

# Legislative Journal

TUESDAY, JULY 15, 1975

Session of 1975

159th of the General Assembly

Vol. 1, No. 62

## HOUSE OF REPRESENTATIVES

The House convened at 9:30 a.m., e.d.t.

THE SPEAKER (Herbert Fineman) IN THE CHAIR

### HOUSE CHAPLAIN WELCOMED

The SPEAKER. The Chair is pleased to welcome back this morning our own House chaplain. The prayer will be offered by the chaplain.

### 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:

Eternal and Everlasting Father, we stand in awe of Thy presence and approach Thee with profound reverence and a humble sense of our helplessness and dependence upon Thee. We seek Thy divine forgiveness for our shortcomings and mistakes, and sincerely pray that Thou wilt grant to us the cleansing power which is Thine to share. O God, keep us from all things hurtful and free from those entanglements which may entrap us in the maze of life's difficulties. We beseech Thee to pour out upon us the fullness of Thy love and bestow upon us those good things in life, so that we may ever continue to faithfully serve Thee. Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, July 14, 1975, will be postponed until printed.

### BILLS REFERRED

The SPEAKER. Without objection, the Chair refers the following bills.

The Chair hears no objection.

### HOUSE BILLS INTRODUCED AND REFERRED

By Messrs. HOPKINS, DeMEDIO and BELLOMINI  
**HOUSE BILL No. 1608**

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further providing for free licenses for certain members of the armed forces.

Referred to the Committee on Game and Fisheries.

By Messrs. HOPKINS, DeMEDIO, BELLOMINI,  
DOMBROWSKI, DOYLE and BRADLEY

**HOUSE BILL No. 1609**

An Act amending "The Fish Law of 1959," approved

December 15, 1959 (P. L. 1779, No. 673), further providing for free licenses for certain members of the armed forces.

Referred to the Committee on Game and Fisheries.

## SENATE MESSAGE

### BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented for concurrence bills numbered and entitled as follows:

#### SENATE BILL No. 545

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), entitled "The Marriage Law," providing that members of the Commonwealth Court and full-time Federal magistrates may solemnize marriages.

Referred to Committee on Judiciary.

#### SENATE BILL No. 674

An Act amending the act of May 16, 1921 (P. L. 579, No. 262), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth class by creating in such counties a board to be known by the name and style of inspectors of the jail or county prison with authority to appoint a warden of such prison and by vesting in said board and the officers appointed by it, the safe-keeping, discipline and employment of prisoners and the government and management of said jails or county prisons," changing the composition of the board of prison inspectors.

Referred to Committee on Judiciary.

#### SENATE BILL No. 744

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to military justice.

Referred to Committee on Military and Veterans Affairs.

#### SENATE BILL No. 863

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled "The Fiscal Code," providing for notices in place of copies.

Referred to Committee on Finance.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

By Messrs. McCLATCHY, DiCARLO, LINCOLN,  
STAHL, McLANE, Mrs. CRAWFORD, Mr. HILL  
and Mrs. KELLY **RESOLUTION No. 131**

The Speaker of the House of Representatives appoint the members of the Subcommittee on Health of the Committee on Health and Welfare to conduct a thorough investigation of the Medicaid reimbursement system.

Referred to Committee on Rules.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 45

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), entitled "Mental Health and Mental Retardation Act of 1966," further providing for requirements for directors of State facilities.

With information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 408

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," clarifying the provision relating to composition of the board and further providing for the secretary of the board.

HOUSE BILL No. 503

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

HOUSE BILL No. 910

An Act requiring certain institutions to provide instruction in the handling and treatment of victims of rape and adding certain requirements for schools of nursing and candidates for licenses as registered nurses.

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bills will appear on the calendar.

SENATE MESSAGE

TIME OF NEXT MEETING

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

In the Senate, July 14, 1975

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, July 21, 1975 and when the House of Representatives adjourns this week it reconvene on Monday, July 21, 1975.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question, Will the House concur in the resolution of the Senate? Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I have no further request for leaves of absence.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I request leaves of absence for Messrs. KELLY and THOMAS for the week's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL

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

The roll was taken and was as follows:

YEAS—196

Table listing names of members present (Yeas) and absent (Not Voting) during the roll call. Includes names like Abraham, George, McIntyre, Schweder, etc.

NOT VOTING—7

Table listing names of members who did not vote: Berlin, Dininni, Kelly, J. B., McGraw, Richardson, Sweeney, Thomas.

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

CALENDAR

TRANSPORTATION BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. LaMARCA, the House resumed consideration on final passage of **House bill No. 869, printer's No. 1882**, entitled:

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58, No. 32), creating additional classes of commercial motor vehicles and truck tractors, prescribing registration fees therefore, prescribing maximum gross weights of combinations of which such additional classes are a part, changing penalties; providing for the Department of Transportation to construct stationary scales and buildings to house such scales on the Interstate Highway System; authorizing the State Police to have certain vehicles and tractors weighed at Department of Transportation stationary scales on the Interstate Highway System for violations thereon; making provision for distribution of certain fines, penalties and forfeited bail and providing for different effective dates and granting the secretary the power to exclude certain vehicles from certain highways.

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

The question is, Shall the bill pass finally?

**BILL RECOMMENDED**

Mr. IRVIS moved that House bill No. 869 be recommitted to the Committee on Rules.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**EDUCATION BILL ON THIRD CONSIDERATION**

**SPECIAL ORDER OF BUSINESS**

The SPEAKER. Without objection, the Chair calls up from page 7 of today's calendar, House bill No. 696, printer's No. 787, as a special order of business.

The Chair hears no objection.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 696, printer's No. 787**, entitled:

An Act amending the "Community College Act of 1963," approved August 24, 1963 (P. L. 1132, No. 484), further providing for tuition for students resident in an area which is not a local sponsor of a community college.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

**YEAS—180**

- |                 |                 |                    |           |
|-----------------|-----------------|--------------------|-----------|
| Abraham         | Gillette        | McLane             | Scirica   |
| Anderson, J. H. | Gleason         | Mebus              | Seitzer   |
| Arthurs         | Gleeson         | Menhorn            | Shane     |
| Barber          | Goodman         | Milanovich         | Shelhamer |
| Bellomini       | Green           | Miller, M. E.      | Shelton   |
| Bennett         | Greenfield      | Miller, M. E., Jr. | Shuman    |
| Beren           | Grieco          | Milliron           | Shupnik   |
| Berlin          | Grieng          | Miscevich          | Sirianni  |
| Berson          | Halverson       | Moehlmann          | Smith, L. |
| Bittle          | Hamilton, J. H. | Morris             | Spencer   |
| Blackwell       | Hammock         | Mrkonic            | Stahl     |
| Bonetto         | Hasay           | Mullen, M. P.      | Stapleton |
| Bradley         | Haskell         | Mullen             | Stout     |

- |              |                |               |             |
|--------------|----------------|---------------|-------------|
| Burns        | Hayes, D. S.   | Musto         | Sullivan    |
| Butera       | Hayes, S. E.   | Myers         | Taddonio    |
| Caputo       | Hepford        | Novak         | Taylor      |
| Cessar       | Hill           | Noye          | Tayoun      |
| Cimini       | Hopkins        | O'Brien       | Tou         |
| Cole         | Hutchinson, A. | O'Connell     | Trelo       |
| Cowell       | Hutchinson, W. | O'Donnell     | Turner      |
| Cumberland   | Irvis          | O'Keefe       | Ustynoski   |
| Davies       | Itkin          | Oliver        | Valicenti   |
| Davis, D. M. | Johnson, J.    | Pancoast      | Vann        |
| DeMedio      | Katz           | Parker, H. S. | Vroon       |
| Deverter     | Kelly, A. P.   | Perri         | Wagner      |
| DiDonato     | Kernick        | Petrarca      | Wansacz     |
| Dombrowski   | Kistler        | Pievsky       | Wargo       |
| Dorr         | Klingaman      | Polite        | Weidner     |
| Doyle        | Knepper        | Prendergast   | Westerberg  |
| Dreibelbis   | Kowalyszyn     | Pyles         | Whelan      |
| Eckensberger | Kusse          | Rappaport     | Whittlesey  |
| Englehart    | Laudadio       | Reed          | Wilson      |
| Fee          | Laughlin       | Reed          | Wilt, R. W. |
| Fischer      | Lederer        | Renninger     | Wilt, W. W. |
| Fisher       | Lehr           | Renwick       | Wojdak      |
| Flaherty     | Letterman      | Rieger        | Worrilow    |
| Foster, A.   | Levi           | Ritter        | Wright      |
| Foster, W.   | Lincoln        | Ross          | Yahner      |
| Fryer        | Lynch          | Ruggiero      | Yohn        |
| Gallagher    | Manderino      | Ryan          | Zeller      |
| Garzia       | Manmiller      | Saloom        | Zord        |
| Geesey       | McCall         | Salvatore     | Zwickl      |
| Geisler      | McClatchy      | Scheaffer     |             |
| George       | McCue          | Schmitt       | Fineman,    |
| Giammarco    | McGinnis       | Schweder      | Speaker     |
| Gillespie    | McIntyre       |               |             |

**NAYS—2**

- Kolter                      Zearfoss

**NOT VOTING—21**

- |          |              |            |              |
|----------|--------------|------------|--------------|
| Brandt   | Dininni      | McGraw     | Romanelli    |
| Brunner  | Fawcett      | Perry      | Smith, E.    |
| Cohen    | Gallen       | Pitts      | Sweeney      |
| Crawford | Kelly, J. B. | Rhodes     | Thomas       |
| Dicarlo  | LaMarca      | Richardson | Walsh, T. P. |
| Dietz    |              |            |              |

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

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

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER. The gentleman will state it.

Mr. COHEN. I ask to be recorded in the affirmative on House bill No. 696.

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

**LOCAL GOVERNMENT BILL ON THIRD CONSIDERATION**

**SPECIAL ORDER OF BUSINESS**

The SPEAKER. Without objection, the Chair calls up from page 13 of today's calendar, House bill No. 1299, printer's No. 1789, as a special order of business.

The Chair hears no objection.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1299, printer's No. 1789**, entitled:

An Act relating to pensions for employees of the City of Pittsburgh.

On the question,

Will the House agree to the bill on third consideration?  
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

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

YEAS—158

Abraham	Geisler	Manmiller	Ruggiero
Anderson, J. H.	George	McCall	Ryan
Arthurs	Gillespie	McClatchy	Saloom
Barber	Gillette	McGinnis	Salvatore
Bellomint	Gleeson	McIntyre	Schmitt
Bennett	Goodman	McLane	Schweder
Beren	Green	Menhorn	Scirica
Berlin	Greenfield	Milanovich	Shelhamer
Berson	Grieco	Miller, M. E.	Shelton
Bittle	Gring	Miller, M. E., Jr.	Shupnik
Blackwell	Hamilton, J. H.	Milliron	Sirianni
Bonetto	Haskell	Miscevich	Smith, L.
Bradley	Hayes, D. S.	Moehlmann	Spencer
Brunner	Hayes, S. E.	Morris	Stapleton
Burns	Hill	Mullen, M. P.	Stout
Caputo	Hopkins	Musto	Sullivan
Cessar	Hutchinson, A.	Myers	Taddonio
Cimini	Hutchinson, W.	Novak	Taylor
Cohen	Irvis	Noye	Tayoun
Cole	Itkin	O'Brien	Toll
Cowell	Johnson, J.	O'Connell	Trello
Cumberland	Katz	O'Donnell	Ustynoski
Davies	Kelly, A. P.	O'Keefe	Valicenti
Davis, D. M.	Kernick	Oliver	Vann
DeMedio	Kistler	Pancoast	Vroon
Dicarlo	Klingaman	Parker, H. S.	Wansacz
Dombrowski	Knepper	Perri	Wargo
Doyle	Kolter	Petrarca	Whittlesey
Dreibelbis	Kowalyszyn	Pievsky	Wilt, R. W.
Eckensberger	Kusse	Polite	Wilt, W. W.
Englehart	LaMarca	Pratt	Wojdak
Fawcett	Laudadio	Prendergast	Worrilow
Fee	Laughlin	Pyles	Wright
Fischer	Lederer	Rappaport	Yahner
Fisher	Lehr	Reed	Yohn
Flaherty	Letterman	Renninger	Zord
Fryer	Levi	Renwick	Zwinkl
Gallagher	Lincoln	Rieger	
Garzia	Lynch	Ritter	Fineman,
Geesey	Manderino	Ross	Speaker

NAYS—24

Deverter	Gleason	Mrkonic	Weldner
Dietz	Halverson	Scheaffer	Westerberg
Dorr	Hasay	Shane	Whelan
Foster, A.	Hepford	Shuman	Wilson
Foster, W.	McCue	Stahl	Zearfoss
Giammarco	Mebus	Turner	Zeller

NOT VOTING—21

Brandt	Hammock	Pitts	Smith, E.
Butera	Kelly, J. B.	Rhodes	Sweeney
Crawford	McGraw	Richardson	Thomas
DiDonato	Mullen	Romanelli	Wagner
Dininni	Perry	Seltzer	Walsh, T. P.
Galien			

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

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. On House bill No. 696, I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Mr. Speaker, if I would have been in my seat, I would have voted "aye" on House bill No. 696 and House bill No. 1299.

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

STATEMENT ON PROCEDURE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, there has been confusion on the floor of the House and I do not want the members not to know what is happening, so if they pay attention, perhaps we can explain what just did happen.

Mr. Speaker, what we have done so far this morning is merely recommit one bill, passed two bills, one of which is the city of Pittsburgh bill. That was House bill No. 1299. The Senate was waiting for it and it was requested that we move it rapidly. I asked that we pass House bill No. 696, because the Democrats have caucused on it and the Republican leaders believe that they have caucused on House bill No. 696. As a result, we did pass House bill No. 696, and then some of the leaders of the Republican Party were advised by some of their members that they had not caucused on that. Because it is not my desire, in the helter-skelter of the closing days, to rush the bills through, I am moving that we reconsider the vote by which House bill No. 696 was passed so that it comes back on the calendar and the Republicans will have a chance to caucus on it. We will call it back up for action this afternoon.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 696

Mr. IRVIS moved that the vote by which House bill No. 696, printer's No. 787, entitled:

An Act amending the "Community College Act of 1963," approved August 24, 1963 (P. L. 1132, No. 484), further providing for tuition for students resident in an area which is not a local sponsor of a community college.

was agreed to on final passage on this day, be reconsidered.

Mr. MANDERINO seconded the motion.

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

On the question recurring,  
Shall the bill pass finally?

HOUSE BILL No. 696 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. IRVIS moved that House bill No. 696, printer's No. 787, be placed on the final passage postponed calendar.

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



### DEMOCRATIC CAUCUS

Mr. IRVIS. Mr. Speaker, we will take no further votes this morning. I am asking that the Democrats report immediately to the majority caucus room. We are going to caucus on the medical malpractice bill and we are going to caucus on the consumer protection bill.

When we return to the floor at 1 o'clock, all the members, I trust, will be prepared to vote on the balance of the calendar, with the exception of the consumer protection package and medical malpractice. We shall not take those bills up until tomorrow. There is one consumer protection bill which we shall take up, that is House bill No. 488. We shall take that one up; there is a special reason for it. But all the others will remain until tomorrow and we shall be voting from 1 o'clock until approximately 6 o'clock on the balance of the calendar.

I have no further announcements, Mr. Speaker. I shall ask for a recess after you have recognized Mr. Bittle.

### WELCOME

The SPEAKER. The Chair would like to welcome Mr. George Glomb who is a member of Local 1211 of the Jones and Laughlin Steel Corporation of Beaver County. Mr. Glomb is the guest of Representative Milanovich.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Bittle.

Mr. BITTLE. Mr. Speaker, two matters: First, since we are going to caucus also, we will be considering the medical malpractice bill. I hear rumors of amendments, but the amendments are not getting to our side. I would appreciate if any members on the Democratic side or our own side have amendments to any of the bills we are considering this week, that they get them to me.

Second, the Republicans will be caucusing immediately upon the declaration of the recess.

The SPEAKER. Will the gentleman please check with the Chair immediately after the session is recessed?

### ANNOUNCEMENT

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Mr. Speaker, I would like to make an announcement to the members of the Joint State Government Commission Task Force on Underground Utilities: We will meet over at the Joint State Government Commission offices immediately for the purpose of reorganization. Thank you.

### QUESTION OF INFORMATION

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

Miss SIRIANNI. I rise to a question of information.

The SPEAKER. The lady will state it.

Miss SIRIANNI. Mr. Speaker, last week in my mailbox I had a letter from the Pennsylvania AFL-CIO and from Palumbo in Philadelphia without any postage, and I checked with my colleagues in the House and my colleagues had the same letter. The same day I also had a letter from the Pennsylvania School Board Association

and they, apparently, had to pay for their postage. Can you tell me what the differentiation is here? Who has to pay and who does not?

The SPEAKER. Well, the difference was 10 cents a letter.

Miss SIRIANNI. Who determines who has to pay and who does not?

The SPEAKER. The Chair will have to check with the chief clerk to see what policy has been established, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, would it be possible for me to have a list of the people who are permitted to place letters in the mailbox free, a list of the organizations?

The SPEAKER. If there is such a list, the Chair will make certain the lady has possession of same.

Miss SIRIANNI. Will I get an answer to my first question on the floor as to why they were placed in the mailbox?

The SPEAKER. The Chair indicated that the gentleman, Mr. Scarcelli, will be interviewed concerning the matter and we will get back to the lady.

Miss SIRIANNI. Thank you, Mr. Speaker.

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

Mr. RYAN. Mr. Speaker, on this same subject, if you will recall, I raised this point early in the session when certain of the Republican leaders attempted to distribute literature and mail to our own members and were turned down. This was corrected by the Speaker, and, at that time, the reason for supervising the mail was to prevent lobbying groups and nonlegislative groups from making use of the post office without having to affix the proper postage. It would seem to me that this rule is probably still holding because I know as recently as 2 weeks ago I had to go to the postmaster and then to Mr. Scarcelli's office for permission to make a distribution to the members through the box.

I would think that this was probably an oversight in this case that would not happen again.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I would like to suggest that if you are going to move the calendar in the fashion in which you started this morning and move as rapidly as you have, that you prepare a list for each member of the bills that are going to be called and the page number that they are on in the calendar.

The SPEAKER. The majority leader, I am informed, does prepare such a list for possession of all the members. The members have that list. The list indicates what bills are going to be voted upon today.

The Chair recognizes the gentleman from Mifflin, Mr. DeVertter.

Mr. DeVERTTER. Mr. Speaker, in light of this all coming to the floor, I had hoped to send you a memo some time ago with respect to the method by which many of these things are placed on our desks and, because we are always in a rush around here it appears, is there some way we can devise to have the amendments and the fiscal notes and those things placed separately on our desks so that when we come in here and we start to move the calendar as rapidly as we do, we know what we are doing, because it is almost impossible with the amount of paper that is placed on our desks?

The SPEAKER. The suggestion is well taken.

**QUESTION OF PERSONAL PRIVILEGE**

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Crawford. For what purpose does the lady rise?

Mrs. CRAWFORD. I rise to a question of personal privilege.

The SPEAKER. The lady will state it.

Mrs. CRAWFORD. Mr. Speaker, I was called to the telephone when the vote was taken on House bills Nos. 696 and 1299, and I would like to be recorded in favor of the bills if I had been in my seat.

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

**RECESS**

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

The Chair hears no objection.

**AFTER RECESS**

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

**THE SPEAKER (Herbert Fineman)  
IN THE CHAIR****AARP No. 1018 MEMBERS WELCOMED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a group of 49 members of the AARP No. 1018 from the South Side of Pittsburgh. They are here with their president, Mr. Jack Karlins, and Mr. Stanley Darkowski who is chairman of the trip.

These folks are the guests of the gentleman from Allegheny, Mr. Romanelli.

**NATIONAL TEENAGER OF PENNSYLVANIA  
WELCOMED**

The SPEAKER. The Chair is also very pleased to welcome Miss Mary Lucina Engel of Williamsport, Pennsylvania. Miss Engel is the daughter of Mr. and Mrs. Howard Engel. She won the State Teenager Crown in the Fourth Pennsylvania National Teenager Pageant. She is going to represent our Commonwealth in the national contest that is going to be held in Atlanta, Georgia.

Besides winning the First Place award, Miss Engel was also named Miss Citizenship and Miss Hospitality and she shared the prize for the best speech on "What's Right About America."

Miss Engel, if you will please come forward, the Chair will be pleased to present you with a resolution.

Miss Engel is the guest of the gentleman, Mr. Cimini and Mr. Grieco.

This attractive young lady has indicated she would like to say "hello" to the members of the House.

Miss ENGEL. Hi! I feel very honored to speak to all my superiors here.

Well, I am going to tell you my speech that won me the essay award. It is very short. It is on "What's Right About America."

There are so many things right about America. I agree with the Chevrolet commercial—baseball, hot dogs and apple pie. But, seriously, I would like to talk to you

about just one that stands among the greatest—opportunity. It is out for grabs.

Recently, I had the great honor of speaking to our city's brotherhood banquet of the National Conference of Christians and Jews. With almost every race, color and religious belief in attendance, I truly realized that our great land is overflowing with opportunity; even the simplest soul can excel. Imagine me, literally a nobody, speaking to hundreds of professional people from all walks of life, including Patrick Murphy, president of the Police Foundation in Washington, D.C.

Suddenly, in one evening, in one room, I experienced the simplicity of the truth. Opportunities abound, and abound for me. Here am I, I am on the threshold of America's wealth of opportunities. I am entering the job market to earn money for college that will open the door to a degree in psychology. In this field I will be able to choose a career in social services, psychiatric therapy or counseling. Indeed, America's opportunities are there; they have touched and will change me. That is what is right about America.

Thank you.

The SPEAKER. They are growing them bigger and prettier and smarter these days.

**SENATE MESSAGE****BILLS FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented for concurrence bills numbered and entitled as follows:

**SENATE BILL No. 309**

An Act amending the act of July 20, 1968 (P. L. 550, No. 217), entitled "Capital Facilities Debt Enabling Act," providing for emergency projects to be included in the capital budget and debt authorizing bill and making editorial corrections.

Referred to Committee on Appropriations.

**SENATE BILL No. 586**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for limitations of actions.

Referred to Committee on Judiciary.

**SENATE BILL No. 721**

An Act making an appropriation to the Dickinson School of Law, Carlisle, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 722**

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 723**

An Act making an appropriation to the Philadelphia College of Textiles and Science.

Referred to Committee on Appropriations.

**SENATE BILL No. 725**

An Act making appropriations to the Philadelphia College of Art, Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 726**

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 729**

An Act making appropriations to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 730**

An Act making appropriations to the Trustees of Drexel University of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 731**

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

Referred to Committee on Appropriations.

**SENATE BILL No. 732**

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 733**

An Act making an appropriation to the Johnson School of Technology of Scranton, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 734**

An Act making an appropriation to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 735**

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

Referred to Committee on Appropriations.

**SENATE BILL No. 754**

An Act making an appropriation to the City of Harrisburg, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 755**

An Act making an appropriation to the Beacon Lodge Camp for the Blind, Lewistown, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 756**

An Act making an appropriation to the Pittsburgh Branch of the Pennsylvania Association for the Blind, Inc., Pittsburgh, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 757**

An Act making an appropriation to the Carnegie Mu-

seum at Pittsburgh, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on Appropriations.

**SENATE BILL No. 758**

An Act making an appropriation to the Trustees of the Buhl Planetarium and Institute of Popular Science, Pittsburgh, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 759**

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

Referred to Committee on Appropriations.

**SENATE BILL No. 760**

An Act making an appropriation to the Center for the Blind, Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 761**

An Act making an appropriation to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on Appropriations.

**SENATE BILL No. 762**

An Act making an appropriation to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 763**

An Act making an appropriation to the Pennsylvania Academy of the Fine Arts of Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 764**

An Act making an appropriation to the Franklin Institute of the State of Pennsylvania at Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 765**

An Act making an appropriation to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 766**

An Act making appropriations to the Thomas Jefferson University of Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

**SENATE BILL No. 767**

An Act providing for adoption of capital projects to be financed from current revenues of the Fish Fund, Boat-fund and the Game Fund.

Referred to Committee on Appropriations.

**SENATE BILL No. 769**

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh

as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; . . . ,” making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

Referred to Committee on Appropriations.

**SENATE BILL No. 770**

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled “An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; . . . ,” making appropriations for carrying the same into effect, providing for a basis of payments of such appropriations and providing a method of accounting for the funds appropriated.

Referred to Committee on Appropriations.

**SENATE BILL No. 771**

An Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled “An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges.” making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

Referred to Committee on Appropriations.

**SENATE BILL No. 777**

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled “An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; . . . ,” making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

Referred to Committee on Appropriations.

**SENATE BILL No. 779**

An Act making an appropriation to the Philadelphia Musical Academy, Philadelphia, Pennsylvania, for maintenance and general operation.

Referred to Committee on Appropriations.

**SENATE BILL No. 865**

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled “The Fiscal Code,” providing for an increase in certain interest charges.

Referred to Committee on Finance.

**SENATE BILL No. 899**

An Act making an appropriation to Inglis House at Philadelphia for the care and treatment of patients suffering from long-term neurological diseases.

Referred to Committee on Appropriations.

**SENATE BILL No. 904**

An Act authorizing the Department of Property and Supplies to sell and convey a tract of land situate in Harrison Township, Allegheny County, to the Allegheny Ludlum Industries, Inc.

Referred to Committee on State Government.

**HOUSE BILLS SIGNED BY SPEAKER**

Bills numbered and entitled as follows having been

prepared for presentation to the Governor and the same being correct, the titles were read as follows:

**HOUSE BILL No. 45**

An Act amending the “Mental Health and Mental Retardation Act of 1966,” approved October 20, 1966 (3rd Sp. Sess. P. L. 96, No. 6), further providing for requirements for directors of State facilities.

**HOUSE BILL No. 190**

An Act amending the “Borough State Highway Law,” approved June 1, 1933 (P. L. 1172, No. 290), deleting certain routes in Wind Gap Borough, Northampton County.

**HOUSE BILL No. 212**

An Act reenacting and amending the act of September 29, 1951 (P. L. 1615, No. 414), entitled “An act to authorize the Secretary of Public Assistance of the Commonwealth of Pennsylvania to apply to the Secretary of Agriculture of the United States for the return of assets of the former Pennsylvania Rural Rehabilitation Corporation to receive, deposit and administer such assets for rural rehabilitation or other authorized purposes and to enter into agreements with the Secretary of Agriculture of the United States with respect to the future administration of said assets,” transferring functions and duties to the Department of Agriculture and creating a Policy Committee to allocate the funds.

**HOUSE BILL No. 516**

An Act amending the “Solicitation of Charitable Funds Act,” approved August 9, 1963 (P. L. 628, No. 337), exempting certain nonprofit library associations from the act.

**HOUSE BILL No. 496**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled “The Administrative Code of 1929,” limiting the assignment of school children and limiting the time during which certain actions relating to transportation programs may be brought.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

**SENATE BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the title was publicly read as follows:

**SENATE BILL No. 104**

An Act permitting municipalities to expend funds to finance projects for the Bicentennial Celebration.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER. The gentleman will state it.

Mr. RAPPAPORT. Mr. Speaker, thank you.

This morning, I am quite sure inadvertently, a reference was made to several people who apparently with permission were unable to use the House post office.

One of those people mentioned was an individual who happens to be a constituent of mine and the implication was that he was not going to spring for the 10 cents postage on each letter. The reference was to Frank Palumbo.

For those members who are not from Philadelphia, I can assure them that he is well able to afford the 10 cents for each letter and that the object of his letter was to ask our support for the institutional grants, since he is very interested in the welfare of several colleges in the Philadelphia area. I would also remark to the other side that he happens to be a Republican and someone who has been very active in the Republican Party, if not one of the leaders in Philadelphia, for two or three generations.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the remarks that were made earlier were not intended as a reflection as to the ability or inability of Mr. Palumbo to pay postage, but rather were made in order to clarify the position of the Speaker and the chief clerk with respect to the use of the House members' post office.

We were nonpartisan, Mr. Speaker, in mentioning both the AFL-CIO and Mr. Palumbo. That is why it worked out as well as it did.

### REPUBLICAN CAUCUS

Mr. RYAN. Mr. Speaker, aside from that, I would like at this time to call the Republican members into caucus for approximately 1 hour and 15 minutes so that we may review the amendments to the GSA bill. It is my understanding that the majority leader intends to run these amendments today, and I had forewarned him that if this was necessary, it would be necessary for us to have a caucus.

### HOUSE SCHEDULE AND RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I agree with the recess until 2:30 and I would advise the members of the House in totality, those of you who can hear me, that is.

We do have a scheduling problem and I am asking that all of you return promptly at 2:30 to the floor of the House prepared to debate the amendments to House bill No. 368, the GSA change-over bill. We intend to take all amendments on that bill today and schedule the vote on the bill finally for tomorrow. I trust that if you will cooperate, we will get you out of here as early as tomorrow evening. I do not promise that to you because I do not know how well you will cooperate. But if you will try and follow the schedule which the minority leadership and I have agreed to, we think that we can get you out of here by tomorrow night.

I ask then for a recess, Mr. Speaker, until 2:30. There will be no need for a caucus on the part of the Democrats. I would ask them to report promptly to the floor at 2:30.

### RECESS

The SPEAKER. Without objection, the Chair now declares a recess until 2:30.

The Chair hears no objection. This 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

### CALENDAR

#### AGRICULTURE BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of **House bill No. 217, printer's No. 1943**, entitled:

An Act exempting the owner of certain agricultural land from the payment of assessments for municipal improvements during the period of time that the owner does not use the services provided by the improvements.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

#### RECONSIDERATION OF VOTE ON HOUSE BILL No. 217

Mr. SHELHAMER moved that the vote by which HOUSE BILL No. 217, printer's No. 1943, was agreed to as amended on Tuesday, July 8, 1975, be reconsidered.

Mr. O'CONNELL 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 bill as amended on third consideration?

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

Amend Sec. 1, page 1, line 9, by striking out "prior to" and inserting: immediately preceding

Amend Sec. 1, page 1, lines 14 through 18, page 2, lines 1 through 3, by striking out "The municipality or" in line 14, all of lines 15 through 18, page 1; all of lines 1 through 3, page 2, and inserting:

The municipality or authority installing the lines shall have the right to file with the recorder of deeds in the county in which the land is located a notice of record, indexed in name of the owner, indicating that the lines have been installed and that if the present or any subsequent owner of the land avails himself of the services provided by the lines, such owner shall be liable for the cost of installation of such water or sewer lines as provided in section 3.

Amend Sec. 2, page 2, lines 7 and 8, by striking out "such amounts as the municipality or authority shall determine." and inserting: an amount that bears the same proportion to the total charge for the water or sewer line assessment on all his land as the plot and the immediate area of land surrounding the farm dwelling, equal to at least one acre, bears to the total land area of the owner's property subject to assessment.

Amend Sec. 3, page 2, line 12, by inserting after "as": the

Amend Sec. 3, page 2, line 12, by inserting after "owners": who

Amend Sec. 3, page 2, line 13, by inserting a period after "made"

Amend Sec. 3, page 2, lines 13 through 16, by striking out "reduced by an amount which the" in line 13 and all of lines 14 through 16 and inserting: Only that amount of the owner's property that is benefited by the use of the water or sewer lines shall be subject to the assessment charge. Notwithstanding any other provisions of law to the contrary, the municipality or authority which installed the sewer or water lines shall have six months from the date the owner or any subsequent owner avails himself of the services provided by the lines to place a lien against the benefited property in an amount equal to the cost of installing the lines benefiting the said property.

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

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

Mr. SHELHAMER. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that is offered today is one to clarify the problems that were brought up at a prior session. The first part of the amendment would clarify the exact time, spelling it out to immediately to 3 years prior to the application for the deferred payment. The second part of it was that question raised by Mr. Hepford as to how an attorney would be able to give a clear title to land, and we have taken care of that by requiring that it be indexed in the owner's name. And the third part of the amendment spells out that if at some subsequent date, some subsequent time, another owner avails himself of the services, that the authority would at that time require that owner to pay the amount of money that he would have paid had he been a part of that system originally. Or it gives the authority the right, if he does not pay, to place a conventional lien on there that would, of course, be interest bearing.

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

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

YEAS—184

- Abraham, Anderson, J. H., Arthurs, Barber, Bellomini, Bennett, Beren, Berson, Bittle, Blackwell, Bonetto, Bradley, Brandt, Brunner, Burns, Butera, Cessar, Cimini, Cohen, Cole, Cowell, Crawford, Cumberland, Davies, Davis, D. M., DeMedio, Deverter, Dicarlio, Geesey, Geisler, George, Giammarco, Gillespie, Gillette, Gleason, Gleason, Goodman, Green, Greenfield, Grieco, Gring, Halverson, Hamilton, J. H., Hasay, Haskell, Hayes, D. S., Hayes, S. E., Hepford, Hill, Hopkins, Hutchinson, A., Irvis, Itkin, Johnson, J., Katz, Kelly, A. P., McGinnis, McIntyre, McLane, Mebus, Menhorn, Milanovich, Miller, M. E., Miller, M. E., Jr., Milliron, Miscevic, Morris, Mrkonic, Mullen, Musto, Myers, Novak, Noye, O'Brien, O'Connell, O'Donnell, O'Keefe, Oliver, Pancoast, Parker, H. S., Perri, Petrarca, Plevsky, Pitts, Scirica, Seltzer, Shane, Shelton, Shuman, Shupnik, Sirlanni, Smith, E., Smith, L., Spencer, Stahl, Stapleton, Stout, Sullivan, Taddonio, Taylor, Toll, Trello, Turner, Ustynoski, Valicenti, Vann, Vroon, Wagner, Walsh, T. P., Wansacz, Wargo

- DiDonato, Dietz, Dombrowski, Dorr, Doyle, Dreibelbis, Eckensberger, Englehart, Fawcett, Fee, Fischer, Fisher, Flaherty, Foster, A., Foster, W., Fryer, Gallagher, Gallen, Garzia, Kernick, Klingaman, Knepper, Kolter, Kowalyszyn, Kusse, LaMarca, Laudadio, Laughlin, Lederer, Lehr, Letterman, Levi, Lincoln, Lynch, Manderino, Manmiller, McCall, McCue, Polite, Prendergast, Pratt, Rappaport, Reed, Renninger, Renwick, Rieger, Ritter, Romanelli, Ross, Ruggiero, Ryan, Saloom, Salvatore, Scheaffer, Schmitt, Schweder, Weidner, Westerberg, Whelan, Wilson, Wilt, R. W., Wilt, W. W., Wojdak, Worrlow, Wright, Yahner, Yohn, Zearfoss, Zeller, Zord, Zwinkl, Fineman, Speaker

NAYS—0

NOT VOTING—19

- Berlin, Caputo, Dininni, Hammock, Hutchinson, W., Kelly, J. B., Kistler, McClatchy, McGraw, Moehlmann, Mullen, M. P., Perry, Pyles, Rhodes, Richardson, Sweeney, Tayoun, Thomas, Whittlesey

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

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

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Blair Mr. Wilt.

Mr. W. W. WILT. Mr. Speaker, I believe Mr. O'Connell has further amendments to this bill.

The SPEAKER. Who has further amendments?

Mr. W. W. WILT. Mr. O'Connell.

The SPEAKER. Is the gentleman, Mr. O'Connell, in the hall of the House?

Mr. W. W. WILT. He is on his way from caucus, Mr. Speaker. Could it be passed over temporarily until Mr. O'Connell arrives?

The SPEAKER. Has Mr. O'Connell reached the floor of the House yet?

Mr. W. W. WILT. I do not believe he has, Mr. Speaker.

HOUSE BILL No. 217 PASSED OVER TEMPORARILY

The SPEAKER. The Chair reconsiders its decision as to this bill having been considered on 3 days and having been agreed to. The bill, in its present position, will be temporarily passed over.

SPECIAL ORDER OF BUSINESS

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 242

Mr. IRVIS called up for concurrence in Senate amendments, from page 3 of today's calendar, House bill No. 242, printer's No. 1825.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 242

An Act requiring that flag protection be provided against following trains occupying the same track.

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The clerk read the following amendments made by the Senate:

Amend Section 1, page 1, line 8, by striking out after "employees" all the remainder of said line; lines 9 through 17, by striking out all of said lines; page 2, lines 1 through 10 by striking out all of said lines; line 11, by striking out at the beginning of the line "the Pennsylvania Public Utility Commission." and by inserting immediately thereafter the following: in conformity with the following:

(1) When a train stops under circumstances in which it may be overtaken by another train, a member of the crew must provide flagging protection, that is, go back immediately with a red flag, torpedoes and fuses by day and with a red and/or white light, torpedoes and fuses by night, a sufficient distance to insure full protection, placing two torpedoes on the rail and when necessary, in addition, display lighted fuses.

(2) When recalled and safety to the train will permit, he may return.

(3) When conditions require, he will leave the torpedoes and a lighted fusee.

(4) The front of the train must be protected in the same way, when necessary, by a member of the crew.

(5) When a train is moving under circumstances in which it may be overtaken by another train, a member of the crew must take such action as may be necessary to insure full protection. By night (or by day, when the view is obscured) lighted fusees must be dropped off the moving train or displayed at proper intervals.

(6) When day signals cannot be plainly seen, owing to weather or other conditions, night signals must also be used.

(7) Conductors and enginemen are responsible for the protection of their trains.

(8) When a pusher engine is assisting a train, coupled behind the cabin or caboose car, and the member of the crew who protects the rear-end of the train is riding in the cabin or caboose car, the requirements as to the fusees will be met by dropping them off between the cabin or caboose car and pusher engine on the track the train is using, and not between that track and an adjacent track.

Provided, however, That unless specific circumstances indicate to the contrary, it will be presumed that trains stopping under the following circumstances will not be overtaken by another train:

(I) Passenger trains making normal station stops.

(II) All trains stopping in manual block territory protected by absolute block.

(III) All trains stopping so as to be completely within the limits of classification or storage yards at the usual place to change crews or remove power.

Section 2. For the purposes of this act a "train" will be considered a movement on which the air brakes must be connected and functioning under federal law.

Section 3. The provisions of this act shall be enforced by the Pennsylvania Public Utility Commission.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. IRVIS. Mr. Speaker, I request that the House do concur in the amendments made by the Senate to House bill No. 242.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeable to the provisions of the constitution, the yeas and nays were taken and were as follows:

YEAS—147

Table listing names of members who voted 'YEAS' (147 total). Includes names like Abraham, Arthurs, Earber, Bellomini, Bennett, Berson, Blackwell, Bonetto, Bradley, Brunner, Burns, Butera, Caputo, Cessar, Cohen, Cole, Cowell, Davies, Davis, D. M., DeMedio, Dicarlo, DiDonato, Dombrowski, Doyle, Dreibelbis, Eekensberger, Englehart, Fee, Fischer, Fisher, Flaherty, Fryer, Gallagher, Gallen, Garzla, Geisler, George, Giammarco, Gillespie, Gillette, Gleason, Gleason, Goodman, Green, Greenfield, Halverson, Hammock, Haskell, Hayes, D. S., Hopkins, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, J., Katz, Kelly, A. P., Kernick, Klingaman, Knepper, Kolter, Kowalyshyn, LaMarca, Laudadio, Laughlin, Lederer, Letterman, Levi, Lincoln, Lynch, Manderino, Manmiller, McCall, McIntyre, McLane, Menhorn, Milanovich, Miller, M. E., Miller, M. E., Jr., Milliron, Misceovich, Morris, Mrkonie, Mullen, M. P., Mullen, Musto, Myers, Novak, O'Brien, O'Donnell, O'Keefe, Oliver, Parker, H. S., Perri, Perry, Petrarca, Pievsky, Pratt, Prendergast, Rappaport, Reed, Renwick, Rhodes, Rieger, Ritter, Romanelli, Ross, Ruggiero, Ryan, Saloom, Schmitt, Schweder, Scirica, Shane, Shelhamer, Shelton, Shuman, Shupnik, Smith, L., Spencer, Stahl, Stapleton, Stout, Sullivan, Taddonio, Taylor, Tayoun, Toll, Trello, Ustynoski, Valicenti, Vann, Wagner, Wansacz, Wargo, Whelan, Whittlesey, Wilson, Wojdak, Worrirow, Wright, Yahner, Yohn, Zearfoss, Zeller, Zwiki, Fineman, Speaker.

NAYS—47

Table listing names of members who voted 'NAYS' (47 total). Includes names like Anderson, J. H., Beren, Bittle, Brandt, Cimini, Crawford, Cumberland, Deverter, Dietz, Dorr, Foster, A., Foster, W., Geesey, Grieco, Gring, Hamilton, J. H., Hasay, Hayes, S. E., Hill, Kistler, Kusse, Lehr, McClatchy, McCue, McGinnis, Mcbus, Moehlmann, Noye, O'Connell, Pancoast, Pitts, Polite, Pyles, Renninger, Salvatore, Scheaffer, Seltzer, Sirianni, Smith, E., Turner, Vroon, Walsh, T. P., Weidner, Westenberg, Wilt, R. W., Wilt, W. W., Zord.

NOT VOTING—9

Table listing names of members who did not vote (9 total). Includes names like Berlin, Dininni, Fawcett, Hepford, Kelly, J. B., McGraw, Richardson, Sweeney, Thomas.

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 244

Mr. IRVIS called up for concurrence in Senate amendments, from page 3 of today's calendar, House bill No. 244, printer's No. 1826.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 244

An Act requiring speed recorders on locomotives.

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The clerk read the following amendments made by the Senate:

Amend Section 1, page 1, line 12, by inserting after "operated" the following: except that nothing contained herein shall be applicable to locomotives while being used in commuter passenger service.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. IRVIS. Mr. Speaker, I request that the House do concur in the amendments made by the Senate to House bill No. 244.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeable to the provisions of the constitution, the yeas and nays were taken and were as follows:

YEAS—151

- Abraham, Gleason, McIntyre, Schmitt
Arthurs, Goodson, McLane, Schweder
Barber, Goodman, Menhorn, Scirica
Bellomini, Green, Milanovich, Shane
Bennett, Greenfield, Miller, M. E., Shelhamer
Berson, Grieco, Miller, M. E., Jr., Shelton
Blackwell, Halverson, Milliron, Shuman
Bonetto, Hamilton, J. H., Misceovich, Shupnik
Bradley, Hammock, Moehlmann, Smith, L.
Brunner, Haskell, Morris, Stahl
Burns, Hayes, D. S., Mrkonic, Stapleton
Butera, Hepford, Mullen, M. P., Stout
Caputo, Hopkins, Mullen, Sullivan
Cessar, Hutchinson, A., Musto, Taddonio
Cohen, Hutchinson, W., Myers, Taylor
Cole, Irvis, Novak, Tayoun
Cowell, Itkin, O'Brien, Toll
Davis, D. M., Johnson, J., O'Donnell, Trello
DeMedio, Katz, O'Keefe, Ustynski
Dicarlo, Kelly, A. P., Oliver, Valicenti
DiDonato, Kernick, Parker, H. S., Vann
Dombrowski, Klingaman, Perri, Wagner
Doyle, Knepper, Perry, Wansacz
Dreibelbis, Kolter, Petrarca, Wargo
Eckensberger, Kowalyszyn, Pievsky, Whelan
Fee, LaMarca, Pratt, Whittlesey
Fischer, Laudadio, Prendergast, Wilson
Fisher, Laughlin, Rappaport, Wojdak
Flaherty, Lederer, Reed, Worrlow
Fryer, Letterman, Renwick, Wright
Gallagher, Levi, Rieger, Yahner
Gallen, Lincoln, Ritter, Yohn
Garzia, Lynch, Romanelli, Zearfoss
Geesey, Manderino, Ross, Zeller
Geisler, Manmiller, Ruggiero, Zwiki
George, McCall, Ryan, Fineman, Speaker
Giammarco, McCue, Saloom
Gillespie, McGinnis, Salvatore
Gillette

NAYS—43

- Anderson, J. H., Fawcett, Mebus, Smith, E.
Beren, Foster, A., Noye, Spencer
Bittle, Foster, W., O'Connell, Turner
Brandt, Gring, Pancoast, Vroon
Cimini, Hasay, Pitts, Walsh, T. P.
Crawford, Hayes, S.E., Polite, Weidner
Cumberland, Hill, Pyles, Westerberg
Davies, Kistler, Renninger, Wilt, R. W.
Deverter, Kusse, Scheaffer, Wilt, W. W.
Dietz, Lehr, Seltzer, Zord
Dorr, McClatchy, Sirianni

NOT VOTING—9

- Berlin, Kelly, J. B., Rhodes, Sweeney
Dininni, McGraw, Richardson, Thomas
Englehart

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CONSIDERATION OF HOUSE BILL No. 217 RESUMED

On the question recurring,

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

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

Amend Bill, page 2, by inserting between lines 3 and 4: Section 2. The owner of any land in excess of five acres other than that to which is referred in section 1 who shall not avail himself of the services provided by the water and sewer lines shall pay presently at least 10% of the assessment to which he would be liable had he availed himself of the services, provided, that if such land has a dwelling located upon it, the owner shall pay presently the entire assessment for which he would be liable had he availed himself of the services. The municipality shall not refuse a claim for the exemption made by any such owner until it has first had a hearing thereon.

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

Amend Sec. 3, page 2, line 9, by striking out "3." and inserting: 4.

Amend Sec. 3, page 2, line 9, by striking out "section 2" and inserting: sections 2 and 3

Amend Sec. 3, page 2, line 10, by striking out "section 1" and inserting: sections 1 or 2

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Thank you, Mr. Speaker.

This does not particularly disturb any of the existing language of the bill. It adds new language.

What it does is it puts land owners in excess of 5 acres under pretty nearly the same provisions as the rest of the bill.

The second thing it does is allow that a municipality should not refuse a claim for exemption made unless the owner has had an opportunity of a hearing. Basically that is what this attempts to accomplish.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. O'CONNELL and SHELHAMER and were as follows:

YEAS—194

- Abraham, Geisler, McIntyre, Schweder
Anderson, J. H., George, McLane, Scirica
Arthurs, Giammarco, Mebus, Seltzer
Barber, Gillespie, Menhorn, Shane
Bellomini, Gillette, Milanovich, Shelhamer
Bennett, Gleason, Miller, M. E., Shelton
Beren, Gleason, Miller, M. E., Jr., Shuman
Berson, Goodman, Milliron, Shupnik
Bittle, Green, Misceovich, Sirianni
Blackwell, Greenfield, Moehlmann, Smith, E.
Bonetto, Grieco, Morris, Smith, L.
Bradley, Gring, Mrkonic, Spencer



Brandt	Hamilton, J. H.	Mullen, M. P.	Stahl
Brunner	Hammock	Mullen	Stapleton
Burns	Hasay	Musto	Stout
Butera	Haskell	Myers	Sullivan
Caputo	Hayes, D. S.	Novak	Taddonio
Cessar	Hayes, S. E.	Noye	Taylor
Cimini	Hepford	O'Brien	Tayoun
Cohen	Hill	O'Connell	Toll
Cole	Hopkins	O'Donnell	Trello
Cowell	Hutchinson, A.	O'Keefe	Turner
Crawford	Hutchinson, W.	Oliver	Ustynoski
Cumberland	Irvs	Pancoast	Valicenti
Davies	Itkin	Parker, H. S.	Vann
Davis, D. M.	Johnson, J.	Perri	Vroon
DeMedio	Katz	Perry	Wagner
Deverter	Kelly, A. P.	Petrarca	Walsh, T. P.
Dicarlo	Kernick	Pievsky	Wansacz
DiDonato	Kistler	Pitts	Wargo
Dietz	Klingaman	Polite	Weidner
Dombrowski	Knepper	Pratt	Westerberg
Dorr	Kolter	Prendergast	Whelan
Doyle	Kowalyszyn	Pyles	Whittlesey
Dreibelbis	Kusse	Rappaport	Wilson
Eckensberger	LaMarca	Reed	Wilt, R. W.
Englehart	Laudadio	Renninger	Wilt, W. W.
Fawcett	Laughlin	Renwick	Wojdak
Fee	Lederer	Rhodes	Worrilow
Fischer	Lehr	Rieger	Wright
Fisher	Letterman	Ritter	Yahner
Flaherty	Levi	Romanelli	Yohn
Foster, A.	Lincoln	Ross	Zearfoss
Foster, W.	Lynch	Ruggiero	Zeller
Fryer	Manmiller	Ryan	Zord
Gallagher	McCall	Saloom	Zwikel
Gallen	McClatchy	Salvatore	
Garzia	McCue	Scheaffer	Fineman, Speaker
Geesey	McGinnis	Schmitt	

NAYS—0

NOT VOTING—9

Berlin	Kelly, J. E.	McGraw	Sweeney
Dininni	Manderino	Richardson	Thomas
Halverson			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—173

Abraham	Gallen	McClatchy	Salvatore
Anderson, J. H.	Geesey	McCue	Scheaffer
Arthurs	Geisler	McGinnis	Schmitt
Barber	George	McIntyre	Schweder
Bellomint	Giammarco	Mebus	Scirica
Bennett	Gleeson	Milanovich	Seltzer
Beren	Goodman	Miller, M. E.	Shane
Berson	Green	Miller, M. E., Jr.	Shelhamer
Bittle	Greenfield	Milliron	Shelton
Blackwell	Grieco	Miscevich	Shuman
Bonetto	Gring	Moehlmann	Shupnik
Bradley	Halverson	Morris	Sirianni
Brandt	Hamilton, J. H.	Mrkonje	Smith, E.
Brunner	Hammock	Mullen, M. P.	Spencer
Burns	Hasay	Mullen	Stahl
Butera	Haskell	Musto	Stout
Caputo	Hayes, D. S.	Myers	Sullivan
Cimini	Hayes, S. E.	Novak	Taylor
Cohen	Hepford	Noye	Tayoun
Cole	Hill	O'Brien	Toll
Cowell	Hopkins	O'Connell	Trello
Crawford	Hutchinson, A.	O'Donnell	Turner
Cumberland	Hutchinson, W.	Oliver	Ustynoski
Davies	Irvs	Pancoast	Valicenti
Davis, D. M.	Johnson, J.	Perri	Vann
DeMedio	Katz	Perry	Vroon
Deverter	Kelly, A. P.	Petrarca	Wagner

Dicarlo	Kernick	Pievsky	Weidner
DiDonato	Kistler	Pitts	Westerberg
Dietz	Klingaman	Pratt	Whelan
Dombrowski	Kolter	Prendergast	Whittlesey
Dorr	Kowalyszyn	Pyles	Wilson
Doyle	Kusse	Rappaport	Wilt, R. W.
Dreibelbis	LaMarca	Reed	Wilt, W. W.
Eckensberger	Laudadio	Renninger	Wojdak
Englehart	Laughlin	Renwick	Worrilow
Fawcett	Lederer	Rhodes	Wright
Fee	Lehr	Rieger	Yahner
Fischer	Levi	Ritter	Zeller
Flaherty	Lincoln	Romanelli	Zwikel
Foster, A.	Lynch	Ross	
Foster, W.	Manderino	Ruggiero	Fineman, Speaker
Fryer	Manmiller	Ryan	
Gallagher	McCall	Saloom	

NAYS—22

Cessar	Itkin	Polite	Wansacz
Fisher	Knepper	Smith, L.	Wargo
Garzia	McLane	Stapleton	Yohn
Gillespie	Menhorn	Taddonio	Zearfoss
Gillette	O'Keefe	Walsh, T. P.	Zord
Gleason	Parker, H. S.		

NOT VOTING—8

Berlin	Kelly, J. E.	McGraw	Sweeney
Dininni	Letterman	Richardson	Thomas

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

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

**SPECIAL ORDER OF BUSINESS**

**STATE GOVERNMENT BILL ON THIRD CONSIDERATION**

The SPEAKER. Without objection, the Chair calls up from page 10 of today's calendar, Senate bill No. 368, printer's No. 987, as a special order of business.

The Chair hears no objection.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 368, printer's No. 987, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," creating the Department of General Services and defining its functions, powers and duties; and transferring certain functions, records, equipment, personnel and appropriations from the Department of Property and Supplies and The General State Authority to such department.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 9 (Sec. 2401.1), page 15, line 24 by inserting after "(19)": This paragraph shall only be applicable to those projects for which the Executive Board determines that the selection of an architect or engineer through competitive bidding would be harmful to the public interest.

Amend Sec. 9 (Sec. 2401.1), page 15, by inserting between lines 28 and 29:

(21) To select architects or engineers for each project through a process of competitive bidding in accord with regulations promulgated by the department. If the department determines that the public interest would be harmed by selecting an architect or engineer for a particular project by competitive bidding, the department shall apply to the Executive Board for a waiver of the competitive bidding requirement for the project in question. The Executive Board shall consider, approve and/or reject this request at a public meeting. If the Execu-

tive Board approves the request of the department, the department shall utilize the provisions of paragraph (19) of this section for the selection of an architect or engineer for the project in question.

On the question,

Will the House agree to the amendments?

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

Mr. KNEPPER. Mr. Speaker, for a long time I have been an advocate of dispensing with the General State Authority and, indeed, authorities in general. So it is not difficult for me to participate in the support of this particular legislation. However, I do feel that there are some areas, and specifically one area, where we can improve upon the bill as it exists. It is for this reason that I am offering an amendment.

For those of you who have read it, discussed it, it is rather simple to understand. It simply would require that architects and engineers, just like everyone else or practically everyone else who is doing business with the state, submit themselves to the process of competitive bidding.

Whether we are operating in the realm of our own boroughs or townships or cities or whether we are operating out of the White House or out of the Governor's office, the public has demanded and is consistently demanding more accountability on the part of all of us.

It seems to me that specifically in the case of enigneers, if you will recall back in 1973, a case developed concerning a former Governor of the State of Maryland. It was an income tax case, but nevertheless hinged on the fact that the Governor of Maryland had not paid income taxes on money that he had received while in the Governor's office and while a county executive of the city of Baltimore.

He received this money from engineering firms, specifically. I have in my possession a copy of the U. S. Attorney's report that outlines the engineering firms and, in many cases, the amounts of moneys that were paid. This was done simply because in the State of Maryland at that time, the Governor had the authority to negotiate and to award the contracts out of the Governor's office.

He saw fit with himself and two others to join together in a pact whereby they would split the amounts of money which they collected from the engineering firms which were interested in securing state work, completely bypassing the bidding process.

What I am attempting to do with this amendment, Mr. Speaker, quite simply, whether it is this Governor or the next Governor or any other Governor we would have, who would under this piece of legislation control, ulfimately, the destiny of projects in this new executive board set-up that has been established in the bill, it would simply say, that we are requesting that like the contractors, who are performing the work—millions and millions of dollars of state work in many instances; that just like the contractors who are bidding on the jobs—the engineers and the architects also would be bidding for the job.

Now there is in the amendment, as you have noticed, a simple provision which would allow the executive board to grant a waiver of the bidding requirements in the event that the occasion would arise where it would not

be in the best interest of the public to have a bidding procedure followed.

It would seem to me that for those of us who have supported such legislation as the Taj Mahal bill, for those of us who were quite anxious to get rid of the five-percentening that was going in the old General State Authority Board, for those of us who are interested in being more accountable to our constituency and to the citizens of this Commonwealth and the way their funds are spent, that we would be most desirous of seeing that we have a competitive system all the way through in the building of any state facility.

I would respectfully submit to you that this particular amendment will improve the bill. It will improve the accountability; it will remove and curtail the hanky-panky that might go on in any Governor's office of this Commonwealth in the future. I ask your support.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, this amendment to Senate bill No. 368 would have all architects and engineers competitively bid for a project in those cases where the executive board said that competitive bidding would be harmful.

The idea of architects and engineers competitively bidding on design projects is absurd. When you deal with a professional and his service such as this, there is no logical reason for a competitive bid.

The Commonwealth has a certain amount of money to spend on design, and we should get the most that we can for the amount of money that we are going to spend. By competitive bidding, it is conceivable to me that a poor quality firm would consistently be the low bidder, and the state would be shortchanged in the final analysis.

It is also possible, in my opinion, that reputable firms, those that we would want to deal in design work and architectural and engineering projects, would not bid on projects. It would seem to me also that the professional community would be appalled by this suggested amendment. I would ask every member to oppose this amendment.

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

Mr. KNEPPER. Mr. Speaker, I would suggest that the gentleman is perhaps suggesting that those contractors who bid and build the structures which are designed are perhaps not professionals because they in fact must bid.

I would suggest further that there are many, many more millions of dollars going into the actual construction contracts than there are into the contracts for the engineers and the architects and there would be a great loss to the public in this particular area if it were not done by public bidding, and the fact that we have existed under a bidding system for contractors for many years and survived pretty well speaks well for it.

The gentleman is speaking as though the competitive bidding process was a new process in the field of building construction in the Commonwealth. That, of course, is not true, and the architects and engineers are a part of any construction project as much as the builders themselves are.

I suggest to you that if we are talking about building sewer lines that we need one type of an architect or an

engineer. If we are talking about building an addition to the Capitol, we need a different type.

This amendment allows the opportunity for the executive board to establish the guidelines, not guidelines for all types of projects, but on an individual basis, if they so choose so that there may be some determination as to the qualifications and the type of bidders who would be acceptable to the executive board.

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

Mr. MEBUS. Mr. Speaker, there are two propositions here which I lay before the House in this connection.

But first of all let me state that my firm has not done any business with the Commonwealth for more than 25 years and does not seek to, so this has no bearing on me personally.

But as an engineer, and the same thing is true of the architects as well, when you go out to bid, you provide a set of specifications indicating exactly what conditions are to be met. This you can do when you have done the test borings and things of that nature prior to the start of construction of a project. This you cannot do when you are trying to engage competent engineering or architectural services because you do not know what the conditions are that you have to meet in toto. One person could make one assumption and make a much lower bid than another and yet it really has no significance. You cannot set down a set of specifications for engineering and architectural work, professional work of this kind, like you can for construction work.

What kind of specs would you write for a doctor who is going to perform an operation on you who has not even opened you up yet to find out what there is inside? You cannot do it. It is like an exploratory operation that has not been performed. What are you going to charge for it? You cannot really know exactly. And in the case of a doctor, he has a better handle on it by far than the architect or engineer does.

The other thing, beyond the fact that you cannot write a set of comprehensive specifications which would detail exactly what the obligations of that professional would be, you are confronted with the additional problem of this. If you can, possibly you would pay the architect or the engineer more than you could pay someone else, but he in turn could save the state money by doing an exceptionally good job in combining new concepts into the design, and so forth. But yet you have no basis for comparison to determine whether or not this was actually true.

So this is, I think, something which appears good on the surface. I am sure that Mr. Knepper is well intended, but his orientation is toward the publicizing of all contracts for bids, which is natural with anybody who is in the newspaper business. But it does not take into account these other factors which I think should necessarily be considered when you are voting on something of this nature.

I have no interest in this matter other than as a professional, not in any work for the Commonwealth, now or for that matter later. I do oppose it and I think that there is ample, reasonable, sensible grounds for doing so.

Thank you.

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

Mr. W. W. WILT. Mr. Speaker, would Mr. Manderino consent to interrogation?

The SPEAKER. Will the gentleman, Mr. Manderino, consent to interrogation.

Mr. MANDERINO. I shall.

The SPEAKER. The gentleman may proceed.

Mr. W. W. WILT. Mr. Speaker, would it be your opinion that bid proposals for architectural or engineering projects should be advertised in the newspapers the same as the construction proposals?

Mr. MANDERINO. It is not my proposal. It is the proposal of Mr. Knepper in the amendment.

Mr. W. W. WILT. Is it your opinion that these proposals would have to be advertised?

Mr. MANDERINO. I would imagine, if there is going to be competitive bidding, that this is part of the process to let the public or those people who would bid on projects know that bids are to be received. I would imagine entailed in that would be necessary legal notices.

Mr. W. W. WILT. This amendment then in that case would require a fiscal note, and I have not been able to find a fiscal note for this particular amendment. May I ask if a fiscal note has been distributed?

Mr. Wojdak, possibly he could answer that.

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

Mr. KNEPPER. Mr. Speaker, if Mr. Wilt would read the bill in its entirety, and apparently he must have missed page 22, there is already in the existing bill a section that addresses itself to the invitation for proposal in the legislation as it exists. We would simply, if the House would choose to adopt this amendment, extend the amendment to be covered by this section. It would seem to me unnecessary to put in another section on public bidding when we already have it in the legislation.

Mr. W. W. WILT. Mr. Speaker, I understood the gentleman to say earlier that he was attempting to bring the architects and engineers into the same category, or create the same situation as far as bidding is concerned, as the construction contractors, and those proposals must be advertised in the newspapers throughout the Commonwealth. Now you are being inconsistent; you are saying that it is not necessary.

Mr. KNEPPER. That is not what I said at all. I said that if you read page 22 it says that proposals are invited unless the work is to be done by state employes, by the General Services Department. And it would seem to me it spells out exactly how they are to be inserted—not less than six newspapers nor more than 12, and so forth.

I can see no reason why we should attempt to expand on that. In fact, I cannot really see any reason why it would be necessary that we even advertise these in the newspapers, and it is not my intent, of course, to do that.

It would seem to me that an invitation for bid can be accomplished by a letter. It can be put in the Pennsylvania Bulletin which we already have in existence here right now.

The prime attempt of this amendment is to set the same standards for all participants in building a state building, and not say that an architect or an engineer can get a \$1-million- or \$2-million-dollars worth of fees without going to competitive bidding.

Mr. W. W. WILT. Mr. Speaker, I would like to ask the gentleman: At the present time under GSA law, if

the GSA is going to construct a building for the Department of Welfare, are they not required to advertise in the newspapers for bids?

Mr. KNEPPER. The only provisions on the bidding that exists now, to my knowledge, would be for the actual contracts; not for the architects and the engineers.

Mr. W. W. WILT. That is right.

Mr. KNEPPER. This amendment would then require that the architects and engineers be included as well as the contractors.

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

Mr. MANDERINO. Mr. Speaker, on the question of fiscal notes, it is my opinion that Senate bill No. 368 does not spend a dime of Commonwealth money, nor will it until and without the explicit passage of legislation later on by this Assembly authorizing projects. And when we authorize the projects, we will also be authorizing the administrative costs in those projects. So that question is something that will be faced at a later date.

We are not, in Senate bill No. 368, causing the expenditure of any money unless this General Assembly, at some later date, authorizes projects to be built under the General Services Administration.

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

Mr. PYLES. Mr. Speaker, I rise in opposition to this amendment. To try to equate professional services with construction services is asinine, in my opinion. At the start of the inception of any project, it is difficult for a client to explain in any form as to the end result that he anticipates. Generally, an architect or an engineering firm works on a narrative form known as a scope of work. There is no detail drawn as to the specifications and/or contract drawings involved at that point, at that juncture of the inception of the project. Everything at the time of working and acquiring architectural or engineering services is nothing more, basically, than a verbal concept of what the client is expecting to receive in the total end result.

It is my judgment if we ever try to go to competitive bidding for professional services, which is really a consulting service between a professional and a client, you are going to have—

I recognize the attempt of this amendment is to improve the selection process and take out the politics in that selection, but I submit that, in my judgment, if we go to competitive bidding that the cost of engineering and architectural services to this state is going to be higher. And the reason for that is that the development of the plans and specifications for bidding purposes go through certain stages; one is normally known as a preliminary engineering stage. After that stage, the client can get a better picture of what he is going to receive in the end result. From there, after he gives his okay, it then goes to the preliminary design stage and during that stage the client has an opportunity to modify or change the concept and the end result. Then he gives the okay generally to the architect or engineering firm to go to the final stage.

It is my judgment, Mr. Speaker, that if we go to competitive bidding that every time you go to that stage, there are going to be massive change orders involved, and the cost of architect and engineering services are

going to increase. So I recommend to my colleagues that they vote "no" on this amendment. Thank you.

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

Mr. KNEPPER. Mr. Speaker, in response to my very good friends and colleagues, the two consulting engineers, Mr. Mebus and Mr. Pyles, who, of course, oppose this legislation, let me remind you that this is not landmark legislation in Pennsylvania. There are other states that have had a competitive bidding process for architects and engineers. I have the list in my office and, unfortunately, did not bring it up because I did not expect this amendment to come up this soon. So it is not unique. It is working in other states; it can work here.

We are dealing with building for the public with public moneys. We are not dealing with building for a corporation or for a private foundation or a private owner where we are dealing with private moneys. That is a different matter. We are dealing with buildings which are being done with taxpayers' money in the Commonwealth of Pennsylvania.

It would seem to me that under those circumstances it is entirely proper and just that when we are talking about millions of dollars in engineering and architectural fees, that we put those jobs up for bidding with the specifications for the bidding and the type of design and the type of project and the latitude that is to be granted to an engineer and an architect, and I am perfectly willing to trust within the executive board their ability to establish these guidelines and allow them the latitude, which we so have done, to draw up the specifications on a job-by-job basis, and recognize that architects or engineers who are working on a museum building ought to be paid more for a \$5-million or a \$10-million or a \$20-million project, perhaps, than for an architect or an engineer who is involved in building a \$5-million sanitary sewer line.

I think there is a distinction there. This amendment allows for that distinction. I think if you vote for this amendment, you are voting for accountability and responsibility to the taxpaying citizens of this Commonwealth. I solicit your support. Thank you.

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

Mr. BEREN. Mr. Speaker, will the gentleman, Mr. Knepper, consent to interrogation?

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

Mr. KNEPPER. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. BEREN. Mr. Speaker, I am glad the gentleman, Mr. Knepper, mentioned the museum building. Would he advise me, if this language were to have been in prior legislation, whether the museum building that we now have in Pennsylvania could have been constructed?

Mr. KNEPPER. There would be no question in my mind, Mr. Speaker, that it could have been; that it could have been designed in the same manner.

I think that, frankly, this is a loophole in the amendment which broadens the amendment somewhat, but I do concede that it is an important one. I say that if the new general services department determines that public interest would be harmed by selecting an architect or engineer for a particular project by competitive bid-

ding, the department can go to the executive board and ask for a waiver.

It would seem to me that if you are concerned about the aesthetics of a building such as a museum building, that perhaps the waiver would be entirely in order. But I cannot see any reason why there ought to be an exclusion on the basis of aesthetics for a sewer line or for a highway.

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

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

YEAS—45

Beren	Halverson	McCue	Spencer
Burns	Hasay	McGinnis	Stahl
Butera	Haskell	Manmiller	Taddonto
Cessar	Hayes, D. S.	Miller, M. E.	Turner
Cimini	Hayes, S. E.	Miller, M. E., Jr.	Ustynoski
Crawford	Hepford	Noye	Whelan
Davies	Hopkins	O'Connell	Whittlesey
Dorr	Hutchinson, W.	Parker, H. S.	Wilson
Fischer	Klingaman	Ryan	Worrilow
Foster, A.	Knepper	Scirica	Wright
Gleason	Levi	Smith, L.	Zord
Grieco			

NAYS—149

Abraham	Geesey	Mebus	Scheaffer
Anderson, J. H.	Geisler	Menhorn	Schmitt
Arthurs	George	Milanovich	Schweder
Barber	Giammarco	Milliron	Seltzer
Bellomini	Gillespie	Miscevich	Shane
Bennett	Gillette	Moehlmann	Shelhamer
Berson	Gleeson	Morris	Shelton
Bittle	Goodman	Mrkonic	Shuman
Blackwell	Green	Mullen, M. P.	Shupnik
Bonetto	Greenfield	Mullen	Sirianni
Bradley	Gring	Musto	Smith, E.
Brandt	Hamilton, J. H.	Myers	Stapleton
Brunner	Hammock	Novak	Stout
Caputo	Hill	O'Brien	Sullivan
Cohen	Hutchinson, A.	O'Donnell	Taylor
Cole	Iris	O'Keefe	Tayoun
Cowell	Itkin	Oliver	Toll
Cumberland	Johnson, J.	Pancoast	Trello
Davis, D. M.	Katz	Perry	Valicenti
DeMedio	Kelly, A. P.	Petrarca	Vann
Deverter	Kernick	Pievsky	Vroon
Dicarlo	Kistler	Pitts	Wagner
DiDonato	Kolter	Polite	Walsh, T. P.
Dietz	Kowalshyn	Pratt	Wansacz
Dombrowski	Kusse	Prendergast	Wargo
Doyle	LaMarca	Pyles	Weldner
Dreibelbis	Laudadio	Rappaport	Westerberg
Eckensberger	Laughlin	Reed	Wilt, R. W.
Englehart	Lederer	Renninger	Wojdak
Fawcett	Lehr	Renwick	Yahner
Fee	Letterman	Rhodes	Yohn
Fisher	Lincoln	Rieger	Zearfoss
Flaherty	Lynch	Ritter	Zeller
Foster, W.	Manderino	Romanelli	Zwikel
Fryer	McCall	Ross	
Gallagher	McClatchy	Ruggiero	Fineman,
Gallen	McIntyre	Saloom	Speaker
Garzia	McLane	Salvatore	

NOT VOTING—9

Berlin	McGraw	Richardson	Thomas
Dininni	Perri	Sweeney	Wilt, W. W.
Kelly, J. B.			

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

QUESTION OF PERSONAL PRIVILEGE

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

Mr. W. W. WILT. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. W. W. WILT. I was out of my seat. I would like to be recorded in the negative on the Knepper amendments.

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

On the question recurring,

Will the House agree to the bill on third consideration?

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

Amend Bill, page 16, by inserting between lines 24 and 25:

Section 10. Subsection (d) of section 2402 of the act, amended June 21, 1937 (P. L. 1865, No. 373), is amended to read:

Section 2402. Grounds, Buildings, and Monuments in General.—The Department of Property and Supplies shall have the power, and its duty shall be:

\* \* \*

(d) To contract in writing for and rent proper and adequate offices, rooms, or other accommodations, outside of the Capitol buildings, for any department, board, or commission, which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings; and, in all cases in which the head of a department, for such department or for a departmental administrative board or commission within such department, or an independent administrative board or commission, with the approval of the Executive Board, has established or is about to establish a branch office in any city or place outside of the capital city, with the approval of the Board of Commissioners of Public Grounds and Buildings, to contract in writing for and rent such offices, rooms, and other accommodations, as shall be proper and adequate for such department, board, or commission. The department shall rent such garages or contract for such garage space as may be necessary for the accommodations of State-owned automobiles, either in or outside of the capital city, at such rentals or rates as it shall deem reasonable. The department may also, if the General Assembly shall have appropriated funds therefor, lease any lands which may be necessary for use by any department, board, or commission in the exercise of its powers or the performance of its duties. It shall be unlawful for any other department, board, commission, or agency of the State government to enter into any leases, but the Department of Property and Supplies shall act only as agent in executing leases for departments, boards, and commissions, the expenses of which are paid wholly or mainly out of special funds, and, in such cases, the rentals shall be paid out of such special funds.

The department shall advertise for bids in a newspaper of general circulation in the geographic area where accommodations are desired and in the Pennsylvania Bulletin at least sixty days prior to the entering into such lease. The advertisement shall include the amount of floor space required and any other specifications necessary to inform prospective bidders. The Board of Commissioners of Public Buildings and Grounds shall review the proposed specifications before advertisement to insure that they are not unnecessarily or unreasonably exclusionary. All leases shall be awarded to the lowest responsible bidder subject to regulations promulgated by the department and approved by the Governor. Final approval of any lease shall still vest with the board.

\* \* \*

Amend Sec. 10, page 16, line 25 by striking out "10." and inserting: 11.

Amend Sec. 11, page 16, line 27 by striking out "11." and inserting: 12.

Amend Sec. 12, page 18, line 3 by striking out "12." and inserting: 13.

Amend Sec. 13, page 18, line 4 by striking out "13." and inserting: 14.

Amend Sec. 14, page 27, line 2 by striking out "14." and inserting: 15.

Amend Sec. 15, page 27, line 3 by striking out 15." and inserting: 16.  
 Amend Sec. 16, page 27, line 23, by striking out "16." and inserting: 17.  
 Amend Sec. 17, page 27, line 25 by striking out "17." and inserting: 18.  
 Amend Sec. 18, page 27, line 27 by striking out "18." and inserting: 19.  
 Amend Sec. 19, page 28, line 16 by striking out "19." and inserting: 20.  
 Amend Sec. 20, page 28, line 19 by striking out "20." and inserting: 21.  
 Amend Sec. 21, page 28, line 26 by striking out "21." and inserting: 22.  
 Amend Sec. 22, page 29, line 12 by striking out "22." and inserting: 23.  
 Amend Sec. 23, page 29, line 29 by striking out "23." and inserting: 24.  
 Amend Sec. 24, page 30, line 2 by striking out "24." and inserting: 25.

On the question,

Will the House agree to the amendments?

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

Mr. GLEASON. Thank you, Mr. Speaker.

First, the good news: I have five amendments on the members' desks. I am only going to present for debate and vote the first three.

Now, the better news: Amendment No. 1, Mr. Speaker, is the one which is designated "amend bill, page 16, by inserting between lines 24 and 25."

Approximately two years ago, Mr. Speaker, I was engaged in a floor debate with other members of the House—I believe it may have included yourself—with respect to a lease which had been made by the Department of Property and Supplies in the Harrisburg area. Some of that debate was pretty strong and some of it was rather amusing. I hope it was somewhat enlightening.

I believe during the course of the debate, Mr. Speaker, somebody asked me for my definition of a "sweetheart" lease. I suggested to them that ordinarily a landlord and a tenant deal across the table, they deal at arms length, but in a "sweetheart" lease, the landlord and the tenant hold hands.

Since that speech, Mr. Speaker, a great deal has transpired in terms of the leasing practices of the Department of Property and Supplies. We had before the Select Committee on State Contract Practices the question not only of the Harrisburger Hotel lease, which I think, Mr. Speaker, you will recall involved a group of men who owned the Harrisburger Hotel for several years. One of the men left the group, became deputy secretary of Property and Supplies and more or less in charge of dealing with leases. It turned out that his former business partners then received a very lucrative lease for the Department of Environmental Resources in the Harrisburger Hotel. We had the Evangelical Press building lease, again for the Department of Environmental Resources. Here again we had a ten-year lease at a cost of over \$4 million to the taxpayers, for a period of ten years with a ten-year option on the part of the owners of the building to renew it at an uncalculated cost to the taxpayers. Then, of course, we had the situation in the Pittsburgh area which resulted in indictments and convictions. Not to be undaunted, Mr. Speaker, I happened to pick up a newspaper story from the Sunbury Daily Item written by one of the Harris-

burg correspondents and I am going to quote from brief passages of that lease story: "In late 1974, a central Pennsylvania businessman was awarded a \$76,900, five-year lease by the property department"—here referring to Property and Supplies—"for building the state Department of Revenue wanted for offices in the city of Sunbury."

I suppose I should preface this by the remark of the reporter who said that political favoritism, cronyism and sometime even demands for kickbacks often are involved when politicians, state officials and private businessmen negotiate state leases of private real estate.

In this particular Sunbury account, it turned out that the landlord was questioned about whether or not he was partners with anybody in connection with this lease, the lease, of course, having been negotiated in secrecy, and he denied that he had a partner. The enterprising reporter in this case discovered that a copy of the mortgage secured by this landlord's firm when it sought financing to buy the building, identified as one of the officers seeking the mortgage a major power in politics in this state, the gentleman being none other than Mr. William Zurich of Trevorton, Northumberland County, who was also involved in the Evangelical Press transaction in Harrisburg.

Now we have had so much difficulty in this state, Mr. Speaker, with state leases and I think the reporter's observation was keen, that these leases, having been negotiated in secrecy, often give rise to these problems. Shortly after Mr. Hilton was forced to resign as Secretary of Property and Supplies, he was succeeded by Mr. Ronald Lench. Mr. Lench, back in the fall of 1974, indicated that he was going to commission the Pennsylvania Economy League to make recommendations on leasing procedures in Pennsylvania. The Harrisburg Patriot of this last week indicated what that study disclosed. I am going to read in part:

"The State's leasing requirements, says the Economy League, in all cases should be made known to all potential lessors, that is landlords who might want to lease space, including requirements for advertising and direct contact with local realtors." They also recommended that the state secure a minimum number of competitive proposals in each leasing situation.

Now, I think the new Secretary of Property and Supplies, by commissioning this study, did respond in part to the problem. I think the departure of Deputy Secretary Adler in January of 1975 was part of this ongoing response.

But I am suggesting, Mr. Speaker, that the problem is more deep-seated than Mr. Adler who left, is more deep-seated than getting the Economy League to make recommendations, because I believe the response of the secretary is not adequate to meet the problem of state leasing practices in Pennsylvania.

The secretary indicates that by regulation they may or may not get different proposals for certain leases. I am suggesting to that secretary and to the members of the House of Representatives that what we should do is to put into statute the requirement that there shall be bidding on state leases that are let by the new Department of General Services. I do not think it is enough to allow an appointee to decide when leases should be bid and when they should be negotiated.

In 1974, Mr. Speaker, the very same provision which

the members have on their desk in the form of this amendment was passed by this House 175 to 0. I am going to ask that the members of the House take that into consideration as well as their own common experience and to take into account something else that they should know. The leasing practices of this state is a very big business. The Department of Property and Supplies currently has 2,000 leases, costing more than \$20 million annually in rentals.

Now the members of the House should take into consideration what the recent history of leasing practices has been in Pennsylvania. They should take into account the fact that this House unanimously passed this provision in 1974. They should respond, I believe, Mr. Speaker, accordingly. I am asking for an affirmative vote on this proposal which this House approved by unanimous vote on November 27, 1974.

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

Mr. MANDERINO. Mr. Speaker, I rise to oppose the amendment that is offered by Mr. Gleason. The Department of Property and Supplies is already moving towards advertising for quotations when lease space is necessary. Mr. Gleason amply brought that out as a result of the Economy League study. In leasing space, though, there are many factors to be considered in addition to the cost per square foot. I think it is also a dangerous precedent to set in concrete of the statutes of this Commonwealth detailed regulations in these regards for this department. The department should have some latitude in running its affairs in this manner. We should not and cannot really in leasing space award to the lowest responsible bidder. In all cases, the space cannot be comparable necessarily in all respects and some decision and some latitude ought to be given.

I sat at the same hearings that Mr. Gleason did when he talked about "sweetheart" leases and he failed and the committee failed and the staff of so many people failed to demonstrate one lease where the Commonwealth was paying more for the lease space than the market value of that space was. I ask that all members oppose this amendment.

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

Mr. GLEASON. Mr. Speaker, in brief response, it is not sufficient, in my opinion, for the secretary to decide when and where he is going to request bids for state leases. The possibilities of manipulation, not by him, but by other people in the department are immense. I suggest that we do this legally, competitively with advertising, with specifications that people can bid on, in letting the space to the State of Pennsylvania. How often or long, Mr. Speaker, can we continue the same leasing procedures?

I do not believe, Mr. Speaker, that anymore we can leave the decision as to what shall be bid on state leases to the whims of one person. I believe this should be a matter of statutory law and I believe this House would be grossly inconsistent in voting unanimously for it at one time and in this very troubled area rejecting the very same proposal it accepted unanimously less than a year ago.

There is a certain element of flexibility in politics,

but there are certain principles and certain problems which are inflexible.

I am suggesting that you give the taxpayers a break and that you give yourselves a break in state government and a better reputation in the letting of leases for state business.

I ask you to consider very carefully what I have said, and place into statutory law what ought to have been there for the past several years in all administrations.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. REED. Would Mr. Gleason consent to interrogation?

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

Mr. GLEASON. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. REED. Mr. Speaker, I have just really one question in looking this over. I have no problem whatsoever in embracing the concept of public accountability before and after the fact of arrangement of leases, be they for one month or 10 years or whatever.

I am just curious. There has been a hue and a cry in the last year and a half regarding a decision made by the Governor to move 2 bureaus outside the city of Harrisburg. These are bureaus, of course, that service the entire state—Vital Statistics, out of the Health Department and Liquid Fuels Taxes, out of the Department of Revenue.

If, for example, there was to be space secured for a specific governmental agency and the advertisement was placed both in the Pennsylvania Bulletin and the Harrisburg Patriot and Evening News, newspapers of general circulation that cover central Pennsylvania, and a bid, say, within the city of Harrisburg turned out to be \$4 a square foot, meeting all the specifications for the building, and a bidder 50 miles from Harrisburg, meeting all the specifications, offered it at \$2 a square foot, would we not, therefore, be obligated under this provision to accept the bid of \$2 per square foot? That is a legitimate question, and I am not sure that I have got the answer to it.

Mr. GLEASON. It is a totally legitimate question, Mr. Speaker, but I would point the gentleman's attention to the first page of amendment number 1. Towards the bottom of the page you will read: "All leases shall be awarded to the lowest responsible bidder subject to regulations promulgated by the department and approved by the Governor. Final approval of any lease shall still vest with the board." That is the Board of Commissioners of Public Grounds and Buildings.

I can easily see in a situation like that that the mere fact of price is not the total determining factor. It is ease of the department. It is the facility with which employes can travel to and from that building for the purpose of doing their duty.

There is enough latitude here to prevent an ironclad dollar-and-cents situation, but the most important aspect is that this shall be a public matter. It shall be advertised and people with property available in the general area will be given an opportunity to bid.

That is what we are trying to do, take the secrecy, take the backroom dealing, in state leases out of the backroom and put it out in the front.



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

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

YEAS—94

Anderson, J. H.	Gring	McCue	Smith, E.
Beren	Halverson	McGinnis	Smith, L.
Bittle	Hamilton, J. H.	Mebus	Spencer
Brandt	Hasay	Miller, M. E.	Stahl
Burns	Haskell	Miller, M. E., Jr.	Stapleton
Butera	Hayes, D. S.	Moehlmann	Taddonio
Cessar	Hayes, S. E.	Myers	Tayoun
Cimini	Hepford	Noye	Turner
Crawford	Hill	O'Connell	Ustynoski
Cumberland	Hopkins	Pancoast	Vroon
Davies	Hutchinson, W.	Parker, H. S.	Wagner
Davis, D. M.	Itkin	Pitts	Weidner
Deverter	Katz	Polite	Westerberg
Dietz	Kistler	Pyles	Whelan
Dorr	Klingaman	Reed	Whittlesey
Fawcett	Knepfer	Renninger	Wilton
Fischer	Kolter	Ryan	Wilt, R. W.
Fisher	Kusse	Salvatore	Wilt, W. W.
Foster, A.	Lederer	Scheaffer	WorriLOW
Foster, W.	Lehr	Scirica	Wright
Gallen	Levi	Seltzer	Yohn
Geesey	Lynch	Shuman	Zearfoss
Gleason	Manmiller	Sirianni	Zord
Grieco	McClatchy		

NAYS—100

Abraham	Gelsler	Milanovich	Ruggiero
Arthurs	George	Milliron	Saloom
Barber	Giammarco	Miscevich	Schmitt
Bellomlni	Gillespie	Morris	Schweder
Bennett	Gillette	Mrkonic	Shane
Berson	Gleeson	Mullen, M. P.	Shelhamer
Blackwell	Goodman	Mullen	Shelton
Bonetto	Green	Musto	Shupnik
Bradley	Greenfield	Novak	Stout
Brunner	Hammock	O'Brien	Sullivan
Caputo	Hutchinson, A.	O'Donnell	Taylor
Cohen	Irviss	O'Keefe	Toll
Cole	Johnson, J.	Oliver	Trello
Cowell	Kelly, A. P.	Perry	Valicenti
DeMedio	Kernick	Petrarca	Vann
Dicarlo	Kowalyshyn	Pievsky	Walsh, T. P.
Dombrowski	LaMarca	Pratt	Wansacz
Doyle	Laudadio	Prendergast	Wargo
Dreibelbis	Laughlin	Rappaport	Wojdak
Eckensberger	Letterman	Renwick	Yahner
Englehart	Lincoln	Rhodes	Zeller
Fee	Manderino	Rieger	Zwinkl
Flaherty	McCall	Ritter	
Fryer	McIntyre	Romanelli	Fineman, Speaker
Gallagher	McLane	Ross	
Garzia	Menhorn		

NOT VOTING—9

Berlin	Kelly, J. B.	Perri	Sweeney
DiDonato	McGraw	Richardson	Thomas
Dininni			

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

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

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

Amend Title, page 1, line 25 by removing the period after "department" and inserting: further providing for the composition and powers and duties of the Board of Commissioners of Public Grounds and Buildings.

Amend Sec. 2, page 3, line 1, by inserting after "Supplies": amended May 25, 1945 (P. L. 1015, No. 389) and June 6, 1945 (P. L. 1398, No. 46),

Amend Bill, page 6, by inserting between lines 24 and 25:

Section 6. Section 446 of the act, amended June 6, 1939 (P. L. 250, No. 144), is amended to read:

Section 446. Board of Commissioners of Public Grounds and Buildings.—The Board of Commissioners of Public Grounds and Buildings shall consist of the Governor, [the Auditor General, and] the State Treasurer and the Senate leader or his designee of the party opposite that of the Governor. The Governor may authorize the Secretary to the Governor, or some other employe of the Governor's office, to serve in his stead on said board. The [Auditor General and the] State Treasurer may authorize a named deputy, of [their respective departments,] his department, to serve in [their] stead on said board; Provided, however, That any such person designated by the Governor [, the Auditor General] or the State Treasurer, shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania requires such officials personally to exercise or perform.

Amend Sec. 6, page 6, line 25 by striking out "6." and inserting: 7.

Amend Sec. 7, page 6, line 26 by striking out "7." and inserting: 8.

Amend Sec. 8, page 9, line 21 by striking out "8." and inserting: 9.

Amend Sec. 9, page 9, line 28 by striking out "9." and inserting: 10.

Amend Sec. 9 (Sec. 2401.1), page 14, line 5, by striking out "The"

Amend Sec. 10, page 16, line 25 by striking out "10." and inserting: 11.

Amend Sec. 11, page 16, line 27 by striking out "11." and inserting: 12.

Amend Sec. 12, page 18, line 3 by striking out "12." and inserting: 13.

Amend Sec. 13, page 18, line 4 by striking out "13." and inserting: 14.

Amend Sec. 13(2408), page 20, line 10, by inserting brackets before and after "specifications" and inserting immediately thereafter: specifications

Amend Sec. 13(Sec. 2408), page 20, line 16, by inserting underscoring beneath the words "design of"

Amend Sec. 13(Sec. 2408), page 21, line 24, by striking out "or" and inserting: of

Amend Sec. 13(Sec. 2408), page 24, line 27, by striking out "bonds" and inserting: bond

Amend Sec. 14, page 27, line 2 by striking out "14." and inserting: 15.

Amend Sec. 15, page 27, line 3 by striking out "15." and inserting: 16.

Amend Sec. 15(Sec. 2412), page 27, line 17, by striking out "not" and inserting: nor

Amend Bill, page 27, by inserting between lines 22 and 23:

Section 17. Clause (a) of section 2413 of the act, amended June 5, 1947 (P. L. 407, No. 187), is amended to read:

Section 2413. Board of Commissioners of Public Grounds and Buildings.—The Board of Commissioners of Public Grounds and Buildings shall have the power, and its duty shall be:

(a) To approve or disapprove all proposed leases for offices, branch offices, rooms, and accommodations[, outside the capital city];

\* \* \*

Amend Sec. 16, page 27, line 23 by striking out "16." and inserting: 18.

Amend Sec. 17, page 27, line 25 by striking out "17." and inserting: 19.

Amend Sec. 18, page 27, line 27 by striking out "18." and inserting: 20.

Amend Sec. 19, page 28, line 16 by striking out "19." and inserting: 21.

Amend Sec. 20, page 28, line 19 by striking out "20." and inserting: 22.

Amend Sec. 21, page 28, line 26 by striking out "21." and inserting: 23.

Amend Sec. 22, page 29, line 12, by striking out "22." and inserting: 24.

Amend Sec. 23, page 29, line 29 by striking out "23." and inserting: 25.

Amend Sec. 24, page 30, line 2 by striking out "24." and inserting: 26.



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

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

Mr. GLEASON. This is the amendment designated number (2), "Amend title 1, page 1, line 25."

Essentially, Mr. Speaker, there are all kinds of relatively unknown state boards and commissions which operate on a daily basis and whose decisions mean a great deal to the average Pennsylvanian.

One of those boards is one that I had never heard of before our inquiries last year, and that is, the Board of Commissioners of Public Grounds and Buildings.

Now the Board of Commissioners of Public Grounds and Buildings is composed of three members—the Governor, the state treasurer and the auditor general.

Now the Board of Commissioners has essentially two functions: Number one, they approve or disapprove all leases of state buildings outside of Harrisburg. That is the first job that they have.

This amendment speaks to amending that provision by saying that the Board of Commissioners shall approve all leases whether they are in Harrisburg or outside. That is part one of the amendment.

Now I have already told the members, Mr. Speaker, about the composition of this board. As I said, it is composed of the Governor, the state treasurer and the auditor general.

But, unfortunately, Mr. Speaker, the auditor general is not allowed to function as a member of this board. The reason for this is that in the 1968 convention, the auditor general was stripped of his powers to audit before the fact of any state contract. In other words, before 1968, the auditor general had the power of pre-approval of contracts and the power of auditing them afterwards to see if they were legally entered into. At the present time, the auditor general can only post-audit state transactions. As I have said, Mr. Speaker, the auditor general can no longer function as a member of this board.

Now the other half of the amendment provides that the auditor general shall be replaced as a member of this Board of Commissioners of Public Grounds and Buildings by the Senate leader or his designee from the party opposite to that of the Governor.

Now, if we want to have bipartisan oversight on state leases as one of the other larger jobs of the Board of Commissioners of Public Grounds and Buildings and since we do not have the auditor general allowed to function, I am suggesting that the members of the House approve this amendment, which will give approval of leases to the board inside of Harrisburg as well as out and also provide for the Senate leader of the party opposite from that of the Governor to serve on this extremely important board. I ask for an affirmative vote.

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

Mr. MANDERINO. Mr. Speaker, I rise to oppose the amendment. The entire philosophy of the bill before us is to place the responsibility for building construction in this Commonwealth in one place so that accountability is in one place.

The addition of a Senate leader, and albeit a Senate

leader of the opposite party of the Governor, would, once again, involve the legislature and the legislative leaders in the day-to-day operations and functions of the construction of the Commonwealth. This is what we are trying to eliminate. This is one of the main reasons that the bill is before us, to take the legislative leaders out of building construction in the Commonwealth. We are trying to eliminate this with the abolition of the GSA board.

This amendment also, as Mr. Gleason says, would extend the board's power to leases inside the capital city. I do not violently oppose this section of his amendment, but coupled with the first, in that manner, I would ask the members to reject the amendment and vote "no."

#### AMENDMENTS DIVIDED

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

Mr. GLEASON. Mr. Speaker, is the question divisible? Specifically, I am referring to page 3 of the amendment. The last page of the Gleason No. 2 amendment, I am going to ask if that can be divided from the question of the constitution of the board?

The SPEAKER. Where is the gentleman suggesting the division?

Mr. GLEASON. Page 3 of the amendment, the top of the line, "Amend bill, page 27, by inserting between lines 22 and 23, section 17."

The SPEAKER. The Chair believes that the amendment is divisible at that point.

Mr. GLEASON. I would ask, then, Mr. Speaker, that there be two votes on this amendment, the first vote being as to the power of the board to approve leases in Harrisburg; the second vote being as to the reconstitution of the Board of Commissioners of Public Grounds and Buildings.

And, if I am in order, I would like to speak briefly as to the second amendment before we take a vote.

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

Mr. GLEASON. Mr. Speaker, this House by a vote of 94 to 100 has voted to refuse to allow competitive public bidding for leases. Now if that is the judgment of the House, it seems to me pretty apparent that the members of the House ought now to reconstitute the Board of Commissioners of Public Grounds and Buildings by interjecting the Senate member or his designee as a member of the board.

The rejection of public bidding, in my view, Mr. Speaker, underlines the importance of constituting this board in such a way that at least some oversight, some overview of the department shall take place in the letting of leases, and I would hope that the members would take this into consideration. In my view, Mr. Speaker, we do ourselves no great service by stone-walling this amendment.

The SPEAKER. The Chair places before the House the amendment that appears on page 3 of the bill, which is the amendment that the gentleman, Mr. Manderino, indicates he has no objection to.

On the question,

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

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

YEAS—192

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

NAYS—1

Kelly, A. P.

NOT VOTING—10

Berlin	Kelly, J. E.	Richardson	Sweeney
Dininni	Manderino	Ruggiero	Thomas
Green	McGraw		

So the question was determined in the affirmative and Part I of the Gleason amendments was agreed to.

The SPEAKER. The Chair now places before the House the amendments that appear on pages 1 and 2, which are the amendments to which the gentleman, Mr. Manderino, has indicated opposition.

On the question,

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

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

YEAS—90

Anderson, J. H.	Geesey	McCue	Sirianni
Barber	Gleason	McGinnis	Smith, E.
Beren	Grieco	Manmiller	Smith, L.
Bittle	Gring	Mebus	Spencer
Blackwell	Halverson	Miller, M. E.	Stahl
Bradley	Hamilton, J. H.	Miller, M. E., Jr.	Taddonio
Brandt	Hasay	Moehlmann	Turner
Burns	Haskell	Noye	Ustynoski
Butera	Hayes, D. S.	O'Connell	Vroon

Cessar	Hayes, S. E.	Pancoast	Wagner
Cimini	Hepford	Parker, H. S.	Weidner
Crawford	Hill	Perri	Westerberg
Cumberland	Hopkins	Pitts	Whelan
Davies	Hutchinson, W.	Polite	Whittlesey
Davis, D. M.	Katz	Pyles	Wilson
Deverter	Kistler	Renninger	Wilt, R. W.
Dorr	Klingaman	Ryan	Wilt, W. W.
Fawcett	Knepper	Salvatore	Worrilow
Fischer	Kusse	Scheaffer	Wright
Fisher	Lehr	Scirica	Yohn
Foster, A.	Levi	Seltzer	Zearfoss
Foster, W.	Lynch	Shuman	Zord
Gallen	McClatchy		

NAYS—103

Abraham	Gillespie	Milanovich	Ross
Arthurs	Gillette	Milliron	Saloom
Bellomini	Gleeson	Miscevich	Schmitt
Bennett	Goodman	Morris	Schweder
Berson	Green	Mrkonic	Shane
Bonetto	Greenfield	Mullen, M. P.	Shelhamer
Brunner	Hammock	Mullen	Shelton
Caputo	Hutchinson, A.	Musto	Shupnik
Cohen	Irvis	Myers	Stapleton
Cole	Itkin	Novak	Stout
Cowell	Johnson, J.	O'Brien	Sullivan
DeMedio	Kelly, A. P.	O'Donnell	Taylor
Dicarlo	Kernick	O'Keefe	Tayoun
DiDonato	Kolter	Perry	Trello
Dombrowski	Kowalshyn	Petrarca	Valicenti
Doyle	LaMarca	Pievsky	Vann
Dreibelbis	Laudadio	Pievsky	Walsh, T. P.
Eckensberger	Laughlin	Pratt	Wansacz
Englehart	Lederer	Prendergast	Wargo
Fee	Letterman	Rappaport	Wojdak
Flaherty	Lincoln	Reed	Yahner
Fryer	Manderino	Renwick	Zeller
Gallagher	McCall	Rhodes	Zwinkl
Garzia	McIntyre	Rieger	
Geisler	McLane	Ritter	Fineman,
George	Menhorn	Romanelli	Speaker
Giammarco			

NOT VOTING—10

Berlin	Kelly, J. E.	Ruggiero	Thomas
Dietz	McGraw	Sweeney	Toll
Dininni	Richardson		

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

On the question,

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

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

Amend Sec. 16, page 27, line 23, by striking out "Sections 2413(b) and" and inserting: Section

Amend Sec. 16, page 27, line 23, by striking out "are" and inserting: is

On the question,

Will the House agree to the amendments?

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

Mr. GLEASON. I am talking again, Mr. Speaker, about that Board of Commissioners of Public Grounds and Buildings. Senate bill No. 368 as it is before you, eliminates one of the two functions of the Board of Commissioners of Public Grounds and Buildings. I have already averred to the first one, that is, the approval of leases. Now the second function of the Board of Commissioners of Public Grounds and Buildings is to approve or disapprove what people in the business call "single item purchases." Most everything which Property and Supplies or the new General Services Department buys, has to be bid. There are extensive bidding requirements, and there are extensive specifications of the department for their various requirements of state government.

Now this is one of those little hookers, Mr. Speaker—and I mean it in the more ancient sense of the word—

The SPEAKER. I am glad you said that.

Mr. GLEASON. —of state government which we have to understand very carefully. If a state hospital has a requirement for an X-Ray machine, which it believes only the "XYZ" company can fulfill, then it must really get permission and approval of the Board of Commissioners of Public Grounds and Buildings before it can buy that X-Ray machine. These are unique, special-item situations which are very much fraught with potential abuse.

Now Senate bill No. 368 rips out this function of approval by the Board of Commissioners of Public Grounds and Buildings of these so-called unique items. We are going to lose, if Senate bill No. 368 passes without this amendment, that additional oversight, that additional check, we have on agencies, boards and commissions of state government.

We are talking here about single purchases of items which cost millions of dollars which must be approved, after requested, by the Board of Commissioners of Public Grounds and Buildings. Now this amendment puts back that power of this board, and I ask the members of the House, why should this power of special purchase oversight be ripped away, removing about the only chance you have to make sure that somebody in some agency or department is not fooling around with the taxpayers' money and making "sweetheart" deals to buy equipment which is not unique. I ask for an affirmative vote.

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

Mr. MANDERINO. Mr. Speaker, if the House defeats this amendment, the Commonwealth will lose nothing, and they should defeat the amendment. I rise to oppose the amendment.

The amendment that Mr. Gleason offers to reinstate that section of the Administrative Code that he described is very seldom, if ever, used in the Commonwealth. And the reason it is very seldom or ever used, using this oversight function of the Board of Commissioners of Public Grounds and Buildings, is that the safeguards that Mr. Gleason is looking for are adequately provided throughout the Administrative Code on these types of purchases, and we are eliminating this as, really, a housekeeping measure and it should be done. I oppose the amendment.

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

Mr. GLEASON. Mr. Speaker, this is something like the electric chair, I guess. It is seldom used but is there. I would hope, Mr. Speaker, that the members would accept this amendment to provide that additional check.

I yield to the gentleman, Mr. Seltzer.

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

Mr. SELTZER. Mr. Speaker, the gentleman from Westmoreland, Mr. Manderino, indicates that we really do not need this safeguard. Mr. Speaker, it was this safeguard several years ago which forced this administration to sell back an airplane which it bought without going through this same board of commissioners. I suggest,

Mr. Speaker, for that reason, if no other, that we adopt this amendment.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the example that Mr. Seltzer has pointed to would have been adequately taken care of by other sections of the Administrative Code.

Again I repeat, this is an unnecessary section of the code. As a housekeeping measure as we are cleaning up the merger of General State Authority with the Department of Property and Supplies, it should be eliminated. I ask for a negative vote.

On the question recurring,

Will the House agree to the amendments?

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

YEAS—86

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

NAYS—109

Abraham	Geisler	Menhorn	Saloom
Arthurs	George	Milanovich	Schmitt
Barber	Giammarco	Milliron	Schweder
Bellomini	Gillespie	Miscevich	Shane
Bennett	Gillette	Morris	Shelhamer
Berson	Gleason	Mrkonic	Shelton
Blackwell	Goodman	Mullen, M. P.	Shuman
Bonetto	Green	Mullen	Shupnik
Bradley	Greenfield	Musto	Stapleton
Brunner	Hammock	Myers	Stout
Caputo	Hutchinson, A.	Novak	Sullivan
Cohen	Irvic	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	Valicenti
Dicarlo	Kolter	Petrarca	Vann
DiDonato	Kowalyszyn	Ptevsky	Walsh, T. P.
Dombrowski	LaMarca	Pratt	Wansacz
Doyle	Laudadio	Prendergast	Wargo
Dreibelbis	Laughlin	Rappaport	Wojdak
Eckensberger	Lederer	Reed	Yahner
Engelhart	Letterman	Renwick	Zeller
Fee	Lincoln	Rieger	Zwickl
Flaherty	Manderino	Ritter	
Fryer	McCall	Romanelli	Fineman,
Gallagher	McIntyre	Ross	Speaker
Garzia	McLane	Ruggiero	

NOT VOTING—8

Berlin	Kelly, J. B.	Rhodes	Sweeney
Dininni	McGraw	Richardson	Thomas

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

On the question recurring,

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

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

Amend Title, page 1, line 22, by inserting after "duties;": establishing the Bureau of Risk Management in the Governor's Office and providing for its powers and duties;

Amend Bill, page 9, by inserting between lines 20 and 21:

Section 8. The act is amended by adding a section to read:

Section 709.1. Bureau of Risk Management.—(a) The Bureau of Risk Management is hereby established in the Office of Administration in the Governor's Office which shall be under the supervision of a director appointed by the Governor by and with the advice and consent of two-thirds of all members of the Senate at a salary established by the Executive Board.

(b) The director shall be a Chartered Property and Casualty Underwriter with a baccalaureate degree in a field of business and at least five years practical experience in insurance agency or brokerage operations. The degree requirement shall be deemed satisfied by two additional years of experience in a managerial capacity.

(c) The director shall have the authority to hire and set employment qualifications for all such professional, technical and clerical staff as may be necessary to carry out proper functions of the bureau.

(d) The bureau shall have the power and its duty shall be:

(1) To identify and evaluate all the risks with which the Commonwealth is faced.

(2) To formulate policies and assume complete responsibility for avoiding, reducing, controlling, assuming and transferring risks.

(3) To prepare detailed specifications for the transferring of risks through insurance.

(4) To direct the Department of General Services to obtain not less than three proposals from different insurance companies specifying the form, rates, and commissions to be paid to the Commonwealth for each policy determined to be needed by the bureau.

(5) To promulgate rules and regulations to carry out the risk management policies formulated.

(6) To have complete access to all departments, bureaus, boards, agencies, commissions, committees and authorities at all times for the purpose of identifying and evaluating the Commonwealth's risk.

(7) To consult with the Insurance Department before the final approval of each insurance contract for its opinion that the insurer chosen has the requisite financial integrity, security and sound management to do business with the Commonwealth.

(8) To review each policy selected by the Department of General Services for conformity with the stated specifications, and to give final approval thereto.

(9) To recommend legislation to the General Assembly for the improvement of the Commonwealth's risk management.

(10) To do all other things necessary for the proper conduct of the bureau.

Amend Sec. 8, page 9, line 21, by striking out "8." and inserting: 9.

Amend Sec. 9, page 9, line 28, by striking out "9." and inserting: 10.

Amend Sec. 10, page 16, line 25, by striking out "10." and inserting: 11.

Amend Sec. 11, page 16, line 27, by striking out "11." and inserting: 12.

Amend Sec. 12, page 18, line 3, by striking out "12." and inserting: 13.

Amend Sec. 13, page 18, line 4, by striking out "13." and inserting: 14.

Amend Sec. 14, page 27, line 2, by striking out "14." and inserting: 15.

Amend Sec. 15, page 27, line 3, by striking out "15." and inserting: 16.

Amend Sec. 16, page 27, line 23, by striking out "16." and inserting: 17.

Amend Sec. 17, page 27, line 25, by striking out "17." and inserting: 18.

Amend Sec. 18, page 27, line 27, by striking out "18." and inserting: 19.

Amend Sec. 19, page 28, line 16, by striking out "19." and inserting: 20.

Amend Sec. 20, page 28, line 19, by striking out "20." and inserting: 21.

Amend Sec. 21, page 28, line 26, by striking out "21." and inserting: 22.

Amend Sec. 22, page 29, line 12, by striking out "22." and inserting: 23.

Amend Sec. 23, page 29, line 29, by striking out "23." and inserting: 24.

Amend Sec. 24, page 30, line 2, by striking out "24." and inserting: 25.

On the question,

Will the House agree to the amendments?

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

Mr. RENNINGER. Mr. Speaker, the amendment which I am proposing to section 368 would, in the area of risk management, bring this state into the present century. What it proposes is to establish in the Governor's office a bureau of risk management.

Now this may be a confusing term for those who are not involved in the litigation explosion and the responsibility that is being accorded and assumed by government for more and more of its operations.

This is being reflected in insurance premiums and exposure of employes to dangerous conditions.

We are, I believe, underway at the present time, to taking away the sovereign immunity which is an ancient doctrine that has always protected the sovereign and which will eventually be abolished one way or another, through court decision or by the continued action of this legislature.

In the private sector, one of the most responsible positions in corporate management today is the risk manager. This subject matter is expanding in its importance.

It is vitally important that the risk manager report directly to the Governor. In the private sector, these people now report directly to the president of the corporations in the everyday operation of the businesses which are far flung.

The proposal I have requires that the director of this particular bureau ". . . shall be a Chartered Property and Casualty Underwriter with a baccalaureate degree. . . ."

This is an area that is highly technical. It is vitally important to the costs of the operation of this Commonwealth and appropriately requires that kind of talent to assume the responsibility for the safety of the employes and the attendant responsibility we have to them. I ask for support of this amendment.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, this amendment which establishes a bureau of risk management, I rise to oppose.

The Department of Property and Supplies has already set up a Bureau of Risk Management. This Bureau of Risk Management already in existence would obviously become a part of the new general services department.

Item (a) in the amendment calls for a Senate confirmation of the director of that bureau. This is ridiculous. The administrator of the bureau is not any more significant than hundreds of other bureau directors in state government. The fact that the directorship of this par-

ticular bureau has been abused over the past several years is no reason to provide Senate confirmation.

Item (4) in the amendment requires that the department of general services obtain not less than three proposals on insurance contracts. In some instances there is no question that this is not possible. We could not comply with the law.

Item (7) in the amendment requires consultation of the insurance department before any final approval of any insurance contracts in the Commonwealth.

In my opinion, Mr. Speaker, this requirement for approval is a clear conflict of interest for the Insurance Department. The Insurance Department regulates the insurance industry, the insurance carriers. At the same time, to have the duty to advise another department on procurement of contracts and the soundness of any particular firm bidding, it seems to me is in direct conflict. A competent risk manager will be able to determine the soundness of a policy without consultation of the Insurance Department. That is his job.

This amendment is unnecessary. This amendment is fraught with problems. I ask every member to oppose the amendment.

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

Mr. RENNINGER. In response, the reason that in the private sector the reporting goes to the president of the company in most companies and why it should go to the Governor here is because various departments are very jealous of the prerogatives of those departments. We would be very naive if we were not aware of this.

This responsibility must cut through that type of limitation on the appropriate functioning of this department. There is not any question that when somebody from Property and Supplies goes waltzing over to the Department of Environmental Resources, the front door gets slammed as a practical matter. It is just the way people behave. I think you people are aware of that.

As to Senate confirmation, I think you all ought to realize that in recommending to the Department of Property and Supplies various insurance programs to deal with the myriad exposures of this Commonwealth, we want as much protection of the public interest as possible so that we have people in this office who are basically very responsible and very accountable.

The insurance premiums this Commonwealth pays are probably unbelievably extensive. There are many areas where the judgment has to be made to self-insure those risks. There are many ways in which you can pull these risks together and appropriately deal with them. But if you are going to be caged by a departmental label, I guarantee you, your effectiveness will be limited.

As to getting proposals for insurance, I think that is a very practical consideration. In certain areas you may find, yes, you cannot get a proposal on certain types of exposures at all. I think that would have to be dealt with on a self-insured basis.

As far as the Insurance Commissioner being involved in this responsibility and the conditioning action with his approval and the experts in his department, we are talking about what policies say and what the substance of them really is. I am sure you all have read many, many insurance policies and know that it takes at least a battery of lawyers in excess of the size of this House and Senate and the Federal Senate to determine what is actually being underwritten.

I think it is vitally important that we bring this subject matter into some rational system of management instead of the scatter shot which is presently looking at us.

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

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

## YEAS—81

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

## NAYS—111

Abraham	Getsler	McLane	Ruggiero
Arthurs	George	Menhorn	Saloom
Barber	Giammarco	Milanovich	Schmitt
Bellomini	Gillespie	Milliron	Schweder
Bennett	Gillette	Miscevich	Shane
Berson	Gleeson	Morris	Shelhamer
Blackwell	Goodman	Mrkoncic	Shelton
Bonetto	Green	Mullen, M. P.	Shuman
Bradley	Greenfield	Mullen	Shupnik
Brunner	Hamilton, J. H.	Musto	Stapleton
Caputo	Hammock	Myers	Stout
Cohen	Hutchinson, A.	Novak	Sullivan
Cole	Irvis	O'Brien	Taylor
Cowell	Itkin	O'Donnell	Tayoun
Davis, D. M.	Johnson, J.	O'Keefe	Toil
DeMedio	Kelly, A. P.	Oliver	Trello
Dicarlo	Kernick	Perry	Valicenti
DiDonato	Kolter	Petrarca	Vann
Dombrowski	Kowalshyn	Pievsy	Walsh, T. P.
Dorr	LaMarca	Pratt	Wansacz
Doyle	Laudadio	Prendergast	Wargo
Dreibelbs	Laughlin	Rappaport	Wojdak
Eckensberger	Lederer	Reed	Yahner
Engelhart	Letterman	Renwick	Zeller
Fee	Lincoln	Rieger	Zwinkl
Flaherty	Manderino	Ritter	
Fryer	McCall	Romanelli	Fineman,
Gallagher	McIntyre	Ross	Speaker
Garza			

## NOT VOTING—11

Berlin	Kelly, J. B.	Rhodes	Sweeney
Dininni	McGraw	Richardson	Thomas
Hayes, D. S.	Perri	Salvatore	

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

## QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. DORR. I would like to be recorded in the affirmative on the first Renninger amendment to Senate bill No. 368.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

On the question recurring,

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

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

Amend Bill, page 18 by inserting between lines 3 and 4: Section 121. Section 2404.1 of the act, added January 27, 1966 (1965 P. L. 1624, No. 577). is amended to read:

Section 2404.1. Secretary of [Property and Supplies] General Services a Licensed Insurance Broker.—The Secretary of [Property and Supplies] General Services, ex officio, is hereby authorized and his duty shall be to transact business as a licensed insurance broker for the purpose of exclusively contracting all insurance and surety bonds for any department, board, agency or commission of this Commonwealth and for the General State Authority, the State Public School Building Authority or any other State authority or commission created by law.

[Any and all fees collected by the Secretary of Property and Supplies] All commissions and fees paid by insurers shall be paid to the Secretary of General Services, for the performance of the duties of a licensed insurance broker in contracting insurance or surety bonds for any department, board, agency, commission or authority of this Commonwealth shall be paid into the Higher Education Assistance Fund. Nothing herein contained shall be construed to prohibit the Secretary of General Services, or his designee from contracting with insurers for the placement of insurance on a "net premium" basis wherein commission or fees are not paid.

On the question,

Will the House agree to the amendment?

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

Mr. RENNINGER. Mr. Speaker, this amendment is basically what may be called the "anti-gravy-train" amendment. What it provides in substance, other than tying the language in with existing law, is that the general services secretary—of course as you know, if there are any commissions that are earned and paid to him, they are turned over to the Higher Education Assistance Agency. However, we are spelling out here that he—would have either that duty or the right to negotiate "net premium basis wherein commissions or fees are not paid." I think that it is vitally important that we seriously address ourselves to the fact of where those commissions go, exactly where they go, and who is specifically accountable for those commissions, or we want evidence that there was no commission, and that has to be the responsibility of the Secretary of General Services. I move the adoption of this amendment.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, again I rise to oppose the amendment. Since last September the Secretary of Property and Supplies has been attempting to deal with the insurance companies on the net premium basis wherever and whenever possible. As a result, the secretary has saved the Commonwealth considerable money. In some cases, however, the best possible buy for the Commonwealth has been with companies that deal exclusively, exclusively, through outside agents, and in some cases it was not possible to buy the necessary coverage except through this broker. If this amendment were adopted, the secretary would be precluded from dealing with these

companies and would have to purchase that particular type of insurance through other companies and may not get the best buy for the Commonwealth dollar.

This amendment is of necessity now or the insurance available to the secretary could cost, in many cases, the Commonwealth much more money, and I rise in opposition to the amendment and I ask all members to defeat it.

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

Mr. RENNINGER. Mr. Speaker, I think that we should not kid ourselves about this amendment and its significance. This is the very loophole that enabled Frank Hilton to pocket \$250,000. People are under indictment, or subject to indictment, rising out of the practices of acquiring insurance in this Commonwealth. I think that this legislature and each and every one of us has a responsibility to say, no, there will not be such an exposure.

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

Mr. WILSON. Mr. Speaker, would Mr. Manderino consent to interrogation?

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

Mr. MANDERINO. I shall.

The SPEAKER. The gentleman may proceed.

Mr. WILSON. Mr. Speaker, you alluded in your rebuttal or opposition to the amendment that the current Secretary of Property and Supplies since last November was negotiating contracts for insurance policies that included policies through brokers rather than buying directly and was saving the Commonwealth money in that effort. Could you cite those examples for us, please?

Mr. MANDERINO. Mr. Speaker, I spoke directly with the Secretary of Property and Supplies in the matter—who, as you know, has an Economy League study going on to make recommendations and changes—and I asked him what the procedure has been since he has been there. He tells me that he has been negotiating directly with companies, not using brokers or agents, wherever that is possible. He is inviting proposals from companies.

He also tells me that in all cases this is not possible. Some coverages are only available again through companies that do not sell except through brokers and agents, and this amendment will unduly restrict the operations of that department in getting the best tax dollars spent for insurance premiums.

If you are asking me for a specific example, I can only tell you he says that in every case he has negotiated since then directly with the companies.

Mr. WILSON. Mr. Speaker, perhaps I can rephrase my question. I believe your commentary so stated that positively the secretary, since last November, has instigated some policies through brokers that have saved the Commonwealth money?

Mr. MANDERINO. Not through brokers; directly with companies. If I said that, I misspoke. I am saying that the savings have come from negotiating directly with companies. I also stated that the secretary indicates that that is not always possible.

Mr. WILSON. Mr. Speaker, if this is the case, if the secretary is negotiating, which I understand is the thrust of Mr. Renninger's amendment, what is wrong with doing it this way and making it law? Perhaps we will

have other secretaries or whatever he is going to be called now who could do that.

Mr. MANDERINO. I have indicated to you that it is not always possible to invite proposals from companies that deal in a coverage because certain companies deal only and exclusively through agents and brokers and will not deal directly. Sometimes that is the best coverage that can be obtained for the premium dollar.

Mr. WILSON. Do you have any examples of where the Commonwealth can obtain a policy of insurance through a broker that is any better than they can obtain through the company directly?

Mr. MANDERINO. I can only state again—if you want me to state it for the third time, I will, Mr. Speaker. I can only tell you—that there are certain companies that deal exclusively with agents and brokers and will not sell their insurance except in that manner.

Mr. WILSON. Can you name one? I am not in the insurance business. I would like for you just to cite one.

Mr. MANDERINO. I have no personal knowledge. It is my understanding that there are a number of companies that do that. My understanding comes from the Secretary of Property and Supplies who deals with this everyday.

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

Will the gentleman yield to the gentleman, Mr. Hamilton?

Mr. HAMILTON. Maybe I can help Mr. Manderino out. Back in 1971 the Transamerica Company bid on some bond business through Property and Supplies. They are an agency company. They came in with a low bid and they wrote it through our agency because we are agents for them and assigned a nominal premium to us and gave the remaining to the state. They were low bidders on this, but, just as Mr. Manderino said, they will not bid directly because they are an agency-writing company.

That is one example where the Commonwealth saved money by bidding through that company that deals through agents. They do do it, Mr. Speaker.

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

Mr. WILSON. I thank the gentleman, Mr. Hamilton.

Mr. Speaker, if this is the case, I think we are all interested in the Commonwealth getting the best policy, the best buy, for the best dollar. But in this particular amendment what is to prevent, under this amendment if it became law, the secretary from obtaining the best buy? I do not see anything in the language here that would prevent him from obtaining the best buy.

Mr. MANDERINO. The only thing I can say, Mr. Speaker, if the best buy is through a company or from a company that deals exclusively with agents, the proscription that he cannot deal in that manner through agents and pay commissions, he cannot get the best buy for the Commonwealth.

Mr. WILSON. I thank the gentleman. May I address a question to Mr. Renninger, please?

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

Mr. RENNINGER. Yes, sir.

Mr. WILSON. Mr. Speaker, may I propose to you the same question? With your amendment if it became law, could the Secretary of Property and Supplies

efficiently and effectively purchase insurance through the lowest possible bidder even though, perhaps, it might be a broker?

Mr. RENNINGER. Yes. This bill does not prohibit dealing with an agency company where they demand and require—the company requires—that. All it prohibits is the assignment of the premium, which was my understanding of what Mr. Hilton did.

Mr. WILSON. I thank the gentleman, I thank the Speaker.

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

Mr. VROON. Mr. Speaker, there is some misunderstanding about this broker bit. As a licensed broker, any company can recognize this man as the broker of record. The fact of the matter is this particular amendment mandates that he be recognized as a broker of record. In no instance is there any danger that we miss getting insurance because we do not deal through another broker. We now have our own broker under this amendment. He will be the broker of record. In fact, the director of Property and Supplies currently is an insurance broker. With the use of our own broker, we need not be concerned about whoever bids on the insurance; we will get the bid from anybody whether or not he deals through brokers. When it comes to us in this manner, we will automatically as the state get the broker's fee. I see no validity at all in the argument raised by the majority whip.

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

Mr. GLEASON. Mr. Speaker, just to reiterate what Mr. Vroon said, there is no validity to the argument of the majority whip. This amendment makes the secretary of general services the exclusive broker. All fees and commissions must be paid to him. He must turn all of that money over to the Pennsylvania Higher Education Assistance Agency. It was an apparent loophole in the law which supposedly justified Mr. Hilton from dealing with people like Mr. Ohle and others. This amendment closes it once and for all. There is no prohibition in here about dealing with so-called agency companies, except that from here on in the only agent or broker involved is the secretary. When we are talking about an insurance scandal that cost the Commonwealth three quarters of a million dollars, for us to stand here and oppose this kind of an amendment is to me the height of folly and absurdity.

The SPEAKER. The Chair recognizes the majority whip.

While the gentleman is busy, the Chair will recognize the gentleman Mr. Stahl. The Chair recognizes the gentleman from Berks, Mr. Stahl.

Mr. STAHL. The point of Mr. Manderino was, I think, that the secretary under this amendment—and I hope Mr. Manderino will correct me if I am wrong—would restrict somehow the Secretary of Property and Supplies; now the secretary of general services. That is not the case. There is no restriction in here; it gives him latitude.

For the noninsurance agents in this House, an agent is a representative of the company. A broker is the representative of the insured and can deal with anyone. He



can deal with brokers, agents, companies directly. All we are saying is that he is the broker for us. He will contract with anybody out there that he can find, whether it is an agent, a company or another broker. We just say in the law what he can do and what he cannot do. There is no restriction here; it is actually a broadening of his powers, to accept net premium accounts which will, in the long run, save the Commonwealth money, because in building an insurance premium the company also actually takes a profit out of the insurance agent's commissions. It is a little weird how you get down to that but that is exactly what happens. If we can directly contract with an insurance company without paying a middleman somewhere, we actually get a lower premium than we would get if we had the middleman. We are just giving him the right in law to do this. Thank you.

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

Mr. MANDERINO. Mr. Speaker, you can say it any way you want but the fact remains that we do not, by saying that the Insurance Commissioner is a licensed broker, attach him as an agent to every company that sells insurance in this Commonwealth. That just is not the fact. The fact is that there are certain companies selling insurance which may be the best buy for the Commonwealth, that will not sell except through their agent, not the secretary. And for those situations, the secretary would not be getting the best buy. He is not, by any legislation that we have passed, the agent for everybody who sells insurance in the Commonwealth, and that is the fact, and you can say it anyway you want. The fact is, if you adopt this amendment, you are going to restrict him from getting the best buy for the premium dollars in certain situations where he must deal with certain agents.

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

Mr. STAHL. Mr. Speaker, will the gentleman, Mr. Manderino, consent to a brief interrogation?

The SPEAKER. Will Mr. Manderino consent to interrogation?

Mr. MANDERINO. Yes, Mr. Speaker.

Mr. STAHL. Where in this amendment, and point to it specifically if you will, please, does it say that—and by the way, you referred to the Insurance Commissioner; it is not the Insurance Commissioner; we are talking about the Secretary of Property and Supplies now, the secretary of general services in this amendment. Can you tell me anywhere in this amendment where if I were the secretary of general services, if this amendment were adopted—I could not contract with whom-ever I wanted to? Can you tell me in this amendment where it says that I could not contract with an agent who represents another company?

Mr. MANDERINO. Mr. Speaker, let me put it to you as simply as I can. The amendment prohibits the paying of commission to anybody. We must deal directly with the company. If any commission is to be paid, it has to be paid to the director or the secretary of the general services department. That is what the amendment says; there is no question about that.

Now there are certain companies that will not sell their coverage except through their own agent. We

would not be able to buy those coverages. In some cases those coverages would represent the best expenditure of the premium dollar for the Commonwealth. You would restrict us; we would not be able to buy those coverages, and I do not think we ought to do that, and, again, I oppose the amendment.

Mr. STAHL. Mr. Speaker, would there be anything in this amendment which would restrict an agent of record for any company licensed in the Commonwealth from charging a fee?

The SPEAKER. Is the gentleman interrogating Mr. Manderino?

Mr. STAHL. Yes, I am.

Mr. MANDERINO. I did not propose the amendment, but as I read the amendment, you could not pay anyone a fee, commission, call it what you want, on the placement of insurance that the Commonwealth ultimately pays for.

Mr. STAHL. Mr. Speaker, I am done with my interrogation because it is leading nowhere. But an agent in this Commonwealth can charge a fee for his services, and if he is not to receive a commission from the company, he can charge the Commonwealth a fee for the services he has rendered. And that is even better under this system than in the old system.

Say, for instance, you have "XYZ Company" and wants to sell us insurance through you as an insurance agent, and I am the Secretary of Property and Supplies or of general services, I can contract with that agent to provide insurance services to the Commonwealth of Pennsylvania; I can negotiate with him a fee, and there is nothing in this amendment which proscribes that.

Thank you.

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

Mr. RYAN. Mr. Speaker, I am not sure whether Mr. Manderino is right or Mr. Stahl is right with regard to the interpretation placed on the amendment. Assuming for a moment, however, that Mr. Manderino is right and that there are certain companies that will not deal with the Commonwealth of Pennsylvania unless they deal with the Commonwealth through a broker, I say we can afford that expenditure. I think the people of the Commonwealth are better off spending that extra money and dealing with some company other than one that will not deal with us unless we go through their broker or a broker, someone other than the Property and Supplies or general services superintendent or commissioner, or whatever.

I think it is time that the people of the Commonwealth buy their insurance confident in the knowledge that their premium dollar is going to buy premiums and not to buy other things such as we have experienced in the recent past.

And I cannot help but think, Mr. Speaker, that if some of these companies who say they will not deal with us because we are using our own registered broker, think about the size of the premium dollar they are not going to get, they may soon change their internal rules. It is not a law that would prevent them from dealing with us; it is some kind of a company policy. And I think if the various political subdivisions of this state, the state itself and other states that have seen the sad experience that we have had during the past year or



two recognize the deficiency in the present practice, these companies who refuse to deal with us directly will soon change their policies.

In any event, I say that the penny we save by permitting the law to exist as it is is not worth saving; that we are far better off being confident that our premium dollar is being used for premium payment.

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

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

YEAS—82

Anderson, J. H.	Gring	McGinnis	Smith, L.
Beren	Halverson	Mebus	Spencer
Brandt	Hasay	Miller, M. E.	Stahl
Burns	Haskell	Miller, M. E., Jr.	Taddonio
Butera	Hayes, D. S.	Moehlmann	Turner
Cessar	Hayes, S. E.	Noye	Ustynowski
Cimmi	Hepford	O'Connell	Vroon
Crawford	Hill	Pancoast	Wagner
Cumberland	Hopkins	Parker, H. S.	Weidner
Deverter	Hutchinson, W.	Pitts	Westerberg
Dietz	Itkin	Polite	Whelan
Dorr	Kistler	Pyles	Whittlesey
Fawcett	Klingaman	Renninger	Wilson
Fischer	Knepper	Ryan	Wilt, R. W.
Fisher	Kusse	Scheaffer	Wilt, W. W.
Foster, A.	Lehr	Scirica	Worriow
Foster, W.	Levl	Seltzer	Yohn
Gallen	Lynch	Shuman	Zearfoss
Geesey	Manmiller	Sirianni	Zord
Gleason	McClatchy	Smith, E.	
Grleco	McCue		

NAYS—108

Abraham	Gelsler	Milanovich	Ruggiero
Arthurs	George	Milliron	Saloom
Barber	Giammarco	Miscevich	Schmitt
Bellomini	Gillespie	Morris	Schweder
Bennett	Gillette	Mrkonic	Shane
Berson	Gleeson	Mullen, M. P.	Shelhamer
Blackwell	Goodman	Mullen	Shelton
Bonetto	Green	Musto	Shupnik
Bradley	Greenfield	Myers	Stapleton
Brunner	Hamilton, J. H.	Novak	Stout
Caputo	Hammock	O'Brien	Sullivan
Cohen	Hutchinson, A.	O'Donnell	Taylor
Cole	Irvis	O'Keefe	Tayoun
Cowell	Johnson, J.	Oliver	Toll
Davis, D. M.	Kelly, A. P.	Perry	Trello
DeMedio	Kernick	Petrarca	Valicenti
Dicarlo	Kowalshyn	Plevsky	Vann
DiDonato	LaMarca	Pratt	Walsh, T. P.
Dombrowski	Laudadio	Prendergast	Wansacz
Doyle	Laughlin	Rappaport	Wargo
Dreibelbis	Lederer	Reed	Wojdak
Eckensberger	Letterman	Renwick	Yahner
Englehart	Lincoln	Rhodes	Zeller
Fee	Manderino	Rieger	Zwikel
Flaherty	McCall	Ritter	
Fryer	McIntyre	Romanelli	Fineman, Speaker
Gallagher	McLane	Ross	
Garzia	Menhorn		

NOT VOTING—13

Berlin	Katz	McGraw	Salvatore
Bittle	Kelly, J. B.	Perri	Sweeney
Davies	Koiter	Richardson	Thomas
Dininni			

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

THOMAS SHAUGHNESSY WELCOMED

The SPEAKER. The Chair would like to recognize the presence of Mr. Thomas Shaughnessy who is the director of the Carbon County Planning Commission. He is accompanied by Mr. Tom Postupak and Mr. Dennis DeMara.

They are the guests of the gentleman from Carbon, Mr. McCall, and the gentleman from Schuylkill, Mr. Goodman.

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

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

- Amend Sec. 9 (Sec. 2401.1), page 15, line 16, by inserting after "facility,"; or
- Amend Sec. 9 (Sec. 2401.1), page 15, lines 19 and 20, by striking out ", or (v) any other relevant circumstances peculiar to the proposed contract"

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

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

Mr. DeVERTER. Thank you, Mr. Speaker.  
Mr. Speaker, the first amendment deals with Section 9 of the bill, from page 15, lines 19 and 20.

As you know, the select committee is to recommend to the department, in order of preference, an architect and engineer, and under this section the department is to exercise certain responsibilities in making the determination as to that preference. There are five statutory guidelines in the bill, the first of which is the equitable distribution of contracts, the particular capabilities to perform the design or construction, the geographic proximity of the architect or engineer, and that the architect and engineer have the necessary manpower available.

The fifth one, which is the one I am attempting to strike, provides that any other relevant circumstance peculiar to the proposed contract can be used as a method of circumventing the order of preference that is given to the department by the selection committee.

Mr. Speaker, I would ask for an affirmative vote on the amendment.

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

Mr. MANDERINO. Mr. Speaker, the amendment proposes to eliminate one of the criteria used in the selection process of architects and engineers. The language of the bill permitting other relevant circumstances is important so that the appointing authority would have latitude for some unforeseen situation which could develop and is not spelled out in the present language of the bill which give the guidelines.

This criteria is essential, in my opinion, because it is virtually impossible to contemplate all of the circumstances that will have to be considered in the selection process. This particular guideline gives the secretary a small degree of flexibility to consider matters that are relevant but unprovided for by the proposed legislation. It is a small escape hatch; it is a prudent provision in that we cannot contemplate all future contingencies.

This amendment, in my opinion, is not sound. If the secretary uses this particular reason, "other relevant circumstances" in deciding in the selection process between three competent, approved-by-the-board architects or engineers, if he uses this particular circumstance to choose between three who have been recommended as qualified, he will have to stand the glare of publicity; he will have to have good reason for what he is doing; he cannot do

it secretly; he must announce his reasons and, in my opinion, this is sufficient protection. The prospects of this particular section being abused I think are minimal. Again I urge that this amendment be defeated.

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

Mr. DeVERTER. Mr. Speaker, thank you.

Mr. Speaker, I think in the past the escape hatch has been more commonly known as loopholes, and that is exactly what I feel this particular provision provides for. It is probably one of the areas in which a secretary, possibly other than Mr. Lench, would use to use some other order of preference. Again I cannot stress the fact that the other four criteria I have no qualms with. I just cannot envision there being any other peculiar circumstances that would be relevant to the selection than those four that are presently in the bill and the fifth one which is, in my opinion, quite nebulous.

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

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

YEAS—86

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

NAYS—108

Abraham	Geisler	Mebus	Ross
Arthurs	George	Menhorn	Ruggiero
Barber	Giammarco	Milanovich	Saloom
Bellomini	Gillespie	Milliron	Schmitt
Bennett	Gillette	Miscevich	Schweder
Berson	Gleeson	Morris	Shane
Blackwell	Goodman	Mrkonjc	Shelhamer
Bonetto	Green	Mullen, M. P.	Shelton
Bradley	Greenfield	Mullen	Shupnik
Brunner	Hammock	Musto	Stout
Caputo	Hutchinson, A.	Myers	Sullivan
Cohen	Irvis	Novak	Taylor
Cole	Itkin	O'Brien	Tayoun
Cowell	Johnson, J.	O'Donnell	Toll
Davis, D. M.	Kelly, A. F.	O'Keefe	Trello
Dicarlo	Kernick	Oliver	Valcenti
DiDonato	Kistler	Perry	Vann
DeMedio	Kolter	Petrarca	Walsh, T. P.
Dombrowski	LaMarcus	Plevsky	Wansacz
Doyle	Laudadio	Pratt	Wargo
Dreibelbis	Laughlin	Prendergast	Wojdak
Eckensberger	Lederer	Rappaport	Yahner
Engelhart	Letterman	Renwick	Zeller
Fee	Lincoln	Rhodes	Zwikl
Flaherty	Manderino	Rieger	
Fryer	McCall	Ritter	Fineman,
Gallagher	McIntyre	Romanelli	Speaker
Garzia	McLane		

NOT VOTING—9

Anderson, J. H.	Kelly, J. B.	Richardson	Sweeney
Berlin	McGraw	Stapleton	Thomas
Dininni			

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

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

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

Amend Sec. 13 (Sec. 2408), page 21, lines 24 and 25, by striking out "or not more than five nor less than three" and inserting: of five

Amend Sec. 13 (Sec. 2408), page 21, line 30; page 22, lines 1 and 2, by striking out "The" in line 30, page 21, all of line 1 and "secretary." in line 2, page 22, and inserting:

The members of the committee shall serve for terms of two years and shall not be removed except for cause. Of the original members three shall serve for terms of two years and two for terms of one year. Thereafter all terms shall be for two years.

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

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

Mr. DeVERTER. Thank you, Mr. Speaker.

The second amendment I offer is on page 21, which deals with the Committee on Construction Contract Documents. I am uncertain at this point exactly what this Committee's function is to be, but I feel that the committee members should not be as flexible as they are now alluded to in the bill, that is, not less than three and not more than five and it permits the secretary to establish their terms of office. I am merely saying that the committee shall consist of five members and that the terms shall be for two years, staggered on an initial basis.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the committee that we are speaking to here is not the committee that selects architects and engineers. It would seem to me that if you read what this committee is for, it is really advisory. It is advisory to the secretary in the selection process that has no legal effect except as advisors, and why the number on the board should be set seems to me unimportant.

This amendment would dictate the number of members that must sit on the committee. Again I say that this committee is intended to be purely advisory; it is expected that it will perhaps meet once a year. This committee again should not be confused with the selection committee that selects the architects. It is for the assistance of the secretary and the exact number seems to me unimportant. More important to me is the matter of flexibility that we might want to have, rather than the rigid composition of the board at 5, and I oppose the amendment.

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

Mr. DeVERTER. Mr. Speaker, if that be the case, then I would suggest that perhaps this committee is not even needed. But if it is needed and it is to advise the secretary on matters pertaining to contracts, then I would surely think that he would want a board that he could depend on for that advisement, and that they should have some set terms so that he would know when they would meet. As a matter of fact, it probably should have

an amount of time in the bill to state at least once a year, but perhaps it should meet more frequently than that. But here again we are asking a department head to set up another advisory board, if you will, or committee and giving them the prerogatives perhaps to do exactly whatever they want, pay them whatever they want. I would ask for an affirmative vote on my amendment.

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

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

YEAS—86

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

NAYS—109

Abraham	Geisler	Menhorn	Saloom
Arthurs	George	Milanovich	Schmitt
Barber	Giammarco	Milliron	Schweder
Bellomint	Gillespie	Miscevich	Shane
Bennett	Gillette	Morris	Shelhamer
Berson	Goodman	Mrkonic	Shelton
Blackwell	Gleeson	Mullen, M. P.	Shuman
Bonetto	Green	Mullen	Shupnik
Bradley	Greenfield	Musto	Stapleton
Brunner	Hammock	Myers	Sullivan
Caputo	Hutchinson, A.	Novak	Stout
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	Valicenti
Dicarlo	Kolter	Petrarca	Vann
DiDonato	Kowalshyn	Pievsky	Walsh, T. P.
Dombrowski	LaMarca	Pratt	Wansacz
Doyle	Laudadio	Prendergast	Wargo
Dreibelbis	Laughlin	Rappaport	Wojdak
Eckensberger	Lederer	Reed	Yahner
Englehart	Letterman	Renwick	Zeller
Fee	Lincoln	Rieger	Zwinkl
Flaherty	Manderino	Ritter	
Fryer	McCall	Romanelli	Fineman,
Gallagher	McIntyre	Ross	Speaker
Garzia	McLane	Ruggiero	

NOT VOTING—8

Berlin	Kelly, J. B.	Rhodes	Sweeney
Dininni	McGraw	Richardson	Thomas

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

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. 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. Mr. Speaker, may I be recorded in the negative on the first set of DeVerter amendments to Senate bill No. 368?

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

On the question recurring,

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

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

Amend Sec. 9, page 9, line 28, by striking out "SECTIONS" and inserting: a section

Amend Sec. 9 (Sec. 2401.2), page 15, lines 29 and 30; page 16, lines 1 through 24, 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 York, Mr. Dorr.

Mr. DORR. Mr. Speaker, the Department of Environmental Resources and its vast building program is, under House amendment adopted in committee, to be exempt from the restrictions other agencies face and the secretary alone can keep on hiring and firing engineers and architects for flood control, conservation, state parks and forests, and other recreation projects without even being subject to the oversight of the Governor, other than imposed by general law.

My amendment would cause this exemption to be removed from the bill. Under these new powers that have been written into what is supposed to be a reform measure, we suddenly have this blanket authority given to the Secretary of Environmental Resources on the ground that his projects are historical construction activities. Actually, the same claim could be made for the General State Authority, which among other things has been building parks and recreational facilities for the state for more than 25 years.

Surely the Department of Environmental Resources has no more expertise in its fields than the Department of Education or other departments of the Commonwealth have in their fields. In fact, it is my experience that this department has so much to do that it cannot get its work done on a current basis. Perhaps we can assist in solving that problem by including the Department of Environmental Resources' projects within this legislation.

In short, Mr. Speaker, there is no justification for exempting the Department of Environmental Resources any more than any other department of the Commonwealth. I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the amendment which Mr. Dorr is proposing really takes from Senate bill No. 368 an amendment inserted in House committee.

In the House committee, the Department of Environmental Resources, because they are and have been historically engaged in many projects, such as levees, dams, channels, dredging and distilling ponds, floodwalls, abandoned mine reclamation projects, strip-mine restoration projects, have been handling these with state and Federal funds. Many of these projects were not General State Authority projects because of the manner in which they are handled.

The amendment inserted in committee, in my opinion, is much too broad. I intend to offer an amendment which will make it clear that the Department of Environmental Resources shall have no greater power in executing construction projects than they presently have.

I would suggest that we defeat Mr. Dorr's amendment, which completely restricts them from this area that they have historically engaged in and probably have a better expertise than any to engage in, completely restricts them from these kinds of projects, and ask that you adopt a later amendment which I will offer, which will make it clear that we are not broadening their power in the construction area. I ask for a negative vote to this amendment.

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

Mr. DORR. Mr. Speaker, the members should make no mistake about it, the later amendment to be offered by the gentleman, Mr. Manderino, will not do anything but leave the Department of Environmental Resources in the same position which it has been in before, that is, as a matter of fact, concerned with construction of not only such things as dredging projects and dams and so forth as the gentleman mentioned, but also with such things as rest rooms, restaurants, swimming pools and other construction projects which are clearly within the knowledge and expertise previously exercised by the General State Authority and to be exercised by the department of general services under this new legislation.

Mr. Speaker, the majority whip all afternoon has been making the argument that what we need here is a comprehensive bill. Surely, Mr. Speaker, if we need a comprehensive bill, we should not exclude that department of this state government which is, in my judgment, at least exercising more authority over the lives of the people of this Commonwealth than any other department of state government.

I think we should examine our own feelings about the Department of Environmental Resources, Mr. Speaker. If we feel that truly the Department of Environmental Resources has special expertise, if we have a special feeling for it, if we think Secretary Goddard really can do no wrong and really has special abilities, then perhaps we should vote against my amendment.

But, Mr. Speaker, if you have had experiences with the Department of Environmental Resources like I have had, you know that not to be the case. I would suggest that they ought to be included within the legislation that we are dealing with today. Therefore, I think we should vote in favor of the amendment that I have proposed.

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

Mr. SELTZER. Mr. Speaker, will the gentleman, Mr. Manderino, permit himself to be interrogated?

The SPEAKER. Will the majority whip consent to interrogation?

Mr. MANDERINO. I will.

The SPEAKER. The gentleman may proceed.

Mr. SELTZER. Mr. Speaker, can the gentleman inform the House, if this amendment fails and the bill is finally enacted as before us, how the Department of Environmental Resources will go about in their capital construction programs and land acquisition, because as I read the bill before us, they will be exempt and, therefore, what

special provisions will they have to do what they want to do in the field of acquisition and/or construction?

Mr. MANDERINO. Mr. Speaker, you have not read the bill. It does not exempt the Department of Environmental Resources. The bill actually says now that nothing within the bill will be construed as affecting or diminishing, as it states in the amendment, diminishing—and I am paraphrasing—the capability of the Department of Environmental Resources from engaging in projects that they have heretofore engaged in. Then the amendment inserted in committee goes on to list a number of projects or type projects that they have engaged in.

My amendment, which I will later propose, will make it clear that nothing shall alter—instead of diminish, nothing shall alter—the present capability of that department period. Without mentioning projects, types of projects, et cetera, they are not specifically exempt except for that kind of language.

Mr. SELTZER. Mr. Speaker, let me rephrase my question then. Before any projects, whether they be Department of Environmental Resource projects and/or department of general services projects, they will have to pass this General Assembly in a capital budget, is that correct?

Mr. MANDERINO. Is your question: Do the projects have to pass through a capital budget?

Mr. SELTZER. Yes, Mr. Speaker.

Mr. MANDERINO. If Senate bill No. 368 passes with the amendment that I propose, and again I think you are talking about an amendment that is not there—

Mr. SELTZER. No, Mr. Speaker, I am referring to the bill as is. I am referring to the bill that is before us.

Mr. MANDERINO. The bill as is makes it clear that the Department of Environmental Resources can continue to engage in the projects that they now engage in in whatever manner they are able to do that, whether they have to go through the capital budget or not. It is my understanding that in certain cases they do not go through the capital-budget process. I do not know whether that is true. Mr. Speaker, you should know the answer to that much better than I.

Mr. SELTZER. Mr. Speaker, the point that I am trying to develop is that whether the building of these certain projects should be handled through the Department of Environmental Resources or through the other department, they should be all included in a capital budget; they should be approved by this General Assembly. As I read the bill as is before us, this would exempt them from doing this.

Mr. Speaker, I think the amendment that was inserted in the committee goes far beyond what this House recognizes it to do at this time. I think it is very important that if Mr. Dorr's amendment is not accepted, some amendment very similar to that be accepted.

If it is going to be offered by the other side, fine. But I think we are going far afield in the bill as is from what this General Assembly would ever agree to, if they understood the full intent of the bill as presented. Therefore, Mr. Speaker, I ask the members to vote for Mr. Dorr's amendment.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I do not disagree with much the gentleman said. I read the amendment placed in committee. In my opinion, it goes far beyond

what the members of that committee intended to do by the amendment.

There is an amendment which I will offer at the end of the amendment process here, which I think will make it clear that we will not alter—we will not alter in any manner whatsoever—the present status of what the Department of Environmental Resources is doing, but, by the same token, we will not in any manner expand or exempt them so that they can run their own show.

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

Mr. DORR. Just to make the point very clear, again, Mr. Speaker, do not vote "yes" or "no" on this amendment expecting that Mr. Manderino's later amendment is going to solve the problem. If you want the Department of Environmental Resources to be covered by the general services department's restrictions and the legislation that we are talking about here today, vote for this amendment. Do not wait for Mr. Manderino's because it will not do that.

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

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

YEAS—95

Abraham	Geesey	McClatchy	Sirianni
Anderson, J. H.	Gleason	McCue	Smith, E.
Beren	Gricco	McGinnis	Smith, L.
Bittle	Gring	Manmiller	Spencer
Brandt	Halverson	Mebus	Stahl
Burns	Hamilton, J. H.	Miller, M. E.	Taddonio
Butera	Hasay	Miller, M. E., Jr.	Turner
Cessar	Haskell	Moehlmann	Ustynoski
Cimini	Hayes, D. S.	Noye	Vroon
Crawford	Hayes, S. E.	O'Connell	Wagner
Cumberland	Hepford	Pancoast	Wansacz
Davies	Hill	Parker, H. S.	Weidner
Deverter	Hopkins	Perri	Westerberg
Dicarlo	Hutchinson, W.	Pitts	Whelan
Dietz	Itkin	Polite	Whittlesey
Dorr	Katz	Pyles	Wilson
Dreibelbis	Kistler	Renninger	Wilt, R. W.
Fawcett	Klingaman	Ryan	Wilt, W. W.
Fischer	Knepper	Salvatore	Worriow
Fisher	Kusse	Scheaffer	Wright
Foster, A.	Lehr	Seirica	Yohn
Foster, W.	Levi	Seltzer	Zearfoss
Fryer	Lincoln	Shelhamer	Zord
Gallen	Lynch	Shuman	

NAYS—101

Arthurs	Giammarco	Milliron	Ruggiero
Barber	Gillespie	Miscevich	Saloom
Bellomini	Gillette	Morris	Schmitt
Bennett	Gleason	Mrkoncic	Schweder
Berson	Goodman	Mullen, M. P.	Shane
Blackwell	Green	Mullen	Shelton
Bonetto	Greenfield	Musto	Shupnik
Bradley	Hammock	Myers	Stapleton
Brunner	Hutchinson, A.	Novak	Stout
Caputo	Johnson, J.	O'Brien	Sullivan
Cohen	Irvic	O'Donnell	Taylor
Cole	Kelly, A. P.	O'Keefe	Tayoun
Cowell	Kernick	Oliver	Toll
Davis, D. M.	Kolter	Perry	Trello
DeMedio	Kowalysbyn	Petrarca	Valicenti
DiDonato	LaMarca	Pievskey	Vann
Dombrowski	Laudadto	Pratt	Walsh, T. P.
Doyle	Laughlin	Prendergast	Wargo
Eckensberger	Lederer	Rappaport	Wojdak
Englehart	Letterman	Reed	Yahner
Fee	Manderino	Renwick	Zeller
Flaherty	McCall	Rhodes	Zwikel
Gallagher	McIntyre	Rieger	
Garzia	McLane	Ritter	Fineman, Speaker
Geisler	Menhorn	Romanelli	
George	Milanovich	Ross	

NOT VOTING—7

Berlin	Kelly, J. B.	Richardson	Thomas
Diminnit	McGraw	Sweeney	

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

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

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

Amend Title, page 1, line 21, by inserting after "Services": and the Bureau of Engineering and Construction  
Amend Title, page 1, line 21, by striking out "its" and inserting: their

Amend Title, page 1, line 25, by removing the period after "department" and inserting: and bureau.

Amend Sec. 9 (Sec. 2401.1), page 10, line 2, by inserting after "act,": and except all powers and duties to be exercised by the Treasury Department, Bureau of Engineering and Construction,

Amend Bill, page 16, by inserting between lines 24 and 25:

Section 2401.3. Bureau of Engineering and Construction.—(a) There is hereby created within the Treasury Department the Bureau of Engineering and Construction. It shall be the responsibility of the bureau to finally inspect the work, certify for satisfactory completion, and make final acceptance for the Commonwealth of all newly constructed buildings, alterations and additions to existing buildings and other public works projects involving an expenditure of twenty-five thousand dollars (\$25,000) or more.

(b) The bureau may employ on a full-time basis architects, engineers, accountants, and other personnel necessary to perform its duties.

(c) The bureau may promulgate all necessary rules and regulations to carry out the provisions of this section.

Amend Sec. 11 (Sec. 2402), page 17, line 1, by inserting after "Services": , except for all powers and duties to be exercised by the Treasury Department, Bureau of Engineering and Construction,

Amend Sec. 13 (Sec. 2408), page 26, line 18, by removing the period after "2401.1(19)" and inserting: : Provided, however, That no architect or engineer engaged under this section shall be used in duplication of or in derogation of any of the powers or duties of the Treasury Department, Bureau of Engineering and Construction.

Amend Sec. 15 (Sec. 2412), page 27, line 17, by striking out "the" and inserting: this

Amend Sec. 15 (Sec. 2412), page 27, line 18, by inserting after "department": and the Treasury Department, Bureau of Engineering and Construction

Amend Sec. 21, page 28, line 28, by removing the period after "Supplies" and inserting: , with the exception of those powers and duties now vested in the Treasury Department, Bureau of Engineering and Construction.

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

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

Mr. DORR. Mr. Speaker, this bill is combining the departments' functions presently within the General State Authority and the Department of Property and Supplies into a single department. Presently one of the checks and balances, one of the many checks and balances, provided within the system of state government is the fact that these functions are within two different departments and, therefore, under two different heads. Therefore, under present circumstances, when the GSA builds a building, before it is accepted as a state building

and turned over to Property and Supplies as such, the Property and Supplies Department makes a final inspection of that construction and accepts it formally after that inspection and after determining that all of the state's requirements for buildings have been met, after determining that the contractors for GSA have in fact met the specifications and have built a functional and proper building.

If the bill is adopted as it stands today, there will be no check by one department on another before a building is accepted as a Commonwealth building; general services will inspect general services' construction. The classic catch phrase that we might use here is that the fox is going to watch the hen house. In my judgment, Mr. Speaker, all of the amendments that have been offered this afternoon have been an attempt to offer a little different situation than the fox watching the hen house. This is certainly one of that type amendment. The amendment would create a new bureau within the Department of Treasury, a separate department of the Commonwealth under an elected head which would be the agency that would finally inspect and accept general services' construction projects. Therefore, there is re-created an appropriate check and balance.

Mr. Speaker, I think we should adopt this amendment as an effort to see that the Commonwealth taxpayers' money is spent properly and that there are no mistakes made in the process of constructing long-term capital projects within the Commonwealth.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, again I rise to oppose the amendment. The amendment would create a new bureau of building construction under the Department of Treasury. If any of you gentlemen and ladies have read the editorials across the state in favor of Senate bill No. 368, you would read that one of the basic attributes of the new department of general services would be that it would cut out duplication and the overlap which currently exists between the Department of Property and Supplies and the General State Authority. This amendment is absurd. This amendment would create new duplication and new overlap, and I urge strongly that we oppose the amendment.

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

Mr. DORR. Let me suggest, Mr. Speaker, that there is a significant difference between an inspection, a check-and-balance type function, and a duplication. It may, in fact, be a duplication if in fact Property and Supplies inspects these buildings. The point is that the same people who are building the buildings are going to be the ones who finally inspect it. If that does not offer an opportunity for mischief, I do not know what does. I think maybe in this instance those editorial writers would agree perhaps that if it is a duplication at all, a little duplication might well be appropriate.

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

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

YEAS—86

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

NAYS—109

Abraham	Geisler	Menhorn	Saloom
Arthurs	George	Milanovich	Schmitt
Barber	Giammarco	Milliron	Schweder
Bellomini	Gillespie	Miscevich	Shane
Bennett	Gillette	Morris	Shelhamer
Berson	Gleeson	Mrkonic	Shelton
Blackwell	Goodman	Mullen	Shuman
Bonetto	Green	Mullen, M. P.	Shupnik
Bradley	Greenfield	Musto	Stapleton
Brunner	Hammock	Myers	Stout
Caputo	Hutchinson, A.	Novak	Sullivan
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	Valicenti
Dicarlo	Kolter	Petrarca	Vann
DiDonato	Kowalshyn	Pievsky	Walsh, T. P.
Dombrowski	LaMarca	Pratt	Wansacz
Doyle	Laudadio	Prendergast	Wargo
Dreibelbis	Laughlin	Rappaport	Wojdak
Eckensberger	Lederer	Reed	Yahner
Englehart	Letterman	Renwick	Zeller
Fee	Lincoln	Rieger	Zwikel
Flaherty	Manderino	Ritter	
Fryer	McCall	Romanelli	Fineman, Speaker
Gallagher	McIntyre	Ross	
Garzia	McLane	Ruggiero	

NOT VOTING—8

Berlin	Kelly, J. B.	Rhodes	Sweeney
Dininni	McGraw	Richardson	Thomas

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

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

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

Amend Sec. 9 (Sec. 2401.1), page 15, line 23, by inserting after "FEE": not to exceed six per centum (6%) of the estimated price or the bid price, whichever is lower,

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

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

Mr. WILSON. Mr. Speaker, this amendment was just recirculated on your desks. I had a minor change, an editorial change, I had to make. It is now labeled "Wilson Amendment 1-A."

For those of you who are interested, those of you who would be interested in perhaps saving the Com-

monwealth money, what I am offering here in this amendment is very simple. Page 15 of the bill, line 20, suggests or says that the selections committee shall set the fee to be paid for the preplanning, the design and contract administration of any project. The department shall set the limit of that fee and by regulation shall adopt such procedures as will implement the carrying out of this paragraph. All I am simply doing in my amendment 1-A is saying that the fee shall not exceed 6 percent of the estimated cost or the bid price, whichever is lower. The architect and the engineer prepares the design, prepares the plans, for a project under this new department. I am saying that the set fee cannot exceed 6 percent. I would hope that it might be lower, but I think that we have to put a limit on what is going to be paid.

For example, if the estimated cost of a building is \$50 million, the department cannot set a fee to exceed \$3 million. It seems to me that we can save money for the Commonwealth and not unduly impose a restriction on the architect and the engineer as to what he is entitled to for his efforts, for his work, in planning and designing this project. I would urge the support of this economy move.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the amendment. At the present time the fee scale for architects and engineers, on a sliding-scale basis, ranges between 4 to 10 percent, depending upon the size of the projects, sometimes depending upon the difficulty of the design or engineering as the case may be. The scale was arrived at between the GSA in the past and the professionals who were involved.

I think that it is unwise for us, especially with economic conditions what they are today, to impose a figure of any type and a statute that might vary or become out-dated. Look at our interest rates on home mortgages and our sliding scale there.

I think that the schedule that is in existence and being used and can be revised from time to time, depending upon circumstances, is the best manner in which to handle fees for the professionals. A hospital laboratory is more difficult to design than a garage building. If the project amount is \$25,000, you may have difficulty inviting proper and qualified proposals unless the fee is tailored for the amount of the job.

I do not see the necessity for the amendment in the long run. I am sure that it will not save the Commonwealth a dime and I ask that we oppose the amendment by a negative vote.

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

Mr. WILSON. Mr. Speaker, the gentleman suggests that GSA is now dealing with those who are doing the designing and with those who are preparing the plans for these particular projects.

I suggest that what we are trying to do, or the efforts that are being made here in this bill, or at least the cover description so suggests that what we are doing is trying to get away from that sort of thing where there in fact is a deal.

The gentleman refers to the complexity of the project. He suggests more difficult projects warrant a higher

fee. I would suggest that it is relative. The more complex the project, the higher the cost; therefore the more monetary return the person is getting when they are working on a percentile of the cost for their fee.

The gentleman also suggests that for smaller projects, those just over \$25,000 or \$50,000, that we would not be able to get anybody to do the jobs. I would suggest that perhaps we are not going to get the older architectural firm that wants to make a million on every job that they do, no.

There is nothing to stop a young architect or engineer getting out of college from designing that \$25,000 garage. As a matter of fact, I think that I could do it for him at a lot less than 6 percent myself and still have an adequate building. Anybody who cannot stick up a square building, put a couple of doors and windows in it for less than 6 percent of the cost, I would like to show them how I could do it and I am not an architect or an engineer.

All I am simply saying is that this 6 percent is a reasonable figure. The gentleman has suggested that they are now paying somewhere between 4 and 10 percent. So really I am not cutting them back that much. I am suggesting then that we might work in the area of 4 to 6 percent.

I think this is a good economical move. I think we can live with it. I think that the Commonwealth will save money with this move and we should support this amendment. Thank you.

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

Mr. MEBUS. Mr. Speaker, realistically, when you get to a job of under, I would judge, \$50,000, you are not going to find anybody who will be even slightly interested for 6 percent, because the amount of work that is involved in that project between \$50,000 and \$100,000 is substantially the same. If you are not going to make money out of it, you are not going to get into it. There has got to be a profit motive or else you are not going to get decent results. When people are cutting corners simply to come within a certain fixed fee, it is not going to be to the benefit of the Commonwealth. Six percent is too low a minimum.

The sliding scale exists because there are certain things that have to be done regardless of the magnitude of the project and therefore they have got to be paid for.

Again, I do believe that Mr. Wilson's intentions are the very finest, but I think I have a bit more association with this aspect of our economy and realistically it would not serve the best interest of the Commonwealth. It simply is not going to work.

For the big project, 6 percent is probably too high, but for the small projects, all you are doing is really eliminating the possibility of getting anybody to come in and work on them. That will be the net effect of this item if it is adopted as part of this bill.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, just in brief response to something the gentleman, Mr. Wilson, indicated. There is no dealing. They do not sit down on a per case basis, as the status of the situation is at the present time, and decide what an architect's fee in a certain project will be.



There is already existing and adopted and approved a certain scale. Hospitals rented, a certain scale; office buildings rented, a certain scale; laboratories, at a certain scale; garage buildings, at a certain scale. I do not know the classifications. I have seen the schedule. I know that the fee varies because of the design and the engineering difficulty, and I also know that the fee slides depending upon the cost of the project. There is nothing that I have said that suggested that, and I am sure that Mr. Wilson must have misheard or misstated. I ask again a negative vote.

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

Mr. WILSON. Mr. Speaker, in all deference to the majority whip, I heard you use the word "deal" and I may have paraphrased "deal" to mean something else than the getting together of both parties to understand how they are going to use the scale.

I would suggest that if we have a scale, this scale should so be put in this bill, so that there are no deals; so that there is no fluctuation from one architect to another and from one engineer to another; from one building to another; and so that all types are at least in one category. This is what I am trying to do here, to say that there will be no deals; that there will be one category; it will not exceed 6 percent; we have a limit on it. If you want to do business with the Commonwealth of Pennsylvania, you will work the same as you do if you are going to build a house for \$10,000 or \$50,000. You are going to charge 6 percent; not 10 percent on this job because of some kind of a reasoning behind it, and 6 percent on this job and 4 percent on that job. We are going to have some kind of uniformity.

My cohort, Mr. Mebus, suggested that it will not work for the smaller projects. I would suggest to you that I can tell you where the smaller projects are pulled right off the shelf, and if they want 10 percent on it, that is for gravy, more cream, than on the big job where it is more competitive.

I think this is an important amendment. As a matter of fact, I would suggest to the gentleman, Mr. Manderino, that if this amendment fails, what we ought to do is, wherever you have that scale, show it to us; let us see it. Let us offer it as an amendment to the bill to make it factual in the law. I would ask for support for this amendment. Thank you, Mr. Speaker.

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

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

YEAS—82

Anderson, J. H.	Gleason	McClatchy	Sirfanni
Beren	Grieco	McCue	Smith, E.
Bittle	Gring	McGinnis	Smith, L.
Brandt	Halverson	Manmiller	Spencer
Burns	Hasay	Miller, M. E.	Stahl
Butera	Haskell	Miller, M. E., Jr.	Turner
Cessar	Hayes, D. S.	Noye	Ustynoski
Cimini	Hayes, S. E.	O'Connell	Vroon
Crawford	Hepford	Pancoast	Wagner
Cumberland	Hill	Parker, H. S.	Weidner
Davies	Hopkins	Perrit	Westerberg
Deverter	Hutchinson, W.	Pitts	Whelan
Dietz	Itkin	Polite	Whittlesey
Dorr	Katz	Reed	Wilson
Fawcett	Kistler	Renninger	Wilt, R. W.
Fischer	Klingaman	Ryan	Worrilow
Fisher	Knepper	Salvatore	Wright

Foster, A.	Kusse	Scheaffer	Yohn
Foster, W.	Lehr	Seltzer	Zearfoss
Gallen	Levi	Shuman	Zord
Geesey	Lynch		

NAYS—113

Abraham	George	Milanovich	Saloom
Arthurs	Giammarco	Milliron	Schmitt
Barber	Gillespie	Miscevich	Schweder
Bellommi	Gillette	Moehlmann	Scirica
Bennett	Gleeson	Morris	Shelhamer
Berson	Goodman	Mrkonic	Shelton
Blackwell	Green	Mullen, M. P.	Shupnik
Bonetto	Greenfield	Mullen	Stapleton
Bradley	Hamilton, J. H.	Musto	Stout
Brunner	Hammock	Myers	Sullivan
Caputo	Hutchinson, A.	Novak	Taddonio
Cohen	Irvis	O'Brien	Taylor
Cole	Johnson, J.	O'Donnell	Tayoun
Cowell	Kelly, A. P.	O'Keefe	Toll
Davis, D. M.	Kernick	Oliver	Trello
DeMedio	Kolter	Perry	Valicenti
Dicarlo	Kowalyszyn	Petrarca	Vann
DiDonato	LaMarca	Pievsky	Walsh, T. P.
Dombrowski	Laudadio	Pratt	Wansacz
Doyle	Laughlin	Prendergast	Wargo
Dreibelbis	Lederer	Pyles	Wilt, W. W.
Eckensberger	Lincoln	Rappaport	Wojdak
Engelhart	Letterman	Renwick	Yahner
Fee	Manderino	Rhodes	Zeller
Flaherty	McCall	Rieger	Zwikel
Fryer	McIntyre	Ritter	
Gallagher	McLane	Romanelli	Fineman,
Garzia	Mebus	Ross	Speaker
Geisler	Menhorn	Ruggiero	

NOT VOTING—8

Berlin	Kelly, J. B.	Richardson	Sweeney
Dininni	McGraw	Shane	Thomas

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

Amend Sec. 13 (Sec. 2408), page 25, line 3, by striking out the brackets before and after "the Auditor General,"

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

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

Mr. WILSON. Mr. Speaker, this is simply another amendment on the ongoing movement to improve this measure to take us politicians off the hook in the operation of state government.

All I am suggesting on page 25 of the bill, line 3, along the line of travel in this bill, it was amended to eliminate the auditor general from receiving a certified copy of the contracts. My amendment simply would strike out the brackets around auditor general and put him back in the bill, as it was originally designed in the Senate.

I see no valid reason why the auditor general, whoever he may be, shall not receive a certified copy of the contracts entered into by this department. It is another set of eyes, ears and a mouth, of course, to over-view the operation of this particular department.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the amendment which Mr. Wilson seeks to have adopted requires that the contract be filed in the office of the auditor general again.



This was not an amendment put in, Mr. Speaker. This was the original bill. The auditor general favors the original bill. He is saying, I do not need this contract. And there is valid reason for him to say that.

The preaudit function in Senate bill No. 368 is placed in the state treasury. The law vests all preaudit functions in the treasurer, and she does receive a certified copy under the bill. I ask for a negative vote.

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

Mr. WILSON. I think the gentleman has misled the House. All I am saying here is that the auditor general shall receive a certified copy, as will the state treasury, the department, board, commission, agency or state-supported institution for which the work is to be done. It is simply a copy of the contract sent to the auditor general as it will be sent to the state treasurer and those others that I have so named. I do not see why it is such a problem with the majority whip that the auditor general get a copy. It is simply a matter of putting the auditor general on the mailing lists of these certified contracts. That is all it is. I thank you.

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

Mr. GLEASON. As I pointed out earlier in the debate, Mr. Speaker, the auditor general only has a post-audit function. Everybody agrees on that. He cannot preaudit anything. But it seems to me a little strange to refuse to send him any copies of any contracts that are entered into, because it seems to me that in his postaudit function he would have before him copies of contracts that might give rise to a postaudit, on his part, dealing, for example, with individuals whom he does not believe the state ought to be dealing with.

Remember we took away the aspect of the amendment that I proposed about bidding leases, and it seems to me that by depriving him of copies of the contracts, we are taking away from him a possible avenue of approach in performing his postaudit function. I do not see what harm this amendment does. I see no reason why we should reject it.

Having certified copies of contracts before they are fully implemented is a tool, an aid, to the auditor general. If he does not have these contracts, he is going to rely on newspaper sources; he is going to rely on informants; he is going to rely on a host of extra government sources for information.

This amendment will give him these contracts in advance, so that if he decides to do a postaudit on a particular transaction, he at least can start with the contract.

There is no reason why we should not approve this amendment. I urge an affirmative vote.

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

Mr. MANDERINO. Mr. Speaker, the newspaper reports and accounts that I have read say that the present Auditor General supports Senate bill No. 368 in its original form. This is its original form without the amendment sought.

There is no question that the Auditor General must audit, postaudit, all expenditures of Commonwealth money; he is doing his job; he will secure a copy of the contract; he does it with every expenditure of Com-

monwealth money. We simply, when we wrote the bill because the treasurer was in the preaudit position, placed the name of the State Treasurer, or the position of State Treasurer, as one to get the contract and did not list the Auditor General because the function is postaudit.

I do not think that the amendment is necessary at all; I am sure that the Auditor General in carrying out the functions will have a copy of the contract, and I ask for opposition to the amendment.

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

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

YEAS—89

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

NAYS—107

Abraham	Geisler	Menhorn	Ruggiero
Arthurs	George	Milanovich	Saloom
Barber	Giammarco	Milliron	Schmitt
Bellomini	Gillespie	Miscevich	Schweder
Bennett	Gillette	Morris	Shelhamer
Berson	Gleason	Mrkonc	Shelton
Blackwell	Goodman	Mullen, M. P.	Shuman
Bonetto	Green	Mullen	Shupnik
Bradley	Greenfield	Musto	Stapleton
Brunner	Hammock	Myers	Stout
Caputo	Hutchinson, A.	Novak	Sullivan
Cohen	Irvis	O'Brien	Taylor
Cole	Johnson, J.	O'Donnell	Tayoun
Cowell	Kelly, A. P.	O'Keefe	Toll
Davis, D. M.	Kernick	Oliver	Trello
DeMedio	Kolter	Perry	Valicenti
Dicarlo	Kowalyshyn	Petrarca	Vann
DiDonato	LaMarca	Pievsky	Walsh, T. P.
Dombrowski	Laudadio	Pratt	Wansacz
Doyle	Laughlin	Prendergast	Wargo
Dreibelbis	Lederer	Rappaport	Wojdak
Eckensberger	Letterman	Renwick	Yahner
Engelhart	Lincoln	Rhodes	Zeller
Fee	Manderino	Rieger	Zwickl
Flaherty	McCall	Ritter	
Fryer	McIntyre	Romanelli	Fineman,
Gallagher	McLane	Ross	Speaker
Garzia			

NOT VOTING—7

Berlin	Kelly, J. B.	Richardson	Thomas
Dininni	McGraw	Sweeney	

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

Amend Sec. 9 (Sec. 2401.1), page 13, lines 4 through 16, by striking out all of said lines

Amend Sec. 9 (Sec. 2401.1), page 13, line 17, by striking out "(14)" and inserting:

(13)

Amend Sec. 9 (Sec. 2401.1), page 13, line 21, by striking out "(15)" and inserting:

(14)

Amend Sec. 9 (Sec. 2401.1), page 13, line 24, by striking out "(16)" and inserting:

(15)

Amend Sec. 9 (Sec. 2401.1), page 13, line 27, by striking out "(17)" and inserting:

(16)

Amend Sec. 9 (Sec. 2401.1), page 14, line 3, by striking out "(18)" and inserting:

(17)

Amend Sec. 9 (Sec. 2401.1), page 14, line 12, by striking out "(19)" and inserting:

(18)

Amend Sec. 9 (Sec. 2401.1), page 15, line 25, by striking out "(20)" and inserting:

(19)

On the question,

Will the House agree to the amendments?

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

Mr. WILSON. Thank you, Mr. Speaker. This amendment speaks to page 13, lines 4 through 16. Now lines 4 through 16 say in effect that with the approval of the Governor we can allocate increases in projects approved by this legislature. We can slide moneys from projects cut, previously approved by this legislature, into other projects. It is true that in those lines there is a restriction on the amount of money that can be placed in the increase, limited to 120 percent, 120 percent of the escalation percentage of the composite construction cost index.

We have had a problem with this sort of thing in the past. My amendment simply would strike all of those lines. We have had the problem of approving projects, having them cancelled by the Governor, having the money spent elsewhere, having to put legislation through this General Assembly that would put on the record our approval of projects that had already been started.

I had a list here of projects that so occurred under that last category: Eastern State School, Woodhaven Road, down there in Bucks County—that was under that category. We had, for those members who were here for some time a project out here in the backyard in the parking lot. We approved \$40 million, or somewhere in that neighborhood, to put an addition in the back to put the Governor back there and do all kinds of things. Governor Shafer chickened out on that because of the pressure and he backed off and the money was spent elsewhere. The Governor's mansion was built by shifting funds that were never formally authorized by this General Assembly, including the furnishings, by the way, if you are interested in that. The Johnstown Rehabilitation Center is another example; Mercy-Douglass Hospital, we passed the enabling legislation 2 to 4 years after the building began. In Tioga County there was a bridge built and then converted to a park without any authorization; and we now have under construction a dam at Easton, never authorized, but went back 2 years later and we have now passed the enabling legislation.

What I am really saying here is that I think we want to have that overview; I think we in the legislature want

to have to put our stamp of approval on these projects, and I think we in the legislature do not want the department, the Governor, or anybody else fooling with those projects, playing with those funds, moving them some place else, building something we did not approve or we did not authorize here or that, in fact, was not particularly aired to the public and for the public's consumption.

Again, Mr. Speaker, all I am doing here is eliminating the lines 4 through 16, and I suppose that my effort is one to try to provide, as some of my cohorts have done, what we think is a better bill, a better piece of legislation, that we can all vote for happily and go home with a good conscience sometime tomorrow, I hope.

The SPEAKER. Do not count on it.

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

Mr. MANDERINO. Mr. Speaker, I rise to oppose the amendment. What the amendment does, in effect, is to say if this legislature authorizes a project of \$100,000 or \$1,000,000, that no more than that can be spent.

In the bill, and the lines which he seeks to take out, the language that he seeks to take out, we address the problem that he addresses in a different manner and, I think, a much better manner.

Many times there is a considerable time lag between the time that we pass a capital budget on a project and that we actually award the construction contract, and during that time lag from the approval in the assembly to the awarding of the contract many times the cost of construction accelerates or rises. What we have done in the bill, we have said that if we authorize a project and between the time we authorize the project and the bids are let that the construction index—in the cost of construction there is a specific construction index recognized and recited in the bill—increases 5 percent, then that bid cannot be accepted if it exceeds the original authorized figure plus 120 percent of that rise in the construction index.

Now this is a new concept, a concept that has long been needed, and a concept that I think will work. I think it is a concept that is more realistic, and it is a concept that will allow the building program in the Commonwealth to proceed without unusual delay and returning to the assembly because of the rise in construction costs, yet keeps a check to something definite, to the construction index, so that we will not be allowing the award of contracts far beyond what was anticipated.

I think that the bill, the new concept in the bill, is sufficient safeguard to the people of Pennsylvania and to the purse strings, and I ask that we oppose the amendment.

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

Mr. WILSON. I appreciate, Mr. Speaker, the gentleman's suggestion that for the first time we are going to put some kind of a limit on this sliding game of cancelling projects and sliding money from one to the other.

We still have no restriction in the language of this measure that puts any kind of a hold-off on the Governor or any of the departments of cancelling a project so that they can slide money onto something else that perhaps we would not have approved of if we had known what the final price was going to be. What I am saying to you is that I think the Governor, the departments, whoever wants a project, wants a building, wants something

done, should come back to this legislature, air it to the public as we do here, ask for our permission via the vote, and that is a simple matter if the project is warranted. I would even go further and suggest that we probably should have the right to vote on the cancellation of a project.

Now, Mr. Speaker, I have been watching the board and I have been watching out, it is red on one side and green on the other side, and it just comes to my memory that some years back—I guess I have been around for a while—that we had the great hue and cry about the Milk Control Board, and I sat here and very willingly voted to change the Milk Control Board to the Milk Marketing Board. And I would suggest that what we are doing here, without these amendments being approved and put into it, is doing just that; we are just changing the name of GSA to public services, or whatever it is, and I would hope that one of these amendments would get in so we could at least make it easier for me to vote for it. I am not sure I can. Thank you, Mr. Speaker.

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

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

YEAS—84

Table listing names of members who voted 'YEAS' in four columns: Anderson, J. H., Beren, Bittle, Brandt, Burns, Butera, Cessar, Cimini, Crawford, Cumberland, Davies, Deverter, Dietz, Dorr, Fawcett, Fischer, Fisher, Foster, A., Foster, W., Gallen, Geesey, Gleason, Grieco, Gring, Halverson, Hamilton, J. H., Hasay, Haskell, Hayes, D. S., Hayes, S. E., Hepford, Hill, Hopktns, Hutchinson, W., Katz, Kistler, Klingaman, Knepper, Kusse, Lehr, Levi, Manmiller, McClatchy, McCue, McGinnis, Mebus, Miller, M. E., Miller, M. E., Jr., Moehlmann, Noye, O'Connell, Pancoast, Parker, H. S., Perri, Pitts, Polite, Pyles, Renninger, Ryan, Salvatore, Scheaffer, Scirca, Seltzer, Strianni, Smith, E., Smith, L., Spencer, Stahl, Taddonio, Turner, Ustynoski, Vroon, Weidner, Westerberg, Whelan, Whittlesey, Wilson, Wilt, R. W., Wilt, W. W., WorriLOW, Wright, Yohn, Zearfoss, Zord.

NAYS—108

Table listing names of members who voted 'NAYS' in four columns: Abraham, Arthurs, Barber, Bennett, Berson, Blackwell, Bonetto, Bradley, Brunner, Caputo, Cole, Cowell, Davis, D. M., DeMedio, Dicarlo, DiDonato, Dombrowski, Doyle, Dreibelbis, Eckensberger, Englehart, Fee, Flaherty, Fryer, Gallagher, Garzia, Gelsler, George, Grammarco, Gillespie, Gillette, Gleason, Goodman, Green, Greenfield, Hammock, Hutchinson, A., Irvis, Itkin, Johnson, J., Kelly, A. P., Kernick, Kolter, Kowalyszyn, LaMarca, Laudadio, Laughlin, Lederer, Letterman, Lincoln, Manderino, McCall, McIntyre, McLane, Menhorn, Milanovich, Milliron, Misceovich, Morris, Mrkonic, Mullen, M. P., Mullen, Musto, Myers, Novak, O'Brien, O'Donnell, O'Keefe, Oliver, Perry, Petrarca, Plevsky, Pratt, Prendergast, Rappaport, Reed, Renwick, Rhodes, Rieger, Ritter, Romanelli, Ross, Ruggiero, Saloom, Schmitt, Schweder, Shane, Shelhamer, Shelton, Shuman, Shupnik, Stapleton, Stout, Taylor, Tayoun, Toll, Trello, Valicenti, Vann, Wagner, Walsh, T. P., Wansacz, Wargo, Wojdak, Yahner, Zeller, Zwiki, Fineman, Speaker.

NOT VOTING—11

Table listing names of members who did not vote: Bellomini, Dininni, McGraw, Sweeney.

Berlin Kelly, J. B. Richardson Thomas  
Cohen Lynch Sullivan

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

On the question recurring,

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

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

Amend Sec. 9 (Sec. 2401.1), page 14, lines 23 and 24 by striking out all of line 23 and "in the field of building construction." in line 24 and inserting:

selected in the following manner:

(i) one member shall be the secretary of the department or a full time employee of the department designed by the secretary;

(ii) two members shall be deans of schools of architecture in Pennsylvania, selected by the Governor, or registered architects selected by the Governor from names submitted by the deans of the schools of architecture in Pennsylvania; and

(iii) two members shall be deans of schools of engineering in Pennsylvania selected by the Governor or registered engineers selected by the Governor from names submitted by the deans of the schools of engineering in Pennsylvania.

Amend Sec. 9 (Sec. 2401.1), page 14, lines 24 and 25 by striking out "THE MEMBERS OF THE COMMITTEE" and inserting:

The members of the committee, except for the secretary or his designee,

Amend Sec. 9 (Sec. 2401.1), page 15, lines 5 and 6 by striking out all of line 5 and "engineers in order of its preference for each project." in line 6 and inserting:

selecting a qualified architect and/or engineer for each project. No such selection shall include any from with which a member of the committee is associated or employed or from which he receives any compensation.

Amend Sec. 9 (Sec. 2401.1), page 15, line 7 by striking out "recommended" and inserting:

selected

Amend Sec. 9 (Sec. 2401.1), page 15, line 8 by striking out "architect or engineer" and inserting:

architects or engineers

Amend Sec. 9 (Sec. 2401.1), page 15, lines 9 through 11 by striking out "The department shall have the duty to select or" in line 9, all of line 10 and "by the Selections Committee." in line 11

Amend Sec. 9 (Sec. 2401.1), page 15, line 12 by striking out "department" and inserting:

committee

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. The amendments that I am offering today, I believe, speak to the heart of the problem that has existed in the General State Authority that most of you are aware of, the problem of corruption, kick-backs and irregularities.

Over the past year, the present board has made attempts to change the makeup of the board, rather of the selection committee. That is what my amendment speaks to today.

I believe the changes that they made were constructive; they were well received by the press and by the public. When this bill was drafted, there was a total disregard for those constructive changes, and what we are attempting to do here today is practically restore the makeup of the selection committee as it exists under the rules and regulations of the present board.

One of the other things that we are attempting to do is to require the selection committee to submit the name of one bidder to the secretary or to the new department instead of presently having, as the bill exists, to have the selection committee submit the three names. Now, I believe anyone who wants to look at this reasonably would agree that the selection committee should submit one name, because if we allow the present bill and the submission of three names, we open this subject to political manipulation and political bidding. We have just experienced with our past or immediately past Secretary of Property and Supplies, a very deplorable situation, one which has gotten us nationwide publicity, and if we were to permit a man of that caliber to manipulate three bidders, I am sure you can see that we are opening up ourselves once again for that same kind of scandal.

Now, if I might just speak to the selection committee on that same subject, I want to read for you from the minutes of the General State Authority meeting of April 9, 1975, where this very subject was opened for discussion and for action. The present Speaker of the House said—and I am reading from the minutes of that meeting—that no one on the board knows any of the names being recommended.

Since no one has challenged the ability of the committee to select, the Speaker suggested that the committee be charged with making the selection of one designer and that it be reported to the board to that effect. Now that was only this past April.

I would hope that we would not continue in the vein of change for the sake of change and that you would seriously consider the makeup of this selection committee and its submission of recommendations.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, this amendment changes, as the gentleman says, the composition of the selection committee and vests the final selection of the architects and engineers in that committee for construction projects in the Commonwealth.

In my opinion, the selection provisions set down in the current bill are vastly superior to what is proposed. The bill currently provides for a selection committee to choose architects and engineers in the order of preference, and recommends three, with an order of preference to the secretary. The safeguard which is present here and is missing in the proposal that Mr. Smith makes is that the secretary must publicly disclose the order of preference and the reasons for the selection among the three. That is missing, if we allow them to do it all themselves. No one will know what reason or what politics is being played in the committee, if any.

The present bill also sets down specific criteria for the elimination of the first and second choices if that should be done or for the selection between the three choices. That again is missing in the amendment.

Mr. Speaker, I strongly ask that all members vote in opposition to this amendment.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I believe that almost any proposal, even this proposal of Governor Shapp's, might be inoffensive as long as public attention re-

mains focused on the subject of corruption in the award of state contracts. The only true test of meaningful reform is whether a proposal will work during the long stretches of public inattention. I believe this bill fails that test miserably.

Now let me just make one other point about the selection committee. In the present language of the bill, the selection committee would be made up of one member knowledgeable in the field of building construction. Now I might suggest to you that those qualifications would permit anyone who has remodeled his basement, a spot on that selection committee. I think that is wrong.

The SPEAKER. Has the gentleman concluded his remarks?

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

Mr. BEREN. Mr. Speaker, I rise to support the amendment of Mr. Smith. I do so quite frankly because I think the procedure which you came up with as a member of the board of the General State Authority is a superior system to the one that is proposed in this legislation. I really think that this legislation before us, if accepted without this amendment, is, in fact, a step backward.

Now Mr. Manderino talks about the criteria that the person making the choice consults in making his choice. But let me read to you number (5), and I tell you that opens the barn door, for number (5) says that he can make his choice on the basis of ". . . any other relevant circumstances peculiar to the proposed contract." I suggest that that language allows the secretary or the person who will be making this choice, who after all will be the arm of the Governor, to make any choice he deems for any reason whatsoever.

I really think that the way to protect this state in the future—and we are not talking about this year or next year, because I do not know that there will be that many projects. We are talking about the next 5 to 10 to 15 to 20 or 30 years or the future—is to make this committee make a binding choice and remove the opportunity for the type of skulduggery that can exist under this giant loophole in section (5).

I reiterate, I think that the Speaker's approach is superior to this legislation. On the basis of this, I ask that this amendment be approved.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the reference that the previous gentleman had to the procedure established by the General State Authority Board and by the Speaker as part of that General State Authority Board has very little validity to this debate. That particular procedure adopted by the General State Authority Board on a temporary basis was adopted because the board, once the committee recommended three architects or three engineers, had no basis by which to choose between those three. The board quite properly, in my opinion, said to the committee, you have reviewed and we set down certain criteria now for you. You make the final decision. The criteria was set down. There was a formula by which that committee was to select. I say to you, we are doing nothing different here. The qualified people will be recommended. Three will be recommended in order of preference. Those three who are recommended in order of preference will be selected

on the basis of specific criteria which we outline in the bill. If the preference of the committee is not followed exactly, public disclosure must be given as to the reasons why such preference was not followed. I ask for defeat of the amendment.

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

The yeas and nays were required by Messrs. L. E. SMITH and MANDERINO and were as follows:

YEAS—86

Table listing names of members who voted 'YEAS' (86 total). Includes Anderson, Beren, Bittle, Brandt, Burns, Butera, Cessar, Cimini, Crawford, Cumberland, Davies, Deverter, Dietz, Dorr, Fawcett, Fischer, Fisher, Foster, A., Foster, W., Gallen, Geesey, Gleason, Grieco, Gring, Halverson, Hamilton, J. H., Hasay, Haskell, Hayes, D. S., Hayes, S. E., Hepford, Hill, Hopkins, Hutchinson, W., Kitz, Kistler, Klingaman, Knepper, Kusse, Lehr, Levi, Manmiller, McClatchy, McCue, McGinnis, Mebus, Miller, M. E., Miller, M. E., Jr., Moehlmann, Noye, O'Connell, Pancoast, Parker, H. S., Perri, Pitts, Polite, Pyles, Renninger, Ryan, Salvatore, Scheaffer, Scirica, Seltzer, Shuman, Sirianni, Smith, E., Smith, L., Spencer, Stahl, Taddonio, Turner, Ustynoski, Vroon, Wagner, Weidner, Westerberg, Whelan, Whittlesey, Wilson, Wilt, R. W., Wilt, W. W., WorriLOW, Wright, Yohn, Zearfoss, Zord.

NAYS—107

Table listing names of members who voted 'NAYS' (107 total). Includes Abraham, Arthurs, Barber, Bellomfni, Bennett, Berson, Blackwell, Bonetto, Bradley, Brunner, Caputo, Cohen, Cole, Cowell, Davis, D. M., DeMedio, Dicarolo, DiDonato, Dombrowski, Doyle, Dreibelbis, Eckensberger, Englehart, Fee, Flaherty, Fryer, Gallagher, Garzia, Getsler, George, Giammarco, Gillespie, Gillette, Gleason, Goodman, Green, Greenfield, Hammock, Hutchinson, A., Johnson, J., Irvis, Itkin, Kelly, A. P., Kernick, Kowalyszyn, LaMarca, Laudadio, Laughlin, Lederer, Letterman, Lincoln, Manderino, McCall, McIntyre, McLane, Menhorn, Milanovich, Milliron, Misceovich, Morris, Mrkonic, Mullen, M. P., Mullen, Musto, Myers, Novak, O'Brien, O'Donnell, O'Keefe, Oliver, Perry, Petrarca, Pievsky, Pratt, Prendergast, Rappaport, Reed, Renwick, Rhodes, Rieger, Ritter, Romanelli, Ross, Ruggiero, Saloom, Schmitt, Schweder, Shane, Shelhamer, Shelton, Shupnik, Stapleton, Stout, Taylor, Tayoun, Trello, Valicenti, Vann, Walsh, T. P., Wansacz, Wargo, Wojdak, Yahner, Zeller, Zwick, Fineman, Speaker.

NOT VOTING—10

Table listing names of members who did not vote (10 total). Includes Berlin, Dininni, Kelly, J. B., Kolter, Lynch, McGraw, Richardson, Sullivan, Sweeney, Thomas.

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

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

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

- Amend Sec. 9 (Sec. 2401.2), page 16, line 3, by striking out "DIMINISHING" and inserting: altering
- Amend Sec. 9 (Sec. 2401.2), page 16, line 6, by inserting a period after "ARTICLE"

Amend Sec. 9 (Sec. 2401.2), page 16, lines 6 through 24, by striking out "WITH RESPECT TO PLANNING," in line 6 and all of lines 7 through 24

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

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, this particular amendment is the amendment I indicated I would offer.

In committee this particular bill was amended to indicate that nothing in the bill would diminish the power of the Department of Environmental Resources in construction projects, and it went on to list a whole host of construction projects.

That amendment could easily be interpreted, in my opinion—and you will find that on page 16 of the bill—as granting to the Department of Environmental Resources more authority in construction projects than they presently have. My amendment strikes out the word "diminishing" in line 3 and inserts the word "altering," and puts a period after "Article" at line 6. The remainder of the amendment is stricken.

The effect of the amendment is that the present capability of the Department of Environmental Resources in the construction area will not be altered. In no way will there be any expansion of what they traditionally do. I ask adoption of the amendment.

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

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

YEAS—193

Table listing names of members who voted 'YEAS' (193 total). Includes Abraham, Anderson, J. E., Arthurs, Barber, Bellomfni, Bennett, Berson, Blackwell, Bonetto, Bradley, Brunner, Caputo, Cohen, Cole, Cowell, Davis, D. M., DeMedio, Dicarolo, DiDonato, Dombrowski, Doyle, Dreibelbis, Eckensberger, Englehart, Fee, Flaherty, Fryer, Gallagher, Garzia, Getsler, George, Giammarco, Gillespie, Gillette, Gleason, Goodman, Green, Greenfield, Hammock, Hutchinson, A., Johnson, J., Irvis, Itkin, Kelly, A. P., Kernick, Kowalyszyn, LaMarca, Laudadio, Laughlin, Lederer, Letterman, Lincoln, Manderino, McCall, McIntyre, McLane, McGinnis, McIntyre, McLane, Mebus, Miller, M. E., Miller, M. E., Jr., Moehlmann, Noye, O'Connell, O'Keefe, Oliver, Perry, Petrarca, Pievsky, Pratt, Prendergast, Rappaport, Reed, Renwick, Rhodes, Rieger, Ritter, Romanelli, Ross, Schweder, Scirica, Seltzer, Shane, Shelhamer, Shelton, Shuman, Shupnik, Sirianni, Smith, E., Smith, L., Spencer, Stahl, Stapleton, Stout, Taddonio, Taylor, Tayoun, Trello, Turner, Ustynoski, Valicenti, Vann, Vroon, Wagner, Walsh, T. P., Wansacz, Wargo, Weidner, Westerberg, Whelan, Whittlesey, Wilson, Wilt, R. W., Wilt, W. W., Wojdak, WorriLOW, Wright, Yahner, Yohn, Zearfoss, Zord.

Fryer	Manderino	Ruggiero	Zwilk
Gallagher	Manmiller	Ryan	Fineman,
Gallen	McCall	Saloom	Speaker
Garzia	McClatchy	Scheaffer	
Geesey	McCue	Schmitt	

NAYS—0

NOT VOTING—10

Berlin	Lynch	Salvatore	Sweeney
Dininni	McGraw	Sullivan	Thomas
Kelly, J. B.	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. MANDERINO requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 2 (Sec. 202), page 3, line 1, by inserting after "Supplies":

, amended May 25, 1945 (P. L. 1015, No. 389) and June 6, 1945 (P. L. 1398, No. 446),

Amend Sec. 9 (Sec. 2401.1), page 14, line 5, by striking out "The"

Amend Sec. 13 (Sec. 2408), page 20, line 16, by inserting underscoring under the words "design of"

Amend Sec. 13 (Sec. 2408), page 21, line 9, by inserting underscoring under the word "institution"

Amend Sec. 13 (Sec. 2408), page 21, line 24, by striking out "or" and inserting: of

Amend Sec. 13 (Sec. 2408), page 24, line 27, by striking out "bonds" and inserting: bond

Amend Sec. 15 (Sec. 2412), page 27, line 17, by striking out "not" and inserting: nor

On the question,

Will the House agree to the amendments?

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

Mr. MANDERINO. Mr. Speaker, this amendment is of a technical nature. It is a "bill-reading corrections amendment," suggested when the Legislative Reference Bureau went through the bill. It changes, in a number of places, words that should be changed gramatically; it changes "or" to "of"; it changes "bond" to "bonds"; it changes "not" to "nor"; it is purely technical, and I think it has been reviewed by the minority and I ask adoption of the amendment.

On the question recurring,

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?

Bill as amended was agreed to.

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

### CONSUMER PROTECTION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 488, printer's No. 1980, entitled:

An Act providing for the rights and duties of mobile-home owners or operators and mobilehome residents.

On the question,

Will the House agree to the bill on third consideration? Bill was agreed to.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. I am sorry, Mr. Speaker, apparently we neglected to tell you that Mr. Vroon has offered an amendment which neither the Chair nor we knew anything about until the last minute. But he does have the amendment and it has been distributed. Will you recognize the gentleman?

The SPEAKER. The Chair withdraws its decision as to the bill having been agreed to the third time, and recognizes the gentleman from Chester, Mr. Vroon, who offers the following amendment, which the clerk will read:

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 3, page 3, by inserting between lines 15 and 16: (5) For expiration of the term of the lease, if any.

Expiration of the term of the lease refers to a written lease of no less than five years. After the expiration of five years, the owner may terminate the lease and may recover possession only in accordance with the procedures established in Article V of the act of April 6, 1951 (P. L. 69, No. 20), known as "The Landlord and Tenant Act of 1951," and the notice to quit shall specify that the tenant shall vacate the premises within three months from the date of service thereof.

Amend Sec. 4, page 6, by inserting between lines 14 and 15: "(5) For expiration of the term of the lease, if any.

"Expiration of the term of the lease refers to a written lease of no less than five years. After the expiration of five years, the owner may terminate the lease and may recover possession only in accordance with the procedures established in Article V of the act of April 6, 1951 (P. L. 69, No. 20), known as "The Landlord and Tenant Act of 1951," and the notice to quit shall specify that the tenant shall vacate the premises within three months from the date of service thereof.

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Mr. Speaker, I hope this is the amendment that the majority leader has referred to.

The SPEAKER. We are on House bill No. 488.

Mr. VROON. I have two of them.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I did not know there were two; I have seen only one. But, first of all, will the House please settle down so that you can hear what the gentleman—

The SPEAKER. Will the gentleman yield?

The gentleman may proceed.

Mr. IRVIS. Mr. Speaker, for the edification of the members of the House, the gentleman, Mr. Vroon, is offering two amendments. We on this side have not caucused on them, and I am asking him to explain them in detail so that the Democrats may understand the purport and thrust to his amendment.

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

Mr. VROON. Mr. Speaker, this first amendment which I had circulated today, and I do not know why you all do not have it, does this in particular—

Shall I read it, Mr. Speaker?

The SPEAKER. Just indicate to the members what the thrust of the amendment is.

Mr. VROON. All right. The amendment is to stipulate one other reason for the eviction of a mobile-home tenant. There are a number of reasons stipulated in the bill; this is just one additional reason. This reason is to permit the owner of a mobile-home park to ask a tenant to leave at the expiration of a lease of no less than 5 years, if there is such a lease. The reason for this additional reason for asking a tenant to leave the mobile-home park is to recognize the fact that a mobile-home-park owner certainly has some prerogatives as the owner of the land to regain certain phases as they are released at the termination of a lease.

For example, if I as a mobile-park owner, at the expiration of 5 years, find a lease coming vacant and I happen to have a child who needs a home very badly and I would like to have that child live in my own mobile-home park, I should have the prerogative of asking that tenant to leave at the expiration of his lease, with, of course, due notice as this bill already provides.

I have no quarrel with the intent of this bill. This bill does accomplish many good things to disabuse those things which are being done improperly now by mobile-park owners. My contention here is that we should not give squatters' rights to everybody who wants to live in a mobile park and can never be evicted as long as he observes the rules of the park. After all, you can easily also imagine the possibility of a person obeying all the rules of the park and still being a real pain in the neck to the mobile-park owner.

In such cases, again, the mobile-park owners should have the prerogative of saying after 5 years, I think it is time that you leave. I would like to have this space and give it to somebody else whom I like better.

This is individual property rights as I see it, and this is the reason for the amendment. It is not intended to hurt the bill; it is intended to avoid the abuse of squatters' rights.

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

Mr. MANDERINO. Mr. Speaker, I rise to oppose the amendment. The guts of House bill No. 488 is aimed at with the Vroon amendment. The whole purpose of not allowing eviction at the expiration of any lease period is based on the fact that residents of mobile-home parks do not have much facility in moving that mobile home, which may be their life investment, to another mobile-home park. In many communities there are no other mobile-home parks. In many communities zoning ordinances prohibit the moving of that mobile home to an individual lot. This is the guts of the bill.

What we are saying is that if a person devotes his land to the use of mobile-home residency and rents spaces, he has the right to make the rules; he has the right to decide how these tenants in that mobile-home park shall act; what they shall do; how they shall live by the rules of the park. But because of the difficulty of the

residents and the abuses that the residents of mobile-home parks have suffered over the years, what we are saying is that if he abides by those rules which the owner sets up and has the right to change and promulgate, if he abides by those rules so long as the owner continues to rent space and use that particular land, and so long as he has intention of renting that particular space, he must rent that particular space to this tenant who has abided by the rules and who has paid the rent.

Just because a lease expires, he should not have the right, as Mr. Vroon wants him to have, to ask the man to leave when the lease expires, because he does not like the way he parts his hair or he does not like the dungarees that he wears, or the long hair that he may sport. What we are saying is that you have the right to make the rules, you make the reasonable rules, but as long as that space is available you must give it to this man who will have much difficulty taking his life's savings and his home and placing them on his back, virtually, and trying to find another spot. You may not evict him at the end of the lease. You must continue to rent as long as he obeys the rules and so long as he pays his rent, and I ask for the defeat of the Vroon amendment.

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

Mr. VROON. Mr. Speaker, this goes beyond the very trivial question of whether or not he parts his hair right. As I said before, if you have a tenant who is a real pain in the neck, he can adhere to all the rules of your mobile park and still come very close to the border that he can be a source of harassment to you forever.

Now it is recognized that these people do have difficulty finding other places to live, but the presence of an amendment like this in this bill will have a deterring effect on that tenant who has the notion that he is going to harass his landlord right up to the point of breaking with him and causing a violation of the arrangement.

I believe this is an inherent right and I challenge every member here to put yourself in the place of a man who owns a piece of property and is perfectly willing to abide by all the rules that we say he should abide by, treat your tenants right, give him every break in the book, but please reserve for him that one little bit of a right to avoid the squatter who is going to harass him forever.

I would ask for an approval of this amendment.

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

Mr. RENNINGER. Would the gentleman, Mr. Manderino, consent to interrogation?

Mr. MANDERINO. Yes, Mr. Speaker.

Mr. RENNINGER. I have to get this thing down to my size. Am I correct in my understanding of this bill that if there is a violation of the rules of the park, the lessee has the right to do that, make a violation one time every six months. In other words, if he makes one violation of the rules within a six-month period, he cannot be censured, corrected or the lease terminated, but if he makes two violations of the rules, then if you are a mobile-home owner you can request his removal from the property.

Mr. MANDERINO. He can be evicted on a second or subsequent breach of the park rules.



Mr. RENNINGER. All right.

I call this the two-orgy rule. Now what that means is—  
The SPEAKER. I wish you would explain that one.

Mr. RENNINGER. For the benefit of this body, Mr. Speaker, I doubt if they need any pictures, but I would say this, what you are saying is that if the tenant has an orgy once every six months and you have an orgy rule that says he cannot do that— You cannot have an orgy rule?

The SPEAKER. No.

Mr. RENNINGER. Okay, then we are going to have another rule that would be broken. But you will have two bites of the apple; you have to do it twice within the six-month period to get kicked out. Let us say you have one of these people, a tenant, who just goes along and every six months, twice a year, they have a bacchanal then—I cannot imagine what the rule would say, I am not a park owner—but somewhere along the line this person just needles you. I think this is what Mr. Vroon was trying to spell out to you, that you have some people who will go by the book and they will violate it. That is what I think and that is my understanding of the bill.

Now may I make a brief statement, Mr. Speaker?

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

Mr. RENNINGER. There is no question that there have been abuses by mobile-home owners, and I would suggest for the record and, hopefully, to the prime sponsor of the bill to give some consideration to prohibiting the practices of mobile-home owners directly rather than indirectly through this particular process to which Mr. Vroon registered an objection.

The stuff that I hear from mobile-home park people that I think is wrong is tying in sales, you got to buy from my oil man, you got to buy your gas from my suburban propane gas company. I want to get you out of here so I can sell a new mobile home to somebody else, and in order to get that sale and a nice profit he kicked that guy out of the park and said, see I got a space for you. Those are the kind of abuses I think we want to stop, but I am not sure you want to approach it on this kind of an approach which I think will come back to haunt us. The problem is who in the heck really owns what, once they do own something in this country. I suggest some thought be given to that.

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

Mr. VROON. Mr. Speaker, may I interrogate the majority whip, please?

Mr. MANDERINO. Yes, Mr. Speaker.

Mr. VROON. Mr. Speaker, section 4 of the bill reads as follows: "Park Rules and Regulations," now this is citing what you said before: You make the rules; as long as we obey the rules, we can stay here as long as we like. That is the intent of the bill which you are saying. Now let us look at the rules. "Park Rules and Regulations.—The owner or operator of a mobile-home park may at any time establish fair and reasonable rules and regulations reasonably related to the health, or safety of residents in the park or to the upkeep of the park, provided such rules and regulations are included in any written lease, and delivered . . ." et cetera.

Now may I ask you, Mr. Speaker, would you consider

that this would allow the establishment of a house of prostitution in the mobile-home park?

Mr. MANDERINO. That is in violation of the law of the Commonwealth, Mr. Speaker.

Mr. VROON. It does not say that in the bill.

Mr. MANDERINO. My opinion is that the police powers of the state which allow us to adopt law against prostitution use the same language—safety, health.

Mr. VROON. All right, let us take an easier one then. Let us say if you wanted to conduct a drinking party every Saturday night there and invite a whole number of friends who are very noisy and boisterous and keep your mobile-home park awake all night until the wee hours of the morning, would you be violating these rules?

Mr. MANDERINO. I think that might be reasonably covered under "upkeep of the park."

Mr. VROON. Not upkeep.

Mr. MANDERINO. That is your interpretation, Mr. Speaker.

Mr. VROON. Hardly. I would say there are so many loopholes in the definition here that you could get.

#### POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. WALSH. I think the gentleman, Mr. Vroon, is addressing the substance of the bill and not the narrow restrictions of his amendment.

The SPEAKER. I do not think the gentleman can properly address himself to his amendment without discussing the matter of which he now has under discussion.

The gentleman may proceed.

Mr. VROON. Thank you, Mr. Speaker.

The point, Mr. Speaker, that I am trying to establish here, is it not possible—as I illustrated by one or two attempts here—to harass a park owner and all the people in the park by your behavior without being considered to be in violation of these rules, which are rather vague and uncertain?

Mr. MANDERINO. I do not see it that way, Mr. Speaker. Let me say to you that we are embarking upon a new concept in giving rights to mobile-home park tenants. Other states have done it. I do not suspect that the first time we write a piece of legislation we are going to correct the situation that we want to correct without finding some bugs. I do not say that what you have raised and what the other gentleman spoke about do not create problems in my mind; they do. But the main thrust of the bill, to give that mobile-home park tenant some security in the leased premises is what we are aiming at and what the bill accomplishes, and your amendment aims at that and really destroys that concept.

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

Mr. GLEASON. Will the gentleman, Mr. Manderino, consent to a brief interrogation?

Mr. MANDERINO. Yes.

Mr. GLEASON. The gentleman has already indicated that the thrust of the bill is to protect that mobile-home owner who pays his rent and abides by regulations, so

that at the expiration of his lease he cannot be evicted by virtue of the lease termination? Is that a correct statement?

Mr. MANDERINO. Yes.

Mr. GLEASON. In effect, would you agree with me that what we are possibly creating here is a new estate in land, like a new mobile-home estate in land?

Mr. MANDERINO. I do not think we are doing that. What we are doing, Mr. Speaker, is restricting the causes or reasons a mobile-home park owner as defined in the act can use an eviction proceeding. He can evict for other reasons. I do not want to go into those because they do not speak to the amendment, but there are other reasons for which he can evict.

Mr. GLEASON. Mr. Speaker, will the gentleman indicate to me whether or not the bill speaks to this following situation which I think is quite real and not hypothetical. Let us assume that Mr. and Mrs. Jones have a five-year lease. Let us say Mr. Jones has a five-year lease with a mobile home and let us assume that he has abided by the regulations and his lease expires and he continues paying rent for another three or four years and cannot be removed because of the termination of his lease, but let us assume further that he dies. Now does the bill speak at all to what happens to Mr. Jones' estates rights, the possible rights his estate might have in this continuing situation? It seems to me that the executor or the administrator of the estate could continue paying rent on behalf of Mr. Jones. Does the bill, in other words, terminate this situation when the mobile-home tenant dies after the expiration of his term?

Mr. MANDERINO. I would imagine, Mr. Speaker, you are saying that a member of his family remains?

Mr. GLEASON. No. Mr. Manderino knows that I am talking about the estate of Mr. Jones. What happens when Mr. Jones dies?

Mr. MANDERINO. The estate can hardly be a resident, and we speak to residents of mobile-home parks in the bill.

Mr. GLEASON. Mr. Speaker, if the executor should move in, will he then continue to succeed to the same rights as Mr. Jones had when Mr. Jones died after the expiration of the lease?

Mr. MANDERINO. Mr. Jones I do not think could be considered a resident by any stretch of the imagination if he comes in, as Mr. Vroon says, and just squats on the land.

Mr. GLEASON. But is it not a fact that what we have given to Mr. Jones is really almost a life estate as long as he pays his rent and abides by the rules?

Mr. MANDERINO. What we are giving to the mobile-home park tenants is a perpetual lease so long as they pay the rent, the reasonable increases in rent or whatever the rents are increased for all the mobile-home park tenants, and for so long as he abides by the rules of the park we are giving him a perpetual lease.

The SPEAKER. Does the devisee succeed to that right?

Mr. GLEASON. That is the point.

Mr. MANDERINO. Pardon me. We speak to residents, and I do not think a devisee ever became a resident because he became a devisee.

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

Mr. RENNINGER. I think that Mr. Gleason, Mr.

Speaker, put his finger on what I think we are doing here. I think that the substance of this is that it is creation of a new kind of estate in real estate; I think it is overkill. And I think also what the tendency seems to be is to ignore the permission of even a written lease, if the mobile-home owner uses one, and what we are doing is saying that no matter what kind of leases you write, these are the provisions that are only going to be recognized. All we are trying to do is protect the mobile-home owner from being kicked around, and I am sympathetic to that, but I do not know that we want to create a new legal animal which has a lot of problems in it, and one of them is, sure, does the devisee inherit it? This is taxable interest on the man's estate. Does the mobile-home owner want to pay tax on this? You know, you have a lot of problems with this legally.

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

Mr. DORR. Mr. Speaker, I will yield to Mr. Irvis.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. I want to point out to my fellow members of the bar that those of you who are beginning to talk about estates in land may very well get so intrigued by your debate on property rights that you deviate too far from the rules of the House.

It is now 2 minutes of 6. I promised to get you out of here by 6:30, and I would ask the lawyers, at least, in the House, and maybe the others who are not lawyers, to read with me that section of rule 10—and all of you now have the printed rules on your desks—which says, "No member, except the Majority and Minority Leaders, may speak more than twice on any question, without the consent of the House."

Now I am not now rising to withdraw that consent, but I would ask you voluntarily to obey the rules of the House so that the members may get to the vote and get out of here.

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

Mr. DORR. Mr. Speaker, I will try to be brief, but I want to add to previous members' concern about what, in my judgment, is a very real and serious attack on personal property rights. Rather than by interrogation, I will try to make the point I want to make.

What the members who promote this legislation are attempting to do, in my judgment, is to create a situation where mobile-home owners have greater rights and on that type of housing have a better chance of surviving in the Commonwealth.

In my judgment, if this bill would become law as it is today, as a lawyer who sometimes—as all lawyers do—gets asked for advice on investments, I would have to advise anyone against entering into the business of mobile-home-park owner.

Suppose, for example, Mr. Speaker, a person bought a piece of land for \$100,000 and prepared it under the rules and regulations now that are stringently applied by the Department of Environmental Resources and others for the institution of a mobile-home park, rented the space out and began to make what was a modest and decent return on that investment. Then under the permissible zoning regulation, the area began to develop

commercially and the mobile-home park owner had the opportunity to sell that piece of land for a substantial profit to, for example, a shopping center or a grocery store or some other similar outfit.

POINT OF ORDER

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. Mr. Speaker, I do not think the gentleman is speaking on the amendment. He is speaking on the bill and, obviously, he has not read it, because there are provisions in the bill that allow you to convert a use.

Mr. DORR. Mr. Speaker, the point is, the conversion of use traditionally applied is in respect to the termination of a lease. This bill prevents the eviction of people on the termination of a lease, and that is the amendment of the gentleman.

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

Mr. DORR. In my judgment, Mr. Speaker, unless the amendment of the gentleman is applied, which allows the eviction upon termination of a lease, after all, if a mobile-home owner enters into a lease, he is doing so hopefully upon advice and good judgment. If that lease terminates in five years, he ought to understand that. If he does not want to enter into a lease which terminates in five years, he ought to go elsewhere.

What we are getting here, as the gentleman, Mr. Manderino, pointed out, is the creation as a perpetual lease to the detriment of the property owner, and the members ought to be very clear on that point when they vote on this amendment. They are voting to the detriment of the property rights of the landowners of the Commonwealth and in favor of the creation by law of permanent leases.

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

Mr. WAGNER. Thank you, Mr. Speaker.

Will Mr. Manderino answer a few questions, please?

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

Mr. MANDERINO. Mr. Speaker, I have spoken once on this. These interrogations, I hope, are not counted against my second time, which I intend to exercise.

The SPEAKER. They will not be counted against the accumulative total of times that you have the right to speak.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. WAGNER. Mr. Speaker, I understand the perpetual thrust of what you are doing and for the original holder of the lease. I cannot say that I do not agree with you there. But I do not see anything dealing with assignments. I see sale of mobile homes, and you cannot basically prohibit the sale.

Suppose he sells the mobile home, does the assignee, the new owner, also become the assignee for the lease right?

Mr. MANDERINO. There is a section of the bill that indicates that the mobile-home-park owner, upon the sale of any mobile home, must approve the tenant. If he does not approve the tenant, he does not have to take the tenant and they will have to move the mobile

home. If he approves the tenant, the tenant will become a resident and entitled to the same rights of any resident under the act.

Mr. WAGNER. What will the nonapproval have to be based upon?

Mr. MANDERINO. That could be on anything.

Mr. WAGNER. Okay. Thank you.

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

Mr. VROON. Just a final quick word. I believe I used time up with interrogation, but I will not take long.

I tried to develop by interrogation of Mr. Manderino that there is no possible way at all to come up with a set of rules which would make everybody totally acceptable to a park owner. It is, consequently, very undesirable to give perpetuity to any person who comes into a mobile-home park.

I do not believe that Mr. Manderino would like it either if he owned a park and he wanted to redeem, to get back, one of these spaces for his son at the end of a five-year lease. I do not think this is really the intent of the bill.

We want to protect people who are there. We want to do a good job for them, but we cannot give away the last prerogative that the owner has. I strongly urge the adoption of this amendment to House bill No. 488.

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

Mr. A. C. FOSTER. Mr. Speaker, it seems that in discussing this House bill No. 488 there has been a great deal of discussion on protecting the rights of the mobile-park owners, perhaps to a great degree. But I think there is also something else that the bill does, and that is, protect the rights of the tenants and the residents, which is the other concept of the bill.

Certainly, one point should be raised: that if there is a particular family or particular group residing in a mobile-home park who by their conduct or their general disruption of the tranquility of the park, to the great distress of all the remaining tenants, I think it is to the good of everyone concerned if that family be evacuated at the expiration of any lease. I think this is something that will serve to the benefit of the tenants as well as the owner of the mobile-home park. I would certainly urge an affirmative vote on Mr. Vroon's amendment.

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

Mr. MANDERINO. Mr. Speaker, what we attempt to do in the section that Mr. Vroon is attempting to amend is nothing more than has been done where acts to protect mobile-home-park residents has been passed in other states. The State of California, the State of Delaware, the States of Florida, Maine, Massachusetts, New Hampshire, New Jersey and Vermont have passed similar statutes and, to the best of my knowledge, they are working well.

We are not creating a new estate in land; we are simply saying that once you become a resident of a mobile-home park, you will have certain rights, and one of those rights will be that you will not be evicted except for specified reasons. Now Mr. Dorr, the speaker, indicated that he—

The SPEAKER. Will the gentleman yield?

The gentleman may proceed.

Mr. MANDERINO. Mr. Dorr indicated in speaking that he could not advise someone to invest in a mobile-home park because an opportunity may come along to convert a use to a shopping-center use or some other more advantageous use. We allow that in the bill; we recognize that. That is a reason for eviction, if the park or any part of the park is going to be changed in usage. But what we are saying is that if you are not changing the use and if you are going to evict and put someone else in that spot with another mobile home, you cannot do that unless these people have not paid the rent, or unless they have violated the rule of the park. And that is simply what we are doing.

We are allowing a termination of the entire park. We are allowing a termination if there is a change in the use of any land, and you do not become a resident, as I look at it, unless you have validly entered into a lease or into a lease arrangement, oral or written, with the park owner.

The fact of the matter is, 80 to 90 percent of the mobile-home-park-tenant leases are month-to-month leases. And what we are trying to do by this is to say that you cannot evict at the end of any lease, even as Mr. Vroon would want in this particular case at the end of 5 years.

The problem for that particular family in taking their homes, their life's savings in many cases, upon their back and trying to find a place to go is impossible. There are no places to go in many communities, and what we are trying to do is give the tenant a measure of protection that I do not think is unreasonable to give him.

If you have mobile-home parks in your area, I am sure that you have run across, from time to time, the abuses that we are trying to correct. In my personal particular involvement, and why I became interested in this mobile-home park field, had to do with arbitrary evictions after having an association of tenants who got together to try to impress upon the landlord that they needed street lighting, that they needed safety features, that they needed fire hydrants in a community of over, as I remember, 120 mobile homes. And because they got together and formed an association, he simply sent them all notices, some 50 families, telling them—He did not tell them it was because they joined the association; he simply said that their lease is up, leave; and I am saying we ought to prevent that. We ought to provide the tenant with a measure of protection that we will provide if we defeat the Vroon amendment.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Thank you, Mr. Speaker.

I have an amendment that I would like to offer, but I am going to change my tactical position and really support the Vroon amendment. Although there is a slight difference, it, basically, is parallel and it will save the time of the House.

I would like to indicate very clearly for the record, Mr. Speaker, that I am a mobile-park owner and operator. I have a substantial investment in that mobile-home park estimated or appraised at in excess of a quarter of a million dollars. I have been in it and built it up from a single unit along the highway to the present occupancy of about 70. I have a good experience; I have tenants

that I am proud of and I have had one incident, and that one incident affected the operation of that entire park. That was not an orgy; it was a warehouse, and I could not, under any circumstances, do anything about that and it nearly jeopardized my investment in that entire park.

Now I want to give the people in my park and in all of the other mobile-home parks in this Commonwealth, protection, because there have been shoddy operators and they deserve this kind of legislation because they have put it to them, and because they were commission agents and because they did demand up-front money, and because they did demand moneys when the home was to be taken out, and they used every conceivable, illegal and immoral means to jeopardize the owner of that unit because they had him. But, seriously, what you are doing is an injustice to every decent operator.

All I am asking for, as an operator, is the right to terminate that lease when that lease expires.

Now it is right and they are month to month, there is no question about it. I would prefer to have them year by year. I would prefer to have them 5 years. The month-by-month situation, 97 percent of the time is for the convenience of the tenant. It is certainly not for the convenience of that owner, because I have lots of options. If I could get valid leases over a long time, I could take them to the bank and, perhaps, discount them. So that does not accrue any benefit to me as an operator. That accrues a distinct benefit to that particular mobile-home owner.

You say in this too that fair and reasonable rules shall be established. Well, fair and reasonable rules are another thing. You define additional costs. I would like to know what they are. They are not clear. Is actual cost my overhead when I am involved in insurance and that sort of thing? Can actual cost include profit? That is not clear in here.

It says in here that the Attorney General and the District Attorney have jurisdiction. The Attorney General and the District Attorney, in particular, in my county are so damn busy, they would not want to be harassed like this.

What I am asking for and what I would suggest—and I know Mr. Manderino has a problem—is to have this bill go over until we come back. I would respectfully request that we get to that one problem and give a decent owner an opportunity to protect himself and his investment. What is wrong with that? This is stricter and more devastating than the Landlord Tenant Act. This is going, in my judgment, entirely too far. Thank you.

#### MOTION TO TABLE

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

Mr. A. C. FOSTER. Mr. Speaker, Frank O'Connell has just expressed a lot more eloquently than I the sentiments of many of us. I would respectfully request also that this bill go over for the simple reason that I expect to attend a meeting in my own county, along with my colleagues, tomorrow night.

I so move that the bill, House bill No. 488 and its amendment, be tabled.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I object to the motion to table. I ask that it be voted down.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Then I would respectfully request support for this amendment, would you please?

The SPEAKER. Well, the matter before the House—

Mr. O'CONNELL. In the interest of honesty and decency and for the preservation of mobile-home parks and for those people who really need—

The SPEAKER. Mr. O'Connell, the matter before the House is on the motion to table, not on the Vroon amendment.

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

The yeas and nays were required by Messrs. A. C. FOSTER and VROON and were as follows:

YEAS—84

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

NAYS—105

Abraham	Garzia	Menhorn	Saloom
Arthurs	Geisler	Milanovich	Schmitt
Barber	George	Milliron	Schweder
Bellomini	Giammarco	Miscevich	Shane
Bennett	Gillespie	Morris	Shelhamer
Berson	Gillette	Mrkonje	Shelton
Blackwell	Gleeson	Mullen	Shuman
Bonetto	Goodman	Mullen, M. P.	Shupnik
Bradley	Green	Musto	Stapleton
Brunner	Greenfield	Myers	Stout
Caputo	Hutchinson, A.	Novak	Sullivan
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	Valicenti
Dicarlo	Kowalshyn	Petrarca	Vann
DiDonato	LaMarca	Plevsky	Walsh, T. P.
Dombrowski	Laudadio	Pratt	Wansacz
Doyle	Laughlin	Prendergast	Wargo
Dreibelbis	Lederer	Rappaport	Wojdak
Eckensberger	Letterman	Reed	Yahner
Englehart	Lincoln	Renwick	Zwinkl
Fee	Manderino	Ritter	
Flaherty	McCall	Romanelli	Fineman,
Fryer	McIntyre	Ross	Speaker
Gallagher	McLane	Ruggiero	

NOT VOTING—14

Berlin	Kelly, J. B.	Rhodes	Ryan
Butera	Kolter	Richardson	Sweeney
Dininni	Lynch	Rieger	Thomas
Hammock	McGraw		

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

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

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

Mr. GARZIA. Mr. Speaker, I just do not understand the problem the people have with mobile parks. Now we have two in my district and we do not have a bit of trouble with them.

If a trailer is a house of evil, there are laws against that. The police can raid them, if they care to. If there is a noisy party, you call the police and they quiet them down.

Now a trailer park does come under the ordinance of any community and I just do not understand some of the comments being made. Will somebody enlighten me, please?

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

Mr. BEREN. I think the point that Mr. Vroon tried to make earlier and which was fogged by the response was that if there is a house of prostitution, that may be a violation of the law, but there is nothing in this bill that gives a landlord the right to terminate the lease for violations of the law.

That gets to the point that Mr. Vroon was talking about and it gets to the point that Mr. O'Connell was talking about.

Mr. GARZIA. Well, I am sure when you sign a lease with the owner of a mobile park, you generally have that in your lease.

Now I know I read the one in Village Green in Delaware County and it is a tough lease. If you sneeze, you are violating the lease and you can be expelled from it.

Mr. STAHL. Mr. Speaker, I think I can help the gentleman. My grandmother owns one.

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

Mr. STAHL. Now I want to make it perfectly clear that my grandmother also owns a mobile-home park of 27 units. It is a small one, believe me.

I have no objection to 99.9 percent of this bill, but she also had a problem a couple of times, as a matter of fact—she is an elderly lady—and I will be honest with you, the cops do not want to come down and get themselves involved with a prostitution case. It took her 2 years, 2 years, to get these people out. That is the problem.

PARLIAMENTARY INQUIRY

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

Mr. LaMARCA. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LaMARCA. Mr. Speaker, I have been through Mr. Jones just a while ago and I did not know who he was. We went through Mr. Devisee, and I did not know who he was.

We have finally got on a topic that I know something about. I was wondering at what stage of the proceedings we are. Do we have an amendment before us or, if we are going to take up the other topic, I suggest we all caucus and I will enlighten us on something about it.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. I will try to be brief, really, but I have to respond to the gentleman.

It depends on the operation that you have in the park. This kid had a pretty good operation going and she oper-

ated rather subtly. The gal was smart. She was not for, you know, strangers. She was not one who went out to wrestle up a gang. So it was rather difficult, and it was obvious the way she was conducting this thing that it was a place that you would not particularly want in your neighborhood or next to you. The park people were complaining about it.

I tried very honestly and subtly to get rid of her every way that I possibly could get rid of her. I had a difficult time doing it. I could make the allegations or by innuendo, but I could not come up with any positive proof. I did go to the local police department. They could not do it. I went as far as the state constabulary, and they could not do it even with the vice squad.

Now it was a serious thing and it put me in jeopardy, as well as the welfare and peace of mind of the rest of the people in that particular park.

That does happen in spite of everything that you say. I had that personal experience. I would not particularly like to go through it again.

PARLIAMENTARY INQUIRY

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

Mr. LINCOLN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINCOLN. For 2 and one half years I have been very curious about one particular House rule that we have; in this session it is House rule 65 concerning a member having a private interest.

Mr. O'Connell has complied with the first part of this rule, which is that he has to divulge any private or personal interest in a piece of legislation before us. I would ask you at this time: Would a proper interpretation of this rule at this time be that Mr. O'Connell would disqualify himself from voting on this particular piece of legislation?

The SPEAKER. The Chair would indicate to the gentleman in response to his question that when a member has an interest as a member of a class that is affected by legislation that is before the House, it is not that type of private interest that would militate against his being able to express an opinion in the affirmative or the negative on the proposition before the House.

Any member who desires to refrain from voting, however, because he believes he does have a private interest is free to be excused. I certainly would excuse a member from voting under those circumstances. But I know nothing in the law that would preclude a member from voting when he is a member of a class.

An example: There are bills that come through here that affect township solicitors. We have township solicitors who sit in this General Assembly. They are not precluded from voting because they are a member of a class.

This bill affects mobile park owners. Mr. O'Connell is a mobile park owner as a member of a class. I do not believe, therefore, that he is precluded from voting or expressing an opinion on the bill.

The Chair recognizes the gentleman, Mr. O'Connell.

Mr. O'CONNELL. Perhaps, in light of this, Mr. Speaker, it would be wise for me to refrain, and I will do so.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I recognize the fact that that is Mr. O'Connell's decision, but I would rather that he not make that decision. I do not think the House feels that he is incompetent to vote on this matter at all. The ruling of the Chair is clear. I do not think he ought to make an emotional adjustment to that ruling. I wish you would withdraw that and join the rest of us.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. I will do it as long as it is clearly understood that I am willing to go either way.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Lincoln.

Mr. LINCOLN. Mr. Speaker, I would like to make my position very clear that I did not imply this to Mr. O'Connell. It is just the fact that Mr. O'Connell's case was before us at this time and I believe that we are very foolish in what we have in our rules. I am glad you gave the interpretation that you did.

The SPEAKER. I think Mr. O'Connell understands that the gentleman was seeking clarification on a rule rather than casting aspersions on the situation involving Mr. O'Connell.

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

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

YEAS—148

Anderson, J. H.	Giammarco	Miller, M. E., Jr.	Shuman
Arthurs	Gillespie	Milliron	Sirianni
Bennett	Gleason	Miscevich	Smith, E.
Beren	Gleason	Moehlmann	Smith, L.
Birtle	Goodman	Morris	Spencer
Bradley	Green	Mullen	Stahl
Brandt	Grieco	Musto	Stout
Brunner	Gring	Myers	Sullivan
Burns	Halverson	Nove	Taddonio
Butera	Hamilton, J. H.	O'Brien	Taylor
Cessar	Hasay	O'Connell	Tayoun
Cimini	Haskell	O'Keefe	Toll
Cohen	Hayes, D. S.	Oliver	Trello
Cole	Hayes, S. E.	Pancoast	Turner
Cowell	Hepford	Parker, H. S.	Ustynoski
Crawford	Hill	Perri	Valicenti
Cumberland	Hopkins	Perry	Vroon
Davies	Hutchinson, W.	Petrarca	Wagner
Davis, D. M.	Katz	Pievsky	Wansacz
Deverter	Kelly, A. P.	Pitts	Weidner
Dicarlo	Kernick	Polite	Westerberg
DiDonato	Kistler	Prendergast	Whelan
Dietz	Klingaman	Pyles	Whittlesey
Dorr	Kusse	Reed	Wilson
Doyle	LaMarca	Renninger	Wilt, R. W.
Dreibelbis	Laughlin	Renwick	Wilt, W. W.
Eckensberger	Lederer	Rieger	WorriLOW
Fawcett	Lehr	Ritter	Wright
Fee	Letterman	Romanelli	Yahner
Fisher	Levi	Ryan	Yohn
Flaherty	Manmiller	Saloom	Zearfoss
Foster, A.	McCall	Salvatore	Zeller
Foster, W.	McClatchy	Scheaffer	Zord
Fryer	McCue	Seirica	Zwickl
Gallen	McGinnis	Seltzer	
Geesey	McIntyre	Shane	Fineman.
Geisler	McLane	Shelhamer	Speaker
George	Mebus		

NAYS—41

Abraham	Gallagher	Laudadio	Ross
Barber	Garza	Lincoln	Ruggiero
Bellomini	Gillette	Manderino	Schmitt
Berson	Greenfield	Menhorn	Schweder
Blackwell	Hutchinson, A.	Milanovich	Shelton
Bonetto	Irvis	Miller, M. E.	Stapleton
Caputo	Itkin	Mrkonjc	Vann
DeMedio	Johnson, J.	Novak	Walsh, T. P.
Dombrowski	Knepper	O'Donnell	Wargo

Englehart  
Fischer

Kowalyszyn

Pratt

Wojdak

NOT VOTING—14

Berlin  
Dininni  
Hammock  
Kelly, J. B.

Kolter  
Lynch  
McGraw  
Mullen, M. P.

Rappaport  
Rhodes  
Richardson

Shupnik  
Sweeney  
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. VROON requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 16, page 12, line 4, by striking out "or to change the lease"

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

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

Mr. VROON. The last section of this bill deals with the subject of retaliatory evictions. These are evictions which are entered into by the park owner for the purpose of retaliating against a particular tenant for misbehavior that he cannot get at otherwise. Included in this are the words "or to change the lease." Now this on the surface is a perfectly valid reason. This could result in a lot of abuse.

However, the inclusion of these words "or to change the lease" opens up a situation which is not intended to be opened up, I am sure, but is, nevertheless, very dangerous to the mobile park owner.

This is the situation: This would prevent a park owner from changing a provision in the lease within 6 months of a dispute with a tenant. As written, this would prevent any change, not just a change relating to the problem which he had with a tenant, a behavior problem, or whatever it is.

Also, this could prevent the park owner from increasing rent within 6 months as to any particular tenant. And because the requirement is there for uniformity in rent, that is, everybody has to pay the same rent, the park owner could not raise rents in the park for 6 months. Thus by continually asserting rights under the act, the tenants could frustrate indefinitely a legitimate increase in rents. I am sure that is not the intent, but this is what could happen.

Finally, if, for example, the dispute involved the omission in the rules of a provision for an appliance installation fee, which is common, and the park owner wants to clarify the problem by an appropriate change in the lease, he would be prevented from doing it by the presence of these words.

Consequently, what I am saying here is that we are not really hurting this bill at all, but we are trying to clarify a situation that is not clear and that is really overkill in this bill, too, on the changing of the lease. There must be some prerogative to change the lease without being accused of retaliatory eviction. I strongly urge the adoption of this amendment without, I assure you, weakening the bill in the least.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I oppose the amendment and call for a vote on the amendment in the negative.

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

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

YEAS—84

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

NAYS—104

Abraham	Garzia	Menhorn	Ruggiero
Arthurs	Geisler	Milanovich	Saloom
Barber	George	Miller, M. E.	Schmitt
Bellomini	Giammarco	Milliron	Schweder
Bennett	Gillespie	Miscevich	Shane
Berson	Gillette	Morris	Shelton
Blackwell	Gleeson	Mrkonic	Shupnik
Bonetto	Goodman	Mullen	Stapleton
Bradley	Green	Mullen, M. P.	Stout
Burns	Greenfield	Musto	Taylor
Caputo	Hammock	Novak	Tayoun
Cohen	Hutchinson, A.	O'Brien	Toll
Cole	Irvs	O'Donnell	Trello
Cowell	Itkin	O'Keefe	Valcenti
Davis, D. M.	Johnson, J.	Oliver	Vann
DeMedio	Kelly, A. P.	Perry	Walsh, T. P.
Dicarlo	Kernick	Petrarca	Wansacz
DiDonato	Kowalyszyn	Plevsky	Wargo
Dombrowski	LaMarca	Pratt	Wilson
Doyle	Laudadio	Prendergast	Wojdak
Dreibelbis	Laughlin	Rappaport	Yahner
Eckensberger	Ledcorer	Reed	Zord
Englehart	Letterman	Renwick	Zwilk
Fee	Lincoln	Ritter	
Fischer	Manderino	Romanelli	Fineman,
Flaherty	McCall	Ross	Speaker
Gallagher	McLane		

NOT VOTING—15

Berlin  
Dininni  
Fryer  
Kelly, J. B.

Kolter  
Lynch  
McGraw  
McIntyre

Myers  
Rhodes  
Richardson  
Rieger

Sullivan  
Sweeney  
Thomas

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

Amend Title, page 1, line 2 by removing the period after "residents" and inserting: and providing for rent control for real property.

Amend Sec. 1, page 1, line 6 by inserting after "Rights": and Residential Rent Control

Amend Bill, page 1, by inserting between lines 6 and 7: Article I



Amend Sec. 2, page 1, line 7 by striking out "act" and inserting: article

Amend Sec. 4, page 3, line 30 by striking out "act" and inserting: article

Amend Sec. 4, page 6, line 7 by inserting after "of": Article I of

Amend Sec. 4, page 6, line 7 by inserting after "Rights": and Residential Rent Control

Amend Sec. 13, page 8, line 29 by striking out "act" and inserting: article

Amend Sec. 13, page 9, line 2 by striking out "act" and inserting: article

Amend Sec. 14, page 9, line 6 by striking out "act" and inserting: article

Amend Sec. 15, page 9, line 15 by striking out "act" and inserting: article

Amend Sec. 15, page 9, line 24 by striking out "act" and inserting: article

Amend Sec. 16, page 9, line 28 by striking out "act" and inserting: article

Amend Sec. 16, page 9, line 30 by striking out "ACT." and inserting: article.

Amend Sec. 17, page 10, line 5 by striking out "act" and inserting: article

Amend Bill, page 10, by inserting between lines 9 and 10:

#### Article II

Section 18. Definitions.—As used in this article: "Board" means the Rent Control Board established pursuant to this act.

"Lease" means an oral or written agreement, express or implied, regardless of its duration, for the use of a residence and for the use of property or services in connection with the residence, and includes a sublease.

"Rent" means the price charged, under a lease, for the right to possession and use of a residence, including any required recurrent charge therefore and any required recurrent charge for the use of services or property in connection therewith.

"Residence" means a housing unit, including personal property such as a mobile home or a house boat, when offered for lease as a place of abode rather than as temporary lodging. It also includes real property upon which the housing unit is situated (or is to be situated if that unit is personal property) and which is necessary for the convenient use of the unit, and property owned by the lessor or owner of the unit, which is available for use by the lessee in connection with his use of the unit, and for which he must pay rent under the lease. A hotel or similar establishment may contain both residences and temporary lodging units.

Section 19. Rent Control Board.—(a) There is hereby created in the Department of Community Affairs a departmental administrative board to be known as the Rent Control Board composed of nine members appointed by the Governor by and with the consent of two-thirds of all the members of the Senate, three of whom shall represent landlords, three of whom shall represent tenants and three of whom shall represent the general public but shall not be members of any landlord or tenant organization. The term of each member shall be three years and until his successor is appointed and qualified. Of the members first appointed, three shall be appointed for 1 year, three for 2 years and three for 3 years.

(b) Five members of the board shall constitute a quorum, and the board shall select from among its members, a chairman, and shall elect a secretary who need not be a member of the board.

(c) The members of the board shall receive \$35 per diem, when actually engaged in the transaction of official business, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the Secretary of Community Affairs.

Section 20. Rent Stabilization and Control.—The board shall stabilize rents at levels prevailing on January 1, 1975 and shall control the level of rents in this Commonwealth. An increase in rent by the landlord will only be granted upon submission of sufficient proof to the Rent Control Board that additional costs of operation have been incurred, and that such costs will be prorated among the tenants.

Section 21. Rent Approval and Reduction.—(a) Before increasing his rent, a landlord shall receive the approval of the board, which shall determine whether any rent increase by such landlord on or after January 2, 1975, results in such landlord having an unreasonably high rate of return on his capital.

(b) Whenever the board determines that any rent increase by such landlord on or after January 2, 1975, results in his having an unreasonably high rate of return on his capital, then the board shall order such landlord to reduce his rents to an appropriate level.

Section 22. Rules and Regulations.—The board may promulgate such rules and regulations as it deems necessary or appropriate to effectuate the provisions of this article, including regulations to prohibit retaliatory action by any landlord against any tenant who exercises any right under this article or helps any other tenant exercise any such right.

Section 23. Exemptions.—This article shall not apply to:

(1) any unit subject to controls promulgated by a Federal or State governmental agency;

(2) any unit owned by a landlord who owns no more than four rental units;

(3) any unit renting for at least \$500 a month on January 1, 1975; or

(4) any property that is rented for nonresidential purposes.

Section 24. Penalties.—Any landlord who violates any provision of this article or any rule, regulation or order of the board shall be guilty of a summary offense and shall, upon conviction, pay a fine of not more than \$500 and, in addition, shall pay to the aggrieved tenant as a penalty a sum three times the amount of the excessive rent.

Amend Sec. 18, page 10, line 10 by striking out "18" and inserting: 25

On the question,

Will the House agree to the amendments?

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

Mr. RYAN. Mr. Speaker, I wonder if the gentleman would provide copies of this amendment to us.

Mr. GREENFIELD. Mr. Speaker, that copy was provided several weeks ago before this bill was tabled.

Mr. RYAN. I think I am speaking generally for the members on this side.

The SPEAKER. Did the gentleman, Mr. Greenfield, furnish copies on a prior occasion?

Mr. GREENFIELD. I did, Mr. Speaker, several weeks ago.

The SPEAKER. The gentleman will then explain the amendments on the floor of the House, please.

Mr. GREENFIELD. Mr. Speaker, this is a rent control amendment. It attaches to this bill, the rent control bill, which freezes rent as of January 1, establishes a board, a rent control board. Any future rent by a landlord, increase of rent by a landlord, would have to be justified before the board or could be justified, Mr. Speaker, on the basis of increased costs, increased taxes, increased maintenance, et cetera.

#### PARLIAMENTARY INQUIRY

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

Mr. RYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. Mr. Speaker, I am searching my recollection. I wonder if the gentleman—this is by way of parliamentary inquiry—or maybe the Speaker can advise me—is this not the amendment that has been offered by Mr. Greenfield on several other occasions to other bills?

Mr. GREENFIELD. Mr. Speaker, this has not been offered this year. Not this year, Mr. Speaker; last year. Last session. It has not been offered this year as the gentleman is saying.

The SPEAKER. The Chair does not recall seeing the amendment before.

Mr. RYAN. Thank you.

#### POINT OF ORDER

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I have a parliamentary inquiry as to the germaneness of the amendment. Perhaps the gentleman, Mr. Greenfield, will answer a question and we may be able to settle it. Will the gentleman consent to a brief interrogation?

Mr. GREENFIELD. Certainly.

Mr. IRVIS. Mr. Speaker, does the gentleman's amendment address itself to rent control for all rents within the Commonwealth?

Mr. GREENFIELD. That is correct.

Mr. IRVIS. Thank you, Mr. Speaker. No further interrogation.

Mr. Speaker, if that be so, then I raise the question of germaneness as to whether or not the gentleman can affect all rents within the Commonwealth by amending a bill that deals solely with mobile homes and in itself does not amend the Landlord and Tenant Act.

The SPEAKER. The Chair would rule that the point of order is well taken. The Chair would strongly suspect that an appropriate vehicle for an establishment of a state-wide rent control law would be an amendment to the Landlord and Tenant Act rather than to the mobile-home park bill, which the gentleman, Mr. Greenfield, is endeavoring to do.

#### AMENDMENT WITHDRAWN

Mr. GREENFIELD. Mr. Speaker, I respectfully disagree with the Chair. This bill speaks of rental of living quarters, and that is what we are attempting to control. However, I will abide by the ruling of the Chair at this time and strongly urge that the Committee on Business and Commerce bring forth for consideration, as the people of this Commonwealth deserve, House bill No. 474, so that it can get proper airings and proper determinations by this House of Representatives.

The SPEAKER. The Chair thanks the gentleman for withdrawing his amendment.

House bill No. 488 will be transcribed for final passage.

The Chair recognizes the majority leader.

Mr. IRVIS. Before the Chair rules finally on that and because I am trying to move the calendar, let me make an inquiry. Is there anyone in the House who intends to debate the bill, House bill No. 488, as amended, beyond the debate which we already have had? If that would be so, then we will move it over until tomorrow.

The SPEAKER. The majority leader should be advised that it was the expressed desire of the principal sponsor of the bill that the bill go over until tomorrow.

Mr. IRVIS. Mr. Speaker, that advice was given to the Chair on the advice of the majority leader at the time, and I am now seeking to find out whether or not there is further debate.

I advised Mr. Manderino that we would do that, thinking there might be further debate. If there is no further

debate, then we can resolve the question as to whether or not the House will pass this.

May I speak with the minority leadership a moment?

Mr. Speaker, I am advised that Mr. O'Connell does wish to debate the bill and, because of the lateness of the hour, I would suggest that the bill be passed over, be reprinted as amended, and be available for debate tomorrow.

The SPEAKER. The Chair thanks the gentleman. The bill will be transcribed for final passage.

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.

### SENATE MESSAGE

#### BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented for concurrence bills numbered and entitled as follows:

#### SENATE BILL No. 724

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

#### SENATE BILL No. 727

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

Referred to Committee on Appropriations.

#### SENATE BILL No. 768

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

Referred to Committee on Appropriations.

#### SENATE BILL No. 772

An Act making an appropriation to the Department of Environmental Resources out of various funds for payment of annual fixed charges in lieu of taxes to political subdivisions or school districts on lands acquired by the Commonwealth for Project 70.

Referred to Committee on Appropriations.

#### SENATE BILL No. 775

An Act making an appropriation to the Department of Property and Supplies out of various funds for payment of rental charges to The General State Authority.

Referred to Committee on Appropriations.

#### SENATE BILL No. 776

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

Referred to Committee on Appropriations.

#### SENATE BILL No. 861

An Act making an appropriation to the Department of Property and Supplies for use on behalf of the Pennsylvania Historical and Museum Commission for restoration of grounds and buildings at The Highlands Historical Park, Whitemarsh Township, Montgomery County, Pennsylvania.

Referred to Committee on Appropriations.

**BILL REPORTED AS AMENDED AND  
CONSIDERED FIRST TIME AND RECOM-  
MITTED TO COMMITTEE ON RULES**

**HOUSE BILL No. 1254**

By Mr. WOJDAK

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for exceptional children and reimbursements for certain special education services, and making appropriations.

Reported from Committee on Appropriations.

**BILLS REREPORTED AS COMMITTED**

**HOUSE BILL No. 77**

By Mr. WOJDAK

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58, No. 32), directing the issuance of special registration plates of disabled veterans; exempting motor vehicles bearing such plates from certain parking restrictions for limited times; and prescribing penalties.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 340**

By Mr. WOJDAK

An Act amending the act of June 28, 1935 (P. L. 477, No. 193), referred to as the Enforcement Officer Disability Benefits Law, extending benefits to certain employes of the Bureau of Corrections and Department of Public Welfare and to county prison guards.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 619**

By Mr. WOJDAK

An Act amending the "Optional Third Class City Charter Law," approved July 15, 1957 (P. L. 901, No. 399), providing for a minimum salary for certain mayors.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 695**

By Mr. WOJDAK

An Act amending the "Disease Prevention and Control Law of 1955," approved April 23, 1956 (P. L. 1510, No. 500), providing for serological testing to identify carriers of certain genetic diseases and the reporting and use of such tests.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 1037**

By Mr. WOJDAK

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," changing the years of service required for full compensation during permanent disability.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 1153**

By Mr. WOJDAK

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

Rereported from Committee on Appropriations.

**HOUSE BILL No. 1311**

By Mr. WOJDAK

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), providing an exemption for vacant school property.

Rereported from Committee on Appropriations.

**CONCURRENCE IN SENATE AMENDMENTS  
TO HOUSE BILL No. 141**

Mr. IRVIS called up for concurrence in Senate amendments, from page 2 of today's calendar, House bill No. 141, printer's No. 1919.

**SENATE MESSAGE**

**AMENDED HOUSE BILL RETURNED FOR  
CONCURRENCE**

The clerk of the Senate, being introduced, returned bill from the House of Representatives numbered and entitled as follows:

**HOUSE BILL No. 141**

An Act amending the act of February 1, 1966 (1965, P. L. 1656, No. 581), entitled "The Borough Code," providing for appropriations for building and maintaining hospitals.

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The clerk read the following amendments made by the Senate:

Amend Section 1, page 2, line 2, by inserting after "per" where it appears the first time the word "borough"; line 3 by inserting after "erection" the words "and/or" and by striking out after "maintenance" the word "and" and by inserting in lieu thereof "and/or"; line 4, by striking out after "necessary" all the remainder of said line; line 5, by striking out at the beginning of the line "medical attention of the residents of the borough." and inserting immediately thereafter "as determined by the appropriate health planning agency."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. IRVIS. Mr. Speaker, I request that the House do nonconcur in the amendments made by the Senate to House bill No. 141.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Amendments were not concurred in.

**CONCURRENCE IN SENATE AMENDMENTS  
TO HOUSE BILL No. 142**

Mr. IRVIS called up for concurrence in Senate amendments, from page 3 of today's calendar, House bill No. 142, printer's No. 1920.

**SENATE MESSAGE**

**AMENDED HOUSE BILL RETURNED FOR  
CONCURRENCE**

The clerk of the Senate, being introduced, returned bill from the House of Representatives numbered and entitled as follows:

**HOUSE BILL No. 142**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for appropriations for building hospitals.

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The clerk read the following amendments made by the Senate:

Amend Section 1, page 2, line 4, by inserting after "per" where it appears the first time "township"; line 5, by inserting after "erection" the words "and/or" and by striking out after maintenance" the word "and" and inserting in lieu thereof "and/or"; line 6, by striking out after "necessary" all the remainder of said line; line 7, by striking out at the beginning of the line "medical attention of the residents of the township" and inserting immediately thereafater "as determined by the appropriate health planning agency."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. IRVIS. Mr. Speaker, I request that the House do nonconcur in the amendments made by the Senate to House bill No. 142.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Amendments were not concurred in.

**CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 477**

Mr. IRVIS called up for concurrence in Senate amendments, from page 3 of today's calendar, House bill No. 477, printer's No. 1812.

**SENATE MESSAGE**

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned bill from the House of Representatives numbered and entitled as follows:

**HOUSE BILL No. 477**

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for markers for graves.

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The clerk read the following amendments made by the Senate:

Amend Section 1, page 1, line 8, by striking out after "Section 1." the word "Section" and inserting in lieu thereof "Subsection (f) of Section 1913"; line 10, by striking out after "319(," all the remainder of said line; line 11, by striking out at the beginning of the line "(P. L. 51, No. 11)."; line 12, by striking out after "Headstones.—" all the remainder of said line; lines 13 through 18, by striking out all of said lines; page 2, lines 1 through 30, by striking out all of said lines; page 3, lines 1 through 4, by striking out all of said lines; line 5, by striking out at the beginning of the line "for each offence."

Amend Section 1, page 3, line 17, by inserting after "button." the following: when such markers are upright flag holders they shall consist of cast bronze or any other weather resistant material.

Amend Section 1, page 3, lines 26 through 30, by striking out all of said lines; page 4, lines 1 through 30, by striking out all of said lines; page 5, lines 1 through 24, by striking out all of said lines.

On the question,

Will the House concur in the amendments made by the Senate?

Mr. IRVIS. Mr. Speaker, I request that the House do concur in the amendments made by the Senate to House bill No. 477.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeable to the provisions of the constitution, the yeas and nays were taken and were as follows:

**YEAS—188**

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

**NAYS—1**

Wagner

**NOT VOTING—14**

Berlin	Kelly, J. B.	Richardson	Sweeney
Berson	Kolter	Shane	Thomas
Butera	Lynch	Sullivan	Wojdak
Dininni	McGraw		

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

### CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 907

Mr. IRVIS called up for concurrence in Senate amendments, from page 3 of today's calendar, House bill No. 907, printer's No. 1922.

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned bill from the House of Representatives numbered and entitled as follows:

##### HOUSE BILL No. 907

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," providing for appropriations for building hospitals.

With the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The clerk read the following amendments made by the Senate:

Amend Section 1, page 1, line 17, by inserting after "per" where it appears the first time "township"; line 18, by inserting after "erection" the words "and/or" and by striking out after "maintenance" the word "and" and inserting in lieu thereof "and/or"; line 19, by striking out after "necessary" all the remainder of said line.

Amend Section 1, page 2, line 1, by striking out at the beginning of the line "medical attention of the residents of the township" and by inserting immediately thereafter "as determined by the appropriate health planning agency."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. IRVIS. Mr. Speaker, I request that the House do nonconcur in the amendments made by the Senate to House bill No. 907.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Amendments were not concurred in.

### STATE GOVERNMENT BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 27, printer's No. 27**, entitled:

An Act making an appropriation to the Department of Transportation for promotion and improvement of transportation facilities and service for tourists visiting American Bicentennial Historical Sites.

On the question,

Will the House agree to the bill on second consideration?

#### BILL RECOMMITTED

Mr. IRVIS moved that Senate bill No. 27 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### HEALTH AND WELFARE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 546, printer's No. 691**, entitled:

An Act creating the Pennsylvania Medical Education Council; establishing the powers and duties of such council; creating Regional Advisory Boards to such council; regulating certain appropriations to medical schools and schools of osteopathy; and making an appropriation.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 8, page 6, line 8, by removing the period after "immediately" and inserting: , except section 6, paragraph (2), shall take effect September 1, 1976.

On the question,

Will the House agree to the amendment?

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

For what purpose does the gentleman from Franklin, Mr. Bittle, rise?

Mr. BITTLE. Will the gentleman, Mr. Shane, yield for just a moment please?

I would advise the Republican members of the House to listen to these. Mr. Shane presented these amendments to me for caucus today, but because of the other matters we took up, we did not get to cover them. I think they are technical, so if you will pay attention, I think they can be explained on the floor.

The SPEAKER. We are now on House bill No. 546.

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

Mr. SHANE. Thank you, Mr. Speaker.

The gentleman, Mr. Bittle, is absolutely correct. I have two, what I believe are, technical amendments, and he advised me to simply explain them on the floor and he assumed that you, my colleagues, would agree to these amendments.

The first amendment does this: On section 6 of House bill No. 546, we provide that 20 percent of the medical school appropriation must be set aside for loans for medical students. If the medical students go to medically needed areas, the loans are given 20 percent a year.

What occurred to us is that if this bill becomes law this summer or next fall, it will disrupt the medical schools' planning for the academic year that starts in September 1975. Therefore, the technical amendment says, section 6 shall take effect commencing September 1976. So that if this bill becomes law in the next few months, this loan provision will take effect September 1976 and not disrupt the planning of the medical schools who have already made their financial awards for the coming fall.

On the question recurring,

Will the House agree to the amendment?

Amendment was agreed to.

The SPEAKER. Are the amendments to be offered by the gentleman, Mr. Davies, controversial or are they also technical?

Mr. SHANE. They are controversial.

The SPEAKER. Well, those amendments will be taken tomorrow, Mr. Davies.

On the question,

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

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

Amend Title, page 1, line 1, by striking out "Medical" and inserting: Physician

Amend Sec. 1, page 1, line 9, by striking out "Medical" and inserting: Physician

Amend Sec. 2, page 1, line 13, by striking out "medical"

Amend Sec. 2, page 1, line 13, by inserting after "education": for physicians

Amend Sec. 2, page 2, line 9, by striking out "medical"

Amend Sec. 2, page 2, line 9, by inserting after "plan": for physicians

Amend Sec. 3, page 2, line 12, by striking out "Medical" and inserting: Physician

Amend Sec. 3, page 2, line 14, by striking out "Medical" and inserting: Physician

Amend Sec. 4, page 3, line 9, by striking out "medical"

Amend Sec. 4, page 3, line 9, by inserting after "plan": for physicians

Amend Sec. 4, page 3, line 16, by striking out "medical"

Amend Sec. 5, page 4, line 7, by striking out "Medical" and inserting: Physician

Amend Sec. 5, page 4, line 8, by striking out "Four" and inserting: Three

Amend Sec. 5, page 4, line 10, by striking out "three" and inserting: four

Amend Sec. 7, page 6, line 3, by striking out "Medical" and inserting: Physician

On the question,

Will the House agree to the amendments?

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

Mr. SHANE. This is another technical amendment to House bill No. 546. The name of the bill is the "Pennsylvania Medical Education Planning Act." We got some protests from the dentists and the nurses on this subject, so this amendment would simply change it to say the "Pennsylvania Physician Education Planning Act." So we are going through the bill in different places and where there is reference to "medical," we are simply changing the word "medical" to "physician."

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

Mr. WAGNER. A point of inquiry here. At the bottom of the amendment, he also strikes out "Four" and inserts "Three." Could you indicate to the House what that is for?

Mr. SHANE. Oh, excuse me, yes. I neglected this, and I am glad the gentleman pointed it out.

This is in agreement with the Secretary of Health and some other people interested in the consumers. This changes the composition of the regional advisory board to four consumers and three persons from the health-related profession. Before it was four health-related persons and three consumers.

On the question recurring,  
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?

Bill as amended was agreed to.

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

### EDUCATION BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1439, printer's No. 1938**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 2 (Sec. 922.1-A), page 2, line 25, by striking out "eligible for" and inserting: furnished

Amend Sec. 2 (Sec. 922.1-A), page 2, line 26, by striking out "that is" and inserting: which are

Amend Sec. 2 (Sec. 922.1-A), page 3, line 1 by striking out "service" and inserting: services

Amend Sec. 2 (Sec. 922.1-A), page 3, lines 2 and 3 by striking out "in" in line 2, all of line 3 and inserting: except that such services shall not be provided in a church or in any facility under the control of a sectarian school.

Amend Sec. 4, page 4, line 19, by striking out "July 1, 1975." and inserting: immediately.

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, the amendments I am offering to House bill No. 1439 are by agreement.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

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

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

Amend Sec. 2 (Sec. 922.1-A), page 3, line 5, by inserting a period after "units"

Amend Sec. 2 (Sec. 922.1-A), page 3, lines 5 through 8, by striking out "and no auxiliary services presently provided" in line 5, all of lines 6 and 7, and "school year 1974-1975, shall be eliminated." in line 8

On the question,

Will the House agree to the amendments?

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

Mr. PANCOAST. Mr. Speaker, these amendments would delete certain words on page 3 of House bill No.

1439. On line 5, the amendments would place a period after the words "intermediate units" and would eliminate "and no auxiliary services presently provided TO PUBLIC SCHOOL STUDENTS by the intermediate units and/or school districts by means of State or local revenues, during the school year 1974-1975, shall be eliminated."

With this language in House bill 1439, I believe there could be two interpretations to the language. The first interpretation I think is the intention of the language, and that is, to prevent a local school district from discontinuing an auxiliary service that has been offered during this past school year.

However, there may be an interpretation given to these particular words that would say that even though a school district had performed an auxiliary service during 1974-75 and that service had to be provided by the intermediate units to the nonpublic schools, the local school district could discontinue that service even though it was being performed by the intermediate units from the nonpublic schools. And with this interpretation, to me the language would be discriminatory and you would be getting services for nonpublic schools that were not being provided in the public schools.

Now I may be incorrectly interpreting this, but it is certainly an interpretation that could be placed upon the language. I think the intention of this section was to prevent something happening as did happen under Act 372, the Transportation Act, where many local school districts discontinued field trips because if they continued them they would have had to have provided field trips for nonpublic school students.

There is a significant difference here. With respect to Act 372, all of the costs of the transportation were borne by the local district. In this instance, the auxiliary services that are being performed by the local district and are now to be performed by the intermediate units, those performed by the intermediate units are paid for by state funds, not out of local district funds. So I can see no reason why a local school district would arbitrarily discontinue services in order to try to save money.

I think a local school district should have authority to discontinue a service in its own school district if it feels that that service is not obtaining the ends or the objective sought by the performance of that service. I do not think that we should say to them, as I think this language is saying to local school districts, that you have to continue this service whether it is any good anymore or not. And in reading that language, it looks like that service would have to be continued in perpetuity whether the local district wanted it or not. I urge support of this amendment.

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

Mr. WOJDAK. I rise to oppose the amendment to House bill No. 1439. This language was placed in the bill because as the bill is presently written, the nonpublic school students are entitled to those auxiliary services that are provided to public school students. That language is spelled out on the bottom of page 2, in the "c" section.

By wiping out this language that is embodied in Mr. Pancoast's amendment, what could happen is that a dis-

trict could arbitrarily wipe out various services in order to deny them to the nonpublic school students.

I, at no time, could see the second interpretation that Mr. Pancoast says he sees in that language. The effect of it purely and simply is that the arbitrariness of a local district could in fact wipe out services that we are attempting to provide to nonpublic school students in this bill. I would ask for a negative vote on this amendment.

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

Mr. ZELLER. Mr. Speaker, if I may or following this amendment vote—I tried to get your attention before Mr. Pancoast spoke—if you do not mind, I would like to also have Mr. Wojdak explain the amendment that was approved, if it is possible, because some of us here do not know what the amendment contains.

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

The yeas and nays were required by Messrs. PANCOAST and ZELLER and were as follows:

YEAS—87

Anderson, J. H.	Hasay	McCue	Spencer
Bittle	Hayes, D. S.	McGinnis	Stahl
Brandt	Hayes, S. E.	Manmiller	Taddonio
Cessar	Hepford	Mebus	Turner
Cole	Hill	Moehlmann	Vroon
Crawford	Hopkins	Pancoast	Wagner
Cumberland	Hutchinson, A.	Parker, H. S.	Weldner
Davies	Hutchinson, W.	Petrarca	Westerberg
Deverter	Itkin	Pitts	Whelan
Dietz	Kistler	Polite	Whittlesey
Dorr	Klingaman	Pyles	Wilt, W. W.
Fawcett	Knepper	Ryan	WorriLOW
Foster, A.	Kolter	Scheaffer	Yahner
Foster, W.	Kusse	Seltzer	Yohn
Fryer	Lehr	Shuman	Zearfoss
Gallen	Levi	Smith, E.	Zord
Gring	McClatchy	Smith, L.	

NAYS—124

Abraham	George	Miller, M. E.	Saloom
Arthurs	Giammarco	Miller, M. E., Jr.	Salvatore
Barber	Gillespie	Milliron	Schmitt
Bellommi	Gillette	Miscevich	Schweder
Bennett	Gleason	Morris	Scirica
Berson	Gleason	Mrkonic	Shane
Blackwell	Goodman	Mullen	Shelhamer
Bonetto	Green	Mullen, M. P.	Shelton
Bradley	Greenfield	Musto	Shupnik
Brunner	Grieco	Myers	Sirianni
Burns	Halverson	Novak	Stapleton
Caputo	Hamilton, J. H.	Noye	Stout
Cimini	Hammock	O'Brien	Taylor
Cohen	Haskell	O'Connell	Tayoun
Cowell	Irvis	O'Donnell	Toll
Davis, D. M.	Johnson, J.	O'Keefe	Trello
DeMedio	Katz	Oliver	Ustynoski
Dicarlo	Kelly, A. P.	Perri	Valicenti
DiDonato	Kernick	Perry	Vann
Dombrowski	Kowalshyn	Pievsky	Walsh, T. P.
Doyle	LaMarca	Pratt	Wansacz
Dreibelbis	Laudadio	Prendergast	Wargo
Eckensberger	Laughlin	Rappaport	Wilson
Englehart	Lederer	Reed	Wilt, R. W.
Fee	Letterman	Renninger	Wojdak
Fischer	Lincoln	Renwick	Wright
Fisher	Manderino	Rieger	Zeller
Flaherty	McCall	Ritter	Zwilk
Gallagher	McIntyre	Romanelli	
Garzia	McLane	Ross	Fineman,
Geesey	Menhorn	Ruggiero	Speaker
Geisler	Milanovich		

NOT VOTING—12

Beren	Dinnini	McGraw	Sullivan
Berlin	Kelly, J. B.	Rhodes	Sweeney
Butera	Lynch	Richardson	Thomas



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

On the question recurring,

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

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

Amend Sec. 2 (Sec. 922.1-A), page 3, line 5, by inserting a period after "units"

Amend Sec. 2 (Sec. 922.1-A), page 3, line 5, by striking out "and no auxiliary" and inserting: Auxiliary

Amend Sec. 2 (Sec. 922.1-A), page 3, line 7, by striking out "of" where it appears the second time and inserting: or

Amend Sec. 2 (Sec. 922.1-A), page 3, line 8, by inserting after "shall": not

Amend Sec. 2 (Sec. 922.1-A), page 3, line 8, by removing the period after "eliminated" and inserting: except for just cause, just cause being defined as the failure of the auxiliary services or the loss of monetary support necessary to fulfill the purposes for which such services were instituted.

On the question,

Will the House agree to the amendments?

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

Mr. PANCOAST. Mr. Speaker, in this second amendment, I am still dealing with that particular section that I have again put a period after the expression "intermediate units", on line 5.

The word "Auxiliary" now assumes a capital letter: ". . . Auxiliary services presently providing to public school students by the intermediate units and or school districts by means of state or local revenues during this school year 1974-75 shall not be eliminated." In other words, those services would have to be continued.

Then the amendment continues: "No school districts except for just cause . . ." "Just cause" being defined as the failure of the auxiliary services or the loss of monetary support necessary to fulfill the purposes for which such services were instituted. In other words, the services could not be discontinued, except for just cause where they were no longer performing services and where there was a lack of sufficient funds to support those services.

I think here the decision should remain with the local school districts in determining what services they want to offer in their own local school districts. The point is that these services would still have to be provided to the nonpublic schools by the intermediate unit because they were performed during the year 1974-75.

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

Mr. WOJDAK. Mr. Speaker, I also oppose this amendment. What Mr. Pancoast is doing in this amendment is basically what he attempted to do in the prior amendment, except he is going about it indirectly by setting up a standard, which he is calling "just cause," then proceeds to define the standard of "just cause," and the key words are "the loss of monetary support."

That standard or definition "for just cause" is too tenuous a standard. It still leaves discretion within the local school districts. It is defined too loosely and again they could arbitrarily do away with services which would

have the rippling effect or indirect effect of doing away with those auxiliary services for nonpublic school students. I would ask for a negative vote on this amendment.

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

Mr. PANCOAST. Mr. Speaker, just one further point: Unless we accept this amendment, you must remember that we are mandating to the local school district that because they have offered a particular auxiliary service in 1974-75, according to the language in the bill as it is now written, that service is going to have to be continued in perpetuity.

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

Mr. DOYLE. Mr. Speaker, would Mr. Pancoast consent to interrogation?

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

Mr. PANCOAST. Yes, Mr. Speaker.

Mr. DOYLE. Mr. Speaker, under your amendment the local school district would decide for just cause in your terminology to eliminate the auxiliary service for public school students?

Mr. PANCOAST. That is correct.

Mr. DOYLE. Could then the intermediate unit provide those auxiliary services to nonpublic schools in that district?

Mr. PANCOAST. Yes; they have to continue because they were performed in 1974-1975.

Mr. DOYLE. Mr. Wojdak pointed out to you that on page 2, subsection (c), that the nonpublic school shall be eligible for a program service that is provided to public school students in the school district in which the nonpublic school is located. Therefore, if the public school auxiliary services are eliminated, the nonpublic school auxiliary services also fall. Is that correct?

Mr. PANCOAST. I do not think so. I think what governs the intermediate unit is as it is directed to do on page 3, that any service that was provided in 1974-1975 must be provided by the intermediate units of the nonpublic schools.

Mr. DOYLE. Well, you go on to add "for just cause." I see your problem, but I believe if your amendment was put in, it would have the effect even though the public school board of directors would decide in their opinion that it was just cause, it would have the rippling effect of taking that out for the nonpublic schools as well.

So I suggest that your amendment is defective. If all you are going to do is to seek the elimination of the auxiliary services of the public schools, then your amendment does not do it.

On the question recurring,

Will the House agree to the amendments?

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

YEAS—69

Anderson, J. E.	Gallen	Manmiller	Shuman
Bonetto	Gring	McClatchy	Smith, E.
Brandt	Hasay	McCue	Smith, L.
Brunner	Haskell	McGinnis	Spencer
Butera	Hayes, S. E.	Mebus	Stahl
Cessar	Hepford	Moehlmann	Taddonio
Cowell	Hill	Noye	Turner
Crawford	Hopkins	Pancoast	Vroon

Cumberland	Hutchinson, A.	Parker, H. S.	Wagner
Davies	Hutchinson, W.	Petrarca	Weidner
Deverter	Itkin	Pitts	Westerberg
Dietz	Kistler	Polite	Whelan
Dorr	Klingaman	Pyles	Whittlesey
Fawcett	Knepper	Ryan	Witt, W. W.
Fisher	Kolter	Saloom	Worrilow
Foster, A.	Kusse	Scheaffer	Yahner
Foster, W.	Levi	Seltzer	Zearfoss
Fryer			

NAYS—123

Abraham	Gillespie	Miller, M. E.	Schmitt
Arthurs	Gillette	Miller, M. E., Jr.	Schweder
Barber	Gleason	Milliron	Scirca
Bellomini	Gleeson	Miscevich	Shane
Bennett	Goodman	Morris	Shelhamer
Berson	Green	Mrkonic	Shelton
Bittle	Greenfield	Mullen	Shupnik
Blackwell	Grieco	Mullen, M. P.	Sirianni
Bradley	Halverson	Musto	Stapleton
Burns	Hamilton, J. H.	Myers	Stout
Caputo	Hammock	Novak	Taylor
Cimini	Hayes, D. S.	O'Brien	Tayoun
Cohen	Irvis	O'Connell	Toll
Cole	Johnson, J.	O'Donnell	Trello
Davis, D. M.	Katz	O'Keefe	Ustynoski
DeMedio	Kelly, A. P.	Oliver	Valicenti
Dicarlo	Kernick	Perri	Vann
DiDonato	Kowalshyn	Perry	Walsh, T. P.
Dombrowski	LaMarca	Pievsky	Wansacz
Doyle	Laudadio	Pratt	Wargo
Dreibelbis	Laughlin	Prendergast	Wilson
Eckensberger	Lederer	Rappaport	Witt, R. W.
Engelhart	Lehr	Reed	Wojdak
Fee	Letterman	Renninger	Wright
Fischer	Lincoln	Renwick	Yohn
Flaherty	Manderino	Rieger	Zeller
Gallagher	McCall	Ritter	Zord
Garzia	McIntyre	Romanelli	Zwick
Geesey	McLane	Ross	
Geisler	Menhorn	Ruggiero	Fineman.
George	Milanovich	Salvatore	Speaker
Giammarco			

NOT VOTING—11

Beren	Kelly, J. B.	Rhodes	Sweeney
Berlin	Lynch	Richardson	Thomas
Diminni	McGraw	Sullivan	

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

QUESTIONS OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Kelly. For what purpose does the lady rise?

Mrs. KELLY. I rise to a question of personal privilege.

The SPEAKER. The lady will state it.

Mrs. KELLY. Being busy with a telephone call, I inadvertently voted in the negative. I wish to be recorded in the affirmative on the Gleason amendment No. 2 to Senate bill No. 368.

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

Mr. D. S. HAYES. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. D. S. HAYES. On House bill No. 1439 I meant to vote "no" and I voted "yes."

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

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

Mr. ZELLER. Mr. Speaker, would Mr. Wojdak explain his amendment?

The SPEAKER. The Chair has taken note of the observation of the gentleman, Mr. Zeller. At the conclusion of the Trello amendments, the Chair will return to Mr. Wojdak.

On the question recurring,

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

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

Amend Sec. 2 (Sec. 922.1-A), page 3, line 11, by inserting after "units.":

Whenever auxiliary services are provided under the provisions of this act, the ratio of professional auxiliary personnel to nonpublic school students shall be no smaller than the ratio of professional auxiliary personnel to public school students in the district wherein the nonpublic school is located.

On the question,

Will the House agree to the amendment?

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

Mr. DAVIES. Mr. Speaker, this amendment states that "Whenever auxiliary services are provided under the provisions of this act, the ratio of professional auxiliary personnel to nonpublic school students shall be no smaller than the ratio of professional auxiliary personnel to public school students in the district wherein the nonpublic school is located." In other words, we are saying now where a city or a school district provides those particular services, the ratio of the students, teacher ratio or the student auxiliary personnel ratio shall be the same or approximately the same in the intermediate units of the nonpublic school as well as in the public school.

It is a unique situation. I will not name the districts involved, but, for example, because of cutbacks this year and increased taxes on a local basis, a school district just close to my area, and some of those employees live in my area, had a furlough of some 22 professional employees. Many of these were employees in the auxiliary service field. The Department of Education would not rule on this layoff and thus these people only have the recourse of the court. In the meanwhile, the city auxiliary services may be hampered or may be cut back from what they were in the previous school year. Now what we are saying is that where they have not only received state taxes but have increased their local school efforts and their local tax is based by some 8 mills. Their problem is then that they have to maintain these services or, as this bill will, of course, send in additional funds, and we say that the services then offered to the intermediate unit could have a smaller auxiliary personnel ratio than the existing ratio in that school district.

This is a problem that can face many, many different areas throughout this Commonwealth and the many different school districts that had to cut back possibly some 2,000 personnel in this particular year. It may not be all auxiliary personnel. I am not addressing myself to that single thing, but many of them are auxiliary personnel. The Department of Education will not rule in the controversy and thus it is the guarantee and equity—an equal offering—and as far as the state is concerned, this is the only feasible way in which we can establish that equity.

Thank you.

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

Mr. WOJDAK. Mr. Speaker, I oppose this amendment. What Mr. Davies is attempting to do is to keep the ratio the same, and I assume he knows of several districts where that ratio may be imbalanced. But to strike that or to use this amendment to rectify or clear up those few sparse examples, the problem is that it is quite possible that some nonpublic school students could not obtain the full amount of \$45 per student which is authorized under this act. He is attempting to speak to a problem in the public schools, and by doing that he is attempting to jeopardize the use of the full \$45 in the nonpublic schools, and I would oppose the amendment for that reason, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, I am in no way trying to jeopardize those programs being offered by the intermediate units in the private school or nonpublic school. I want to see them have those programs as they would be established through those units. The only thing that I am seeking is some form of equity throughout the Commonwealth as far as the local efforts that are being offered, the increases in taxes that these districts face plus the ordinary economies that the districts have to go through to try to maintain a balance in program. That is exactly what it is trying to address itself to, not to deprive anyone of any offering whatsoever.

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

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

YEAS—64

Anderson, J. H.	Gallen	McGinnis	Smith, E.
Beren	Geesey	Mebus	Smith, L.
Brandt	Gring	Miller, M. E.	Spencer
Brunner	Hamilton, J. H.	Miller, M. E., Jr.	Stahl
Butera	Hasay	Noye	Taddonio
Cessar	Haskell	O'Connell	Turner
Crawford	Hayes, S. E.	Pancoast	Vroon
Cumberland	Hepford	Parker, H. S.	Weidner
Davies	Hill	Perri	Westerberg
Deverter	Itkin	Pitts	Whelan
Dietz	Katz	Polite	Wilson
Dorr	Kistler	Pyles	Wilt, W. W.
Fawcett	Kusse	Ryan	Worrilow
Fischer	Manmiller	Salvatore	Yahner
Foster, A.	McClatchy	Scheaffer	Yohn
Foster, W.	McCue	Shuman	Zearfoss

NAYS—128

Abraham	Gillespie	McLane	Saloom
Arthurs	Gillette	Menhorn	Schmitt
Barber	Gleason	Milanovich	Schweder
Bellomini	Gleeson	Milliron	Seltzer
Bennett	Goodman	Miscevich	Shane
Berson	Green	Mochlmann	Shelhamer
Bittle	Greenfield	Morris	Shelton
Blackwell	Grieco	Mrkonic	Shupnik
Bonetto	Halverson	Mullen, M. P.	Sirianni
Bradley	Hammock	Mullen	Stapleton
Burns	Hayes, D. S.	Musto	Stout
Caputo	Hopkins	Myers	Taylor
Cimini	Hutchinson, A.	Novak	Tayoun
Cohen	Hutchinson, W.	O'Brien	Toll
Cole	Irvis	O'Donnell	Trello
Cowell	Johnson, J.	O'Keefe	Ustynoski
DeMedio	Kelly, A. P.	Oliver	Valicenti
Dicarlo	Kernick	Perry	Vann
DiDonato	Klingaman	Petrarca	Wagner
Dombrowski	Knepper	Pievsky	Walsh, T. P.
Doyle	Kolter	Pratt	Wansacz
Dreibelbis	Kowalshyn	Prendergast	Wargo

Eckensberger	LaMarca	Rappaport	Whittlesey
Englehart	Laudadio	Reed	Wilt, R. W.
Fee	Laughlin	Renninger	Wojdak
Fisher	Lederer	Renwick	Wright
Flaherty	Lehr	Rhodes	Zeller
Fryer	Letterman	Rieger	Zord
Gallagher	Levi	Ritter	Zwinkl
Garzia	Lincoln	Romanelli	
Geisler	Manderino	Ross	Fineman,
George	McCall	Ruggiero	Speaker
Giammarco	McIntyre		

NOT VOTING—11

Berlin	Kelly, J. B.	Richardson	Sweeney
Davis, D. M.	Lynch	Scirica	Thomas
Dininni	McGraw	Sullivan	

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

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

Mr. WOJDAK. Mr. Speaker, I would like to call for a vote on this bill.

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

Mr. ZELLER. You have not forgotten Uncle Joe have you?

The SPEAKER. The gentleman, Mr. Zeller, is perfectly in order.

Will the gentleman, Mr. Wojdak, explain, for the benefit of the House, the purport of the amendments that were accepted as agreed-to amendments?

Mr. WOJDAK. Yes, Mr. Speaker.

On page 2 of the bill, on line 25, the words "eligible for" have been amended to read "furnished."

On line 26, there is a grammatical correction. Instead of stating "that is," it will read "which are."

The purpose of the amendment was to tighten up the "eligible for" and make it "shall be furnished" rather than "shall be eligible for" to take away any discretion of eligibility that the public schools may attempt to impose on the nonpublic schools.

The second part of that amendment is on page 3, on line 3. I have stricken the word "organization" and substituted the following language: "except that such services shall not be provided in a church or in any facility under the control of a sectarian school."

The purpose of this—and the key word is "control"—was to not exclude types of organizations—and the one that comes to mind immediately is an organization called CORA—Counseling and Other Referral Associations—which provide various psychological testing services. It was felt that under the language prior to amendment it might exclude organizations such as this.

In addition, instead of the July 1, 1975 effective date, I have changed it and amended it to read "immediately."

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

Mr. VROON. Just a quick question for 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. VROON. Did you say something about a school that is conducted in a church?

Mr. WOJDAK. Yes.

Mr. VROON. Are they excluded?

Mr. WOJDAK. Pardon?

Mr. VROON. Are they excluded by this bill?

Mr. WOJDAK. Yes, the services provided to nonpublic school students by the intermediate unit cannot be in facilities that are provided in a church or in any facility under the control of a sectarian school.

Mr. VROON. Now is this part of the bill or is it part of your amendment, Mr. Speaker?

Mr. WOJDAK. No, it has been amended and the bill will read as such.

Mr. VROON. Now this would exclude a school that uses its church during the week for a school, would it not?

Mr. WOJDAK. No; it would not.

Mr. VROON. It would not?

All right, if you assure me it would not, then I will be satisfied. But I know of a particular case where a school is being conducted in the church building which is used on Sunday for services and during the week for school. I do not want them excluded.

Mr. WOJDAK. It would not exclude that, Mr. Speaker.

Mr. VROON. Thank you.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—182

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

Speaker

NAYS—12

- Berson
- Cumberland
- Deverter
- Dietz
- Fryer
- Gring
- Hayes, S. E.
- Kusse
- Shuman
- Weidner
- Westerberg
- Wilt, W. W.

NOT VOTING—9

- Berlin
- Dininni
- Kelly, J. B.
- Lynch
- McGraw
- Richardson
- Sullivan
- Sweeney
- Thomas

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

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1440, printer's No. 1734**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 12, by inserting after "SUBSECTIONS": (b),

Amend Sec. 1 (Sec. 923-A), page 1, by inserting between lines 18 and 19:

(b) Definitions. The following terms whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

\* \* \*

"Instructional materials" means pre-prepared learning materials which are secular, neutral and nonideological in character and are of benefit to the instruction of school children on an individual basis and are presently or hereafter provided for public school children of the Commonwealth.

Amend Sec. 1 (Sec. 923-A), page 3, line 4, by inserting brackets before and after "such" and inserting immediately thereafter: the

Amend Sec. 1 (Sec. 923-A), page 3, line 4, by inserting after "year": immediately preceding

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, in the original bill, it was felt that it was clearly unconstitutional in that the various supplies referred to in the bill could be used for sectarian purposes. Because of that we felt it could not stand the test of constitutionality. Therefore, I have amended the bill to provide a class of instructional materials which are analogous to or akin to textbooks that have been declared to be constitutional. I have amended in such a way that the various instructional materials are pre-prepared items that could in no way be used for sectarian purposes.

The amendment really speaks to the constitutionality or what we feel is the best approach to standing the test of constitutionality. That is the purpose of the amendment, Mr. Speaker.

On the question recurring,  
Will the House agree to the amendments?  
Amendments were agreed to.

On the question,  
Will the House agree to the bill as amended on third  
consideration?  
Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three  
different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

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

YEAS—184

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

NAYS—10

Berson	Dietz	Gring	Shuman
Cumberland	Fryer	Hayes, S. E.	Wilt, W. W.
Deverter	Gallen		

NOT VOTING—9

Berlin	Lynch	Richardson	Sweeney
Dininni	McGraw	Sullivan	Thomas
Kelly, J. B.			

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

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. DOYLE. Out of great compassion for my col-  
leagues, I would like to submit some brief remarks for  
the record.

The SPEAKER. The gentleman will submit his re-  
marks to the desk.

Mr. DOYLE submitted the following remarks for the  
Legislative Journal:

Mr. Speaker, House Bill 1439 will recover for Pennsylv-  
ania's nonpublic school children most, if not all, of the  
ground they lost because of recent court decisions. As  
such, it is a necessary and worthy piece of legislation  
that will help keep many nonpublic schools viable while  
this legislature continues to search for more encompass-  
ing relief.

But House Bill 1439 is also important because of the  
broader principle it asserts—a principle that will benefit  
not just nonpublic school children but all children in  
Pennsylvania. Because the thrust of House Bill 1439  
is that every school child in our state whose ability to  
learn is hampered by special problems and disabilities  
is entitled to special help at state expense.

Implicit in this legislation is the further principle that  
no child should be denied such help because his or her  
family chooses to exercise their First Amendment right  
to send their child to a nonpublic school.

Because of its broad thrust and carefully drawn pro-  
cedures, House Bill 1439 has an excellent chance of with-  
standing court attack. I might add that legal experts  
who traditionally have opposed nonpublic student aid  
recently conceded that this bill may well be constitu-  
tional.

If so, House Bill 1439 could prove to be of historic  
importance, for it may be the vehicle that successfully  
carries through our court system the broad principles  
on which a permanent solution to the nonpublic school  
system can be based.

Mr. Speaker, it is difficult to imagine a more humane,  
equitable, and compassionate piece of legislation. I urge  
a "yes" vote for House Bill 1439.

BILLS ON SECOND CONSIDERATION

Agreeable to order,  
The House proceeded to second consideration of **House  
bill No. 170, printer's No. 1978, entitled:**

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

And said bill having been considered the second time  
and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

Fineman,  
Speaker

The House proceeded to second consideration of **House bill No. 485, printer's No. 1979**, entitled:

An Act reenacting and amending the "Unfair Trade Practices and Consumer Protection Law," approved December 17, 1968 (P. L. 1224, No. 387), prohibiting additional unfair methods of competition and unfair or deceptive acts or practices and giving additional powers and rights to consumers.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1085, printer's No. 1861**, entitled:

An Act requiring restaurants, cafeterias and eating establishments to have on the premises posted information approved by the Department of Health that describes techniques for removing food stuck in a person's throat, imposing powers and duties on the Department of Health and providing penalties.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 25, printer's No. 1099**, entitled:

An Act establishing child protective services; providing procedures for reporting and investigating the abuse of children; establishing and providing access to a state-wide central register on child abuse; investigating such reports; providing for taking protective action including taking a child into protective custody; placing duties on the Department of Public Welfare and county child welfare agencies; establishing child protective services in each county child welfare agency; and providing penalties.

On the question,

Will the House agree to the bill on second consideration?

#### BILL RECOMMENDED

Mr. IRVIS moved that Senate bill No. 25 be recommended to the Committee on Health and Welfare.

On the question,

Will the House agree to the motion?

Motion was agreed to.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 120, printer's No. 1054**, entitled:

An Act providing for the health and welfare of newborn children and their parents by regulating certain health insurance coverage for newborn children.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 489, printer's No. 792**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further defining "marihuana."

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 893, printer's No. 1016**, entitled:

An Act providing for precautions to be taken in the proximity of high-voltage lines for the prevention of accidents; providing powers and administration and enforcement to the Department of Labor and Industry and prescribing penalties for violations.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 108, printer's No. 1053**, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Historical and Museum Commission, to transfer Valley Forge State Park to the United States of America.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 291, printer's No. 872**, entitled:

An Act amending the act of January 24, 1966 (1965, P. L. 1535, No. 537), entitled, as amended, "Pennsylvania Sewage Facilities Act," prohibiting certain persons from acting as sewage enforcement officers.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 552, printer's No. 694**, entitled:

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), entitled "State Horse Racing Law," further providing for refusal of admittance to and ejection of persons from race tracks.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 692, printer's No. 736**, entitled:

An Act amending the act of July 12, 1968 (P. L. 330, No. 161), entitled "Bicentennial Commission of Pennsylvania Act," providing for the adoption and licensing of marks and further providing for remedies for infringement.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 704, printer's No. 749**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," prohibiting the assignment of personnel to circumvent appropriation limits.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,  
The House proceeded to second consideration of **Senate bill No. 774, printer's No. 969**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal period July 1, 1975 to June 30, 1976, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1975.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,  
The House proceeded to second consideration of **Senate bill No. 160, printer's No. 160**, entitled:

An Act making an appropriation to the Philadelphia Musical Academy, Philadelphia, Pennsylvania, for maintenance and general operation.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,  
The House proceeded to second consideration of **Senate bill No. 832, printer's No. 908**, entitled:

An Act amending the act of October 10, 1974 (No. 235), entitled "Lethal Weapons Training Act," extending the effective date.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

### HOUSE RESOLUTION No. 93

Mr. IRVIS called up **House Resolution No. 93, printer's No. 1939**, entitled:

House Bipartisan Committee to investigate all complaints arising from operations and policies of the Philadelphia Traffic Court.

On the question,  
Will the House adopt the resolution?

#### RESOLUTION RECOMMENDED

Mr. IRVIS moved that House resolution No. 93 be recommitted to the Committee on Rules.

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

### RECONSIDERATION OF VOTE ON HOUSE BILL No. 546

Mr. SHANE moved that the vote by which HOUSE BILL No. 546, printer's No. 691, as amended was agreed to on this day be reconsidered.

Mr. DAVIES 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 bill as amended on third consideration?

### RECONSIDERATION OF VOTE ON SHANE AMENDMENTS TO HOUSE BILL No. 546

Mr. SHANE moved that the vote by which his amendments to House bill No. 546 were agreed to on this day be reconsidered.

Mr. DAVIES seconded the motion.

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

On the question recurring,  
Shall the bill pass finally?

### HOUSE BILL No. 546 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. SHANE moved that HOUSE BILL No. 546, printer's No. 691, be placed on the final passage postponed calendar.

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

### BILL REREPORTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the Rules Committee has instructed me to rereport House bill No. 1202, printer's No. 1941, and I so move.

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

### SENATE BILL No. 719 TAKEN FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. The Rules Committee has also instructed me to make a motion to move the following bill from the table, Senate bill No. 719, printer's No. 770, and I so move.

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

### PARLIAMENTARY INQUIRY

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

Mr. DORR. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DORR. Mr. Speaker, when a bill or resolution has been voted in the House, is not the only appropriate action to be taken by the House subsequent to that, a reconsideration vote?

The SPEAKER. To what bill or resolution is the gentleman addressing his inquiry?

Mr. DORR. It is my understanding that House resolution No. 93 was just recommitted on a voice vote which, frankly, passed me. I was informed by someone else that it had happened. Am I correct in that?

The SPEAKER. The majority leader had moved that House resolution No. 93, printer's No. 1939, be recom-



mitted to the Committee on Rules. The question was on the motion. The House adopted the motion.

Mr. DORR. Well, Mr. Speaker, the point of inquiry then is: Is it not inappropriate that that happened since the resolution had been favorably acted upon by the House? Would not a proper vote have been on a motion to reconsider the vote by which that resolution passed?

The SPEAKER. The resolution was not adopted by the House. The resolution had not been acted upon by the House. The resolution is on the calendar.

Mr. DORR. I believe that resolution was adopted by the House, Mr. Speaker.

The SPEAKER. The resolution was not adopted by the House.

Mr. DORR. Mr. Speaker, it was voted previously by the House. I am quite sure of that, last week. Then a motion was made to reconsider the vote.

The SPEAKER. The resolution may be subjected to a motion for recommittal at any time as long as it is back on the calendar.

Mr. DORR. Do not the rules provide that only a reconsideration vote is proper after the House has once passed the measure?

The SPEAKER. No; the rules provide that a reconsideration is appropriate on the same question.

Any question may be twice considered. And on the second consideration, it has to be done by reconsideration. But you are now dealing with a different question.

You are dealing with a motion for recommittal, which is entirely different from the vote that was before the House on a prior occasion.

#### MOTION TO RECONSIDER VOTE ON RECOMMITTAL

Mr. DORR. I would like to move to reconsider the vote by which House resolution No. 93 was recommitted to the Committee on Rules. I would like to ask for a roll-call vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, will the gentleman, inasmuch as the House is in disarray, not offer his motion at this time?

I will speak to him privately. I think I can reassure him that the motion was not meant to kill his resolution.

Mr. DORR. Yes, Mr. Speaker, I will yield.

Mr. Speaker, I will have an opportunity to make that motion tomorrow, for example, would I not? The motion would be proper tomorrow, would it not?

The SPEAKER. I do not think so, because the resolution will no longer be before the House. It will be in the committee.

Mr. DORR. Then I will have to ask for it now.

It seems to me that you can move to reconsider a vote that was taken within 5 days, under the House rules, can you not?

The SPEAKER. You can reconsider it, provided that the bill or resolution that is subject of reconsideration is still in the possession of the House.

Mr. DORR. May I ask that the Speaker retain possession while we confer with the majority leader, then, at least, so that it would still be susceptible to a motion to reconsider the vote by which it went back to committee?

The SPEAKER. Well, if the gentleman thinks he can get a quorum present, okay.

Mr. DORR. Well, the point is, if the Speaker retains possession of the resolution until tomorrow, it will be susceptible under the motion, would it not?

The SPEAKER. The Speaker does not physically have possession of the resolution.

Mr. DORR. Can we pass over the matter for a moment, Mr. Speaker?

The SPEAKER. The matter has been voted upon. I do not know what we are passing over.

#### RECONSIDERATION OF VOTE ON RECOMMITTAL OF HOUSE RESOLUTION No. 93

Mr. IRVIS moved that the vote by which HOUSE RESOLUTION No. 93, printer's No. 1939, was recommitted to the Committee on Rules on this day be reconsidered.

Mr. MANDERINO seconded the motion.

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

On the question recurring,  
Shall House resolution No. 93 be recommitted to the Committee on Rules?

#### HOUSE RESOLUTION No. 93 PLACED ON HOUSE CALENDAR

Mr. IRVIS moved that HOUSE RESOLUTION No. 93, printer's No. 691, be placed on the House calendar.

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

#### ADJOURNMENT

Mr. GEORGE moved that this House do now adjourn until Thursday, July 16, 1975, at 10 a.m., e.d.t.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and (at 7:37 p.m., e.d.t.) the House adjourned.