskell	Noye	Turner
Cimini	Hayes, D. S.	O'Connell	Ustynoski
Crawford	Hayes, S. E.	O'Donnell	Wagner
Cumberland	Hepford	O'Keefe	Walsh, T. P.
Davies	Hill	Pancoast	Weidner
Davis, D. M.	Hopkins	Parker, H. S.	Westerberg
Deverter	Hutchinson, W.	Pitts	Whelan
Dietz	Katz	Polite	Whittlesey
Dorr	Kistler	Pyles	Wilson
Dreibelbis	Klingaman	Renninger	Wilt, R. W.
Eckensberger	Knepper	Ryan	Wilt, W. W.
Fisher	Kusse	Saloom	Worrilow
Flaherty	Lederer	Scheaffer	Wright
Foster, A.	Lehr	Scirica	Yahner
Foster, W.	Levi	Seltzer	Zearfoss
Fryer	Lynch	Shelhamer	Zeller
Gallen	Manmiller	Shuman	Zord
Geesey	McClatchy		

NAYS—93

Abraham	Geisler	McIntyre	Romanelli
Arthurs	George	McLane	Ross
Barber	Giammarco	Menhorn	Ruggiero
Bellomini	Gillette	Milanovich	Schmitt
Berlin	Gleeson	Milliron	Schweder
Berson	Goodman	Miscevich	Shane
Blackwell	Green	Morris	Shelton
Bonetto	Hammock	Mullen, M. P.	Shupnik
Bradley	Hutchinson, A.	Mullen	Sweeney
Brunner	Irvis	Musto	Taddonio
Caputo	Itkin	Myers	Taylor
Cohen	Johnson, J.	Novak	Tayoun
Cole	Kelly, A. P.	O'Brien	Toll
Cowell	Kelly, J. B.	Oliver	Trello
DeMedio	Kernick	Perry	Vann
Dicarlo	Kolter	Petrarca	Wansacz
DiDonato	Kowalyshyn	Pratt	Wargo
Dombrowski	LaMarca	Prendergast	Wojdak
Doyle	Laudadio	Rappaport	Yohn
Englehart	Laughlin	Reed	Zwikl
Fee	Letterman	Renwick	
Fischer	Lincoln	Rhodes	Fineman, Speaker
Gallagher	Manderino	Rieger	
Garzia	McCall	Ritter	

NOT VOTING—12

Dininni	McGraw	Richardson	Thomas
Fawcett	Perri	Salvatore	Valicenti
Greenfield	Pievsky	Sullivan	Vroon

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative, and the constitutionality of the McGinnis amendment was sustained.

On the question recurring,

Will the House agree to the amendment?

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

Mr. RHODES. Since we have not voted that it is unconstitutional, may I speak for a moment on the question of the substance?

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

Mr. RHODES. Let us consider, Mr. Speaker, exactly what impact this amendment would have on the school boards. Because of our desire to send a message, I suppose, to school districts or to various commissions or bodies that we do not want, as you say, our kids bused all over the place, we will be, in effect, enacting an amendment which would say a school board would not have the power to, say for example, set up a new school or set up some special program and assign students to it unless the parents agree to that assignment.

That is a basic undermining of the authority of school boards to carry out their duties. I cannot believe that, because of our narrow interest on the question of busing that we all know the member from Montgomery County has raised over and over again, we would enact legislation that would in effect destroy the power of school districts and school boards to carry out their duties assigned to them by this legislature.

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

Mr. CAPUTO. Mr. Speaker, I do not think anyone on the floor of this House has advocated more strongly than I the neighborhood-school concept. I voted for an amendment to a bill a couple of weeks ago indicating how I feel about it when I voted to take the power away from the Human Relations Commission to assign such pupils. At that time I indicated that our School Code, the laws of this Commonwealth, and the Supreme Court of the United States had provided adequate protections against discrimination.

I cannot support this amendment, however, as much as I would like to see the neighborhood-school concept become law in Pennsylvania, because I do not think this is the proper way to go about it. I think it is totally unjustified, and I urge everybody to vote "no" on this amendment.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose the amendment offered by Mr. McGinnis. To give a good example, Bristol Township School District in Bucks County reassigned pupils within that school district. They created the second senior high school. They did not do this because of overcrowding; they did not do this because of integration. They did this for other reasons, other reasons that are very clear in this amendment.

When they did this, they had to bus the pupils back and forth. Of course, Bristol Township has been busing since 1952, not because of integration but just because of where the schools are. Since the reassignment was done, they have been considering closing two elementary schools, again not because of overcrowding but because of emptiness.

So I think this amendment, as it stands right now,

would prohibit a school district from doing the proper thing of reassigning the pupils in that school district so that they do not have one elementary school with 120 students and the rest of the schools empty, and so that they do not have another building half empty because they created a second senior high school.

Mr. McGinnis' amendment would prohibit an intelligent school board, which is not liberal, which is very conservative in many ways, from doing the best thing they could do to save dollars and to put the boys and girls in the same classroom together to get the proper quality education.

Just on those facts alone, Mr. McGinnis' amendment would interfere with an intelligent, honest school board that was doing the job properly.

I think, Mr. Speaker, that many members who live in suburbia feel that they do not have the trust in their own school districts. I have that trust in my school board, and I do not see my school board reassigning pupils for the different manners and messages that Mr. McGinnis has been giving to us.

So I would sincerely hope that we can understand this without being clouded by the other issues that Mr. McGinnis constantly raises before us, because you have on record the matter of fact of what Bristol Township School District has done to help cut their budget, to help make certain that the children were in the same buildings for quality education.

On that basis alone, I oppose this and ask for a "no" vote.

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

Mr. ITKIN. Mr. Speaker, I rise to oppose this amendment.

I rise to oppose the amendment not on what I would like to see accomplished, because I oppose forced busing. I rise to oppose the amendment because I personally believe this amendment to be unconstitutional, and I could not support it even though the House earlier said that it was.

The constitution clearly provides that this legislature has the responsibility to provide for and maintain a public school system in the Commonwealth. By this amendment we would be denying the local school districts the necessary moneys to conduct that public school system. It would be in clear violation of the constitution. For that and that alone, I could not—

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. RYAN. Mr. Speaker, the question of constitutionality has been determined by the House, and I am questioning the germaneness of the gentleman's remarks.

The SPEAKER. The remarks are germane.

Why do you not let the gentleman finish? We waste less time if we let him finish than we do by the interruptions. The gentleman has almost concluded.

The gentleman, Mr. Itkin, may proceed.

Mr. ITKIN. Thank you, Mr. Speaker.

I would be willing to support other pieces of legislation that go to this direction, but not in this particular general appropriations bill. I do not think we have the right to do this. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, with regard to the remarks of Mr. Gallagher, it seems to me he was directing the attention of the House to situations where a school board in a school district has seen fit to close a school because it is underpopulated. That is happening in my own township, and there is no objection to it and this bill would not affect it.

I support the bill, Mr. Speaker, because of what appears to be a trend or at least an attempt in the general Philadelphia area to turn the city of Philadelphia and the four surrounding suburban counties into a metropolitan school district. I see it as an attack not to solve an integration problem, but I see it, as a suburban resident, as an attack on our pocketbook.

These remarks were basically the same remarks that were made when Mr. Salvatore offered these amendments. He was from Philadelphia, and I supported them more because of the effect on the pocketbook of the suburban residents than on the reasons given by Mr. Salvatore.

Over and above that, as Mr. Gallagher states, I, too, support the concept of the child attending the school closest to his home, and I think these amendments will go a long way toward solving that problem that exists in the minds of many parents.

I think the amendments also solve another problem; and that is, in order for the megalopolis-type school district to take place, they must have busing across county lines to get into the various schools to justify the overall taxing power of a metropolitan school board. This would be preventive medicine in that sense.

Now we have all read in the newspapers down in the southeast, and some of you from other parts of the state probably are faced with the same problem, at least potentially, and I suggest to you that if you want to prevent that type problem, that you vote in favor of the amendments offered by Mr. McGinnis.

RECONSIDERATION OF VOTE ON CONSTITUTIONALITY OF McGINNIS AMENDMENT

Mr. CAPUTO moved that the vote by which the constitutionality of the McGinnis amendment to HOUSE BILL No. 1336, Printer's No. 1561, was sustained be reconsidered.

Mr. SWEENEY seconded the motion.

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

The SPEAKER. The question recurs as to the matter of constitutionality of the McGinnis amendments.

Those members voting in the affirmative will be voting to uphold constitutionality. Those members voting in the negative will be voting that the amendment is unconstitutional.

The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, I thought we had decided this issue on several different occasions tonight, and I see no reason to bring it up again.

If you want me to cite chapter and verse throughout

this entire general appropriation bill where there is substantive language that has been in the bill historically and is in the bill again, I will do so. But let us try and be consistent.

It is constitutional. Let us fight the battle on the merits of the amendment.

MOTION TO ADJOURN

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. The hour being 9:30, the day being long, I move that we adjourn.

The SPEAKER. The rules of the House provide that the House may stay in session until 11 p.m. without any further action on the part of the House.

The gentleman, Mr. O'Connell, moves for adjournment.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I can understand the gentleman's frustration. I do not think there is anyone here today who would rather get out of here faster than I would, and I will not give you my personal reasons for that.

But I would suggest to the members that we are very close to finishing the amendment battle. If we will be a little more patient with each other, we shall finish it and we will be in condition tomorrow to call up the bill for a vote.

I would ask that the gentleman withdraw his motion, be a little more patient, and let us get on with this. I think we can finish in another 45 minutes.

The SPEAKER. We will be finished before 45 minutes, as the Chair sees the situation.

MOTION WITHDRAWN

Mr. O'CONNELL. But we are considering every question over and over again. If this is going to continue, this is going to go past 11, and this is nonsense. But I will withdraw it.

Mr. IRVIS. Thank you very much, Mr. Speaker.

On the question recurring,

Will the House sustain the constitutionality of the McGinnis amendment?

The yeas and nays were required by Messrs. CAPUTO and SWEENEY and were as follows:

YEAS—88

Anderson, J. H.	Gillespie	McClatchy	Sirianni
Beren	Gleason	McCue	Smith, E.
Bittle	Grieco	McGinnis	Smith, L.
Brandt	Gring	Mebus	Spencer
Burns	Halverson	Miller, M. E., Jr.	Stahl
Butera	Hamilton, J. H.	Moehlmann	Stapleton
Cessar	Hasay	Noye	Turner
Cimini	Haskell	O'Connell	Ustynoski
Crawford	Hayes, D. S.	O'Donnell	Wagner
Cumberland	Hayes, S. E.	O'Keefe	Weidner
Davies	Hepford	Pancoast	Westerberg
Deverter	Hill	Parker, H. S.	Whelan
Dietz	Hopkins	Pitts	Whittlesey
Dorr	Hutchinson, W.	Polite	Wilson
Dreibelbis	Kistler	Pyles	Wilt, R. W.
Eckensberger	Klingaman	Renninger	Wilt, W. W.
Fisher	Kusse	Ryan	Wojdak
Foster, A.	Lederer	Scheaffer	Worrilow
Foster, W.	Lehr	Scirica	Wright
Fryer	Levi	Seltzer	Zearfoss
Gallen	Lynch	Shelhamer	Zeller
Geesey	Manmiller	Shuman	Zord

NAYS—101

Abraham	Garzia	McLane	Ross
Arthurs	Geisler	Menhorn	Ruggiero
Barber	George	Milanovich	Saloom
Bellomini	Giammarco	Miller, M. E.	Schmitt
Bennett	Gillette	Milliron	Schweder
Berlin	Gleeson	Miscevich	Shane
Berson	Goodman	Morris	Shelton
Blackwell	Green	Mullen, M. P.	Shupnik
Bonetto	Hammock	Mullen	Stout
Bradley	Hutchinson, A.	Musto	Sweeney
Brunner	Irvis	Myers	Taddonio
Caputo	Itkin	Novak	Taylor
Cohen	Johnson, J.	O'Brien	Tayoun
Cole	Kelly, A. P.	Oliver	Toll
Cowell	Kernick	Perry	Trello
Davis, D. M.	Knepper	Petrarca	Vann
DeMedio	Kolter	Pratt	Walsh, T. P.
Dicarlo	Kowalyshyn	Prendergast	Wansacz
DiDonato	LaMarca	Rappaport	Wargo
Dombrowski	Laudadio	Reed	Yahner
Doyle	Laughlin	Renwick	Yohn
Englehart	Letterman	Rhodes	Zwikl
Fee	Lincoln	Richardson	
Fischer	Manderino	Rieger	Fineman, Speaker
Flaherty	McCall	Ritter	
Gallagher	McIntyre	Romanelli	

NOT VOTING—14

Dininni	Kelly, J. B.	Pievsky	Thomas
Fawcett	McGraw	Salvatore	Valicenti
Greenfield	Mrkonic	Sullivan	Vroon
Katz	Perri		

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative, and the amendment was declared unconstitutional.

On the question recurring,

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

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

Amend Sec. 2, page 26, lines 23 through 30, by striking out all of said lines and inserting:

For supplemental assistance to the aged, blind and disabled, including a grant increase of 7% by January 1, 1976	58,528,000
For medical assistance	276,737,000
For county administration	82,612,000
For cash assistance payments including an increase of 7% for cash grants by September 1, 1975	504,817,000

On the question,

Will the House agree to the amendment?

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

Mr. RAPPAPORT. Mr. Speaker, this amendment repeats the numbers part of the amendment previously offered by the gentleman from Lancaster, Mr. Hill.

Without getting into the parliamentary tangle we got into, I would just like to say out of courtesy and as a mark of my respect and affection for the gentleman from Lancaster, I had the amendment redrawn.

The numbers that appear are precisely the same as those in the bill reported out from the Appropriations Committee. However, the items are line-itemed so that the department no longer has the power to switch money from one program to another. I am sure that this was in response to the tremendous frustration that many of us feel with the administration of the Department of Welfare.

The adding back of the $12 million is really de minimis.

Twelve million dollars out of $922 million is really not a lot of money, and I am sure that it will come back to us in terms of lapses.

Let me just say that as a mark of our frustration, the program that the Department of Welfare is talking about the most in terms of their administration, of how successful it is, is the direct-check payment where recipients go to the bank to get their welfare check and do not get it delivered in the mail. This has saved, I think, about $10 million or $15 million a year in duplicate checks.

This was not a program of the Department of Welfare. It was not their idea. It was a program developed by a committee of this House which was investigating the Welfare Department under the chairmanship of the gentleman from Philadelphia, Mr. Wojdak. It was this House that forced that program in and it was this House that forced that efficiency, over the objections of the department, I might say.

Hopefully, this amendment, with its line-item requirement, will give us a better handle on the administration of that department, which has been really below standard. I would ask for an affirmative vote on this amendment. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, I will be very brief because of the late hour. I just want to remind this House what we are voting on now.

This is inconsistent with the earlier amendment that this House adopted which reduced by $12.5 million that line item in the Welfare budget.

The same arguments apply now as they did then. We found $12.5 million of fat, and I hope that you will vote against this amendment and keep that $12.5 million.

PARLIAMENTARY INQUIRY

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

Mr. CAPUTO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAPUTO. In reviewing this amendment, I notice there are line items, the first one being $58 million plus.

The first question of parliamentary inquiry, Mr. Speaker, is: Is the amendment before us divisible?

The SPEAKER. How does the gentleman propose to divide it?

Mr. CAPUTO. Line by line, Mr. Speaker, as the Chair ruled when Mr. Hill introduced the same amendment.

The SPEAKER. The amendment is divisible line by line.

POINT OF ORDER

Mr. CAPUTO. Then, Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state it.

Mr. CAPUTO. Mr. Speaker, on a previous roll call on the amendment, the one line, "January 1, 1976, 58,528,000," did not this House reject the amendment? On the first question, the line "January 1, 1976, 58,528,000," did not the House just a short while ago reject that amendment when it was offered by Mr. Hill?

The SPEAKER. That was the first part of the amendment offered by the gentleman, Mr. Hill, which failed.

Mr. CAPUTO. That is right, Mr. Speaker. That is the answer to my question.

Would this not be properly before the House on reconsideration of the vote by which it failed rather than in a new amendment? Are we not violating the rules of the House?

The SPEAKER. The Chair is in error. That amendment which had been offered by Mr. Hill was withdrawn by him, so the matter was never decided by the House.

Mr. CAPUTO. All right; let us go on to the next one.

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

Mr. W. D. HUTCHINSON. Will the gentleman yield, please?

Mr. Speaker, as I understand the inquiry that was posed, I am not sure that the Speaker answered it. The inquiry of the gentleman was whether or not this does not amount to a reconsideration of the Itkin amendment.

The SPEAKER. No; this is entirely different from the Itkin amendment. The gentleman, Mr. Caputo, was addressing himself to the amendment offered by the gentleman, Mr. Hill, in any event, and that amendment was withdrawn and never was decided by the House.

Mr. W. D. HUTCHINSON. But this amendment, Mr. Speaker, would reverse the Itkin amendment, if I read it correctly, unless I believe—

The SPEAKER. It would have the effect of doing that, but it is not a reconsideration simply because the amendment that is now being offered is different from the amendment offered by the gentleman, Mr. Itkin.

Mr. W. D. HUTCHINSON. I thank the Speaker.

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

Mr. CAPUTO. I would just like to know—I think I heard the Chair now—is the Chair indicating that all of the line items, all but the last line, were withdrawn by Mr. Hill?

The SPEAKER. That is correct.

Mr. CAPUTO. That answers my question.

AMENDMENT TABLED

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

Mr. GALLEN. Mr. Speaker, I move that this amendment be laid upon the table.

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

Mr. RAPPAPORT. Mr. Speaker, I would oppose that motion and ask that the members vote "no."

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

The yeas and nays were required by Messrs. GALLEN and RAPPAPORT and were as follows:

YEAS—120

Abraham	George	McClatchy	Shane
Anderson, J. H.	Gleason	McCue	Sheihamer
Beren	Goodman	McGinnis	Shuman
Bittle	Grieco	Mebus	Sirianni
Bonetto	Gring	Menhorn	Smith, E.
Bradley	Halverson	Miller, M. E.	Smith, L.
Burns	Hamilton, J. H.	Miller, M. E., Jr.	Spencer
Butera	Hasay	Miscevich	Stahl
Caputo	Haskell	Moehlmann	Sweeney
Cessar	Hayes, D. S.	Morris	Taddonio

Cimini	Hayes, S. E.	Mrkonic	Taylor
Cole	Hepford	Mullen	Trello
Cowell	Hill	Mullen, M. P.	Turner
Crawford	Hopkins	Novak	Ustynoski
Cumberland	Hutchinson, W.	Noye	Wagner
Davies	Itkin	O'Brien	Walsh, T. P.
Deverter	Katz	O'Connell	Weidner
Dietz	Kelly, J. B.	Pancoast	Westerberg
Dorr	Kernick	Parker, H. S.	Whelan
Dreibelbis	Kistler	Pitts	Whittlesey
Eckensberger	Klingaman	Polite	Wilson
Fischer	Knepper	Pyles	Wilt, R. W.
Fisher	Kolter	Renninger	Wilt, W. W.
Flaherty	Kusse	Renwick	Worrilow
Foster, A.	Laughlin	Romanelli	Wright
Foster, W.	Lehr	Ryan	Yahner
Fryer	Letterman	Saloom	Yohn
Gallen	Levi	Scheaffer	Zearfoss
Geesey	Lynch	Serica	Zeller
Geisler	Manmiller	Seltzer	Zord

NAYS—74

Arthurs	Giammarco	McLane	Ross
Barber	Gillespie	Milanovich	Ruggiero
Bellomini	Gillette	Milliron	Schmitt
Bennett	Gleeson	Musto	Schweder
Berlin	Green	Myers	Shelton
Berson	Greenfield	O'Donnell	Shupnik
Blackwell	Hammock	O'Keefe	Stapleton
Brunner	Hutchinson, A.	Oliver	Stout
Cohen	Irvis	Perry	Sullivan
Davis, D. M.	Johnson, J.	Petrarca	Tayoun
DeMedio	Kelly, A. P.	Pievsky	Toll
Dicarlo	Kowalyshyn	Pratt	Vann
DiDonato	LaMarca	Prendergast	Wansacz
Dombrowski	Laudadio	Rappaport	Wargo
Doyle	Lederer	Reed	Wojdak
Englehart	Lincoln	Rhodes	Zwikl
Fee	Manderino	Richardson	
Gallagher	McCall	Rieger	Fineman,
Garzia	McIntyre	Ritter	Speaker

NOT VOTING—9

Brandt	McGraw	Salvatore	Valicenti
Dininni	Perri	Thomas	Vroon
Fawcett			

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

PARLIAMENTARY INQUIRY

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

Mr. W. W. WILT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. W. W. WILT. Since the Itkin amendment has been placed upon the table, does this mean that there will have to be a vote later tonight to remove it from the table or hold it over until tomorrow for reconsideration?

The SPEAKER. There will be an opportunity to vote on it tomorrow.

Mr. W. W. WILT. If this is the case and we will be voting on amendments tomorrow anyway, would it not be reasonable to—

The SPEAKER. The Chair hopes tomorrow to limit debate to the matter of reconsideration of amendments.

We have only two amendments, to be offered by the gentleman, Mr. Wojdak, to be considered, and then we are through, except for one reconsideration of a resolution which must be taken this evening since this is the fifth day and the expiration of the time during which reconsideration can be offered.

Mr. W. W. WILT. Mr. Speaker, what about Mr. Noye's request to have it reconsidered?

The SPEAKER. That is a reconsideration which will be handled tomorrow.

Mr. W. W. WILT. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. ITKIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ITKIN. Is the Itkin amendment still adopted and is the Rappaport amendment on the table?

The SPEAKER. That is correct.

Mr. ITKIN. Thank you.

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

Mr. WOJDAK. Mr. Speaker, you indicated that I have two amendments. I do. I am getting the amendment speaking to the National Legislative Conference; I do not have that here.

I would like to consider the amendment adding the $2,000 contingency accounts for the new officers who were elected at the beginning of this session. Through an oversight in the Appropriations Committee, these contingent funds were not added in the appropriation bill. That is the amendment I will be moving now.

The SPEAKER. Does the gentleman have the amendment to be distributed?

Mr. WOJDAK. The amendment has been distributed, sir.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

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

Amend Sec. 2, page 39, by inserting between lines 10 and 11:

Chairman of Majority Policy Committee 2,000

Amend Sec. 2, page 39, by inserting between lines 11 and 12:

Majority Caucus Administrator 2,000
Minority Caucus Administrator 2,000

On the question,

Will the House agree to the amendments?

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

Mr. WOJDAK. Mr. Speaker, at the beginning of this session, we elected new officers here in the House—the chairman of the Majority Policy Committee, the majority caucus administrator, and the minority caucus administrator—and agreed that they would each have a contingency account of $2,000. By oversight in the committee, we did not include that within House bill No. 1336, and I would ask for a positive vote on this.

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

Mr. BUTERA. Mr. Speaker, I support the amendment but remind the members that these amounts will only take effect upon the Senate acting on the bill which we acted on earlier in the session.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Haskell.

Mr. HASKELL. Mr. Speaker, will the gentleman, Mr. Wojdak, stand for interrogation?

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

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. HASKELL. Mr. Speaker, earlier this year we changed the rules of the House to provide that all contingency funds be accompanied with a document of proof of how the expenditures were made. At that time these offices were not created. Am I to assume that they will not be included in the rules of the House because they were not created at the time we passed that rule?

Mr. WOJDAK. It is my intention to have them included and to have the same restrictions and reporting requirements on them. I believe you are technically correct that these offices were not included in those rules that we did propose and pass.

Mr. BUTERA. Mr. Speaker, I would disagree with the gentleman. I think that the language that was adopted was all-inclusive and in general language rather than specific as to office, and I think these funds would be subject to the same rules.

The SPEAKER. I think the minority leader is correct. I think the language is applicable to all contingent funds under the control of any officer of the House of Representatives.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Haskell.

Mr. HASKELL. I would like to make a suggestion to the Chair. I disagree with the Chair in the fact that when I did draft that amendment to the rules of our House that I specifically stated that all offices as provided for in the appropriations bill of 1974-75 would be included in the public accountability as far as contingency funds are concerned, so these two offices would be excluded. Therefore, I am recommending to Mr. Wojdak and asking him if he would redraft his amendment so that they would be included. Can that be done that way?

Mr. WOJDAK. Mr. Speaker, can we?

The SPEAKER. The rules of the House can be changed.

The Chair would suggest, in the interest of expediency, that there be a declaration of intention expressed on this floor that those members who were elected officers who were not originally covered by the rules as adopted by this House be governed by the rules of the House as to the matter of accountability.

Will the gentleman, Mr. Wojdak, in offering this amendment, indicate his declaration of intention to that effect.

Mr. WOJDAK. Mr. Speaker, for purposes of the record, I would indicate and assume it to be the intent of this body to have the three offices—the chairman of the majority policy committee, the majority caucus administrator, and the minority caucus administrator—fall within the rules as we had adopted them earlier in this year for reporting on any contingency account.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Haskell.

Mr. HASKELL. Mr. Speaker, I wonder if the minority leader would stand for interrogation?

The SPEAKER. Will the minority leader consent to interrogation?

Mr. BUTERA. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. HASKELL. Mr. Speaker, one, is that acceptable to you—the statement that Mr. Wojdak made?

Mr. BUTERA. Yes, Mr. Speaker, and I stand corrected. I just read the rule and the gentleman, Mr. Haskell, is quite correct, and so is Mr. Wojdak. What has to take place next—upon the Senate passing the bill—is for our rule to be changed, I guess, to make our declaration of intent firmer.

Mr. WOJDAK. Well, Mr. Speaker, you do join in on the declaration of intent?

Mr. BUTERA. Yes.

Mr. HASKELL. Also, Mr. Speaker, at the present time, if I am correct, the minority caucus does not have a minority administrator. I do not know whether it is the intent of the officers of our caucus to establish this office, but if we do not, will this $2,000 become lapsed funds?

Mr. BUTERA. Yes, Mr. Speaker, or should the Senate not pass the bill creating the three offices so, too, would the money lapse.

Mr. HASKELL. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. WOJDAK and BUTERA and were as follows:

YEAS—182

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

NAYS—9

Deverter	Foster, A.	McCue	Taddonio
Dorr	Geesey	Noye	Zeller
Fischer			

NOT VOTING—12

Dininni	Hammock	Perri	Thomas
Eckensberger	McGraw	Richardson	Valicenti
Fawcett	Mebus	Salvatore	Vroon

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

Amend Sec. 2, page 47, lines 15 to 22, by striking out all of said lines

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

The SPEAKER. Does the gentleman, Mr. Wojdak, have his second amendments ready?
Mr. WOJDAK. Mr. Speaker, I have the amendments ready. They have not been distributed. They are very simple amendments.
The SPEAKER. Will the gentleman explain the amendments on the floor, please?
Mr. WOJDAK. Yes.
The SPEAKER. Will the gentleman yield for just a moment?

FORMER MEMBER WELCOMED

The SPEAKER. May the Chair interrupt for just a moment to recognize the presence of a former distinguished member of this House, now a commissioner in the county of Allegheny—the gentleman, Mr. Foerster.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wojdak.
Mr. WOJDAK. Mr. Speaker, if I may refer the membership to page 47 of House bill No. 1336, to line 15, the amendment is deleting everything on line 15 down to and including line 22. It is deleting the $1,000 appropriation to the National Society of State Legislators. That organization, as I understand it, no longer exists. By mistake it was included within the bill. I would ask for a positive vote on the amendment.

On the question recurring,
Will the House agree to the amendment?
Amendment was agreed to.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wojdak.
Mr. WOJDAK. Mr. Speaker, I do not know if you have any other amendments listed there. I do have one other original amendment; it is by Mr. Shane.

On the question recurring,
Will the House agree to the bill as amended on third consideration?
Mr. SHANE requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 2, page 12, by inserting between lines 26 and 27: This appropriation to the State colleges and State university shall be disbursed to each institution in such proportion as that institution's full-time equivalent student enrollment is to the total full-time equivalent student enrollment at the State colleges and State university.

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

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Shane.
This will be the last amendment tonight.
Mr. SHANE. Thank you, Mr. Speaker.
I apologize to the members for not including this with the original set, but I am glad you gave me the opportunity to present it to you.
This amendment deals with the appropriation to the 14 state-owned institutions; that is, the 13 state colleges and Indiana University. It does not increase or decrease the appropriation. It simply inserts, on page 12, between lines 26 and 27, the following language:
"This appropriation to the State colleges and State university shall be disbursed to each institution in such proportion as that institution's full-time equivalent student enrollment is to the total full-time equivalent student enrollment at the State colleges and State university."
I ask for your "yes" vote on this amendment.

MOTION TO TABLE

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen.
Mr. GALLEN. Mr. Speaker, I do not know very much about this amendment. I move that it be laid on the table.
The SPEAKER. The gentleman, Mr. Gallen, moves that the amendment be laid on the table.

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

Mr. SHANE. I oppose this motion to lay the amendment on the table. I think we can deal with this matter now. This simply provides for the disbursement of the funds on the basis of full-time equivalent students enrolled at each institution.

The SPEAKER. The Chair recognizes the minority leader.
Mr. BUTERA. Mr. Speaker, I support the motion.
I think there are very serious ramifications to an amendment like this. There are a lot of members in this House who are, for one reason or another, identified with a certain institution. I think they should be given at least overnight to find out how it affects each institution, because it is not as simple as I think the gentleman may want it to appear.
The SPEAKER. Will the gentleman withdraw the amendment tonight instead of taking a vote on the motion to lay upon the table?
Mr. SHANE. Then I will offer it tomorrow?
The SPEAKER. The gentleman will not be precluded from offering it tomorrow.

AMENDMENT WITHDRAWN

Mr. SHANE. I withdraw the amendment.
The SPEAKER. The Chair will recognize Mr. Shuman tomorrow on his reconsideration motion.

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.

RECONSIDERATION OF VOTE ON HOUSE RESOLUTION No. 71

Mr. O'KEEFE moved that the vote by which HOUSE RESOLUTION No. 71, printer's No. 1613, was adopted as amended on Wednesday, June 4, 1975, be reconsidered.

Mr. GARZIA seconded the motion.

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

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

Mr. O'KEEFE moved that the vote by which the amendment to House resolution No. 71, printer's No. 1613, was agreed to be reconsidered.

Mr. GARZIA seconded the motion.

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

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

HOUSE RESOLUTION No. 71 PLACED ON CALENDAR

The SPEAKER. The resolution will appear on the calendar.

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. What was that second vote again?

The SPEAKER. There was a resolution adopted by this House after the resolution had been amended. There were two motions made—one for reconsideration of the vote by which the resolution was adopted; and, secondly, a reconsideration of the vote by which the amendment was adopted.

Finally, the resolution will appear on the calendar in its original form.

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, I had offered an amendment which was accepted by this House.

What is the status of the amendment that I had offered to that resolution? Where is that amendment at the present time?

The SPEAKER. The amendment will have to be reoffered by the gentleman.

Mr. RITTER. Mr. Speaker, I object, then, to reconsidering the vote by which the amendment was adopted. I do not mind reconsidering the vote by which it went in, but if I have to reoffer the amendment, it seems to me that I am going to have to go to the Legislative Reference Bureau and incur additional time and cost to have the amendment prepared when it would be a matter of reconsidering it with the amendment.

I would prefer to do it that way, Mr. Speaker. I think that would be the logical way to do it.

The SPEAKER. The Chair, during this entire session, has made it a practice as a matter of courtesy to extend the matter of reconsideration to every member who seeks it on a quick roll call.

The Chair would like to continue to pursue that course of action and extend that courtesy throughout the remainder of this term of office.

The Chair will be happy to give the gentleman, Mr. Ritter, all the time he needs to properly prepare for debate in connection with the matter of reoffering the amendment.

Mr. RITTER. Mr. Speaker, I appreciate what you just said, but the word which came back to me was that we were going to discuss the resolution and the amendment. Now I am being precluded at the moment, because I now have to go and get an amendment prepared again.

I just want to say I think it is—

The SPEAKER. The gentleman will not have to have another amendment prepared. The amendment will be before the House. It has been read by the clerk, and he will not have to have another amendment prepared.

Mr. RITTER. That was my parliamentary inquiry. In other words, when we consider this resolution that is going to be put on the calendar in its proper order, then just simply saying, "I offer the following amendment," would be sufficient. Is that what you are saying?

The SPEAKER. That is correct.

Mr. RITTER. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, in regard to your statement before, I could not get to the mike in time because somebody else was here, and that was Mr. Ritter, with all due respect.

But you say we passed in total agreement House bill No. 1336 as amended. Would you explain that please? We are not walking into a little trap here are we?

Really, I am a little—you know, I am not as intelligent as you are.

The SPEAKER. I appreciate that, Mr. Zeller. That is the first astute observation you made tonight.

The point to be made is this: The members desire to have the bill with its amendments reprinted so they could see what was before them so they could vote intelligently.

The only way to do that was to move the bill ahead. That does not mean the bill has passed finally; it does not mean you have approved the bill. The bill will be before the House tomorrow on final-passage consideration.

Mr. ZELLER. In our first meeting of the year, we had a Mickey Finn slipped to us and I did not want another one.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, on the question of House resolution No. 71, it seems to me that—I understand the ruling and I support the automatic reconsideration of any vote—you backed up two steps rather than one step.

I think the resolution should appear on tomorrow's calendar on final passage, which would have included

the amendment. By putting it in its original form, I think you went back two votes. I think you can only go back one vote.

The SPEAKER. No. There is no rule or regulation that says that every vote that is taken on a bill, be it amendment or final passage, cannot be reconsidered.

Mr. BUTERA. But we have reconsidered two votes.

The SPEAKER. We reconsidered two votes as a matter of courtesy. And the resolution, as it will appear on the calendar, will be in its original form.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I have been asked by a number of members what the schedule will be for tomorrow. I would hope, with over 80 amendments having been offered to House bill No. 1336, that we will have an end to amendments.

Tomorrow we will deal with reconsideration votes on amendments to House bill No. 1336. We shall also be dealing with House bill No. 1207 and the amendment offered thereto. There is a possibility of other amendments being offered to House bill No. 1207.

I have asked the Chair—and the Chair has agreed—to call the House to order at 10:30 tomorrow morning instead of 9:30, but I would caution the members that I shall be asking to have called up almost immediately, House bill No. 1207 as amended. So I would suggest that you be here on time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, could the gentleman elaborate as to, then, what amendment is going to be offered to the bill as amended?

Mr. IRVIS. A motion, I understand, to reconsider the vote by which the Mullen amendment went into House bill No. 1207 will be offered, and Mr. Lincoln has an amendment, possibly, to be offered to House bill No. 1207.

Mr. BUTERA. Has that been circulated?

Mr. IRVIS. No. It has been printed; it will be circulated tomorrow.

I suggested to Mr. Lincoln that he not circulate it in the cyclone of paper which was being circulated today.

Mr. BUTERA. That makes sense, but the problem is, if we are going to get here at 10:30 and we are going to be asked to vote on something that we are going to have maybe a few minutes to decide on, is there some way that we can have some advance notice as to what Mr. Lincoln's amendment does? I understand the Mullen amendment. That is easy.

Mr. IRVIS. Yes, Mr. Speaker. Mr. Lincoln is on the floor of the House and the amendments are in print. If the members will be patient, we will have them distributed now.

Mr. Lincoln, do you have your amendments now?

We will ask the chief page to distribute the Lincoln amendments to House bill No. 1207 now so you may take them with you, so that by the time we call them up, possibly, in the morning, you will know what they are.

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. On House bill No. 1207 tomorrow, can you, by the same reconsideration that you did on House resolution No. 71, reconsider the amendment that was inserted by the gentleman, Mr. Mullen?

The SPEAKER. Yes.

Mr. RITTER. Therefore the bill will appear before us then without the amendment?

The SPEAKER. That is correct.

Mr. RITTER. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. PANCOAST. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PANCOAST. House bill No. 1336 is on today's calendar as a tabled bill. The motion has been made to remove it from the table. On what position will it appear on tomorrow's calendar?

The SPEAKER. Final passage postponed calendar.

Mr. PANCOAST. It had advanced to that stage before it was tabled?

The SPEAKER. The majority leader took House bill No. 1336, along with the amendments, from the table. The bill was, therefore, before the membership on final consideration. It has been amended; it will, therefore, go to a final passage postponed calendar.

Mr. PANCOAST. Thank you, Mr. Speaker.

ADJOURNMENT

Mr. DiDONATO moved that this House do now adjourn until Tuesday, June 17, 1975, at 10:30 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 10:02 p.m., e.d.t.) the House adjourned.