

Legislative Journal

THURSDAY, OCTOBER 16, 1975

Session of 1975

159th of the General Assembly

Vol. 1, No. 81

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

PRAYER

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

Almighty and Everlasting Father, Thou art the great architect of heaven and earth, and dost promise that where two or three are gathered together in Thy name Thou wilt be in the midst of them. In this morning hour we do come together in Thy name. We invoke Thy blessing upon this assemblage and we pray that Thy continued blessing may ever rest upon us. O God, we especially ask Thee to grant Thy care and protection to the members of this House of Representatives, enable them to have a concern for the welfare of others as well as themselves, and may the work of their hands redound to Thy name's honor and glory. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, October 15, 1975, will be postponed until printed.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor, being introduced, presented the following communication in writing from His Excellency, the Governor, which was read:

APPROVAL OF HOUSE BILLS Nos. 240, 491, 678, 854, 996, 1367 and 1660.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

October 7, 1975

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 240, printer's No. 1493, entitled, "An Act authorizing and directing the Department of Property and Supplies, with the approval of the Department of Public Welfare and the Governor to convey to the Township of Upper St. Clair [10.44] 2.87 acres of land, more or less, situate in the Township of Upper St. Clair, Allegheny County, Commonwealth of Pennsylvania."

MILTON J. SHAPP
Governor

October 7, 1975

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 491, printer's No. 543, entitled "An Act implementing the provisions of section 6 of Article I of the Constitution of Pennsylvania by providing that a verdict may be rendered by five-sixths of the jury in a civil case."

MILTON J. SHAPP
Governor

October 2, 1975

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 678, printer's No. 1355, entitled "An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled 'The Second Class Township Code,' authorizing appropriations for observances and celebrations."

MILTON J. SHAPP
Governor

October 7, 1975

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 854, printer's No. 1833, entitled "An Act amending the act of July 20, 1974 (No. 198), entitled 'Pennsylvania Solid Waste-Resource Recovery Development Act,' providing for demonstration projects; providing for grants; imposing powers and duties on the Department of Environmental Resources and the Environmental Quality Board and making an appropriation," except for the appropriation of \$2,000,000 as provided in section 6 of the act. I withhold my approval from this item because funds are not available in the Development Fund for appropriation, and on that basis, Article 8, section 13(a) of the Pennsylvania Constitution prevents me from approving the appropriation.

However, I support the program contained in this act, and will submit to the General Assembly legislation to make funds available from the General Fund to carry out the purposes of this act.

MILTON J. SHAPP
Governor

October 2, 1975

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 996, printer's No. 1142, entitled "An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled 'The First Class Township Code,' authorizing appropriations for observances and celebrations."

MILTON J. SHAPP
Governor

October 15, 1975

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1367, printer's No. 2273, entitled "An Act relating to medical and health related malpractice insurance, prescribing the powers and duties of the Insurance Department; providing for a joint underwriting plan; the [Regional] Arbitration Panels for Health Care, compulsory screening of claims; collateral sources requirement; [limitation of Statute of Limitations;] limitation on contingent fee compensation; establishing [the Patients' Compensation Fund;] A CATAS-TROPHE LOSS FUND; and prescribing penalties."

MILTON J. SHAPP
Governor

October 8, 1975

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1660, printer's No. 2071, entitled "An Act amending the act of July 20, 1968 (P. L. 652, No. 220), entitled 'An act amending the act of March 31, 1949 (P. L. 372, No. 34), entitled "An act to promote the welfare of the people of the Commonwealth; creating The General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds for said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; empowering The General State Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," empowering the Authority to construct and acquire projects for certain State-related universities; providing for the disposition of unused borrowing capacity which may become available through the operation of the Higher Education Facilities Act of 1963 or other Federal grants; harmonizing the language of certain existing amendments; allocating unused funds; providing for the interpretation of certain amendments to the act; further defining the powers and procedures of the board; regulating the leasing of projects constructed for State-aided institutions; amending the eminent domain powers and procedures of the Authority; specifically itemizing projects for capital budget purposes," adding the acquisition of Temple University Hospital as an additional project and deleting the authorization for construction of one of the projects."

MILTON J. SHAPP
Governor

SENATE MESSAGE

AMENDED SENATE BILL No. 196 CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate bill numbered and entitled as follows:

SENATE BILL No. 196

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for a State Board of Physical Therapy Examiners in the Department of State.

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. 373

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," providing for notice to employes prior to filing a notice and demand for collection of delinquent taxes with employes.

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

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. 796

An Act amending the act of January 19, 1968 (1967, P. L. 996, No. 443), entitled "The Land and Water Conservation and Reclamation Act," granting the Secretary of Environmental Resources the right to enter certain premises for the purpose of conserving and reclaiming land and water resources; providing for liens upon such land; providing for the promulgation of rules and regulations; and providing for rights of recovery for abatement of emergency conditions.

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 bill will appear on the calendar.

PERMISSION TO ADDRESS HOUSE

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

Mr. GALLEN. Mr. Speaker, thank you.

Mr. Speaker, I just want to make a few brief remarks and I comment today on the mismanagement of the Liquor Control System.

If the Shapp Administration and the Liquor Control Board willfully set out to conduct this major business enterprise in a manner which would discredit it with the public, it could not devise methods more revolting than those presently employed.

This regulatory agency was among those under assault by Mr. Consumer Protection, Milton Shapp, prior to the time that he gained control in January 1972. After taking control, he said this, "I have charged the new board to hold the line on liquor prices and to reform Pennsylvania's antiquated system."

Mr. Speaker, in the nearly 4 years since Mr. Shapp took over the Liquor Control Board, it has steadily sunk in public respect. Service to consumers has deteriorated. Costs have gone up without resistance from the Governor. The most recent cost increase was applied covertly by the board when it approved reduction of the alcohol content of whiskey in state stores. The lowering of standards from 86 to 80 proof was approved, but the price per bottle remained where it was. This in effect means that consumers are now paying 7 percent more. The attitudes of consumers, centering on the Governor's "big-promise, little-performance" approach to consumer pro-

tection are being further aggravated by the board's failure to provide an adequate stock of popular brands.

Throughout the state embarrassed store managers and clerks face disgruntled shoppers and have to say, that is also not in stock. Conscientious employes of the state store system have long tried to bring consumer complaints about lack of stock to the administration's attention. Their complaints and recommendations go ignored.

The distillery firms deny any responsibility for the failure of the state board to provide adequate supplies of leading brands in the stores. They say that the responsibility rests squarely upon the decisionmakers of the Shapp administration.

Mr. Speaker, it is quite possible that continuing mismanagement of the liquor system in Pennsylvania is nothing more than the work of a conspiracy to discredit the control system so that it will be thrown out and given, through some patronage process, into the hands of "cronies" of the Governor.

The public has observed continuing scandals in this administration. I insist that the Governor and the Liquor Control Board discontinue the unbusinesslike methods now being employed in the state store system and reverse the procedures which have resulted in destroying employee morale and raising public suspicion.

Thank you, Mr. Speaker.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I request leaves of absence for the gentleman from Berks, Mr. DAVIES, for today's session because of the death of his mother, and for Mr. BUTERA for today's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll.

The roll was taken and was as follows:

YEAS—195

Abraham	George	McGinnis	Schmitt
Anderson, J. H.	Giammarco	McIntyre	Schweder
Arthurs	Gillespie	McLane	Scirica
Barber	Gillette	Mebus	Seltzer
Bellomini	Gleason	Menhorn	Shane
Bennett	Goodman	Miller, M. E.	Shelhamer
Beren	Green	Miller, M. E., Jr.	Shelton
Berlin	Greenfield	Milliron	Shuman
Berson	Grieco	Miscevich	Shupnik
Bittle	Gring	Moehlmann	Sirianni
Blackwell	Halverson	Morris	Smith, E.
Bonetto	Hamilton, J. H.	Mrkonie	Smith, L.
Bradley	Hammock	Mullen	Spencer
Brandt	Hasay	Mullen, M. P.	Stahl
Brunner	Haskell	Musto	Stapleton
Burns	Hayes, D. S.	Myers	Stout
Caputo	Hayes, S. E.	Novak	Sullivan
Cessar	Hepford	Noye	Taddonio
Cimini	Hill	O'Brien	Taylor
Cohen	Hopkins	O'Connell	Tayoun
Cole	Hutchinson, A.	O'Donnell	Toll
Cowell	Hutchinson, W.	O'Keefe	Thomas
Crawford	Irvis	Oltiver	Trello
Cumberland	Itkin	Fancoast	Turner
Davis, D. M.	Johnson, J.	Parker, H. S.	Ustynoski

DeMedio	Katz	Perri	Vann
Deverter	Kelly, A. P.	Perry	Vroon
Dicarlo	Kelly, J. B.	Petrarca	Wagner
DiDonato	Kernick	Pievsky	Wansacz
Dietz	Kistler	Pitts	Wargo
Dininzi	Klingaman	Polite	Weidner
Dombrowaki	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	Richardson	Wright
Fisher	Letterman	Rieger	Yahner
Flaherty	Levi	Ritter	Yohn
Foster, A.	Lincoln	Romanelli	Zearfoss
Foster, W.	Lynch	Ross	Zeller
Fryer	Manderino	Ruggiero	Zord
Gallagher	Manmiller	Ryan	Zwickl
Gallen	McCall	Saloom	
Garzia	McClatchy	Salvatore	Fineman,
Geesey	McCue	Scheaffer	Speaker
Geisler			

NOT VOTING—7

Butera	Gleeson	Milanovich	Walsh, T. P.
Davies	McGraw	Valicenti	

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

RECONSIDERATION OF VOTE ON SENATE BILL No. 792

Mr. TAYOUN moved that the vote by which SENATE BILL No. 792, printer's No. 854, entitled:

An Act making an appropriation to the New Year's Shooters and Mummies Museum, Inc., Philadelphia, Pennsylvania, for maintenance and general operation.

was defeated on final passage on Wednesday, October 15, 1975, be reconsidered.

Mr. MYERS 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?

SENATE BILL No. 792 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. TAYOUN moved that SENATE BILL No. 792 be placed on the final passage postponed calendar.

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

CALENDAR

LAW AND JUSTICE BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,
The bill having been called up from the postponed calendar by Mr. REED the House resumed consideration on final passage of **House bill No. 1509, printer's No. 2343, entitled:**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the carrying of deadly weapons onto certain properties and providing a penalty.

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 Dauphin, Mr. Reed.

Mr. REED. Mr. Speaker, I have an amendment that has been circulated already.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1509

Mr. REED moved that the vote by which HOUSE BILL No. 1509, printer's No. 2343, was agreed to as amended on third consideration on Wednesday, October 15, 1975, be reconsidered.

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

Amend Sec. 1 (Sec. 6163), page 2, line 16, by inserting a period after "PROPERTY"

Amend Sec. 1 (Sec. 6163), page 2, lines 16 and 17, by striking out "OR ONTO ANY" in line 16 and "PROPERTY ADJACENT TO A SCHOOL FACILITY." in line 17.

Amend Sec. 1 (Sec. 6163), page 2, by inserting between lines 25 and 26: (c) Exception.—Any portion of school property designated by the school as an area where hunting is permissible shall be exempt from the provisions of this section.

Amend Sec. 1 (Sec. 6163), page 2, line 26, by striking out "(C)" and inserting: (d)

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

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

Mr. REED. Mr. Speaker, this is actually an amendment after the bill was acted upon yesterday. Mr. Dreibelbis, whose district includes Penn State University, brought a certain deficiency in the bill to my attention and we quickly drafted an amendment and sent it back down. As far as I know, it is an agreed-to amendment.

It simply says that any portion of school property designated by the school as an area where hunting is permissible shall be exempt from the provisions of this act.

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.

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—190

Table listing names of members who voted 'YEAS' for the bill, including Abraham, George, McIntyre, Schweder, Anderson, J. H., Giammarco, McLane, Scirica, etc.

NAYS—0

NOT VOTING—12

Table listing names of members who did not vote, including Bonetto, Davies, Lederer, Rhodes, Butera, Greenfield, McGraw, Valicenti, Cohen, Gring, Milanovich, Walsh, T. P.

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.

URBAN AFFAIRS BILL ON FINAL PASSAGE POSTPONED

Agreeable to order, The bill having been called up from the postponed calendar by Mr. GLEASON the House resumed consideration on final passage of Senate bill No. 572, printer's No. 875, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," providing for annual assessments for district attorneys' associations.

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 SENATE BILL No. 572

Mr. GLEASON moved that the vote by which SENATE

BILL No. 572, printer's No. 875, was agreed to on third consideration on Wednesday, October 15, 1975, be reconsidered.

Mr. CAPUTO 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 on third consideration?

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

Amend Title, page 1, line 6, by removing the period after "associations" and inserting: , providing for a full time district attorney in certain instances in third, fourth, fifth, sixth, seventh and eighth class counties, setting his salary and making repeals.

Amend Sec. 2, page 3, line 7, by striking out all of said line and inserting: Section 2. The heading of section 1401 of the act is amended and a subsection is added to read:

Section 1401. District Attorney; Qualifications; Eligibility; Compensation.—* * *

(q) Any county of the third, fourth, fifth, sixth, seventh or eighth class may fix the services of the district attorney at full time at the discretion of the county commissioners. Such determination shall be made prior to December 1, 1975. After January 1, 1976, the commissioners shall, after consultation with the district attorney and the president judge of the court of common pleas of the judicial district, make such determination prior to the first day for circulating petitions by candidates for the office of district attorney. The president judge of the court of common pleas of the judicial district and the district attorney may make recommendations at any time to the county commissioners on the advisability of full-time service by the district attorney, but the same shall not be binding on them.

Where an election is made by the county commissioners to require a full time district attorney he shall be compensated at one thousand dollars (\$1,000) lower than the compensation paid to a judge of the court of common pleas in the respective judicial district.

Once the determination for a full time district attorney is made, it shall not thereafter be changed except by referendum of the electorate of the said county. Such referendum may be instituted by the county commissioners or on petition by five per cent of the electors voting for the office of Governor in the last gubernatorial general election. Such referendum may be held at any election preceding the year in which the district attorney shall be elected. Such district attorney shall devote full time to the office. The district attorney while in office, shall not derive any other income as a result of the necessary legal education and background, from any source including but not limited to income derived from legal publications or other publications dealing with matters related to the office of district attorney, lectures, honorariums, profit shares or divisions of income from any firm with which the district attorney was associated prior to election. This limitation shall not be construed, however, to preclude payment of fees earned for legal work done prior to, but not concluded until after his election as district attorney. In addition the district attorney shall not engage in any private practice and must be completely disassociated with any firm with which the district attorney was affiliated prior to election, nor shall the district attorney-elect accept any civil or criminal cases after being elected to the office. Furthermore, the district attorney shall be subject to the canons of ethics as applied to judges in the courts of common pleas of this Commonwealth insofar as such canons apply to salaries, full-time duties and conflicts of interest.

Any complaint by a citizen of the county that a full time district attorney may be in violation of this section shall be made to the Disciplinary Board of the Supreme Court of Pennsylvania, for determination as to the merit of the complaint. If any substantive basis is found, the board shall proceed forthwith in the manner prescribed by the rules of the Supreme Court and make such recommendation for disciplinary action as it deems advisable.

provided, however, that if the Supreme Court deems the violation so grave as to warrant removal from office, the prothonotary of the said court shall transmit its findings to the Speaker of the House of Representatives for such action as the House deems advisable under Article VI of the Constitution of the Commonwealth of Pennsylvania.

Where no such election for a full time district attorney is made, the district attorney shall be permitted to have an outside practice, and his salary shall be as set forth in the act of November 1, 1971 (P. L. 495, No. 113).

Section 3. (a) Section 5 of the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," is repealed in so far as inconsistent with the provisions of this act.

(b) Any other act or part of an act inconsistent with the provisions of this act are repealed to the extent of the inconsistency.

Section 4. This act shall take effect immediately and apply to all district attorneys whose term of office begins January 1, 1976.

On the question,

Will the House agree to the amendments?

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

Mr. GLEASON. Mr. Speaker, yesterday the House allowed by amendment process the commissioners of counties of the second class and second class A the option of deciding whether the district attorneys in those respective counties would be full-time or part-time in accordance with the amendment which we put in.

Now, there were an awful lot of members of the House yesterday who did not want to oppose that particular amendment, but, by the same token, those of us who represent all other counties, that is, third class through eighth class, believe very strongly that those counties ought to have a similar option for their district attorneys. I know that in the third and fourth class counties and certainly in the fifth class counties, we have the same kind of problems in effective law enforcement in terms of the district attorney's office as we had in the second class and second class A counties.

The amendment which is before the House now extends to the third through the eighth class counties the same option given to the second and second class A counties but with a very slight difference. The difference is that the option shall be exercised by the county commissioners on or before December 1, rather than November 1 as was the case yesterday.

I believe that at the time this amendment was being prepared, in view of the fact that the Senate was taking its recess, it could not take any action on this particular amendment to this particular bill. The Senate could address itself to this amendment and this bill, should we pass it, when it returns from its recess on November 17. It is conceivable that the Senate could address itself to this bill with my amendment and it is conceivable that the Governor could sign the bill before December 1 of this year so that the county commissioners in the third through the eighth class counties would then be given the option to decide whether the district attorneys should be full-time in their counties.

I ask the House for its support. Yesterday we gave to the second and second class A counties the privilege of the option, and I think the third class through the eighth class counties should have a similar option. I know that many of us yesterday voted for the second and second class A counties because of their problems. We are ask-

ing today for the same kind of consideration and courtesy that we showed them yesterday. I would ask support for this amendment.

CONSTITUTIONAL POINT OF ORDER

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

Mr. RITTER. Mr. Speaker, I would like to raise a point of constitutionality. It seems to me that if we have an election on November 4 of this year and elect a district attorney, between that time and December 1, it would seem to me to be unconstitutional for the county commissioners to make that office full-time and to set a salary of \$1,000 less than the judge in the court of common pleas would get. I think that the people have a right to know prior to the day of election what kind of office they are voting for, whether in fact it is full-time and what the salary is. I, therefore, raise the question, is this amendment constitutional?

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

Mr. RYAN. Mr. Speaker, on Mr. Ritter's point—

The SPEAKER. Will the gentleman let the Chair pose the question to the House first?

The gentleman, Mr. Ritter, has raised the question of the constitutionality of the amendment offered by the gentleman, Mr. Gleason. The Chair refers the matter of constitutionality to the body at large for decision.

The Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I think what Mr. Ritter says may be true if the bill were restricted to this election. The amendment that is before the House deals with the whole problem. It does not specify that it has to be this election. I think the real question of constitutionality would come up if the county commissioners in the third to the eighth class counties decided after December 1 and prior to the taking of office by the district attorneys in January that these district attorneys elected November 4 should or should not receive the full pay for a full-time prosecutor.

This bill, presumably, if the amendment goes in, will be the law of the state for many years to come. So the question of constitutionality is a moot question right now, because the bill refers to just the general problem; it does not restrict it to this particular election.

There is nothing in the bill that says that it is these district attorneys running this time. The question of constitutionality, if indeed it is a question, does not arise until some county has exercised its prerogative under the amendment and says that they want the district attorney running this November 4 to be full time. That is when the constitutional question will arise. Accordingly, I would speak in favor of the constitutionality of the bill.

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

Mr. DOYLE. Mr. Speaker, would Mr. Gleason answer a few questions?

The SPEAKER. Is the gentleman going to interrogate on the question of constitutionality?

Mr. DOYLE. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DOYLE. I do not have a copy of the amendment before me or in front of me, but is it identical except for the one change?

Mr. GLEASON. November to December 1.

Mr. DOYLE. I take the gentleman's word for that.

Are not all district attorneys in the state constitutional officers, as opposed to the county commissioners?

Mr. GLEASON. I do not have the research in front of me, Mr. Speaker. I cannot definitively answer that question.

Mr. DOYLE. It is my belief that they are. It is my understanding that the district attorneys are.

If that were the case, do you know of any previous decision in the court where a salary was raised between the time of the election and the time of swearing in?

Mr. GLEASON. My understanding of the cases—I do not have the matter researched totally at this point—is that there is some question as to whether or not the salary or the emolument to the public official can be raised after his election and before his swearing in. The cases are unanimous that he cannot receive an increase in his salary during his term of office. I am suggesting here that in this particular case we are not talking here about a term of office, because, in fact, the term of office has not begun and will not begin until the district attorneys are sworn in in January of 1976.

Mr. DOYLE. Right.

Well, then you are unaware of any case decided where the salary was increased before he was sworn in but after the particular officer was elected?

Mr. GLEASON. I am sorry, I did not understand.

Mr. DOYLE. There have been no cases that have turned up to cover that in-between time that you know of?

Mr. GLEASON. There appears to be a conflict in the cases, I am informed.

But I would add one other thing with respect to the second class and second class A counties because if the Senate does not return for action as to the second class and second class A county amendment of yesterday and the anti-constitutionality position is sustained, every single county will have that very problem. If the Senate is not back by November 17, everything is demolished, so to speak.

I am saying that both the second class A and the second class counties and all the other counties ought to have at least some semblance of a chance for their county commissioners to make this option.

I would ask that the House, in view of the fact that there is some question as to the constitutionality, would resolve that question, at least for the time being in favor of effective law enforcement in the counties. Give all the counties, second class through eighth class this option. I would ask for an affirmative vote sustaining the constitutionality of this amendment.

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

Mr. DOYLE. Mr. Speaker, I would just say this. I am willing to go along and agree with Mr. Gleason even though I know in our particular case it could not be effective even if the date were changed, because of the home rule charter which was just adopted.

Delaware County is a second class county and is locked in regardless, but I would urge support of Mr. Gleason's amendment and the constitutionality of it.

Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, the gentleman, Mr. Ryan, was partially correct when he said that this bill deals with other elections, but there is one sentence in there that says such determination shall be made prior to December 1, 1975, and then it goes on about subsequent elections.

My point is that, if we have an election on November 4, that the county commissioners cannot then by December 1 declare the office of the district attorney to be full-time for that election that was held on November 4. It seems to me that that determination has to be made prior to the election, not after the election. On that basis, I think at least that portion of the amendment is unconstitutional.

POINT OF ORDER

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

Mr. ZELLER. I rise to a point of order on Mr. Doyle's question of constitutionality.

The SPEAKER. The gentleman will state it.

Mr. ZELLER. Thank you, Mr. Speaker.

In 1955 we had a case in court in Lehigh County, when I was president of the Taxpayers League there, in regard to an officer receiving an increase in salary during term of contract. We lost the case for the simple reason it was cited to us, of Anderson versus Philadelphia—it was just before the turn of the century, 1898 or 1899—wherein it was ruled that no one could receive an increase in salary during a term of contract. It happened to be that that was a case that was cited along with ours, and the only one that I remember that was cited in court. So it is impossible for them to receive an increase in salary during the term of contract.

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

Mr. GLEASON. Mr. Speaker, I have just one other point: I suppose when you get a bunch of lawyers working on a problem, they are going to find some answer to the questions. I hope the answer will find some acceptance in some quarters.

This amendment, Mr. Speaker, really does not address itself specifically to raising the salary of an elected official so much as it is directed to changing the nature of his office from part-time to full-time. In other words, the standards for pay scales for district attorneys in Pennsylvania now have not been changed.

It is true we have a bill on our calendar which purports to raise the salaries of the district attorneys from the present level to a higher level on a part-time basis. But this amendment directed to this piece of legislation makes no reference at all to increasing salaries so much as it says that the county commissioners shall have an option to change the nature of the job from part-time to full-time, and that if they make that option, the full-time district attorney, as contrasted with the part-time district attorney, will receive \$1,000 less than the court of common pleas. So I think in that respect alone, there is enough force and strength to uphold the constitutionality, because we are not, in a large sense, increasing anybody's salary but changing the amount of time he or she must devote to his job. Thank you.

The SPEAKER. The question is on the matter of the constitutionality of the amendment offered by the gentleman, Mr. Gleason. Those members voting to uphold the constitutionality of the amendment will be voting in the

affirmative; those members voting to the contrary will be voting in the negative.

On the question,
Will the House sustain the constitutionality of the amendments?

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

YEAS—118

Anderson, J. H.	Geisler	McCall	Scirica
Bellomini	Gleason	McClatchy	Seltzer
Beren	Goodman	McCue	Shane
Berlin	Grieco	Mebus	Shelton
Bittle	Gring	Miller, M. E.	Sirianni
Brandt	Halverson	Miller, M. E., Jr.	Smith, E.
Brunner	Hamilton, J. H.	Milliron	Smith, L.
Burns	Haskell	Moehlmann	Spencer
Cessar	Hayes, D. S.	Morris	Stahl
Cimini	Hayes, S. E.	Mullen, M. P.	Stapleton
Cole	Hepford	Noye	Stout
Cowell	Hill	O'Connell	Taddonio
Crawford	Hopkins	Pancoast	Thomas
Cumberland	Hutchinson, A.	Parker, H. S.	Turner
Davis, D. M.	Hutchinson, W.	Perri	Ustynoski
DeMedio	Itkin	Petrarca	Vroon
Deverter	Katz	Pitts	Wagner
Dicarlo	Kelly, J. B.	Polite	Wansacz
Dietz	Kernick	Pratt	Wargo
Dininni	Kistler	Prendergast	Whelan
Dombrowski	Klingaman	Pyles	Whittlesey
Dorr	Knepper	Reed	Wilson
Doyle	Kowalshyn	Renninger	Wilt, R. W.
Dreibelbis	Kusse	Ruggiero	Wilt, W. W.
Fawcett	LaMarca	Ryan	Worriow
Fischer	Lehr	Saloom	Wright
Fisher	Levi	Salvatore	Yohn
Foster, A.	Lincoln	Scheaffer	Zearfoss
Foster, W.	Lynch	Schweder	Zord
Gallen	Manmiller		

NAYS—70

Abraham	Gillespie	McLane	Schmitt
Arthurs	Gillette	Menhorn	Shelhamer
Barber	Gleeson	Miscevich	Shuman
Bennett	Green	Mrkonic	Shupnik
Berson	Greenfield	Musto	Taylor
Blackwell	Hammock	Myers	Tayoun
Bradley	Hasay	Novak	Toll
Caputo	Irviss	O'Donnell	Trello
DiDonato	Johnson, J.	O'Keefe	Vann
Eckensberger	Kelly, A. P.	Oliver	Weidner
Englehart	Kolter	Perry	Westerberg
Fee	Laudadio	Pievsky	Wojdak
Flaherty	Laughlin	Rappaport	Yahner
Fryer	Lederer	Renwick	Zeller
Gallagher	Letterman	Richardson	Zwikl
Garzia	Manderino	Rieger	Fineman, Speaker
George	McGinnis	Ritter	
Giammarco	McIntyre	Ross	

NOT VOTING—14

Bonetto	Geesey	O'Brien	Sullivan
Butera	McGraw	Rhodes	Valicenti
Cohen	Milanovitch	Romanelli	Walsh, T. P.
Davies	Mullen		

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

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

PARLIAMENTARY INQUIRY

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

Mr. RITTER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, is this amendment divisible? By that, if you will refer to the amendment, Mr. Speaker, I am talking about page 2 of the amendment where it says in subparagraph (g), the second sentence which begins, "Such determination shall be made prior to December 1, 1975." I am asking if that can be divisible from the rest of the amendment. It seems to me that if you take that sentence out, it would apply after January 1, 1976, and all the rest of the amendment would then apply.

The SPEAKER. The Chair does not believe that that is a divisible amendment because of the way the amendment is physically set up. What the gentleman is trying to do is to amend the amendment, and not pose a division of a question to the House. If the gentleman wanted to offer an amendment to this amendment, the Chair would be happy to entertain it, but not to seek a division as he does.

Mr. RITTER. Mr. Speaker, not to belabor the point, but as I read the amendment last evening and again this morning, if that one sentence was not there and whether it is there or it is not there, it seems to me, the rest of the amendment all applies to what happens once that full-time determination is made. If you take out that sentence, "Such determination shall be made prior to December 1, 1975.", it would then read, "After January 1, 1976, the commissioners shall, after consultation . . .", et cetera, ". . . make determination prior to the first day for circulating petitions . . ." et cetera. It would seem to me that that is a divisible amendment. That one sentence in there could be taken out and not affect the rest of the amendment.

The SPEAKER. The Chair would rule that the amendment is not divisible. The Chair would be very happy to have this matter held up, however, until the gentleman can get an amendment prepared to the amendment.

Mr. RITTER. I will do that, Mr. Speaker. Thank you.

The SPEAKER. Does the gentleman, Mr. Gleason, have any objections to that?

Mr. GLEASON. I have no objection, obviously, to a colleague wanting to amend a bill, but I am concerned about whether or not we could vote finally on his amendment and this amendment before we give up today. It seems to be very important that we have this enacted by the time the Senate returns on November 17, 1975.

SENATE BILL No. 572 PASSED OVER TEMPORARILY

The SPEAKER. From all indications, it would appear that we are going to be here for some period of time today. At least the Democratic Party will be caucusing.

The gentleman, Mr. Ritter, has suggested to him that he immediately order the amendment, and I am hopeful that we can get down here today. In the meantime, this bill, Senate bill No. 572, will be temporarily passed over.

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

Mr. CAPUTO. Mr. Speaker, will the gentleman, Mr. Gleason, agree to a brief interrogation?

The SPEAKER. Is this on the amendment offered by the gentleman?

Mr. CAPUTO. Yes.

The SPEAKER. This bill has now been temporarily passed over.

TAX BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 12, printer's No. 768**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the sales tax on sales or services made by means of coin operated machines.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, line 11, by removing the comma after "machines" and inserting: and for exclusion of certain ice cream sales from the tax.

Amend Bill, page 2, by inserting between lines 6 and 7: Section 2. Subclause (iii) of clause (29) of section 204 of the act is amended to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

* * *

(29) The sale at retail or use of food and beverages for human consumption including candy, gum and similar confections, except that this exclusion shall not apply with respect to—

* * *

(iii) Food and beverages (except when purchased at or from a school or church in the ordinary course of activities of such organization) when the purchase price of the total transaction is more than ten cents (10¢), when purchased (i) from persons engaged in the business of catering, or (ii) from persons engaged in the business of operating restaurants, cafes, lunch counters, private and social clubs, taverns, dining cars, hotels and other eating places. For the purposes of this subclause (iii), ice cream purchased for consumption off the premises irrespective of from whom or where purchased, shall be excluded from the tax. For the purpose of this subclause (iii), beverages shall not include malt and brewed beverages and spirituous and vinous liquors, but shall include soft drinks, and the price of such soft drinks shall be considered together with the price of other beverages and food in determining whether the purchase price of the total transaction is more than ten cents (10¢).

* * *

Amend Sec. 2, page 2, line 7, by striking out "2." and inserting: 3.

Amend Sec. 3, page 2, line 14, by striking out "3." and inserting: 4.

On the question,

Will the House agree to the amendments?

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

Mr. SHUMAN. Would you pass over House bill No. 12 temporarily until we get a fiscal note?

The SPEAKER. Do you hope to get that fiscal note today?

Mr. SHUMAN. Yes. I have talked to the Revenue Department and they contend that it is amenable.

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

Mr. LINCOLN. Mr. Speaker, I believe that House bill No. 12 has been on the calendar for the last two weeks. I think that the gentleman, Mr. Shuman, has had ample time to obtain a fiscal note and I would suggest, with this being the last day of session for 4 weeks, that he would withdraw his amendment and either offer it as a bill or amend it into another bill.

AMENDMENT WITHDRAWN

Mr. SHUMAN. All right, I will withdraw it, but we are going to put in another one.

The SPEAKER. The gentleman withdraws the amendment.

On the question recurring,
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?

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

Mr. MENHORN. We are voting now on final passage?

The SPEAKER. We are on final passage of House bill No. 12, printer's No. 768.

Mr. MENHORN. I would like to speak against the passage of this bill.

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

Mr. MENHORN. I would just like to remind the House before they vote that this is a bill which is attempting to change the sales tax structure, which was originally passed and intended to be a unit sales tax. This would change, for the vending machine operators, their system of paying taxes on gross receipts. I think we are setting a very dangerous precedent in doing this.

There is also a \$400,000 loss of revenue, and I would remind those who voted either for or against the appropriation for the Louie Kahn archives that this \$400,000 would pay for it.

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

Mr. LINCOLN. Mr. Speaker, would the gentleman, Mr. Menhorn, submit to brief interrogation, please?

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

Mr. MENHORN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. LINCOLN. Mr. Speaker, your concern over changing the law I can appreciate, but when the law is inequitable such as this, I think it should be changed.

Do you know what the current rate of percent is for the sales tax in Pennsylvania?

Mr. MENHORN. Six percent.

Mr. LINCOLN. Are you aware of the fact that because of the structure of the law for these vending machine operators, their percentage of payment runs as high as 10 percent on a 20-cent item?

Mr. MENHORN. Yes, sir. I am quite aware of that.

Mr. LINCOLN. Do you think if we pass legislation for a 6-percent sales tax, that anybody should pay 10 percent under that same 6-percent law?

Mr. MENHORN. I do, because the law was passed as a unit sales tax and not as a gross receipts tax.

Mr. LINCOLN. That is not my question.

If it is a 6-percent sales tax, do you feel the 6 percent should apply to everyone?

Mr. MENHORN. As the law is written, as a unit sales tax, yes.

Mr. LINCOLN. We have made exceptions whenever we find that the law as written is not fairly applied to everyone many times in this House, and this is one of the times when a law written and a law applied is not equitable to

all parties. I cannot see how anyone could object to the 6-percent requirement being met by everyone.

Mr. MENHORN. Again I will say I think it is fair on the basis that if I go down and buy a hot dog and pay 35 cents for it, I have to pay a 3-cent tax. Multiply that one out. That is 9 cents on a dollar.

Mr. LINCOLN. You are buying our hot dogs from a pretty sharp operator if you are paying that much.

Mr. MENHORN. A lot of places even charge 50 cents. Maybe you do not go to ball games.

Mr. LINCOLN. Mr. Speaker, I would like to make a few comments at this time.

The SPEAKER. The gentleman may proceed.

Mr. IRVIS. Mr. Speaker, would the gentleman yield?

The SPEAKER. Will the gentleman, Mr. Lincoln, yield to the majority leader?

Mr. LINCOLN. I will, Mr. Speaker.

HOUSE BILL No. 12 PASSED OVER TEMPORARILY

Mr. IRVIS. Mr. Speaker, Mr. Shuman is going to renew his amendment. The chairman of the Appropriations Committee has informed me that he can give him the fiscal note in the late morning.

If the gentlemen wish to continue the debate on the bill, I have no objection, but I thought it only fair to announce to them that the amendment is going to be renewed with a fiscal note. So a final vote will not be taken under any circumstances until we have an opportunity to hear the gentleman, Mr. Shuman, on his amendment.

The SPEAKER. The Chair will temporarily pass over House bill No. 12.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 605, printer's No. 2196**, entitled:

An Act amending the act of March 16, 1970 (P. L. 180, No. 69), entitled "An act relating to State taxation; changing the manner in which tentative and annual taxes are to be paid; providing a penalty in certain cases; and making a repealer;" providing for penalties relative to the payment of the tentative taxes by corporations.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 1), page 2, lines 6 and 7, by inserting a bracket before "AND" in line 6 and after "THEREAFTER," in line 7

Amend Sec. 1 (Sec. 1), page 2, line 15, by inserting after "REPORTED:": Provided, however, That commencing with the calendar year 1976 and fiscal years beginning during the calendar year 1976, on or before the thirtieth day of April for calendar year taxpayers, and on or before the end of the fourth month after the close of its previous fiscal year for fiscal year taxpayers, shall pay on account of the tax due for the current year not less than eighty-five per cent of the amount of said tax; the said amount to be computed by applying the current tax rate to eighty-five per cent of such tax base from the last filed final report as may be applicable with respect to the tax being reported and commencing with the calendar year 1977 and fiscal years beginning during the calendar year 1977, on or before the thirtieth day of April for calendar year taxpayers, and on or before the end of the fourth month after the close of its previous fiscal year for fiscal year taxpayers, shall pay on account of the tax due for the current year not less than eighty per cent of the amount of said tax; the said amount to be computed by applying the current tax rate to eighty per cent of such tax base from the last filed final report as may be applicable with respect to the tax being reported and commencing with the calendar year 1978 and fiscal years

beginning during the calendar year 1978 on or before the thirtieth day of April for calendar year taxpayers, and on or before the end of the fourth month after the close of its previous fiscal year for fiscal year taxpayers, shall pay on account of the tax due for the current year not less than seventy-five per cent of the amount of said tax; the said amount to be computed by applying the current tax rate to seventy-five per cent of such tax base from the last filed final report as may be applicable with respect to the tax being reported and commencing with the calendar year 1979 and fiscal years beginning during the calendar year 1979, on or before the thirtieth day of April for calendar year taxpayers, and on or before the end of the fourth month after the close of its previous fiscal year for fiscal year taxpayers, shall pay on account of the tax due for the current year not less than seventy per cent of the amount of said tax; the said amount to be computed by applying the current tax rate to seventy per cent of such tax base from the last filed final report as may be applicable with respect to the tax being reported and commencing with the calendar year 1980 and fiscal years beginning during the calendar year 1980 and each taxable year thereafter, on or before the thirtieth day of April for calendar year taxpayers, and on or before the end of the fourth month after the close of its previous fiscal year for fiscal year taxpayers, shall pay on account of the tax due for the current year not less than sixty per cent of the amount of said tax; the said amount to be computed by applying the current tax rate to sixty per cent of such tax base from the last filed final report as may be applicable with respect to the tax being reported:

Amend Sec. 1 (Sec. 1), page 2, line 15, by inserting brackets before and after "PROVIDED, HOWEVER," and inserting immediately thereafter: And, provided further.

Amend Sec. 1 (Sec. 1), page 2, line 20, by inserting brackets before and after "NINETY" and inserting immediately thereafter: such

Amend Sec. 1 (Sec. 1), page 2, line 24, by removing the comma after "ANNUALIZED" and inserting: as is provided herein as the percentage of tax to be paid as tentative tax.

Amend Sec. 1 (Sec. 1), page 2, line 25, by inserting brackets before and after "NINETY" and inserting immediately thereafter: such

Amend Sec. 1 (Sec. 1), page 2, line 30, by removing the period after "STATUTE" and inserting: : And, provided further. That in calendar year 1978 and each taxable year thereafter ten per cent of the remaining portion of the tax due shall be paid upon the date the taxpayer's third quarter report for the purpose of Federal income tax is required to be made.

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, several weeks ago the House Committee on Federal-State Relations held some hearings in Harrisburg concerning the unemployment problem as it faces Pennsylvania today. Present at that meeting were representatives of a broad spectrum of the economic community, one might say, of Pennsylvania, including labor, Chambers of Commerce, industry, and so forth.

One of the points that was made at that meeting, in response to questions as to how the state legislature can help to alleviate the unemployment problem in Pennsylvania, was to the effect that we need to give some consideration to the businesses which are contemplating possibly coming into Pennsylvania and also make an effort to preserve those businesses which are here and considering leaving the state.

There are a number of areas in which, over the years, Pennsylvania government has in a small way begun to harass business in an effort to solve one government problem or another. The bill that we are attempting to

amend here today is an effort to get at one of those small things. It means little to the Commonwealth, but it means a lot to business firms of the numbers of things which businessmen have to live with today. My amendment is an effort to go a bit further in that particular respect.

As the members know, businesses today—corporations, that is—in terms of most of the taxes which they pay, pay approximately 90 percent of any given year's taxes to the Commonwealth of Pennsylvania prior to April 30 of that year. In other words, they are paying in advance about 90 percent of the taxes that they owe for the year.

Now you and I can imagine what kind of furor would be raised if we said to the individual taxpayer that you must pay 90 percent of your 1976 taxes before April 30, 1976. We would not be able to live with that in terms of the average taxpayer and voter, but yet we have said that to the businesses of Pennsylvania.

They have said that one way we can help to preserve business in Pennsylvania and help to get more business in Pennsylvania is to relieve some of those little things which harass business. This is one of them. And believe me, we all know in this chamber that we face severe unemployment now and we face even more severe unemployment, particularly through this winter period as our supplies of natural gas dwindle and we fail to face curtailments in that respect and as the national economy tends to flatten out in its recovery. Therefore, it seems to me that we ought to be making an effort right now to do something to help encourage business to stay in Pennsylvania, to keep operating, and to encourage more businesses to come to Pennsylvania.

This amendment to House bill No. 605 would reduce over a period of 5 years that advance payment of corporate income tax from 90-percent advance payment down to 60-percent advance payment. Now that still is not as far as perhaps we should go if we wanted to be entirely fair. But it seems to me that it is a beginning step. We have got to take that step at some point. I think we had better do it now when it means something to business.

Now there was a fiscal note passed around at about the same time this amendment was put on your desks yesterday, and I would like to direct your attention to that for just one moment.

You will note in the fiscal note some figures which indicate a cost factor on this bill. I would like to draw your attention particularly, however, not to the figures you see but to the paragraph directly above the figures appearing in the second list of figures there under the paragraph headed "Fiscal Impact." If I may, I would just like to read that. Some of you may not be able to find that among the papers on your desk.

In regard to fiscal impact, the Appropriations Committee says:

Although this amendment would not lower the amount of taxes paid, it would delay partial payment from one fiscal year to the next; thereby causing revenue losses in certain fiscal years.

Now here is the key point:

These revenue losses would not be recovered until the taxes are reduced at some later date. . . or dropped—

which would mean full recovery.

The point is that we are not changing the tax. There-

fore, over the long haul we are not reducing the amount of revenue to the Commonwealth of Pennsylvania. It is only a matter of timing.

You will recall that when this 90-percent payment was enacted, it was an effort to bring revenues in in a certain fiscal year. I want to again emphasize the fact that this bill has no ultimate fiscal impact. It has impact only in a certain fiscal year, namely, effectively, the first fiscal year. And even though, for example, in the fifth fiscal year we are talking about a 30-percent reduction from today, the fiscal impact for that fiscal year is still only 5 percent. And, in fact, that amount would be recovered ultimately in the following year. You recover the amount you lose in the following year.

Now, admittedly, in this particular fiscal year we might have a problem. But I think we need to begin to take the step, and that is why I start at only a 5-percent reduction instead of going from 90 percent to 60 percent all at once. We simply could not stand that. I think we can stand a 5-percent reduction and I would urge the members to support this in an effort to increase our ability to attract business to Pennsylvania. The jobs are important to us.

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

Mr. WOJDAK. Mr. Speaker, I rise to oppose Mr. Dorr's amendments. Some of the statements he made are misleading, although I do not think he consciously attempted to.

What this amendment does is to create a revenue gap in the collection of the corporate net income tax, a gap that we will really never catch up on, despite what Mr. Dorr said. And if you will notice on the fiscal note, you will see the loss per year. That gap would be created. The Commonwealth would never catch up on the collection of those taxes, and it does, in effect and in conclusion, provide tax relief and a permanent loss of revenues to the Commonwealth.

Now if you will refer to the fiscal note, the estimated loss of revenues for the particular years in accordance with the percentage schedule that Mr. Dorr has outlined in his amendment, you will see the kind of revenue gap that we will experience in each of those years ranging from the 1975-76 fiscal year to the 1980-81 fiscal year, and they are significant. They are significant in a time when the Commonwealth really does not have the type of revenues or cannot afford the luxury of this kind of loss to its general fund. I would suggest very strongly a negative vote on Mr. Dorr's amendment.

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

Mr. DORR. Mr. Speaker, may I interrogate the chairman of the Appropriations Committee?

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

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DORR. Mr. Speaker, I was not attempting to mislead anybody, and it puzzles me why you say there is an ultimate revenue loss. Can you explain that in a little more detail?

Mr. WOJDAK. Yes, Mr. Speaker. I am talking about a revenue loss because of the gap that you create by the amendment, and this Commonwealth will never catch up in its collections because of that. You create a 1-year

gap, and as the tax goes on ad infinitum, we will never make that up or catch up on that revenue loss.

Mr. DORR. Why will we not?

Mr. WOJDAK. Because you are creating a gap in 1 year and putting off the collection of it 1 year later ad infinitum, and it does create a tax relief or revenue loss in that period.

Mr. DORR. Let me ask the question this way: In the current fiscal year, under the current law, let us say that the total taxes collected by the Department of Revenue under this particular provision of the tax law are \$100. Under current law, the Department of Revenue collects \$10 from the previous year's taxes and \$90 from the current year's taxes. Now under my amendment, admittedly, in this particular year the Revenue Department would collect again 10 percent from the previous year but only 85 percent from the current year. Is that correct?

Mr. WOJDAK. That is correct.

Mr. DORR. But in the following year, would the Revenue Department not collect 15 percent instead of the 10 percent?

Mr. WOJDAK. That is true, but you have created a gap in the collection which represents a loss in that particular fiscal year, a loss that you have put off collecting for a future year and a future year ad infinitum. You have created a gap in there in our collection process which represents a loss.

Mr. DORR. But in the last fiscal year that we talk about specifically in the bill, do we not pick that up? Ultimately, the taxpayers pays the same amount regardless of when he pays it?

Mr. WOJDAK. Yes, except we are delaying the collection for a year and that revenue loss in that year will never be made up. We are always pushing it off a year into the future.

Mr. DORR. Well, that may be true—

Mr. WOJDAK. That is true.

Mr. DORR. That is true if we go ad infinitum.

Mr. WOJDAK. Well, I hope we do go on ad infinitum.

Mr. DORR. I recognize that point. I think you are right about that, but I think also that it only amounts to that original 5 percent, does it not?

Mr. WOJDAK. No, it does not. In your amendment, in 1980 and thereafter, you have reduced it to 60 percent. It will represent a 40-percent loss at that point.

Mr. DORR. No, it will not because in that year they will also be collecting 30 percent from the previous year. The following year, then, they will be collecting 40 percent from the previous year and 60 percent from the current year.

Mr. WOJDAK. Well, you ran those figures by me very quickly.

Mr. DORR. Let me put it this way: Under current law you collect 10-90. Every year you collect 10-90, 10-90, 10-90, right?

Mr. WOJDAK. May I interrupt?

Mr. DORR. Surely.

Mr. WOJDAK. If I must collect from you \$100 at this date—and that becomes important because we operate during the confines of a fiscal year—and I plan on the use of that \$100, but if you then shift the collection of that money to a future year, it represents a pinch or loss to me in this particular year.

Now, admittedly, in the next fiscal year that money will be paid, but that same situation will exist next year as you drop to the lower percentages ad infinitum.

So there is a gap in revenue loss during a particular time which will never be made up because the real effect of this is to provide tax relief for a one-shot or 5-year-shot proposition which will never be made up.

Mr. DORR. Well, I respectfully disagree, and let me interrupt for a moment.

What you have failed to contemplate is that in the next fiscal year, instead of collecting 10 percent from the previous year, you will be collecting 15 percent. So you have, in your fiscal note, failed to take that into consideration. Yes, you have. Through this period, in each fiscal year you will be collecting only 5 percent. You will be negative only 5 percent. At the end of this period of enumerated years in the amendment, you will, from then on, be collecting 100 percent—40-60.

Mr. WOJDAK. You are always going to collect the tax. The real issue is the timing of the collection or when you are collecting it.

Mr. DORR. That is exactly right. There is no ultimate fiscal loss, is there?

Mr. WOJDAK. So that there is no doubt in your mind, nor should there be any doubt in anyone's mind, that you are creating a gap in terms of collection. You are just holding off that collection and spacing it percentagewise over a 5-year period. But that loss for that starting year or during those 5-year periods will never be made up. It is a loss in that fiscal year. There is no other way to look at it.

Mr. DORR. Except that you pick it up in the next fiscal year from what you would have collected had you been operating under the old system. You have a 5-percent increase.

Mr. WOJDAK. Is there any doubt in your mind that during this 1975-76 fiscal year, your proposal would represent a loss in collection of revenues of \$32 million, assuming \$32 million represents—

Mr. DORR. Five percent.

Mr. WOJDAK. Okay. Is there any doubt in your mind about that?

Mr. DORR. I agree with that.

Mr. WOJDAK. That is the loss for the fiscal year 1975-76, is it not?

Mr. DORR. No question about that.

Mr. WOJDAK. Fine.

Mr. DORR. Which is made up in the following fiscal year.

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

Mr. HEPFORD. Mr. Speaker, would the gentleman, Mr. Wojdak, consent to interrogation?

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

Mr. WOJDAK. I shall.

The SPEAKER. The gentleman may proceed.

Mr. HEPFORD. Mr. Speaker, the thrust of this amendment is to change the law to what it was approximately 6 years ago, is it not?

Mr. WOJDAK. Mr. Speaker, I apologize to you. I did not hear that question.

Mr. HEPFORD. Mr. Speaker, is it not the thrust of this amendment to return the law to the state it had been in approximately 6 years ago?

Mr. WOJDAK. Mr. Speaker, I do not know the answer to that question. I am assuming that the law 5 or 6 years ago, from your question, was as stated by Mr. Dorr's amendment.

Mr. HEPFORD. Mr. Speaker, do you agree that the

General Assembly in Pennsylvania, in order to raise funds to balance a budget, suddenly said, we will tell people to pay their tax in advance. We told the businesses in Pennsylvania, you guess what your tax will be. Instead of paying a periodic payment at the beginning of the year on what you are making and what your business is doing, we are going to tell you to guess to almost 100 percent what you are going to make next year, and then you send that tax in ahead of time. Did not this General Assembly do that about 5 or 6 years ago and it went to 90 percent? The question is: Did not this General Assembly, in order to pick up some extra millions of dollars in a short period of time, say to the businesses in this Commonwealth, you guess what you are going to make next year and send us 90 percent of that income tax now?

Mr. WODJAK. I would assume that when the law was passed it did represent a one-time pickup. I do not know that it was 6 years ago. I assume it was.

Mr. HEPFORD. Thank you, Mr. Speaker.

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

Mr. HEPFORD. Mr. Speaker, you know, when you are faced with the problem of balancing a budget, that we have budget secretaries who juggle a budget, when we are talking about billions of dollars as you are talking about within the Commonwealth of Pennsylvania. What they did, in order to balance a budget and pick up an extra \$30 or \$40 million, was suddenly slip an amendment in and say to business, you have got to pay in advance in your best guess, 90 percent of your taxes. It would be the same as if you were short in this coming budget and did not have a \$94-million surplus that the Auditor General said he just found and said, you have got to pick up \$60 million. And what do you do? You say, we will make it \$100 million. All right, businessmen in Pennsylvania, send us 100 percent today of what your tax is going to be for next year.

We made a mistake. It is time the General Assembly and the elected Representatives of the people of Pennsylvania recognize they made a mistake and seek to correct it to get jobs back in Pennsylvania and to say to business, we do not want you to make a guess. We are going to try to get back to some sane, sensible accounting system, which we had in the Commonwealth when business and jobs came into the Commonwealth from 1963 until the time that we started to lean on them so hard that it even made guesswork of what their tax would be.

Mr. Dorr is not saying that we should go back to what we threw on them at one time because we admit they cannot stand it. We should have attempted to correct some of this last year when we overtaxed \$300 million. We did not do it, and business did not look to Pennsylvania. You want jobs; your people want employment; America wants work. You have got to start now to correct the errors you made when we took the easy way out and said, business, send in 90 percent as a guess of your taxes. I do not say, go back to what we threw on them at one time, but I say, for the good of the working people in this Commonwealth and in order to get jobs generated and in order to show some direction of fairness, let us correct the error we made and let us start reducing at 5 percent as this amendment does. When one-third of the year is down, you will still be getting 60 percent of the tax they are going to pay in a year and you are getting it in advance.

Do not stand forever and say, I was right, when I was

wrong, when we were wrong. Let us be big enough to admit our mistake and let us start in that direction. You have got a \$94-million surplus reported by the Auditor General now. Let us at least show the people that we want to bring jobs to Pennsylvania; that we are going to start getting back on a sound system and a sound basis.

This is not a revenue loss. You know what it is at most, the very most? This Commonwealth in its taxation wants to say to the people who create jobs, give us that money in advance and let us put it on interest. We will keep it here in the Commonwealth and spend it in the hopes that you earn enough money to pay that tax. That is what we did. There is no loss in this bill, even after we accept this amendment and put it in.

Let us recognize that what we did was wrong, and let us attempt to correct it and at least go down step by step 5 percent a year; not change the tax at all but say, you do not need to guess what you are going to make next year and pay 100 percent of that. We said 90 percent, and that was totally wrong.

Vote for this amendment. It does not effect a revenue loss at all. With the \$94-million surplus in your statement here, it could go on for 3 years. See what it generates.

But let us say to the people in this Commonwealth, we are going to do something to get jobs back in Pennsylvania and to entice business to come back here and create work, and the people want to work. Vote for this amendment. Let us get turned around in the right direction.

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

Mr. M. P. MULLEN. Mr. Speaker, I would just like to add a few comments to what Mr. Hepford said. First of all, those of us who have been around here for a long while realize that when we originally adopted this particular plan, we did it over a period of years and we did it with the consent of business with the purpose in mind to avoid increased taxes. I think we originally started it during the Leader administration, and we continually increased the prepayment of taxes whenever we got into a bind and we needed additional money in order to balance the budget. I recall the many conferences we had which business participated in, and they agreed to it in order to avoid taxes.

Now the problem is that we face a tremendous deficit next year. There is no question about it.

Mr. Hepford was referring to the \$94 million that the Auditor General said was available, which is probably true. It may not be \$94 million, but it is pretty close to it. But the problem that we face next year is that all of us are going to try and avoid tax increases. I certainly am not going to vote for any tax increases and I do not think that many of you want to vote for tax increases next year. With this amendment, certainly we will have to face a sure tax increase next year because it is going to decrease revenues next year. I think it is bad to adopt this amendment and I am going to vote against it.

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

Mr. RITTER. Mr. Speaker, the gentleman, Mr. Dorr, was correct in his interpretation of what took place at that meeting. But as I recall the meeting, one of the things that the business community was concerned about was this prepayment of their income tax. They had expressed some hope that we would give them a definite

figure to work with rather than ask them to estimate it as, Mr. Hepford says, they are doing now.

This bill already does that. It says: "The last filed final report." So it gives them a definite figure on which to base their 90-percent prepayment. To that degree we have accommodated the business community. They did ask to have the prepayment reduced, certainly, although they themselves admitted that there would be a revenue loss to the Commonwealth at that particular time and, frankly, they said that they did not know how we could make that up. So that is my recollection of what happened at the meeting.

But I think that House bill No. 605, without any further amendments, does what the business community asked us to do in terms of giving them definite figures on which to base their estimate of their succeeding taxes. We have done that. I think the question revolves around the fact of how are you going to make up the revenue loss in this year or any other fiscal year, and that is the question that this House will have to determine.

Personally, as much as I appreciate the work done by my colleague, Mr. Dorr, I am going to vote against the amendment because I think the bill does basically what the business community has asked us to do in terms of definite information for them. So I am going to oppose the amendment.

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

Mr. A. C. FOSTER. Mr. Speaker, would the gentleman, Mr. Wojdak, consent to a brief interrogation?

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

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. A. C. FOSTER. Mr. Speaker, like many of us, I am puzzled by your statement that this will represent a revenue loss ad infinitum. Why will it represent a revenue loss after the 5-year period?

Mr. WOJDAK. I said it would represent a revenue loss in this particular fiscal year which will never be made up ad infinitum.

Mr. A. C. FOSTER. Why do you say it will never be made up?

The SPEAKER. I think the gentleman has already covered that territory in response to interrogation by the gentleman, Mr. Dorr.

Mr. A. C. FOSTER. Very well, Mr. Speaker. I will get at it in a slightly different way.

Mr. Speaker, initially this situation came about by virtue of the fact that the state accelerated tax payments through prepayment or advanced payment or however you care to phrase it. At that time did this create any revenue? Was any revenue created other than for the one fiscal year?

Mr. WOJDAK. Surely there was a 1-year creation of additional revenues.

Mr. A. C. FOSTER. One year. But we are speaking ad infinitum. It did not create any over the long haul, did it?

Mr. WOJDAK. In the first year of the enactment, it would create an overpayment or additional revenues which would then level off. Well, it would level off, but it would be at that new rate.

Mr. A. C. FOSTER. Mr. Speaker, if you were to go to the bank today and borrow \$5,000, would this increase your overall net worth?

Mr. WOJDAK. Yes, it would.

Mr. A. C. FOSTER. It would? Over the long haul, Mr. Speaker?

Mr. WOJDAK. Let us back up to your original question? If I borrowed \$5,000, no, it would not increase my net worth. I could surely use that \$5,000 in this fiscal year.

Mr. A. C. FOSTER. I could too, Mr. Speaker.

Mr. Speaker, that concludes the interrogation. May I make a brief statement?

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

Mr. A. C. FOSTER. Mr. Speaker, I feel that the gentleman, Mr. Wojdak, has put this in perfect perspective by saying that his net worth would not be increased over the long haul by borrowing \$5,000. I submit that the state's net worth was not increased over the long haul either by prepayment of taxes. Therefore, if there was never any long-term increase in wealth, there cannot, of course, be any long-term loss of revenue. Therefore, I would strongly support Mr. Dorr's amendment and would ask my colleagues to do likewise.

The SPEAKER. The difference between the two situations, Mr. Foster, just as a matter of interesting discussion, is that when you borrow \$5,000, the reason that you are not enhancing your net worth is because you are putting a corresponding liability on the books representing the repayment of the loans due. But that is not true of the Commonwealth. The Commonwealth is putting additional cash on its books, but not at the same time putting any additional liability on its books. So there is an increase in net worth.

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

Mr. DORR. Mr. Speaker, I respectfully disagree with that. The liability is that they do not get it in the following fiscal year; they got it in the earlier fiscal year, so that is a liability.

The SPEAKER. That is not a liability that has to be repaid.

Mr. DORR. Well, let us not argue.

The SPEAKER. Is the gentleman, Mr. Foster, through?

Mr. A. C. FOSTER. I would just like to submit that maybe the difference then, Mr. Speaker, is that if I as an individual borrow the \$5,000, I will darn sure have to pay it back, but in the case of the Commonwealth, they will simply pass it on in the form of a tax increase in the future, and that is the liability.

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

Mr. DORR. Mr. Speaker, just a couple of brief comments. I think it is clear that no corporation paying these taxes will pay less taxes by reason of this amendment. That is the key. The revenue will come in to the Commonwealth over the long haul in the same amount as it would have come in had the amendment not passed.

I would urge my colleagues to judge the amendment not on the basis of revenue coming into the Commonwealth but on the basis of the attitude of the Commonwealth, as a government, toward business. It would seem to me that we are only getting toward a fair treatment of business by passing this amendment in terms of the timing of the collection of the ultimate tax, all of which will ultimately have to be paid. It seems to me that we have got to show some good faith to business in order to attract business, to keep business, and the key point, as

Mr. Hepford pointed out, is the number of jobs that we must have available to Pennsylvanians.

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

Mr. RITTER. Mr. Speaker, there is a big difference between what was done 6 years ago and what this amendment proposes to do. When we accelerated the payment some 6 years ago, that was a one-shot deal. We only increased or accelerated the payment for that 1 year; we did not increase it 5 percent for 5 years.

What Mr. Dorr is attempting to do is to decrease that accelerated payment at a rate of 5 percent for a 5-year period. While we got accelerated money and additional revenue for that 1 year from the accelerated prepayment, that then leveled off, as Mr. Wojdak said, because then each year thereafter the rate was the same. Mr. Dorr's amendment does the opposite. It would reduce it not just 1 year but 5 percent for 5 years. So there is a very big difference.

I think you have to put it in this light: The accelerated payment took place one time; there was no increase in the amount of taxation; the businesses paid the same amount of money that they paid the year before; they just paid it earlier. But Mr. Dorr's amendment will allow them to pay less for a 5-year period, 5 percent less a year, and I think that is the danger in it. I think we ought to defeat the amendment.

On the question recurring,

Will the House agree to the amendments?

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

YEAS—87

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

NAYS—107

Abraham	Garzia	Laughlin	Ritter
Arthurs	Geisler	McLane	Romanelli
Barber	George	Menhorn	Ross
Bellomini	Giammarco	Milliron	Ruggiero
Bennett	Gillespie	Miscevich	Schmitt
Berlin	Gillette	Morris	Schweder
Berson	Gleeson	Mrkonjc	Shane
Blackwell	Goodman	Mullen, M. P.	Shelhamer
Bonetto	Green	Mullen	Shelton
Bradley	Greenfield	Musto	Shuman
Brunner	Hammock	Myers	Shupnik
Caputo	Hutchinson, A.	Novak	Stapleton
Cohen	Irvic	O'Brien	Stout
Cole	Itkin	O'Donnell	Taylor
Cowell	Johnson, J.	O'Keefe	Tayoun
Davis, D. M.	Kelly, A. P.	Oliver	Toll
DeMedio	Kernick	Perry	Trello
Dicarlo	Kolter	Petrarca	Vann
DiDonato	Kowalyszyn	Plevsky	Wansacz
Dombrowski	LaMarca	Pratt	Wargo
Doyle	Laudadio	Prendergast	Wojdak

Dreibelbis	Lederer	Rappaport	Yahner
Eckensberger	Letterman	Reed	Zeller
Englehart	Lincoln	Renwick	Zwikel
Fee	Manderino	Rhodes	Fineman,
Flaherty	McCall	Richardson	Speaker
Fryer	McIntyre	Rieger	
Gallagher			

NOT VOTING—8

Butera	Kelly, J. B.	Milanovich	Valicenti
Davies	McGraw	Sullivan	Walsh, T. P.

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

On the question recurring,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 1), page 2, line 14, by striking out "FINAL" and inserting: annual tax

On the question,

Will the House agree to the amendment?

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

Mr. WOJDAK. Mr. Speaker, I have an amendment to this bill, a technical language correction.

On the question recurring,

Will the House agree to the amendment?

Amendment was 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—192

Abraham	George	McGinnis	Scheaffer
Anderson, J. H.	Giammarco	McIntyre	Schmitt
Arthur	Gillespie	McLane	Schweder
Barber	Gillette	Mebus	Scrica
Bellommi	Gleason	Menhorn	Seltzer
Bennett	Gleeson	Miller, M. E.	Shane
Beren	Goodman	Miller, M. E., Jr.	Shelhamer
Berson	Green	Milliron	Shelton
Bittle	Greenfield	Miscevich	Shuman
Bradley	Grleco	Moehlmann	Shupnik
Brandt	Gring	Morris	Sirianni
Berlin	Hamilton, J. H.	Mrkonic	Smith, E.
Blackwell	Hammock	Mullen, M. P.	Smith, L.
Bonetto	Hasay	Mullen	Spencer
Brunner	Haskell	Musto	Stahl
Burns	Hayes, D. S.	Myers	Stapleton
Caputo	Hayes, S. E.	Novak	Stout
Cessar	Hepford	Noye	Taylor
Cimini	Hill	O'Brien	Tayoun
Cohen	Hopkins	O'Connell	Thomas
Cole	Hutchinson, A.	O'Donnell	Toll
Cowell	Hutchinson, W.	O'Keefe	Trello
Crawford	Irvic	Oliver	Turner
Cumberland	Itkin	Pancoast	Ustynoski
Davis, D. M.	Johnson, J.	Parker, H. S.	Vann
DeMedio	Katz	Perri	Vroon
Deverter	Kelly, A. P.	Perry	Wagner
Dicarlo	Kelly, J. B.	Petrarca	Wansacz
DiDonato	Kernick	Plevsky	Wargo
Dietz	Kistler	Pitts	Weidner
Dininni	Klingaman	Polite	Westerberg
Dombrowski	Knepper	Pratt	Whelan
Dorr	Kolter	Prendergast	Whittlesey
Doyle	Kowalyshyn	Pyles	Wilson
Dreibelbis	Kusse	Rappaport	Wilt, R. W.
Eckensberger	LaMarca	Reed	Wilt, W. W.

Englehart	Laudadio	Renninger	Wojdak
Fawcett	Laughlin	Renwick	Worrlow
Fee	Lederer	Rhodes	Wright
Fischer	Lehr	Richardson	Yahner
Flaherty	Letterman	Rieger	Yohn
Foster, A.	Levi	Ritter	Zearfoss
Foster, W.	Lincoln	Romanelli	Zeller
Fryer	Lynch	Ross	Zord
Gallagher	Manderino	Ruggiero	Zwikel
Gallen	Manmiller	Ryan	
Garzia	McCall	Saloom	Fineman,
Geesey	McClatchy	Salvatore	Speaker
Geisler	McCue		

NAYS—3

Fisher	Halverson	Taddonio
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NOT VOTING—7

Butera	McGraw	Sullivan	Walsh, T. P.
Davies	Milanovich	Valicenti	

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.

GENERAL ASSEMBLY-RELATED BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1590, printer's No. 2192, entitled:

An Act amending the "Legislative Code of Ethics," approved July 10, 1968 (P. L. 316, No. 154), further defining gift and member and adding definitions; further providing for standards of conduct and prohibitions; providing for economic interest statements; and further providing for penalties.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 3 (Sec. 4.1), page 4, line 10, by inserting a period after "member"

Amend Sec. 3 (Sec. 4.1), page 4, lines 10 through 17, by striking out "unless he shall file with the Chief Clerk of the" in line 10, all of lines 11 through 17

Amend Sec. 3 (Sec. 5.1), page 7, line 14, by striking out "two thousand five hundred dollars (\$2,500)." and inserting: five hundred dollars (\$500).

Amend Sec. 3 (Sec. 5.1), page 7, lines 15 through 19, by striking out "which" in line 15, all of lines 16 through 19, and inserting: by location; provided a member's primary residence shall not be included.

Amend Sec. 3 (Sec. 5.1), page 7, lines 22 and 23, by striking out all of line 22 and "personal property: And, provided further," in line 23 and inserting: Provided,

Amend Sec. 3 (Sec. 5.1), page 8, line 13, by removing the comma after "(4)" and inserting a period

Amend Sec. 3 (Sec. 5.1), page 8, lines 13 through 15, by striking out "nor to any corporation whose" in line 13 and all of lines 14 and 15

On the question,

Will the House agree to the amendments?

AMENDMENT DIVIDED

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

Mr. YOHAN. Mr. Speaker, the first amendment which I am offering is the one which is numbered "1."

I believe Mr. Rappaport has requested that the amendment be divided. I believe it is divisible and I have no objection to the same.

The SPEAKER. Does the Chair understand that these amendments are being divided?

Mr. YOHN. Yes, Mr. Speaker.

The SPEAKER. The Chair understands that the gentleman, Mr. Rappaport, and the gentleman, Mr. Yohn, have agreed upon the manner in which the amendments are to be divided. If the members will refer to the amendments in front of them, the Chair understands that the first division would be following line 3, ending with "all of lines 11 through 17." Is that correct, Mr. Yohn?

Mr. YOHN. Yes, that is correct, Mr. Speaker. That portion of the amendment is agreed to.

On the question,

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

Part I of the Yohn amendments was agreed to.

The SPEAKER. The next division is the next three lines, ending with the words "five hundred dollars." Is that correct?

Mr. YOHN. That is correct.

The SPEAKER. Is that amendment agreed to?

Mr. YOHN. That amendment is not agreed to.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Yohn, on that portion of the amendment.

Mr. YOHN. Mr. Speaker, the basic purpose of this entire amendment is to—and I will then restrict myself to the section we are discussing—restore the bill to the form in which it passed this House of Representatives last year by a vote of approximately 180 to 4 or 180 to 5.

The particular amendment that we are discussing now relates to the threshold as to when you will be required to disclose a particular financial interest. The position which this House took last year was that we would basically require the disclosure of all financial interests that a member of the House or a member of the Senate or a candidate would have from which he received income in excess of \$500 during that particular year. This amendment would increase that amount to \$2,500 a year.

The purpose of a disclosure statute is to assure the public that the members of the House and the Senate do not have private financial interests that may be affecting their public judgment. I think that if we increase the amount to \$2,500, we are going much too far in allowing interests to remain undisclosed. It seems to me that this particular amendment is probably the key amendment that we will be talking about on this bill all day, because it is essential that we have a full and adequate disclosure to the public if we are to have any public confidence in what we are doing.

I would particularly point out to all of the members that in no event do any of these amendments require the disclosure of the amount of your income. The decision of the House last year, the approach taken in House bill No. 1590, and the approach taken in all of these amendments is that we will disclose sources but not amounts. The only issue is which sources are we disclosing, and I would submit that we should disclose all sources of income in excess of \$500 rather than \$2,500. When the bill was first considered last year, it was at \$100. We had amendments on the floor that increased it to \$300 and then to \$500. I think that is an appropriate level. If we are to make this disclosure statute an effective means of

restoring public confidence in the legislature, I think we should retain it at \$500, and I would solicit your support for this amendment.

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

Mr. RAPPAPORT. Perhaps, Mr. Speaker, some of the other members would like to be recognized before me. Apparently not.

Mr. Speaker, I would like to say a few words about the general intent of the bill as it is unamended so that we have a picture of the entire bill before going to the nitty-gritty of the details.

What the House is faced with is a philosophical difference between the gentleman from Montgomery, Mr. Yohn, and myself on what we should be doing with this bill. Our position has been that the members of this House should be required to make what is called relevant and reasonable disclosure. No ethics bill is going to put somebody in jail who does not already commit criminal acts. Like locks, ethics bills are for honest people.

The bill as it stands was drafted to provide a reasonable and logical standard for the members of this House to guide themselves. No matter what we pass, the very small, insignificant percentage among us who are thieves are going to remain thieves because that is the way they are.

We must also keep in mind the tremendous differences in backgrounds of the members of this House, and that is all to the good. Some of the members feel there are too many lawyers here, but there are also insurance people here, accountants, farmers and businessmen. It is this variety in experience that the members bring to the House that is so important in our deliberations. We do not always agree with one another, but it is this clash of opinions that brings out what I think is a rather good brand of legislation. As part of wanting to keep this variety of membership, we must have reasonable standards that honest and honorable men can live up to. This amendment is the first philosophical argument.

This bill requires disclosure of sources of income. There will be later amendments requiring the amounts to be disclosed. The bill as it stands does not require amounts; it requires disclosure of sources of income. It does require particular information if the source of income in any way involves the Commonwealth or its agencies. This amendment speaks to the section which requires that all sources of income be disclosed.

The present form of the bill sets as a limit that you must disclose the source of income when that source provides more than \$2,500 per year to the member. The amendment of Mr. Yohn would lower that threshold to \$500 per year. It is our position that in today's inflation, \$500 a year does not represent very much, unfortunately, but that \$2,500 is a much more reasonable standard. Let me emphasize, if the source of income is the Commonwealth or any of its agencies, the threshold is \$1.

This concerns a source of income that has nothing to do with the Commonwealth or any of its agencies. This means that if you are an insurance broker and you write a little bit of life insurance or health and accident insurance, under the present bill, you would have to report that outside income if it is more than \$2,500 a year. Under the amendment, you would have to report the source of income if it is more than \$500 per year.

Thank you, Mr. Speaker.

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

Mr. ZEARFOSS. Mr. Speaker, I would like to interrogate Mr. Yohn first. I would like to have Mr. Rappaport listen to his answers because I would like to then see if Mr. Rappaport agrees with the answers of Mr. Yohn, if Mr. Yohn will consent.

The SPEAKER. Will the gentleman from Montgomery, Mr. Yohn, consent to interrogation?

Mr. YOHN. I will.

The SPEAKER. This could get very complicated. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, my reading of this bill and my recollection of the other provisions of the law that are not included in the print of the bill would indicate that there is no definition of what a source of income is. Is that correct?

Mr. YOHN. The language is: "Direct or indirect sources, by name, of any income. . ." There is no definition of the word "source", that is correct.

Mr. ZEARFOSS. Now let me ask this question: If there is a sole proprietor who has an insurance business and he has numerous clients, is his source of income the insurance business? Let us say it is Herbert K. Zearfoss, Insurance, and he has an office in Wayne, Pennsylvania. Is his source of income then the Herbert K. Zearfoss Insurance Agency in Wayne, Pennsylvania, or is his source each and every client or policyholder whom he sells insurance to who pay him more than \$2,500, the way the bill is now?

Mr. YOHN. We had the same type of colloquy the last time this bill was considered. It seems to me it was with Mr. Gelfand but I am not sure. But he would list the name of his company as the source; he would not list each policyholder. The source is intended to be the business name from which he is receiving the income.

Mr. ZEARFOSS. That is why I used the sole proprietorship where there is no salary paid to the proprietor, but the income is the draw or the profit that he makes which is made up from all his clients.

Mr. YOHN. He would then list the Herbert Zearfoss Insurance Agency, or whatever it might be.

Mr. ZEARFOSS. Even though it is a sole proprietor?

Mr. YOHN. That is correct. Now you will note that in some of the later sections of the bill, it talks about listing clients or customers specifically when those things relate to state purchases and state contracts. Therefore that specific term would supersede the more general term "source."

Mr. ZEARFOSS. I am only concerned about this particular provision.

Now I assume your answer would be the same then if the doctor were operating in a sole proprietorship or a partnership or if the lawyer were operating a sole proprietorship or the engineer or the architect or anyone; he would not have to list his clients or customers; he would only list the business?

Mr. YOHN. That is correct.

Mr. ZEARFOSS. Now, Mr. Rappaport, is that your understanding of the definition of "source" in this provision?

Mr. RAPPAPORT. It is.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

On the question,

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

The yeas and nays were required by Messrs. YOHN and RAPPAPORT and were as follows:

YEAS—93

Abraham	Geesey	Lincoln	Schweder
Beren	Gillespie	Lynch	Shane
Berson	Gillette	Manmiller	Shuman
Bittle	Gleason	McCue	Sirianni
Brandt	Greenfield	Miller, M. E., Jr.	Smith, L.
Burns	Grieco	Milliron	Spencer
Cessar	Gring	Musto	Stahl
Cimini	Halverson	Noye	Stapleton
Cowell	Hasay	O'Brien	Taddonio
Crawford	Haskell	O'Connell	Turner
Cumberland	Hayes, D. S.	Pancoast	Ustynoski
Deverter	Hayes, S. E.	Parker, H. S.	Wagner
Dicarlo	Hepford	Perri	Weidner
Dietz	Hill	Perry	Westerberg
Dininni	Hopkins	Pitts	Whittlesey
Dorr	Hutchinson, W.	Polite	Wilson
Doyle	Itkin	Pyles	Wilt, R. W.
Eckensberger	Katz	Reed	Worriow
Fischer	Kelly, J. B.	Renninger	Wright
Fisher	Klingman	Ryan	Yohn
Flaherty	Kusse	Salvatore	Zearfoss
Foster, A.	Lehr	Scheaffer	Zeller
Foster, W.	Levi	Scirica	Zwikel
Gallen			

NAYS—98

Anderson, J. H.	George	McLane	Ruggiero
Arthurs	Giammarco	Mebus	Saloom
Barber	Gleeson	Menhorn	Schmitt
Bellomini	Goodman	Miller, M. E.	Seitzer
Sennett	Green	Miscevich	Shelhamer
Berlin	Hamilton, J. H.	Moehimann	Shelton
Blackwell	Hutchinson, A.	Morris	Shupnik
Sonetto	Irvic	Mrkonic	Smith, E.
Bradley	Johnson, J.	Mullen, M. P.	Stout
Brunner	Kelly, A. P.	Mullen	Taylor
Caputo	Kernick	Myers	Tayoun
Cohen	Kistler	Novak	Thomas
Cole	Knepper	O'Donnell	Toll
Davis, D. M.	Kolter	O'Keefe	Trello
DeMedio	Kowalshyn	Oliver	Vann
DiDonato	LaMarca	Petrarca	Vroon
Zombrowski	Laudadio	Pievsky	Wansacz
Dreibelbis	Laughlin	Pratt	Wargo
Englehart	Lederer	Prendergast	Wilt, W. W.
Fawcett	Letterman	Rappaport	Wojdak
Fee	Manderino	Renwick	Yahner
Fryer	McCall	Richardson	Zord
Gallagher	McClatchy	Ritter	
Garzia	McGinnis	Romanelli	Fineman,
Geisler	McIntyre	Ross	Speaker

NOT VOTING—11

Butera	McGraw	Rieger	Walsh, T. P.
Davies	Milanovich	Sullivan	Whelan
Hammock	Rhodes	Valicenti	

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

The SPEAKER. The Chair understands that the next amendment begins with the words "Amend Sec. 3" and ends with the statement ". . . provided a member's primary residence shall not be included."

The Chair recognizes the gentleman from Montgomery, Mr. Yohn.

Mr. YOHN. Mr. Speaker, the bill as drafted requires the individual filing the statement to list only that real estate which he owns which has been sold to the Commonwealth, leased to the Commonwealth, or which is subject to condemnation proceedings by the Commonwealth. The bill that we passed last year requires disclosure by location of all real estate owned by the individual.

Again, I think it is a question of when you make exceptions like this, it is too easy for that person who is trying to hide something to find a nook and cranny in the exception into which he fits.

Therefore, the appropriate remedy would be to require disclosure of all real estate. I am thinking particularly

of the situation in relation to condemnation proceedings where, under the bill as proposed, you would only list the real estate if it had been condemned. But it might very well be that a road had been altered in its course so that it would not go through your property, and I think that this is something that is a subject for proper, public scrutiny. I would, therefore, urge the acceptance of this amendment.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

I must again differ with Mr. Yohn. This is part of the relevant disclosure that I discussed earlier. It is entirely relevant and a matter of public interest if I own a piece of real estate upon which the Commonwealth or any of its agencies is a tenant or if it is the subject of condemnation proceedings by the Commonwealth, and it is right and proper that that be made public. On the other hand, when the Commonwealth is not involved in a piece of real estate in any way, it is not anybody's business but that of the member.

I might point out a very practical political consideration. Many of us are not exactly in sympathy with the mayors of our cities or county commissioners or township supervisors in certain townships. That is the American political system. While I do not accuse anybody of having this kind of motive, many years ago—more than 25 years ago—it was the custom in Philadelphia that anyone who was not in sympathy with the administration would have their assessment raised or have inspectors crawling through their properties. I would suggest that this is the great danger of political pressure on members which exists.

If members must list their interest in every piece of real estate, it makes them like a deer in open season in Elk County, everybody can take a shot at them.

If I felt that there was a reasonable public purpose to list all of them, I would not take this position. I think it is the business of the public when the Commonwealth or one of its agencies is involved. If I or a member of my family owns a location where there is a liquor store or the Commonwealth rents it for an employment office or something, it is the public's business; it very much is the public's business. But if I have an interest in a piece of investment real estate that has a McDonald's on it, then it is not anybody's business but my own. Mr. Speaker, I would ask for a "no" vote.

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

Mr. YOHN. I just want to mention one thing. It seems to me that the threat of an assessment increase is somewhat of a red herring in this kind of a situation, because if that were a possibility in any particular locality, certainly anyone who wanted to do that can do a search of the records in the courthouse and determine whether or not you were an owner of real estate and then proceed to increase the assessment.

So I would suggest that what we are dealing with here, again, is an attempt to have a full disclosure of interest, not of amounts but of interest, so that the public has this information available to it. I think it is something that is a necessity in today's society if we are going to restore the confidence of the public in our political processes.

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

Mr. McCLATCHY. Mr. Speaker, would the gentleman, Mr. Yohn, submit to interrogation, please?

The SPEAKER. Will the gentleman from Montgomery, Mr. Yohn, consent to interrogation?

Mr. YOHN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. McCLATCHY. Mr. Speaker, could you read in total the section as it would read if your amendment would go in just to clarify the situation?

Mr. YOHN. Paragraph (4), on page 7, if my amendment were inserted, would read as follows: "Direct or indirect interests in any real estate by location; provided a member's primary residence shall not be included."

Mr. McCLATCHY. Thank you, Mr. Speaker.

On the question,

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

The yeas and nays were required by Messrs. YOHN and RAPPAPORT and were as follows:

YEAS—96

Beren	Greenfield	McCue	Seltzer
Berson	Grieco	McLane	Shane
Bittle	Gring	Mebus	Shuman
Brandt	Halverson	Miller, M. E.	Smith, L.
Burns	Hamilton, J. H.	Miller, M. E., Jr.	Spencer
Cessar	Haskell	Moehlmann	Stahl
Cimini	Hayes, D. S.	Musto	Stapleton
Crawford	Hayes, S. E.	Noye	Taddonio
Cumberland	Hepford	O'Connell	Taylor
Deverter	Hill	O'Keefe	Toll
Dicarlo	Hopkins	Pancoast	Turner
Dietz	Hutchinson, W.	Parker, H. S.	Ustynoski
Dininni	Itkin	Perri	Wagner
Dombrowski	Katz	Perry	Wargo
Dorr	Kelly, J. B.	Pitts	Westerberg
Eckensberger	Klingaman	Polite	Whittlesey
Fischer	Knepper	Pyles	Wilson
Fisher	Kusse	Reed	Wilt, R. W.
Flaherty	Lederer	Renninger	Worrlow
Foster, A.	Lehr	Ryan	Wright
Foster, W.	Levi	Salvatore	Yohn
Gallen	Lincoln	Scheaffor	Zearfoss
Geesey	Lynch	Schweder	Zeller
Gillespie	Manmiller	Scirica	Zwinkl

NAYS—96

Abraham	Garzia	McGinnis	Ruggiero
Anderson, J. H.	Geisler	McIntyre	Saloom
Arthurs	George	Menhorn	Schmitt
Barber	Giammarco	Milliron	Shelhamer
Bellomini	Gillette	Miscevich	Shelton
Bennett	Gleason	Morris	Shupnik
Berlin	Gleason	Mrkonic	Sirianni
Blackwell	Goodman	Mullen, M. P.	Smith, E.
Bonetto	Green	Mullen	Stout
Bradley	Hammock	Myers	Tayoun
Brunner	Hasay	Novak	Thomas
Caputo	Hutchinson, A.	O'Brien	Trello
Cohen	Irvis	O'Donnell	Yann
Cole	Johnson, J.	Oliver	Vroon
Cowell	Kelly, A. P.	Petrarca	Wansacz
Davis, D. M.	Kernick	Pievsky	Weidner
DeMedio	Kistler	Pratt	Whelan
DiDonato	Kowalshyn	Prendergast	Wilt, W. W.
Doyle	LaMarca	Rappaport	Wojdak
Dreibelbis	Laudadio	Renwick	Yahner
Englehart	Laughlin	Richardson	Zord
Fawcett	Letterman	Ritter	
Fee	Manderino	Romanelli	Fineman,
Fryer	McCall	Ross	Speaker
Gallagher	McClatchy		

NOT VOTING—10

Butera	McGraw	Rieger	Valicenti
Davies	Milanovich	Sullivan	Walsh, T. P.
Kolter	Rhodes		

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

The SPEAKER. The next amendment begins with

"Amend Sec. 3, (Sec. 5.1), page 7, lines 22 and 23" and ends with the word "Provided,".

The Chair recognizes the gentleman from Montgomery, Mr. Yohn.

Mr. YOHAN. Mr. Speaker, the basic intent of this provision of the bill, as Mr. Rappaport has drafted it and as it was passed last year, is to require the disclosure of creditors who may have lent money. The bill last year required disclosure of all credit over \$5,000, and that is included again in this year's bill. However, there is an additional provision which says that such loans will not be listed where it is secured by sufficient real or personal property.

I think that the problem here is the vagueness of that language. Because that language is vague, it would give, again, too many chances for abuse. And once that abuse occurs by one individual, it then reflects on all 203 of us. I think that that language should be stricken so that the disclosure is a complete disclosure, again, as to names, not as to amounts as we had last year.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Mr. Speaker, many of us attended a conference in Philadelphia last week, the National Conference of State Legislatures. It was a very fine conference and I learned a lot there.

At one seminar, two of the speakers were Clifton White and Charles Guggenheim—one primarily a Republican; the other a Democrat—who are professional campaign managers, professional political consultants. They gave us an overview of where they think the American political process is going to be going in the next 15 years. The point that both of them made, and made emphatically, is the problem that we are going to have in recruiting good, honorable people to run for public office. They foresee—and a lot of other political commentators do—in the aftermath of Watergate and the overkill that is going on, that our Congress and our legislatures will be filled by a bunch of faceless eunuchs who will come here with no background for the position and will be here, perhaps fortunately or unfortunately, to vote at the beck and call of their county chairmen, which may or may not be a good thing. I will leave that to each member.

If we are to have members here who can be independent, we must make it possible for them to be here as honest and honorable people, without having to come up here as political streakers, so to speak, without any clothing on.

This, again, is relevant. I do not know of anybody—but there may very well be somebody—here who is a car dealer, who sells cars for a living. He obviously has a line of credit from a bank. He has to have this on a floor plan. It is obviously more than \$5,000. Yet that line of credit is totally secured with his automobiles. Or he may own a business property or an insurance business and he may have a mortgage on that. That is also not one's business. The bank is totally secured.

The evil that we are trying to cure here is the evil of unsecured loans to political candidates, the loan to good old Joe whom I know. He is running and we have got to help good old Joe, so I am going to loan him \$30,000 to help him run. Unfortunately, we have an accusation like that against our district attorney in Philadelphia. That is the evil we are seeking to cure.

Unsecured loans in excess of \$5,000, yes; but let me point out what would be within the \$5,000. With the cost of automobiles, it is conceivable that if you want to finance an automobile, it is going to be more than \$5,000. You are going to have to list that. I do not consider that to be the kind of transaction that is going to corrupt the member. If you want to have a home-improvement loan on your house, you have got to list that. Is that going to corrupt you? Et cetera, et cetera, et cetera.

Anyone who carries on any type of a business is going to have to list every one of these loans which may be completely legitimate and probably are legitimate because they are totally secured by sufficient real estate or other security, such as stocks and bonds.

It may be—not myself; I cannot afford it in this economy—that we have some members who speculate on the stock market and have margin accounts. That would have to be listed. They owe such and such a brokerage house, yet it is completely secured and nobody can have a hammer on that member. Because of the rules of the exchange, that broker must ask for margins if the stocks go down. We may even have some members who are foolish enough to speculate in commodities, and the same thing is true.

I would, therefore, suggest that the problem is covered by the bill as it is presently written—unsecured loans must be listed and properly should be listed.

Thank you, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, I rise in opposition to the amendment for the reason that if this amendment provided that unsecured loans—or secured loans, for that matter—in excess of \$5,000 would have to be listed after a person becomes a member of this General Assembly, it would not be too bad. But there is no provision that the loans mentioned in this particular section be negotiated after a person has become a member. Despite the fact that a candidate running against an incumbent would also have to list such transactions, I think that this is certainly a handicap that is borne by any incumbent who seeks to be reelected.

You know, we are being criticized constantly for the amount of money we make here in the legislature. Any time we try to improve it or increase it, we are going to be criticized, not only now but in the future. The public generally believes that we are making too much money here now to worry about a loan or about borrowing any money.

My particular check at the end of each month after deductions comes to between \$800 and \$900 a month. Fortunately, I do practice law and make enough money to live on and to support my children, and now a new grandchild. But there are members in this House and in my delegation who would be embarrassed if they had to say how much they owed, and some of them owe me. I have carried them for months and months. I am serious about that. I have, on many occasions, loaned a member of my delegation and other members of this House money from between the 20th of the month and the 1st of the next month who needed it to carry over and pay their bills at home until they got paid the following month. Fortunately, I would say of those presently still in the Assembly, they are 100 percent good credit, without interest. But I have a list of persons who

are no longer with us who still owe me, including a Senator, incidentally, from Philadelphia.

Mr. Speaker, I ask this House to vote against this amendment because I do not think the bill needs further amendment.

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

Mr. ZELLER. Mr. Speaker, the previous two amendments I went along with because I felt we must have disclosure, although it was *comme si, comme sa*. I felt it was something that definitely we should look into and support. However, I believe that this particular amendment is delving into our personal lives entirely too closely. If you have a \$5,000-debt, having borrowed from your brother or a cousin, I think this is going into our personal lives absolutely too far.

This bill reminds me of the old medicine man traveling through the country area with his snake medicine, a cure-all to cure everything. I feel that it is about time that we have got to vote against this one because this is getting into our personal lives entirely too closely. I believe in disclosure, but this is going far afield. I think it should be defeated.

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

Mr. YOHN. Mr. Speaker, in response to some of the comments that have been raised, I would point out, first of all, to Mr. Zeller that the loans between members of the family are exempted under the language in the bill and would remain exempt.

Secondly, in response to Mr. Caputo, I am a little worried about the standard of living of some of those Allegheny County members who need more than \$5,000 between the 20th and the 30th of the month. The bill applies only to loans over \$5,000, not to any loans of a lesser amount.

I would also point out to Mr. Caputo that it does apply to candidates. If he will refer to page 9 of the bill, paragraph (b), the last paragraph on page 9, the entire bill and the entire disclosure concept applies not just to us as members but also to people who run as candidates.

I believe very firmly in that because it certainly is a legitimate public inquiry for members of the public to know the situation with reference to candidates as well as those who are incumbents.

I think, too, in response to Mr. Rappaport, I should point out that the bill exempts your mortgage on your home, so that when he was talking about home improvements on your particular home, that would not be involved in the disclosure.

I think that the basic weakness of this particular section is the word "sufficient," because I think that the word "sufficient" is like the word "reasonable" that we lawyers always use. It is a word that is very susceptible to interpretation, and I submit that it is going to be subject to abuse and it is going to be subject to abuse by one person, but when that happens, it is going to reflect adversely on all the rest of us.

Finally, I would point out that this bill is not intended just to require disclosure of unsecured loans to candidates. There are other potential abuses. I have never heard of this happening but I think it is quite possible that somebody in the legislature, a candidate for the legislature, could receive a loan from a bank or savings and loan or whatever at a much lower rate of interest

than the market rate would be, and this would then certainly be a possibility for abuse, and I think it is something that the public is entitled to know and to make a judgment upon.

For these reasons, I would submit that this amendment is proper, and I would request your support for the same.

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

Mr. ZELLER. Would the gentleman, Mr. Yohn, consent to interrogation?

The SPEAKER. Will the gentleman from Montgomery, Mr. Yohn, consent to interrogation?

Mr. YOHN. Yes.

The SPEAKER. The gentleman may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, would you designate or say that the bill designates that cousins or my brother-in-law, my uncle, my aunt would be considered exempt?

Mr. YOHN. Yes; the language of the bill states that ". . . loans or credit extended between members of the immediate family and mortgages of public record shall not be included." That was an amendment that was put in last year.

Mr. ZELLER. Mr. Speaker, can you tell me that members of the immediate family are uncles and cousins? Is not the immediate family considered your wife and your children?

Mr. YOHN. I am just looking now. I have not looked for this in a long time, but it seemed to me that we did put an amendment in last year defining immediate family, and I do not see it in here right now. Perhaps Mr. Rappaport, who drafted the bill, could answer that question.

Mr. ZELLER. Well, this is our fear, because I mentioned cousins when I was on the floor. I did say my brother, but I meant my brother-in-law and cousins and people like that. This is what I was getting at. We realize that my immediate family is exempt, but my immediate family is my wife and my children and my mother and my father. So when I was talking about brothers-in-law and my cousins and my mother-in-law, it may be that they are not exempt from this, and I feel you are going too far afield here. That is why I mentioned it.

On the question,

Will the House agree to Part IV of the Yohn amendments?

The yeas and nays were required by Messrs. YOHN and RAPPAPORT and were as follows:

YEAS—90

Beren	Gillespie	Miller, M. E.	Shelhamer
Berson	Grieco	Miller, M. E., Jr.	Shuman
Bittle	Gring	Milliron	Smith, L.
Brandt	Halverson	Musto	Spencer
Burns	Haskell	Myers	Stahl
Cessar	Hayes, D. S.	Noye	Stapleton
Cimini	Hayes, S. E.	O'Connell	Taddonio
Cohen	Hepford	O'Keefe	Taylor
Cumberland	Hill	Pancoast	Toil
Deverter	Hutchinson, W.	Parker, H. S.	Turner
Dicarlo	Itkin	Pitts	Ustynoski
Dietz	Katz	Polite	Wagner
Dininni	Kelly, J. B.	Pyles	Wansacz
Dombrowski	Klingaman	Reed	Westerberg
Dorr	Knepper	Renninger	Whittlesey
Eckensberger	Kusse	Ryan	Wilson
Fischer	Lehr	Salvatore	Wilt, R. W.

Fisher	Levi	Scheaffer	Worrilow
Foster, A.	Lincaln	Schweder	Wright
Foster, W.	Lynch	Scirica	Yohn
Gallen	Manmiller	Seltzer	Zearfoss
Geesey	McCue	Shane	Zord
George	Mebus		

NAYS—99

Abraham	Geisler	McClatchy	Ross
Anderson, J. H.	Giammarco	McGinnis	Ruggiero
Arthurs	Gillette	McIntyre	Saloom
Barber	Gleason	McLane	Schmitt
Bellomini	Gleeson	Menhorn	Shelton
Bennett	Goodman	Miscevich	Shupnik
Berlin	Green	Moehlmann	Sirianni
Blackwell	Greenfield	Morris	Smith, E.
Bonetto	Hamilton, J. H.	Mrkonjc	Stout
Bradley	Hammock	Mullen	Tayoun
Brunner	Hasay	Mullen, M. P.	Thomas
Caputo	Hopkins	Novak	Trello
Cole	Hutchinson, A.	O'Brien	Vann
Cowell	Irvic	O'Donnell	Vroon
Crawford	Kelly, A. P.	Oliver	Wargo
Davis, D. M.	Kernick	Perri	Weidner
DeMedio	Kistler	Perry	Whelan
Doyle	Kolter	Petrarca	Wilt, W. W.
Dreibelbis	Kowalyshyn	Pievsy	Wojdak
Engelhart	LaMarca	Pratt	Yahner
Fawcett	Laudadio	Prendergast	Zeller
Fee	Laughlin	Rappaport	Zwinkl
Flaherty	Lederer	Renwick	
Fryer	Manderino	Richardson	Fineman,
Gallagher	McCaill	Ritter	Speaker
Garzia			

NOT VOTING—13

Butera	Letterman	Rhodes	Sullivan
Davies	McGraw	Rieger	Valicenti
DiDonato	Milanovich	Romanelli	Walsh, T. P.
Johnson, J.			

So the question was determined in the negative and Part IV of the Yohn amendments was not agreed to.

The SPEAKER. The last amendment consists of the last four lines of the original amendment.

AMENDMENT WITHDRAWN

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

Mr. YOHN. Mr. Speaker, we have not changed any votes on this concept, so I will withdraw that amendment and proceed to amendment No. 2.

ANNOUNCEMENT

The SPEAKER. For the benefit of the information of the members, the Chair has extended permission to station WTAE-TV of Pittsburgh to take some television shots, so be at your best, ladies and gentlemen.

On the question,

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

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

Amend Sec. 3 (Sec. 5.2), page 10, lines 8 through 23, by striking out all of said lines and inserting:

Section 5.2. Creation of Commission; Qualifications; Removal.—(a) The Ethics and Public Disclosure Commission is hereby established as an independent commission of the Commonwealth. The commission shall consist of three members of outstanding character and reputation not more than one of whom shall be a lawyer and not more than two of whom shall be from the same political party. All members of the commission shall be appointed by the Governor with the consent of the Senate.

(b) Of the original members, all of whom shall be appointed within forty-five days after the effective date of this act, one shall be appointed for a term of one year, one for a term of three years, and one for a term of

five years or until a successor is appointed and qualified. Thereafter each appointment shall be for a term of five years or until a successor is appointed or qualified.

(c) The members of the commission shall hold no other public position with any State agency nor shall members be eligible for any office or position filled by appointment of the Governor or filled by any legislative member within two years after termination of their membership on the commission. No person who, within two years preceding his appointment, has been an officer of a political party, a public officer, a legislator or legislative employe shall be eligible to serve as a commissioner.

(d) Each member of the commission shall receive actual traveling expenses and per diem compensation at the rate of one hundred dollars (\$100) per day for the time actually devoted to the business of the commission.

(e) Any person appointed as a member of the commission shall be a citizen and legal resident of the Commonwealth for a period of not less than one year.

(f) The Governor may only remove a member of the commission for malfeasance or misfeasance in office or for neglect of duty. The Governor shall provide such member with a statement in writing of the charges against him, and shall afford him, after notice of not less than ten days, an opportunity of making a written answer and upon request being publicly heard in person by counsel. A copy of the charges and answer to the Governor's findings and a transcript of the record shall be filed with the executive director of the commission.

Section 5.3. Powers and Duties of the Commission.—The commission shall have the following powers and duties:

(1) The commission shall be authorized to establish, adopt and amend such rules and regulations, in accordance with the act of July 31, 1968 (P. L. 769, No. 240), known as the "Commonwealth Documents Law," as are necessary to implement the provisions of this act.

(2) The commission shall initiate, receive and consider charges concerning alleged violations of ethics laws, initiate or make investigations, and hold hearings.

(3) The commission may subpoena witnesses, administer oaths, and take testimony relating to matters before it and require the production for examination of any books or papers relative to any matter under investigation or in question before it.

(4) The commission shall have jurisdiction for purposes of investigation and taking appropriate action on alleged violations of ethics laws during the term of appointment, election or employment of a member and for a period of two terms after a member has left his position with a State agency.

(5) The commission may distribute its publications without cost to the public and shall initiate and maintain programs with the purpose of informing the citizenry and public servants on matters of ethics in government employment.

(6) The commission may establish forms for public disclosure statements and such other forms as are necessary to implement this act. The forms shall be consistent with the provisions of the ethics laws.

(7) The commission shall have the authority to employ its own legal counsel and an executive director, and such other personnel including investigative help, as is necessary to implement the provisions of this act; the commission shall be authorized to fix the compensation of personnel it employs.

(8) Upon request of the commission, the State Police and the Attorney General shall provide the commission with reasonable assistance not inconsistent with the orderly operation of their respective departments.

(9) The commission shall have the power to administer and carry out the provisions of this act and to take any other action authorized by this or any other law.

Section 5.4. Procedure upon Receipt or Initiation of a Complaint by the Commission.—(a) A charge may be initiated by either vote of a majority of the commission or through a sworn complaint charging a violation under ethics laws signed by a citizen of the Commonwealth. The commission shall notify in writing any person against whom a charge is initiated or received, hereinafter referred to as the person charged and afford him an opportunity to explain the conduct alleged to be in

violation of the ethics laws. The commission shall investigate all charges on a confidential basis, having all the powers herein provided.

(b) If the commission determines that the charges warrant further action, a copy of the charge and a further statement of the alleged violation shall be personally served upon the person charged. Such person shall have twenty days after service thereof to respond in writing to the charge and statement. All proceedings at this stage by the commission shall be confidential.

Section 5.5. Procedure for Determination of a Violation.—(a) Twenty days following personal service, the commission shall set a time and place for a hearing giving notice to the complainant, where applicable, and to the party charged.

(b) All parties shall have an opportunity to be heard, to subpoena witnesses and require the production of any books or papers relative to the proceedings, to be represented by counsel, and to have the right of cross examination. All hearings shall be in accordance with the act of June 4, 1945 (P. L. 1388, No. 442), known as the "Administrative Agency Law." Witnesses shall testify under oath and the hearings shall be closed to the public unless the party charged requests an open hearing. All testimony and other evidence taken at the hearing shall be recorded.

(c) A decision by the commission adverse to the party charged shall contain relevant findings of fact shall be made public. All other records, documents, and papers including investigative reports and hearing transcripts shall remain confidential except with respect to transmission to the appropriate authorities in accordance with the provisions of this act.

Section 5.6. Orders and Recommendations of the Commission.—A decision by the commission adverse to the party charged, which decision shall be published in the Pennsylvania Bulletin, shall contain any one or more of the following recommendations or orders, where applicable:

(1) A recommendation for criminal prosecution which shall be referred to the Attorney General for appropriate action. The Attorney General shall, within sixty days of receipt of such recommendation, make a decision whether to prosecute the party charged, which decision shall be published in the Pennsylvania Bulletin. The Attorney General may initiate prosecution upon his own motion or refer the case for prosecution to the district attorney with appropriate jurisdiction.

(2) A recommendation for dismissal in the case of members other than Senators or Representatives shall be referred to the Speaker of the House or President pro tempore of the Senate who shall make a decision within sixty days on whether to dismiss such member, which decision shall be published in the Pennsylvania Bulletin.

(3) A recommendation of dismissal in the case of elected legislative members shall be referred to the respective House for consideration of dismissal proceedings, which proceedings shall be recorded in the respective House Journal.

(4) An order requiring the party charged to divest himself of any interest deemed in violation of ethics laws or requiring the party charged to conform his conduct to the provisions of ethics laws. Any party aggrieved by such order shall be entitled to judicial review in accordance with the procedures set forth in the act of June 4, 1945 (P. L. 1388, No. 442), known as the "Administrative Agency Law."

(5) Such other orders as are necessary and appropriate and as are consistent with the intent and purpose of this act and ethics laws.

On the question,

Will the House agree to the amendments?

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

Mr. YOHN. Mr. Speaker, this is the amendment designated "No. 2" on the members' desks.

The basic import of this amendment goes to the issue of who is going to enforce the provisions of the Legislative Code of Ethics. We have a code of ethics in present

law which relates to certain prohibitions as to things that members of the legislature are not allowed to do. Hopefully, when this bill is passed, we will also have a disclosure requirement setting forth other things that members and candidates are required to disclose to the public. The question then becomes, who is to enforce those provisions?

When I initially prepared the Legislative Code of Ethics, the disclosure bill, last year or 2 years ago, it was the feeling at that time of the members of the Ethics Committee that because we were running for election every 2 years, we would be filing all these disclosure statements and they would be accurate. Unfortunately, since that time we have had some experience with the executive disclosures where at least two cabinet officers, although they have stated that they have made public disclosures, have not in fact done so, and it was later discovered this had not happened. It was not discovered through any enforcement mechanism within the executive branch.

So this amendment would provide for an enforcement mechanism, an independent enforcement commission. The commission will be, insofar as that is possible, insulated from politics, because the members will have staggered terms; they will not be allowed to have public office before and after their appointment for a 2-year period; and they can be removed from the commission only for malfeasance or misfeasance. So the commission itself will be, to the extent possible, insulated from politics.

I think that this is an essential aspect of enforcing this type of legislative code of ethics, because we have seen that it does not work in the executive branch and we do not have an independent commission. I think that all of us on the Ethics Committee feel that we are put in a most difficult position when we have to make judgments on other members with whom we are working day in and day out.

And, finally, it seems to me that if we put this independent enforcement commission into effect, we will be establishing much greater credibility with the public by reason of the fact that we are attempting to do a job in this most difficult field.

Thank you.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

This, again, is a very basic concept of this bill, and I hope I do not upset the majority leader when I state that I prefer to keep some things out of the executive branch, because I do not always feel that some of the appointments over there are the wisest ones.

We are the legislative branch. I think the commission idea is a very fine one for the executive branch because of the widespread activities and differing types of positions that are in the executive branch. Here in the House we are concerned only with ourselves, and I might say this bill also includes all of our employes making more than \$15,000 a year, which, in essence, means the professional staff on both sides of the aisle who, of course, should be included.

It has been my feeling that it is our job, however unpleasant it may be—and I might say being on the Ethics Committee in the last several months has not been the most pleasant job in this House—that we must take care

of cleaning our own house and not pass the buck to the executive branch or some commission living in an ivory tower that has no concept of the day-to-day problems that we face.

Let me just say this at this point: Every member of this House—and I have said it before in this debate—is a target for every type of accusation, and all we can do is deny it and we have very little recourse. Under the libel laws as they now stand, anybody can call us anything and we cannot even sue them. And it is only another legislator, another public official, who understands these problems.

There has never been an accusation that the Ethics Committee—at least as long as I have been on it, and it was created before I became a member; I know of none even in the history of the committee—has covered up anything for any member.

Most of the things that are declared or should be illegal for a member are also crimes. Accepting a bribe for a vote is a crime and is prosecuted and should be prosecuted by the regular district attorneys. Other such crimes as false campaign reports and the like are also crimes, and I am anticipating an argument for later on. Therefore, most of the business of the committee in terms of actual investigations will not be for crimes but for that gray area where reasonable people can differ.

Not a month goes by that we do not receive an informal request for an opinion from a member of the House as to what that member should be doing in a particular circumstance. These are inquiries, again, by honest and honorable people who want a guideline in a situation where they feel that the rules are not explicit as to their particular case.

Can a member be an officer of a charitable foundation that receives money from the state to carry out certain functions? That is a very good question. We happened to answer in the affirmative. It is something upon which reasonable people can differ. But, again, it is only another legislator who really is in a position to judge on something like that.

I frankly, do not trust these blue-ribbon commissions in the executive branch, and the problem with professional licensing now in the executive branch I think is the best argument against this amendment. Mr. Speaker, I would like to ask for a "no" vote.

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

Mr. ZELLER. Mr. Speaker, I wonder if the members looked into this area. For example, first of all, I know you looked into the cost part of it if you saw the fiscal note on it, and we now get it for free. As a matter of fact, just look at the fine job that Bob Casey has been doing. Look at what happened in Watergate. As a matter of fact, the people who are presenting this amendment are the very ones who should really remember because of the fact that we have an organization right now that is doing all this work for us for nothing, and it is called the press. I think they do a tremendous job. As a matter of fact, we have to leave some area for them to, in other words, be creative, and I think this is a fine area for them to work in. They are doing a tremendous job.

As a matter of fact, I do not see anything in the amendment that says anything about the members of

this commission being registered to vote. As a matter of fact, they are appointed by the Governor. They are going to be confirmed by the Senate, the very people whom they will be investigating. Is this not strange?

As a matter of fact, we are getting it for free now, and we are creating another bureaucracy. What I think we ought to do is allow the press and allow the people like Bob Casey or whoever will be in that position next to do the job. We get it for free, so let us not go and create any more costs. Vote it down.

PARLIAMENTARY INQUIRY

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

Mr. HASAY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HASAY. Does not this amendment need a fiscal note attached to it?

Mr. YOHN. A fiscal note was distributed 2 weeks ago.

Mr. HASAY. Oh, was it? I am sorry. Thank you.

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

Mr. ZELLER. I would like to add, though, that if anybody read it, it is \$100 a day. I do not know if you saw that figure, but it is a real nice juicy plum—expenses for each one of the commission members. This is really a juicy one. As a matter of fact, I would like to get appointed to that. It would be pretty nice.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. YOHN and RAPPAPORT and were as follows:

YEAS—72

Beren	Grieco	McCue	Shane
Bittle	Gring	Mebus	Smith, L.
Brandt	Halverson	Miller, M. E.	Spencer
Burns	Hasay	Miller, M. E., Jr.	Stahl
Cessar	Haskell	Moehlmann	Stapleton
Crawford	Hayes, D. S.	Musto	Taddonio
Cumberland	Hayes, S. E.	Noye	Turner
Deverter	Hepford	O'Connell	Ustynowski
Dietz	Hill	Pancoast	Wagner
Dininni	Hopkins	Parker, H. S.	Weldner
Dorr	Hutchinson, W.	Pitts	Whittlesey
Fischer	Kelly, J. B.	Polite	Wilson
Fisher	Klingaman	Pyles	Witt, R. W.
Foster, A.	Knepper	Reed	Worrlow
Foster, W.	Kusse	Ryan	Wright
Gallen	Levi	Scheaffer	Yohn
Geesey	Lynch	Scirica	Zearfoss
Gleason	Manmiller	Seitzer	Zord

NAYS—120

Abraham	Geisler	McLane	Saloom
Anderson, J. H.	George	McIntyre	Salvatore
Arthurs	Giammarco	Menhorn	Schmitt
Barber	Gillespie	Milliron	Schweder
Bellomini	Gillette	Miscevich	Shelhamer
Bennett	Gleeson	Morris	Shelton
Berlin	Goodman	Mrkonjc	Shuman
Berson	Green	Mullen, M. P.	Shupnik
Blackwell	Greenfield	Mullen	Sirianni
Bonetto	Hamilton, J. H.	Myers	Smith, E.
Bradley	Hammock	Novak	Stout
Brunner	Hutchinson, A.	O'Brien	Taylor
Caputo	Irvic	O'Donnell	Tayoun
Cohen	Itkin	O'Keefe	Thomas
Cole	Katz	Oliver	Toll
Cowell	Kelly, A. P.	Perri	Trello
Davis, D. M.	Kernick	Perry	Vann
DeMedio	Kistler	Petrarca	Vroon
Dicarlo	Kolter	Pievsky	Wansacz
DiDonato	Kowalyszyn	Pratt	Wargo
Dombrowski	LaMarca	Prendergast	Westerberg

Doyle	Laudadio	Rappaport	Whelan
Dreibelbis	Laughlin	Renninger	Wilt, W. W.
Eckensberger	Lederer	Renwick	Wojdak
Englehart	Lehr	Richardson	Yahner
Fawcett	Letterman	Rieger	Zeller
Fee	Lincoln	Ritter	Zwinkl
Flaherty	Manderino	Romanelli	
Fryer	McCall	Ross	Fineman,
Gallagher	McClatchy	Ruggiero	Speaker
Garzia	McGinnis		

NOT VOTING—10

Butera	Johnson, J.	Rhodes	Valicenti
Cimini	McGraw	Sullivan	Walsh, T. P.
Davies	Milanovich		

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

The SPEAKER. Does the gentleman from Montgomery, Mr. Yohn, have additional amendments?

Mr. YOHN. Yes, Mr. Speaker. Amendment No. 3 has been agreed to.

On the question recurring,

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

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

Amend Sec. 3 (Sec. 4.1), page 4, lines 18 through 21, by striking out all of said lines and inserting:

(g) No member nor any business entity with which such member has an ownership interest in excess of five percent or is an officer, director, employe or partner shall enter into any contract with a State agency which contract is to be paid in whole or in part out of State funds unless the contract has been awarded through a process of public notice and competitive bidding.

On the question,

Will the House agree to the amendment?

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

Mr. YOHN. Mr. Speaker, amendment No. 4 has also been agreed to.

The SPEAKER. The clerk will read the amendment.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, I realize that the amendments may very well have been agreed to by Mr. Rappaport, but I think we are talking about something which is going to affect our conduct. I think the least we ought to have is an explanation of the amendments.

The SPEAKER. The gentleman's point of order is well taken. The rules of the House require an explanation of amendments.

The Chair recognizes the gentleman from Montgomery, Mr. Yohn, in connection with amendment No. 3 for a brief explanation.

Mr. YOHN. Yes, Mr. Speaker. Amendment No. 3 relates to section 3, page 4, lines 18 through 21, and just adds the words "business entity" so that the provision applies not just to the member individually but also to any business entity with which such member has an ownership interest in excess of 5 percent or is an officer, director, employe, or partner.

On the question recurring,

Will the House agree to the amendment?

Amendment was agreed to.

On the question recurring,

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

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

Amend Sec. 3 (Sec. 4.1), page 6, line 8, by inserting after "law": because anticipated expenditures relative to the contract are less than an amount which requires competitive bidding

On the question,

Will the House agree to the amendment?

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

Mr. YOHN. Mr. Speaker, amendment No. 4 is a technical clarification. There was some language in the bill which exempted those contracts which required competitive bidding. Well, I am not exactly sure what the language is at the present moment. But in any event, this is to make it clear that that exemption applies only to those contracts where you do not need competitive bidding because of the fact that they are under the \$1,500 or \$2,000 limitation, and it does not apply to those contracts in which there is no competitive bidding because of the fact that they are professional contracts, such as those of architects, engineers and attorneys.

The SPEAKER. Is this an agreed-to amendment also?

Mr. YOHN. Yes, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

Amendment was agreed to.

On the question recurring,

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

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

Amend Bill, page 10, by inserting between lines 23 and 24:

Section 5.3. Orders and Recommendations of the Committee.—A decision by the committee adverse to the party charged, which decision shall be published in the Pennsylvania Bulletin, shall contain any one or more of the following recommendations or orders, where applicable:

(1) A recommendation for criminal prosecution which shall be referred to the Attorney General for appropriate action. The Attorney General shall, within sixty days of receipt of such recommendation, make a decision whether to prosecute the party charged, which decision shall be published in the Pennsylvania Bulletin. The Attorney General may initiate prosecution upon his own motion or refer the case for prosecution to the district attorney with appropriate jurisdiction.

(2) A recommendation for dismissal in the case of members other than Senators or Representatives shall be referred to the Speaker of the House or President pro tempore of the Senate who shall make a decision within sixty days on whether to dismiss such member, which decision shall be published in the Pennsylvania Bulletin.

(3) A recommendation of dismissal in the case of elected legislative members shall be referred to the respective House for consideration of dismissal proceedings, which proceedings shall be recorded in the respective House Journal.

(4) An order requiring the party charged to divest himself of any interest deemed in violation of ethics laws or requiring the party charged to conform his conduct to the provisions of ethics laws. Any party aggrieved by such order shall be entitled to judicial review in ac-

cordance with the procedures set forth in the act of June 4, 1945 (P. L. 1388, No. 442), known as the "Administrative Agency Law."

(5) Such other orders as are necessary and appropriate and as are consistent with the intent and purpose of this act and ethics laws.

On the question,

Will the House agree to the amendment?

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

Mr. YOHN. Mr. Speaker, under the Legislative Code of Ethics as passed by the legislature in 1968, there is a provision in the code that makes violations of the same a criminal penalty. In Mr. Rappaport's draft of the bill, it eliminates that penal penalty.

I am in agreement with that in the event that we can supplement that or replace that with some other penalties. I am afraid that under the bill as drafted, the only penalty is that some of these things might be a violation of the Crimes Code for other reasons, but there would be no penalty for violations of the Code of Ethics. Therefore, this amendment contains a list of things which I feel are appropriate actions for the Ethics Committee to take in the event that they feel there has been a violation of the code.

The first is a recommendation to the appropriate authorities for criminal prosecution. The second is a recommendation to the House or Senate—whatever the appropriate body might be—for dismissal of the employe or removal of the member. And the third would be, in the case of a financial interest that might be improper, an order to the person involved that he should divest himself of that financial interest or conform his conduct to that which is set forth in the Code of Ethics. And I might point out that the member does have the right of appeal, of course, on any decision like that.

So in effect, what I am trying to do here, rather than eliminate any penalty provision, is to replace the current penalty provision, which is a penal penalty, with something that I feel is more appropriate to this type of situation.

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

Mr. RAPPAPORT. Mr. Speaker, there are many points in this amendment with which I could agree. Unfortunately, it forms one unit, and there are several things in here that I disagree with rather strongly.

I would merely refer the members to section (4) which states: "An order requiring the party charged to divest himself of any interest deemed in violation of ethics laws or requiring . . ." him to do anything else is enforceable. But it also says: "Any party aggrieved by such order shall be entitled to judicial review in accordance with the procedures set forth in the . . . 'Administrative Agency Law.'"

Mr. Speaker, this goes back to an earlier argument I made. The legislative branch should not be in the position of referring its dirty laundry to another branch of government. The members may not be aware of the fact that some of the officers of this House, including myself, are presently defendants in a lawsuit brought by former Representative Sweeney, and we have filed a defense stating that no action of this House is reviewable by any court in terms of disciplining of its own members. That is the way the constitution reads now, and I believe

in that very strongly, that no order against a member should be appealable by the member or by anybody else to any other branch of government.

We have the ultimate sanction here of publicity. I am positive that should the Ethics Committee criticize any member or that member refuse to comply with even a private request of the Ethics Committee when that request was considered very strongly by the committee and the committee makes that public, that member is going to have a heck of an election fight the next time he runs.

May I remind my colleagues that we run every 2 years. That is the ultimate sanction that exists for elected members of the General Assembly. The Senators have a little bit more leeway. They have to face the people every 4 years. We all know what it is to have fights, whether it is primary fights or general election fights. Any member who would have any publicity about his ethical conduct in this House would be sure to have a fight and probably lose. I personally think this is sufficient sanction without going to the courts or to the executive branch or to anyone else.

Mr. Speaker, I would like to ask for a "no" vote.

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

Mr. YOHN. Mr. Speaker, I cannot quite accept the rationale of Mr. Rappaport, because under the bill as we are currently talking about it, there are no penalties. Then he is saying that he could agree with most of what is in my amendment except for the appeal through the Administrative Agency Law to the courts. If that provision were not in there, the Ethics Committee of this body—four members from each side; eight members—could decide that any individual here had to divest himself of some particular financial interest. And if that portion is not in the amendment, then you as an individual member would not have any right of appeal or any other body to take your case to as to whether or not there is a violation.

I think there is a basic principle throughout our entire constitutional law that you should have this right of appeal, and I would submit that this right of appeal should remain in the amendment and the amendment should be passed.

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

Mr. RAPPAPORT. Mr. Speaker, I hate to differ with the gentleman from Montgomery on a matter of law. We have, to date, always agreed on matters of legal interpretation. We disagree on philosophy occasionally.

May I remind the House that only recently we had the sad duty of expelling a member. Should the Ethics Committee find that a member is recalcitrant and it is a serious enough matter to refer to the floor after the investigation called for under rule 47, this House has the perfect right to expel such member. It is a rather serious thing to do; we do it with a heavy heart; but we have the right to do it. I do not consider the Ethics Committee to be infallible. We are all fallible human beings, very fallible. However, constitutionally that cannot be appealed from.

As members, we do not have the constitutional right to be a member of this General Assembly. We hold a seat at the pleasure of our districts, provided we behave ourselves in such a manner that two-thirds of our colleagues do not see fit to throw us out. Since members

have been expelled only three times in the history of this Commonwealth, I would suggest that that power is not used capriciously or too hastily. But nevertheless, that sanction is there.

And I also reiterate that the real sanction, the sanction that is the one that hits home, is the publicity sanction. Political careers are ruined by just one newspaper article. How much more so would a member suffer if the Ethics Committee filed a public report saying that member X owns 25 percent in an architectural firm than has gotten \$10 million worth of business from the Department of General Services on a nonbid basis. What would happen to that particular member? He would not be here too much longer, if he were not immediately expelled.

I therefore would suggest a "no" vote on this, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, would the gentleman, Mr. Yohn, consent to brief interrogation?

The SPEAKER. Will the gentleman from Montgomery, Mr. Yohn, consent to interrogation?

Mr. YOHN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. CAPUTO. Mr. Speaker, to clarify his statement, I would like to ask: If the Ethics Committee found a member in violation of what they consider as ethical conduct of the House, could the Ethics Committee, in and of itself, expel a member?

Mr. YOHN. No, sir.

If you will look at section (3) of the amendment, if there is something which the Ethics Committee felt justified dismissal or removal of a member from the House, they would then make a recommendation to the particular House. It would obviously not be binding on this House; it would not be binding on the Senate. It is for those bodies to make that determination. All the Ethics Committee would be doing is making a recommendation.

I would also point out that all of the examples that Mr. Rappaport was giving relate, again, to the dismissal or removal of a member from the House of Representatives. The judicial-review provision in the amendment applies only to section (4), which relates to orders from the Ethics Committee to divest a particular financial interest or to conform your conduct in a particular way.

So I think that he is correct that in a situation of removing a member from this House, that is a decision of the House and the constitutional law is well settled on that. This amendment would not affect that.

What I am concerned about is the situation where a member owns some asset that is felt to be improper. In that situation I do not think it should be solely a matter for the eight-member Ethics Committee to determine. I think that the member should have a right to some type of judicial review as to whether or not his conduct in this item is in conformance with the law. I think probably whether we give it to him in this amendment or not, he would have it constitutionally, but I think we should set it out in the amendment specifically.

Mr. CAPUTO. Thank you.

Mr. Speaker, I just want to find out, is there an intermediate step between an order of the committee directing a member to divest himself of some financial interest and the appellate provisions in your amendment? Is there this intermediate step: Would the recommendation or direc-

tive of the committee be brought to the floor of the House for approval or disapproval by this body?

Mr. YOHN. There is no such provision in the amendment, no. In that particular situation, a divestiture situation, he would have his review in the court, because it is then really a matter of interpretation of the statute as to whether or not the member has conformed with the provisions of the statute.

Mr. CAPUTO. Well, then, the eight members of the Ethics Committee would then be in a position, under your amendment, to order divestiture, which only the court could change. Is that right? The House would have nothing to say about your order.

Mr. YOHN. That is correct. That would be the procedure in that type of situation.

Mr. CAPUTO. Thank you, Mr. Speaker.

Mr. Speaker, where creatures created by this House, members of this specific committee, are to be given the authority to do an act that is not subject to the approval of this body, I feel is an unwarranted delegation of power to specific members of the committee. For that reason, I would ask for a "no" vote on the amendment.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. YOHN and RAPPAPORT and were as follows:

YEAS—78

Beren	Gring	Miller, M. E.	Smith, E.
Bittle	Halverson	Miller, M. E., Jr.	Smith, L.
Brandt	Hamilton, J. H.	Miscevich	Spencer
Burns	Haskell	Noye	Stahl
Cessar	Hayes, D. S.	O'Connell	Stapleton
Cimtni	Hayes, S. E.	O'Keefe	Taddonio
Crawford	Hepford	Parker, H. S.	Turner
Cumberland	Hill	Perri	Ustynoski
Deverter	Hopkins	Pitts	Vroon
Dietz	Hutchinson, W.	Pyles	Wagner
Dininni	Katz	Reed	Westerberg
Doyle	Kelly, J. B.	Renninger	Whittlesey
Fischer	Klingaman	Ryan	Wilson
Fisher	Knepper	Salvatore	Wilt, R. W.
Foster, A.	Kusse	Scheaffer	Worrilow
Foster, W.	Levi	Schweder	Wright
Gallen	Lynch	Scirica	Yohn
Geesey	Manmiller	Shane	Zearfoss
Gillespie	McCue	Sirianni	Zord
Gleason	Mebus		

NAYS—113

Abraham	Gallagher	Manderino	Romanelli
Anderson, J. H.	Garzia	McCall	Ross
Arthurs	Geisler	McClatchy	Ruggiero
Barber	George	McGinnis	Saloom
Bellomini	Giammarco	McIntyre	Schmitt
Bennett	Gillette	McLane	Seltzer
Berlin	Gleeson	Menhorn	Shelhamer
Berson	Goodman	Millron	Shelton
Blackwell	Green	Moehlmann	Shuman
Bonetto	Greenfield	Morris	Shupnik
Bradley	Grieco	Mrkonc	Taylor
Brunner	Hammock	Musto	Tayoun
Caputo	Hasay	Myers	Thomas
Cohen	Hutchinson, A.	Novak	Toll
Cole	Irvic	O'Brien	Trello
Cowell	Itkin	O'Donnell	Yann
Davis, D. M.	Johnson, J.	Oliver	Wansacz
DeMedio	Kelly, A. P.	Pancoast	Wargo
Dicarlo	Kernick	Perry	Weldner
DiDonato	Kistler	Petrarca	Whelan
Dombrowski	Kolter	Pievsky	Wilt, W. W.
Dorr	Kowalyshyn	Polite	Wojdak
Dreibelbis	LaMarca	Pratt	Yahner
Eckensberger	Laudadio	Prendergast	Zeller
Englehart	Laughlin	Rappaport	Zwilk
Fawcett	Lederer	Renwick	
Fee	Lehr	Richardson	Fineman,
Flaherty	Letterman	Rieger	Speaker
Fryer	Lincoln	Ritter	

NOT VOTING—11

Butera	Milanovich	Rhodes	Vallicenti
Davies	Mullen, M. P.	Stout	Walsh, T. P.
McGraw	Mullen	Sullivan	

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?

Bill as amended was agreed to.

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

Mr. RAPPAPORT. Mr. Speaker, I understand the gentleman, Mr. Shane, has an amendment.

The SPEAKER. The Chair is in error.
The Chair reconsiders its decision as to this bill having been agreed to the third time.

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

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

Amend Sec. 3 (Sec. 5.1), page 9, by inserting between lines 16 and 17:

(10) Any honorarium received which is in excess of one hundred dollars (\$100).

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

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

Mr. SHANE. Mr. Speaker, this is a simple, straightforward amendment. It says that any honorarium received which is in excess of \$100 shall be reported to the chief clerk.

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

Mr. RAPPAPORT. Mr. Speaker, I have no problem with the Shane amendment. I intend to vote for it.

On the question recurring,
Will the House agree to the amendment?
Amendment was agreed to.

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

Mr. McCLATCHY. Mr. Speaker, may I interrogate Mr. Shane?

The SPEAKER. Will the gentleman from Indiana, Mr. Shane, consent to interrogation?

Mr. SHANE. Yes, Mr. Speaker.
The SPEAKER. The gentleman may proceed.
Mr. McCLATCHY. I just wanted to ask Mr. Shane, what does he mean by "honorarium"?

Mr. SHANE. Mr. Speaker, someone once asked Louie Armstrong what jazz is, and Louie's reply was, "Man, if you have to ask, you'll never know."

I think every politician has a pretty clear idea of what an honorarium is. But appropriate to Mr. McClatchy's suggestion—and I appreciate the opportunity to insert the humorous anecdote—I think it would be good for us to dialogue a little bit for legislative intent.

I am thinking of payments to a legislator in excess of expenses for delivering a speech, attending a conference—

a sort of temporary, one-time type payment in excess of \$100. I am not saying you should not receive them. I am not saying it is not proper to receive them. I am simply saying that any honorarium in excess of \$100 probably should be accessible as public record.

Mr. McCLATCHY. Thank you, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, before you take another amendment, I want to ask Mr. Shane a question also.

The SPEAKER. Does the gentleman understand that the amendment has already been adopted by the House?

Mr. CAPUTO. Yes, but if I can get some information, I may move for reconsideration of the amendment.

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

Mr. CAPUTO. Mr. Speaker, would this amendment apply also to a candidate for public office, a candidate for the General Assembly?

Mr. SHANE. I am going to have to rely on the two experts on the bill. My amendment simply inserts on page 9, between lines 16 and 17, as item number 10 in that long list, honorariums over \$100.

I think I had better defer to Mr. Rappaport and Mr. Yohn as to the insertion at that point and how it would operate.

Mr. CAPUTO. Mr. Speaker, may I ask an additional question of the gentleman? Is the honorarium limited to speeches or talks by a member of the House or, in the event it applies to those who are running for the House, on matters dealing with legislation, or would it be for any type of speech?

Mr. SHANE. My interpretation would be that it would be for any type of speech, over and above expenses. In other words, Mr. Speaker, if you receive payment for your mileage or your motel room to attend a conference to deliver a speech I would not consider that an honorarium. It would be a payment over and above your expenses.

Mr. CAPUTO. Mr. Speaker, I hold the high office in the Order of the Sons of Italy in America. I am the Supreme Orator and I have been asked on numerous occasions to be the principal speaker at banquets or other occasions. It had nothing to do with my legislative duties. I have also been recently honored by the Italian Government and made a Knight of the Republic of Italy and I am invited to speak at various Italian functions, at which time I receive not only expenses but honorariums.

Under the circumstances and with the explanation that Mr. Shane has given me, I would respectfully request that we reconsider the action taken by this House on the Shane amendment.

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

Mr. SHANE. Mr. Speaker, in response, I know that the gentleman, Mr. Caputo, is active and highly honored in the Italian-American community. In fact, I had the pleasure of attending a dinner for a particular honor that he received, I guess about a year ago, on the subject and I commend him for this. I see nothing wrong with his accepting honorariums from these various organizations and I think all citizens would agree that there is nothing wrong with this, but I also see nothing wrong with re-

porting it as a matter of accessible record in the chief clerk's office.

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

Mr. CAPUTO. Mr. Speaker, I still have the motion, because in addition to the kind sentiments expressed by Mr. Shane, I am not sure yet whether it applies to a person who is running in opposition to a candidate for the legislature.

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

Mr. YOHN. Mr. Speaker, I can respond to that, and the answer is, yes, that it does apply. The disclosure statements are required by both candidates and members.

Mr. SHANE. That seems to be a very acceptable and appropriate interpretation to me, the author of the amendment.

The SPEAKER. Does the gentleman, Mr. Caputo, desire to move to reconsider the vote?

Mr. CAPUTO. If it applies to the candidates, Mr. Speaker, I do not.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

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

Amend Sec. 3 (Sec. 5.1), page 9, line 16, by removing the period after "(4)" and inserting:
; or (v) who retains a lobbyist whose name and organization have been filed pursuant to the "Lobbying Registration Act."

On the question,

Will the House agree to the amendment?

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

Mr. WAGNER. Thank you, Mr. Speaker.

Mr. Speaker, many members here also have other vocations, and this would require that members who represent organizations that have a full-time lobbyist here in Harrisburg file that with the chief clerk to disclose the fact that they represent these organizations.

Many organizations do not do business with the Commonwealth in the monetary sense, but they are concerned with the regulatory agencies or the input into laws. I think any member has a right to represent these organizations, but I feel this employment should be disclosed with the chief clerk's office. I will use myself as an example.

I represent a very small mutual insurance company, \$200,000 surplus. If they do not have a full-time lobbyist, I would not have to disclose that fact. They do not do any business with the Commonwealth. But that organization does belong to an insurance association. If that insurance association has a full-time lobbyist in Harrisburg and if that association also retains me to give them advice on insurance laws, then I must disclose that fact.

I think it is only fair that if a matter dealing with a mutual insurance company would come up before the members, and I am retained by such a lobbyist and I advocate for or against the passage of that individual measure, the members should have the benefit of my employment background.

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

Mr. RAPPAPORT. Mr. Speaker, I only saw the amendment about 5 minutes ago. It is my impression that the conduct that the gentleman wants reported is absolutely forbidden. It was my understanding that no member can accept any consideration or accept any money as part of a lobbying operation. I would personally consider it to be illegal and improper. That is a curbstome opinion, admittedly.

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

Mr. WAGNER. I am under the impression that the bill does not do that. Let me pick any lobbying group that has a registered lobby downstairs, the association of such and such.

Quite often these lobbying groups are large and quite often, because of the nature of their work in advocating their interest, they have to retain counsel, and since I am an attorney, I will say legal counsel. I do not think that this prohibits them from retaining legal counsel to give that organization legal advice, because that organization does not solely deal with the General Assembly in Harrisburg; they are concerned with many things—public relations, the Federal Government, everything. But they might retain me to give them legal advice, and I do not think the bill prohibits that.

Nor would the bill prohibit large organizations such as, let us say, Penn Central—I do not know if they are registered or not, but it is conceivable that Penn Central has its own lobbyist here. I am sure that this legislation would not prohibit Penn Central—from hiring me to give them legal advice on Interstate Commerce Commission matters or anything.

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

Mr. RAPPAPORT. Mr. Speaker, Penn Central does indeed have a lobbyist here, a very fine one, as a matter of fact; not the one they had traditionally about whom everybody writes.

Again this is a curbstome opinion: Since this is a regulated corporation, regulated by the Commonwealth, or, say, one of the utility companies, if the member receives consideration from them, I think—I do not remember the exact figures, but it is in the bill—he already must have reported it. I even believe we already go so far—although again I am at a loss to point out the exact paragraph; perhaps the gentleman, Mr. Yohn, can help me—that any member providing any kind of services—legal, accounting, or otherwise—to someone who is regulated by the Commonwealth must reveal that information.

I see Mr. Yohn standing up. Perhaps, Mr. Speaker, he could help me.

Mr. YOHN. I am sorry, Mr. Speaker, but I was on another matter and I did not hear the colloquy, so I cannot respond.

Mr. RAPPAPORT. The question, for the gentleman's benefit, is whether someone who is retained as an attorney by a corporation that also has a lobbyist up here has to reveal that.

My question was: Is it not already in the bill that if a member provides services for a corporation that is regulated by the Commonwealth in some manner or does

business with the Commonwealth, this must be revealed?

Mr. YOHN. Yes; that is in the bill, if they do a substantial amount of business with the Commonwealth or if they are regulated by the Commonwealth. But it would seem to me that what he is trying to get at is a third category of other corporations who may not do either of those two things but would have somebody registered here as a lobbyist. So it would seem to me that would be a third distinct category. The same corporation may be involved in all three categories, but it could possibly be involved in his category without being involved in the other two.

Mr. RAPPAPORT. Mr. Speaker, I thank the gentleman for his explanation, and based on that explanation, I intend to vote in favor of the amendment.

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

Mr. ZEARFOSS. I have a question for Mr. Wagner on interpretation.

The SPEAKER. Will the gentleman from Montour, Mr. Wagner, consent to interrogation?

Mr. WAGNER. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, would your amendment cover the situation where your business entity is a member of a lobbying organization or an association and you do not represent the association but you do represent one of the members of the association that does have a full-time lobbyist here?

Mr. WAGNER. It would not cover that.

Mr. ZEARFOSS. Let us assume that I represent a life insurance company which is a member of the Insurance Federation of Pennsylvania. The life insurance company itself is a very small one. It does not have a lobbyist, but it is a member of the Insurance Federation of Pennsylvania which does have a full-time lobbyist here. Would this require the disclosure of my representation of the life insurance company? It would have to be disclosed in another category, but under this category—let me give you another example, not a regulated industry. Let us say that I represent Wise Pure Food Markets and they are a member of some retailers' organization that I assume does have a full-time lobbyist here—Wise does not have a lobbyist here. Would I have to disclose my representation of Wise Markets?

Mr. WAGNER. No.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendment?
Amendment was agreed to.

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

Mr. SALVATORE. Mr. Speaker, would Mr. Rappaport submit himself to brief interrogation?

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

Mr. RAPPAPORT. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SALVATORE. Mr. Speaker, not being a lawyer, I am a little befuddled, but would you answer this question: On page 9, lines 22, 23 and 24, it says: "Candidates for Senator or Representative of the General Assembly of the Commonwealth of Pennsylvania shall file an economic

interest statement on or before March 15 . . ." What is an "economic interest statement"?

The SPEAKER. Before the gentleman responds, will both gentlemen yield so the question may be properly posed?

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 Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. I believe the gentleman will find "economic interest statement" defined in the bill. I am trying to find it right now.

Mr. SALVATORE. On line 15, page 2, it says, "Substantial personal economic interest."

Mr. RAPPAPORT. That is correct.

Mr. SALVATORE. And that only directs itself to exceeding \$5,000. Is that so?

Mr. RAPPAPORT. I believe that definition is for another purpose.

Mr. SALVATORE. All right. Then let us turn to page 7, section 5.1, "Economic Interest Statement."

Mr. RAPPAPORT. Mr. Speaker, the gentleman is correct. That is where "economic interest statement" is defined.

Mr. SALVATORE. But it just says "each member." It does not say "candidate." I think if we have to conform to certain restrictions, which I agree to—I am not against the ethics bill—but if we have to comply with all these provisions, I think the candidates should have to comply with the same provisions.

Mr. RAPPAPORT. Mr. Speaker, that is the intent of section (b) on page 9 that the gentleman referred to. If the gentleman is concerned that he will have to file and his opponent will not, I would put the gentleman's mind at ease that the intent is that not only will members—and the word "member" also includes some of our professional employees—but all candidates must file this on or before March 15 of each year in accordance with that section, and if they do not file it, their name does not appear on the ballot.

Mr. SALVATORE. Mr. Speaker, again, I do not think the language is clear, because on page 9, lines 22 to 24 do not spell that out.

When you go back to page 7, section 5.1, the economic interest statement only pertains to a member. It does not pertain to a candidate.

Mr. RAPPAPORT. Mr. Speaker, I would assure the gentleman that as a result of this colloquy and the legislative history that we are creating, it is the intention that all candidates who are not incumbents must file by March 15.

The gentleman's interpretation, I believe, is a bit strained. I would assure the gentleman that as a result of the clear intention that I am stating right now as the prime sponsor of this bill, his opponent next spring or next fall, if this bill becomes law, will have to file this statement.

Mr. SALVATORE. It is not in the bill though, Mr. Speaker.

Mr. RAPPAPORT. Mr. Speaker, I would submit that it is in the bill. I have no problem finding that and I do not think that anybody else does.

Mr. SALVATORE. Mr. Speaker, would you show me where in the bill it says that any candidate has to file direct or indirect interests in any real estate which was sold or leased to the Commonwealth or any of its agencies or political subdivisions or which was the subject of any condemnation proceedings by the Commonwealth, any of its agencies or political subdivisions?

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

Mr. A. K. HUTCHINSON. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. A. K. HUTCHINSON. Mr. Speaker, in this bill, is there anything in the preamble that says anything about candidates? I do not think this bill can control candidates.

The SPEAKER. The Chair cannot recognize that as being a valid question under the color of personal privilege.

Mr. A. K. HUTCHINSON. Well, whatever privilege I have, I would like to ask the question.

The SPEAKER. I will recognize you in due course.

The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I will yield to the gentleman from Allegheny, Mr. Caputo.

PARLIAMENTARY INQUIRY

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

Mr. CAPUTO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAPUTO. Mr. Speaker, I notice the language on line 22, page 9, which Mr. Rappaport indicates controls candidates. However, I would bring to the attention of this House that it is the Election Code that controls candidates. I find no place in this bill which repeals that section of the Election Code, and my parliamentary inquiry is: Can we, by passing this bill, infer that qualifications of candidates for the legislature are eliminated or an additional qualification is added?

The SPEAKER. The Chair would suggest that the gentleman pose the question to the gentleman, Mr. Rappaport. It is not the subject of a proper parliamentary inquiry.

Does the gentleman, Mr. Rappaport, desire to respond?

Mr. RAPPAPORT. Yes, Mr. Speaker.

Mr. Speaker, it is my belief that we can set forth requirements for candidates not only in the Election Code but in this act as well. The point raised by Mr. Caputo is not without merit, but I believe that since this refers to ethics and to members generally, it can also refer to candidates in this limited area.

Mr. CAPUTO. Mr. Speaker, may I have a ruling from the Chair on whether or not the language of this bill repeals the Election Code or changes the qualifications for candidates?

The SPEAKER. The Chair is unable to give the gentleman a ruling on the question raised.

CONSTITUTIONAL POINT OF ORDER

Mr. CAPUTO. I submit then, Mr. Speaker, that the section on line 22, page 9, is unconstitutional.

The SPEAKER. The Chair can submit the question of constitutionality of the matter in question to the membership of the House.

Mr. CAPUTO. I would ask that the Chair do that, Mr. Speaker.

The SPEAKER. Will the gentleman state again what portion of the bill in question he refers to as being unconstitutional?

Mr. CAPUTO. Yes. On page 9, line 22 provides that "Candidates for Senator or Representative of the General Assembly of the Commonwealth of Pennsylvania shall file an economic interest statement on or before March 15 in the year in which they are a candidate."

Mr. Speaker, I submit that this language would not make it incumbent on persons who are not presently members of the legislature to file such a statement of economic interest, and that the inclusion of this language in a bill without some further language which invalidates the Election Code by a repealer is unconstitutional.

The SPEAKER. On the matter of constitutionality, those members desiring to sustain the constitutionality of the section in question will vote "aye"; those members desiring to hold the section to be unconstitutional will vote "nay."

On the question,

Will the House sustain the constitutionality of the section?

The yeas and nays were required by Messrs. CAPUTO and RAPPAPORT and were as follows:

YEAS—134

Arthura	Gillespie	McClatchy	Seltzer
Barber	Gillette	McCue	Shane
Bennett	Gleason	McLane	Shelhamer
Beren	Gleeson	Mebus	Shuman
Berlin	Goodman	Miller, M. E.	Shupnik
Berson	Greenfield	Miller, M. E., Jr.	Sirianni
Bittle	Gring	Milliron	Smith, E.
Blackwell	Hammock	Moehlmann	Smith, L.
Brandt	Haskell	Morris	Spencer
Brunner	Hayes, D. S.	Musto	Stahl
Burns	Hayes, S. E.	Myers	Stapleton
Cohen	Hepford	O'Brien	Stout
Crawford	Hill	O'Connell	Taddonio
DeMedio	Hopkins	O'Donnell	Toll
Deverter	Hutchinson, W.	O'Keefe	Turner
Dicarlo	Irvis	Oliver	Vroon
DiDonato	Itkin	Pancoast	Wagner
Dininni	Johnson, J.	Parker, H. S.	Wansacz
Dorr	Kelly, A. P.	Perry	Wargo
Doyle	Kelly, J. B.	Plevsky	Westerberg
Eckensberger	Kernick	Pitts	Whittlesey
Englehart	Klingaman	Pratt	Wilson
Fawcett	Knepper	Rappaport	Wilt, R. W.
Fee	Kusse	Reed	Wojdak
Fischer	LaMarca	Renninger	Wright
Flaherty	Laudadio	Renwick	Yahner
Foster, A.	Laughlin	Richardson	Yohn
Foster, W.	Lederer	Ritter	Zearfoss
Fryer	Lehr	Romanelli	Zeller
Gallagher	Levi	Ross	Zord
Gallen	Lincoln	Ryan	Zwilk
Geesey	Manderino	Schmitt	
George	Manmiller	Schweder	Fineman,
Giammarco	McCall	Setrica	Speaker

NAYS—54

Abraham	Dreibelbis	Lynch	Rhodes
Anderson, J. H.	Fisher	McGinnis	Ruggiero
Bellomini	Garzia	Menhorn	Saloom
Nonetto	Geisler	Miscevich	Salvatore
Bradley	Green	Mrkonic	Scheaffer
Caputo	Grieco	Mullen, M. P.	Taylor
Cessar	Halverson	Novak	Thomas

Cjmini	Hamilton, J. H.	Noye	Trello
Cole	Hasay	Perri	Ustynoski
Cowell	Hutchinson, A.	Petrarca	Weidner
Cumberland	Katz	Polite	Wheilan
Davis, D. M.	Kistler	Prendergast	Wilt, W. W.
Dietz	Kolter	Pyles	Worrilow
Dombrowski	Kowalyszyn		

NOT VOTING—14

Butera	McIntyre	Shelton	Valicenti
Davies	Milanovich	Sullivan	Vann
Letterman	Mullen	Tayoun	Walsh, T. P.
McGraw	Rieger		

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the section was sustained.

On the question recurring,
Shall the bill pass finally?

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

Mr. SALVATORE. Mr. Speaker, since it has been ruled constitutional, I would like to direct my question then to Mr. Yohn because I did not get the answers that I am seeking from Mr. Rappaport. Maybe Mr. Yohn can give me the answers.

The SPEAKER. Will the gentleman from Montgomery, Mr. Yohn, consent to interrogation?

Mr. YOHN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SALVATORE. We have determined that this is constitutional, lines 22 to 25 on page 9. Is that so?

Mr. YOHN. The House has determined that, yes.

Mr. SALVATORE. Now if we go back to page 7, line 1 on through page 7, we ask the member to do many, many things, do we not?

Mr. YOHN. That is correct.

Mr. SALVATORE. But we do not ask the candidate to do anything but just file a substantial personal economic interest statement. Is that right?

Mr. YOHN. No; that is not correct.

Mr. SALVATORE. All right. Then where in this bill does it spell out what a candidate has to do?

Mr. YOHN. On page 9, line 22, it states: "Candidates for Senator or Representative of the General Assembly of the Commonwealth of Pennsylvania shall file an economic interest statement on or before March 15 in the year in which they are a candidate."

Mr. SALVATORE. All right, but on page 7, Mr. Speaker, interest statement?

Mr. YOHN. That economic interest statement would be the same economic interest statement that is required on page 7 of members of the House.

Mr. SALVATORE. All right, but on page 7, Mr. Speaker, it says "each member." It does not say each member or candidate. It just says "each member."

Mr. YOHN. That is correct as far as the language is concerned. What I am saying is that I understand it to be the intent of Mr. Rappaport who drafted the bill—it is certainly my intent—and I think it is the intent of the members of the legislature, and I think that Mr. Rappaport and I feel that it is clearly expressed in the bill that it does apply to candidates, and we so state.

Mr. SALVATORE. No further questions.

Mr. Speaker, I would appeal to you, is it the intent that that language should also read "each member or candidate"? Would it be your interpretation that they would fall into the same category?

The SPEAKER. That is not a parliamentary inquiry to which the Chair desires to respond.

Mr. SALVATORE. Okay.

Well, I just think, Mr. Speaker, that the language at this point is not clear. Now maybe it is their intent but it does not say that.

The SPEAKER. Does the gentleman desire to offer an amendment?

Mr. SALVATORE. Yes, Mr. Speaker, if you will hold the bill. I will have an amendment prepared to say "each member or candidate", if you will wait until we prepared an amendment.

The SPEAKER. The Chair will be happy to hold the bill over until this afternoon on final passage.

For what purpose does the gentleman from Philadelphia, Mr. Rappaport, rise?

Mr. RAPPAPORT. Mr. Speaker, I would not object to holding the bill over until this afternoon. I personally feel the language is crystal clear. I have no problems with it whatsoever as meaning what Mr. Yohn and I agree it means.

When courts go to interpret bills, they look at the legislative journal, and the legislative journal is very clear as to what the two main sponsors of the bill think it means. But if it will make the gentleman happy and if he can get his amendment prepared by this afternoon, I shall not object to the bill going over until this afternoon.

HOUSE BILL No. 1590 PASSED
OVER TEMPORARILY

The SPEAKER. This bill will be temporarily passed over.

The Chair would suggest to the gentleman, Mr. Salvatore, that he immediately communicate with the Legislative Reference Bureau to get an amendment prepared.

Mr. RAPPAPORT. Mr. Speaker, might I ask that any other amendments be taken at this time and that this afternoon we just consider the Salvatore amendments?

The SPEAKER. There are no other amendments.

The Chair recognizes the lady from Montgomery, Mrs. Fawcett. For what purpose does the lady rise?

Mrs. FAWCETT. Mr. Speaker, may I interrogate Mr. Rappaport on page 7, section 5?

The SPEAKER. Mrs. Fawcett, can you defer your interrogation until this afternoon? We are temporarily putting the bill over at this time.

Mrs. FAWCETT. Okay.

The SPEAKER. The Chair thanks the lady.

NAVAJO INDIAN GROUP WELCOMED

The SPEAKER. I want to introduce some guests to the members of the House.

You know, we have one in-house genuine blood Indian here. Of course, we have a lot of Indians in the House but only one in-house genuine blood Indian who you all know, Reid Bennett.

Reid has some guests here today, five genuine Navajo Indian girls ranging in age from 6 to 14, and I would like to introduce them to you now. They are Sherry Nephew, Shirley Tosie, Linda Lu Tosie, Beatrice Begay and Julie Begay. Let us welcome these young ladies.

PRESENTATION

The SPEAKER. I understand that Julie Begay would like to make a presentation.

JULIE BEGAY. *Yhateh quasina (hello to everyone).*

We are very happy to be here today. To us, it is a great honor. Our family on the Navajo reservation will be very proud of us. We will remember this day for the rest of our lives.

We want to thank you all and our friend, Reid Bennett, for making this all possible, and our foster family.

Thank you. Hagona (good-bye).

The SPEAKER. This young lady is presenting this Navajo handmade rug to the Speaker in appreciation of the invitation to be present today.

There are some people who have accompanied these lovely young ladies here. I would like to introduce them: Mr. Richard Chrastina; Pastor Jim Irwin, who is the pastor of the Sharpville Church of the Nazarene in Mercer County; Rick Chrastina; Mrs. Reid Bennett and their daughter Cindy and their son Reid.

The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, what you have seen here today is another expression, I believe, of people helping other people.

The five young ladies that you see before you are indeed full-blooded Navajo Indian ladies. They are here under the auspices of the Church of the Nazarene. These young ladies come from the reservation in Arizona to live and be a part of a family. This opportunity is given to them and they must earn this opportunity. They must return to the reservation for 2 months out of that year so that they will not forget where they came from.

I have been advised by Pastor Jim Irwin that if there is any organization that you know of that might be interested in sponsoring this kind of relationship, you are invited to write to Pastor Jim Irwin, Sharpville Church of the Nazarene, Sharpville, Pennsylvania 16150.

I think again it is an expression of love that we can show to our fellowmen.

I want to thank the Speaker for his courtesy and all of the members of the House for their courtesy and their acceptance of these fine young ladies. I again thank you.

The SPEAKER. Thank you, Reid; and thank you, girls.

RUG TO BE PRESENTED TO COMMONWEALTH

The SPEAKER. Reid Bennett, will you inquire of those young ladies if it is agreeable with them for me to present this rug to the Commonwealth so that we could have it permanently housed here? Would that be agreeable with them?

The Chair thanks the young ladies. We will appropriately present it to the Commonwealth.

APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 1007, printer's No. 1184, entitled:

An Act providing for the capital budget for the fiscal year 1975-76.

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?

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, several of our members have asked Mr. Seltzer to explain briefly this bill.

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

Mr. SELTZER. Mr. Speaker, Senate bill No. 1007 is an authorization for the executive branch of government to incur additional debt in the Commonwealth in the amount of \$558 million. As you can see by the bill, the amount covers highway projects, \$350 million; public improvement projects under the Department of Property and Supplies or the new Department of General Services, \$168 million; and transportation assistance projects, \$40 million.

The projects have already been approved by the General Assembly in years past. They are in some form of construction. They may be 90 percent completed or 10 percent completed. And rather than borrow all the money that is needed for every project when it is authorized by the General Assembly, we have, over the years, waited until an appropriate time to borrow that amount of money to complete or to fulfill the needs of the project as they are being completed.

As a matter of information for the members of the House, the authorized debt that we can incur in Pennsylvania by the end of this fiscal year, under the constitution, will be something over \$7.5 billion. With this authorization, it will put us up to slightly over \$4 billion, so we are at about 53.6 percent of our authorized borrowing in Pennsylvania, which is certainly a reasonable amount of money in comparison to what our authorized debt is. I would ask the members to support this legislation.

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

Mr. WOJDAK. Mr. Speaker, I would also ask for an affirmative vote on this matter.

On the question recurring,
Shall the bill pass finally?

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

YEAS—181

Abraham	Giammarco	McClatchy	Scirica
Anderson, J. H.	Gillespie	McCue	Seltzer
Arthurs	Gillette	McIntyre	Shane
Barber	Gleason	McLane	Shelhamer
Bellomini	Gleeson	Mebus	Shelton
Bennett	Goodman	Menhorn	Shuman
Beren	Green	Miller, M. E.	Shupnik
Berlin	Greenfield	Miller, M. E., Jr.	Sirianni
Berson	Grieco	Milliron	Smith, E.
Blackwell	Gring	Miscevich	Smith, L.
Bonetto	Halverson	Moehlmann	Spencer
Bradley	Hamilton, J. H.	Morris	Stahl
Brandt	Hasay	Mullen, M. P.	Stapleton
Brunner	Haskell	Musto	Stout
Burns	Hayes, D. S.	Myers	Taddonio
Cessar	Hayes, S. E.	Novak	Taylor

Cimini	Hepford	Noye	Tayoun
Cohen	Hill	O'Brien	Thomas
Cole	Hopkins	O'Connell	Toll
Cowell	Hutchinson, A.	O'Donnell	Turner
Crawford	Hutchinson, W.	O'Keefe	Ustynoski
Cumberland	Irviss	Oliver	Vann
Davis, D. M.	Itkin	Pancoast	Vroom
DeMedio	Johnson, J.	Parker, H. S.	Wagner
Deverter	Katz	Perri	Wansacz
Dicarlo	Kelly, A. P.	Perry	Wargo
Dietz	Kelly, J. B.	Petrarca	Weidner
Dininni	Kernick	Pievsky	Westerberg
Dombrowski	Kistler	Pitts	Whelan
Dorr	Klingaman	Pratt	Whittlesey
Doyle	Knepper	Prendergast	Wilson
Dreibelbis	Kolter	Pyles	Wilt, R. W.
Eckensberger	Kowalshyn	Rappaport	Wilt, W. W.
Engelhart	Kusse	Reed	Wojdak
Fawcett	LaMarca	Renninger	Worriow
Fee	Laudadio	Renwick	Wright
Fisher	Laughlin	Richardson	Yahner
Flaherty	Lederer	Rieger	Yohn
Foster, A.	Lehr	Ritter	Zearfoss
Foster, W.	Letterman	Ross	Zeller
Fryer	Levi	Ruggiero	Zord
Gallagher	Lincoln	Ryan	Zwinkl
Gallen	Lynch	Salvatore	
Garzia	Manderino	Scheaffer	Fineman,
Geesey	Manmiller	Schmitt	Speaker
George	McCall	Schweder	

NAYS—4

Fischer	McGinnis	Polite	Saloom
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NOT VOTING—17

Bittle	Geisler	Mrkonic	Sullivan
Butera	Hammock	Mullen	Trello
Caputo	McGraw	Rhodes	Valicenti
Davies	Milanovich	Romanelli	Walsh, T. P.
DiDonato			

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same without amendment.

STATE GOVERNMENT BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1568, printer's No. 1899, entitled:

An Act amending the act of December 12, 1972 (P. L. 1280, No. 284), entitled "An act relating to securities, prohibiting fraudulent practices in relation thereto, requiring the registration of broker-dealers, agents, investment advisers and securities and making uniform the law with reference thereto," creating an independent administrative commission.

On the question,

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

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

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

YEAS—191

Abraham	Geisler	McCall	Scheaffer
Anderson, J. H.	George	McClatchy	Schmitt
Arthurs	Giammarco	McCue	Schweder
Barber	Gillespie	McGinnis	Scitica
Bellomini	Gillette	McIntyre	Seltzer
Bennett	Gleason	McLane	Shane
Beren	Gleeson	Mebus	Shelhamer

Berlin	Goodman	Menhorn	Shelton
Berson	Green	Miller, M. E.	Shuman
Bittle	Greenfield	Miller, M. E., Jr.	Shupnik
Blackwell	Grieco	Milliron	Sirianni
Bonetto	Gring	Miscevich	Smith, E.
Bradley	Halverson	Moehlmann	Smith, L.
Brandt	Hamilton, J. H.	Morris	Spencer
Brunner	Hammock	Mrkonic	Stahl
Burns	Hasay	Mullen, M. P.	Stapleton
Caputo	Haskell	Musto	Stout
Cessar	Hayes, D. S.	Myers	Taddonio
Cimini	Hayes, S. E.	Novak	Taylor
Cohen	Hepford	Noye	Thomas
Cole	Hill	O'Brien	Toll
Cowell	Hopkins	O'Connell	Trello
Crawford	Hutchinson, A.	O'Donnell	Turner
Cumberland	Hutchinson, W.	O'Keefe	Ustynoski
Davis, D. M.	Irviss	Oliver	Vann
DeMedio	Itkin	Pancoast	Vroom
Deverter	Johnson, J.	Parker, H. S.	Wagner
Dicarlo	Katz	Perri	Wansacz
DiDonato	Kelly, A. P.	Perry	Wargo
Dietz	Kelly, J. B.	Petrarca	Weidner
Dininni	Kernick	Pitts	Westerberg
Dombrowski	Kistler	Polite	Whelan
Dorr	Klingaman	Pratt	Whittlesey
Doyle	Knepper	Prendergast	Wilson
Dreibelbis	Kolter	Rappaport	Wilt, R. W.
Eckensberger	Kowalshyn	Reed	Wilt, W. W.
Engelhart	Kusse	Renninger	Wojdak
Fawcett	LaMarca	Renwick	Worriow
Fee	Laudadio	Rhodes	Wright
Fischer	Laughlin	Richardson	Yahner
Fisher	Lederer	Rieger	Yohn
Flaherty	Lehr	Ritter	Zearfoss
Foster, A.	Letterman	Romanelli	Zeller
Foster, W.	Levi	Ross	Zord
Fryer	Lincoln	Ruggiero	Zwinkl
Gallagher	Lynch	Ryan	
Gallen	Manderino	Saloom	Fineman,
Garzia	Manmiller	Salvatore	Speaker
Geesey			

NAYS—0

NOT VOTING—11

Butera	Milanovich	Pyles	Valicenti
Davies	Mullen	Sullivan	Walsh, T. P.
McGraw	Pievsky	Tayoun	

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 Montgomery, Mr. Pyles. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. PYLES. Mr. Speaker, had I been in my seat at the time the vote was taken on House bill No. 1568, I would have voted in the affirmative.

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 1569, printer's No. 1900, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), changing the status of the Pennsylvania Securities Commission.

On the question,

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

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

The question is, shall the bill pass finally?

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

YEAS—187

Abraham	George	McCue	Schmitt
Anderson, J. H.	Giammarco	McGinnis	Schweder
Arthurs	Gillespie	McIntyre	Sctrica
Barber	Gillette	McLane	Seltzer
Bellomini	Gleason	Mebus	Shane
Bennett	Gleeson	Menhorn	Shelhamer
Beren	Goodman	Miller, M. E.	Shelton
Berlin	Green	Miller, M. E., Jr.	Shuman
Berson	Greenfield	Milliron	Shupnik
Blackwell	Grieco	Miscevich	Sirianni
Bonetto	Gring	Moehlmann	Smith, E.
Bradley	Halverson	Morris	Smith, L.
Brandt	Hamilton, J. H.	Mrkonic	Spencer
Brunner	Hammock	Mullen, M. P.	Stahl
Burns	Haskell	Musto	Stapleton
Caputo	Hayes, D. S.	Myers	Stout
Cessar	Hayes, S. E.	Novak	Taddonio
Cimiri	Hepford	Noye	Taylor
Cohen	Hill	O'Brien	Thomas
Cole	Hopkins	O'Connell	Toll
Cowell	Hutchinson, A.	O'Donnell	Trello
Crawford	Hutchinson, W.	O'Keefe	Turner
Cumberland	Irvis	Oliver	Ustynoski
Davis, D. M.	Itkin	Pancoast	Vann
DeMedio	Johnson, J.	Parker, H. S.	Vroon
Deverter	Katz	Perri	Wagner
Dicarolo	Kelly, A. P.	Perry	Wansacz
Dietz	Kelly, J. B.	Petrarca	Wargo
Dininni	Kernick	Polite	Weidner
Dombrowski	Kistler	Pratt	Westerberg
Dorr	Klingaman	Prendergast	Whelan
Doyle	Knepper	Pyles	Whittlesey
Dreibelbis	Kolter	Rappaport	Wilson
Eckensberger	Kowalyszyn	Reed	Wilt, R. W.
Engelhart	Kusse	Renninger	Wilt, W. W.
Fawcett	LaMarca	Renwick	Wojdak
Fee	Laudadio	Rhodes	Worrilow
Fischer	Laughlin	Richardson	Wright
Fisher	Lederer	Rieger	Yahner
Flaherty	Lehr	Ritter	Yohn
Foster, A.	Levi	Romanelli	Zearfoss
Foster, W.	Lincoln	Ross	Zeller
Fryer	Lynch	Ruggiero	Zord
Gallagher	Manderino	Ryan	Zwikel
Gallen	Manmiller	Saloom	
Garzia	McCall	Salvatore	
Geesey	McClatchy	Scheaffer	
Geisler			Fineman, Speaker

NAYS—2

Hasay Pitts

NOT VOTING—13

Bittle	Letterman	Mullen	Tayoun
Butera	McGraw	Pievsky	Valicenti
Davies	Milanovich	Sullivan	Walsh, T. P.
DiDonato			

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.

HOUSE BILL No. 526 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the chairman of the Appropriations Committee said we can take this bill up after the lunch break.

The SPEAKER. The bill will be temporarily passed over.

Does the gentleman, Mr. Wilt, have his amendment to House bill No. 293 on page 2?

The Chair recognizes the majority leader. Mr. IRVIS. Would you put the House at ease for a minute?

The SPEAKER. The House will be at ease.

ETHICS COMMITTEE MEETING

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

Mr. RAPPAPORT. There will be a meeting of the Ethics Committee, a very brief meeting, in the Appropriations Committee meeting room on this floor immediately upon the call of the luncheon recess.

The SPEAKER. Will the gentleman, Mr. Wilt, withdraw his amendment until after lunch?

Mr. W. W. WILT. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

HOUSING SUBCOMMITTEE MEETING

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

Mr. ROMANELLI. The members of the Business and Commerce Committee's Subcommittee on Housing will meet immediately upon the call of the recess. Proceed to room 115A, please.

RESOLUTION TO BE INTRODUCED

The SPEAKER. Does the lady from Montgomery, Mrs. Fawcett, desire to be recognized for any purpose? Do you have a resolution or something?

Mrs. FAWCETT. Yes, I do have a resolution.

The SPEAKER. Is that a privileged resolution?

Mrs. FAWCETT. Yes.

Mr. Speaker, I am submitting today a resolution which would ask the Joint State Government Commission to study the problems that exist in the case of an unborn child because of the use of drugs such as alcohol, the usual drugs.

If I may, I will read from the resolution so that the members will have an understanding of what the resolution intends.

The SPEAKER. The Chair would suggest to the lady that she submit the resolution for introduction and that the resolution not be read at this time.

Mrs. FAWCETT. All right. Thank you.

ANNOUNCEMENT

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

Mr. SCHMITT. Mr. Speaker, I would like to make an announcement especially of interest to those who have signed or have sponsored hearing aid bills this year.

We are blending together the two major hearing aid bills for the purpose of getting it introduced today so that it will be prepared in print and we can hold public hearings on it during the period of recess.

I would like to announce to all those who have been on the two previous bills that if they care to sponsor this compendium or blended bill, they may do so by notifying my office.

Thank you, Mr. Speaker.

INTERROGATION

Mr. NOYE requested and obtained unanimous consent to interrogate Mr. IRVIS.

Mr. NOYE. Mr. Speaker, we have voted on House bill No. 1568, House bill No. 1569, and you were about to call up House bill No. 526. None of these bills appeared on the voting schedule for today. I do not mind them being called up if I know what we are voting on. Now do you have any bills that you plan to call up for a vote this afternoon that were not put on the voting schedule for today?

Mr. IRVIS. Let me look, Mr. Noye, and see if I can answer that.

Senate bill No. 536, on page 8, which was not on the voting schedule for today is to be called up; House bill No. 12, on page 3, which was not on the voting schedule for today is to be called up; and House bill No. 526, on page 3, which was not on the voting schedule for today is to be called up.

And as long as I am at the microphone, House bill No. 749, which is on the voting schedule today was put there in error and is to remain on the calendar.

There is also a possibility that House bill No. 1302, which is not on the voting schedule for today, may, if decided by both caucuses, be called up. That is one of the reasons for our asking for a caucus.

While the majority leader is at the microphone—I am sure the members recognize the problems we have in trying to schedule this House—these changes which were made were not made by the majority leader nor by any other leader. They were made at the request of the members who, for their own particular and peculiar reasons, waited until the last day to issue these requests. We try to accommodate them.

Does the gentleman have any further questions?

Mr. NOYE. No, Mr. Speaker.

I thank the gentleman very much for his courtesy. I would just hope that in the future if we are going to go by a voting schedule—which is fine; it is a great help—if members request that bills be called up and we are going to break for lunch or for caucus or for some other reason, that those bills be held until after that time so we have time to prepare for them.

Mr. IRVIS. Amen.

The SPEAKER. Does the majority leader have an announcement concerning a recess and caucus?

Mr. IRVIS. I think there are some other announcements first, Mr. Speaker.

ANNOUNCEMENTS

MEETING WITH GOVERNOR

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

Mr. RHODES. Mr. Speaker, this will be brief. For the benefit of the members, we were trying to set up a meeting of a delegation from the House with the Governor to discuss House resolution No. 154, the per diem increase for nursing homes. A number of the members of the House have asked to meet with the Governor. The meeting with the Governor will be on November 19, at 10 o'clock to discuss the increase for nursing home assistance, medical assistance. This was just told to me a few minutes ago.

Any member of the House who would like to be a part of that delegation to press this cause with the Governor on November 19, please contact my office.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, there will be a Rules Committee meeting in my office immediately upon the declaration of the recess.

I ask for the declaration of a recess, Mr. Speaker, until 2 p.m.

DEMOCRATIC CAUCUS

Mr. IRVIS. I would now announce a Democratic caucus at 1:15. There will be important questions to be discussed at that caucus. I would hope that you will attend.

REPUBLICAN CAUCUS

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

Mr. O'CONNELL. Mr. Speaker, for the Republican members, we would like to have a caucus right now. We do not think it is going to take very long. Then we will proceed to lunch. We would like to meet in the caucus room immediately.

Thank you.

HOUSE 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 read as follows:

HOUSE BILL No. 373

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), providing for notice to employes prior to filing a notice and demand for collection of delinquent taxes with employers.

Whereupon,

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

HOUSE BILLS INTRODUCED AND REFERRED

By Messrs. BRANDT, BEREN, MILLIRON,
MOEHLMANN and ARTHURS

HOUSE BILL No. 1864

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

Referred to Committee on Transportation.

By Messrs. FISHER, GRIECO, CIMINI, WEIDNER
and PRATT

HOUSE BILL No. 1865

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), referred to as the State Harness Racing Law, further providing for the employment of public employes.

Referred to Committee on Labor Relations.

By Messrs. FISHER, CAPUTO, ZORD,
CUMBERLAND and CESSAR

HOUSE BILL No. 1866

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes prohibiting the sale of law enforcement agency badges to persons without proper identification.

Referred to Committee on Law and Justice.

By Messrs. D. S. HAYES, DOMBROWSKI,
BELLOMINI and HOPKINS **HOUSE BILL No. 1867**

An Act requiring approval by referendum in certain municipalities to permit construction of energy parks by public utilities.

Referred to Committee on Mines and Energy Management.

By Messrs. BERSON and BEREN
HOUSE BILL No. 1868

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further defining certain terms used in this act.

Referred to Committee on Judiciary.

By Messrs. ECKENSBERGER, REED, DOYLE, ZORD,
DAVIS, PRATT, STAPLETON, GARZIA, TAYLOR,
ZELLER, RITTER, BRANDT, ZWIKL, McCALL,
BARBER, LEHR, POLITE, CIMINI, DiCARLO
and SHELHAMER **HOUSE BILL No. 1869**

An Act relating to the prevention of crime; creating a temporary Governor's Council on Crime Prevention to develop a program therefor and prescribing its powers and duties; and making an appropriation.

Referred to Committee on Judiciary.

By Messrs. IRVIS, PARKER, BENNETT, MISCEVICH,
KOLTER, MRKONIC, BRADLEY, SPENCER,
Mrs. FAWCETT, Messrs. CESSAR, MEBUS,
SCHEAFFER, CAPUTO, HAMMOCK, VROON,
ZEARFOSS, PETRARCA, BEREN, KNEPPER,
BURNS, BRUNNER, LINCOLN, COHEN, OLIVER,
VALICENTI, Mrs. CRAWFORD,
Messrs. TADDONIO, WHELAN and PRATT

HOUSE BILL No. 1870

An Act providing for the protection of Pennsylvania corporations, shareholders, employees and the public, *** assets located in this Commonwealth to make a full and fair disclosure to offerees of all material information in regard to takeover offers.

Referred to Committee on Business and Commerce.

By Messrs. REED, ECKENSBERGER, ZORD, DAVIS
and PRATT **HOUSE BILL No. 1871**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, changing sentences for certain persons convicted of felonies and misdemeanors.

Referred to Committee on Judiciary.

By Messrs. REED, ZORD and DAVIS
HOUSE BILL No. 1872

An Act prohibiting the alteration of a television set to receive signals from cable television facilities by certain persons.

Referred to Committee on Law and Justice.

By Messrs. REED, ZORD, DAVIS and PRATT
HOUSE BILL No. 1873

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the theft of cable television services.

Referred to Committee on Law and Justice.

By Messrs. REED, ZORD, DAVIS and PRATT
HOUSE BILL No. 1874

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the Municipal Police Education and Training Law; further providing for training for police officers.

Referred to Committee on Law and Justice.

By Mr. REED **HOUSE BILL No. 1875**

An Act prohibiting smoking in certain places and providing penalties.

Referred to Committee on Health and Welfare.

SENATE MESSAGE

BILLS FOR CONCURRENCE

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

SENATE BILL No. 127

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for violation of rules and regulations regarding conduct on Commonwealth property.

Referred to Committee on Law and Justice.

SENATE BILL No. 587

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, changing reasonable to unreasonable.

Referred to Committee on Judiciary.

SENATE BILL No. 589

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for written statements in the dismissal of de minimis infractions.

Referred to Committee on Judiciary.

SENATE BILL No. 751

An Act authorizing certain local taxing authorities to provide for tax exemption for certain deteriorated industrial commercial and other business property; providing for an exemption schedule and establishing standards and qualifications.

Referred to Committee on Finance.

SENATE BILL No. 997

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," further providing for physical examinations of applicants for civil service positions.

Referred to Committee on Local Government.

SENATE BILL No. 1005

A Supplement to the act of (No.), entitled "Capital Budget Act for Fiscal Year 1975-76, Public Improvement Project Itemization Supplement—Department of General Services," itemizing public improvement projects of the Department of Property and Supplies together with their estimated financial cost, authorizing the incurring of debt for the projects without approval of the electors to complete projects in the category of public improvements by acquisition of original furniture and equipment to be acquired by the Department of General Services, stating the estimated useful life of such projects and making an appropriation.

Referred to Committee on Appropriations.

HOUSE RESOLUTION INTRODUCED AND REFERRED

By Messrs. REED, GLEASON, MANMILLER, HEPFORD, NOYE, COLE, BRADLEY and KISTLER
RESOLUTION No. 176

The House of Representatives petition the Secretary of the United States Department of Health Education and Welfare to favorably consider the establishment of a Title II office in Harrisburg, Pennsylvania, to afford residents of that region of the Commonwealth the services of such an office.

Referred to Committee on Rules.

RECESS

The SPEAKER. The Chair now declares the House in recess until 2 p.m.

AFTER RECESS

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

CALENDAR

LOCAL GOVERNMENT BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 668, printers' No. 1241**, entitled:

An Act amending the act of April 14, 1949 (P. L. 443, No. 73), entitled "An act providing for the publication of ordinances and resolutions of a legislative character of incorporated towns," further permitting advertisement of the title and summarization in lieu of the entire text of any proposed ordinance.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO RECOMMIT SENATE BILL No. 668

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

Mr. O'CONNELL. Mr. Speaker, I would like to move that Senate bill No. 668 be recommitted to the Committee on Rules.

The SPEAKER. There is a motion, made by the gentleman, Mr. O'Connell, that Senate bill No. 668 be recommitted to the Committee on Rules.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I oppose the motion.

On the question,

Will the House agree to the motion?

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

YEAS—77

Anderson, J. H.	Grieco	McCue	Seltzer
Beren	Gring	McGinnis	Smith, E.
Buttle	Halverson	Mebus	Smith, L.
Brandt	Hamilton, J. H.	Miller, M. E.	Stahl
Burns	Haskell	Miller, M. E., Jr.	Taddontio

Cessar	Hayes, D. S.	Moehlmann	Thomas
Cimini	Hayes, S. E.	Noye	Turner
Crawford	Hill	O'Connell	Ustynoski
Cumberland	Hopkins	Pancoast	Wagner
Deverter	Hutchinson, W.	Parker, H. S.	Westerberg
Dietz	Katz	Perri	Whittlesey
Dininni	Kelly, J. B.	Polite	Wilson
Dorr	Kistler	Renninger	Wilt, R. W.
Fawcett	Knepper	Ross	Wilt, W. W.
Fischer	Kusse	Ryan	Worrilow
Fisher	Lehr	Saloom	Wright
Foster, A.	Levi	Salvatore	Yohn
Foster, W.	Lynch	Scheaffer	Zearfoss
Gallen	Manmiller	Scirica	Zord
Gecsey			

NAYS—100

Abraham	Garza	Menhorn	Romanelli
Arthurs	Geisler	Milliron	Ruggiero
Bellommi	George	Miscevich	Schmitt
Bennett	Giammarco	Morris	Schweder
Berlin	Gillespie	Mrkonic	Shane
Berson	Gillette	Mullen, M. P.	Shelhamer
Bonetto	Gleeson	Mullen	Shelton
Bradley	Goodman	Musto	Shuman
Brunner	Green	Myers	Shupnik
Caputo	Greenfield	Novak	Stapleton
Cohen	Hutchinson, A.	O'Brien	Stout
Cole	Irvis	O'Donnell	Taylor
Cowell	Itkin	O'Keefe	Tayoun
Davis, D. M.	Johnson, J.	Oliver	Toll
DeMedio	Kelly, A. P.	Perry	Trello
Dicarlo	Kernick	Petrarca	Vann
DiDonato	Kolter	Pievsky	Wansacz
Dombrowaki	Kowalshyn	Pratt	Wargo
Doyle	LaMarca	Prendergast	Wojdak
Dreibelbis	Laudadio	Rappaport	Yahner
Eckensberger	Laughlin	Reed	Zeller
Engelhart	Lederer	Renwick	Zwilk
Fee	Letterman	Rhodes	
Flaherty	Lincoln	Richardson	Fineman, Speaker
Fryer	McCall	Ritter	
Gallagher	McLane		

NOT VOTING—25

Barber	Hepford	Milanovich	Sullivan
Blackwell	Klingaman	Pitts	Valicenti
Butera	Manderino	Pyles	Vroon
Davies	McClatchy	Rieger	Walsh, T. P.
Gleason	McGraw	Sirianni	Weliner
Hammock	McIntyre	Spencer	Whelan
Hasay			

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 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?

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I wonder if I could interrogate someone on this bill? Mr. Fryer?

The SPEAKER. Will the gentleman from Berks, Mr. Fryer, consent to interrogation?

Mr. FRYER. I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, I did not expect these bills to come up today so I am not completely prepared for it. But it is my recollection—and I look to you as somewhat the expert in this area of local government—that in the not too distant past we passed through this House and through the Senate similar legislation which the Governor vetoed. Is that accurate?

Mr. FRYER. Yes, we passed legislation dealing with cities of the third class. That bill was vetoed by the Governor.

Mr. RYAN. Do you happen to recall—and I say to you that I do not recall—why the Governor vetoed that bill?

Mr. FRYER. For the same reasons, Mr. Speaker, as given last year, basically, on the public's right to know and several other reasons.

Mr. RYAN. All right.

Now on this bill, is there a fiscal note attached as it will affect the local municipalities? Did local government get fiscal notes on these bills?

Mr. FRYER. Mr. Speaker, the result of this legislation, if passed, would be a substantial savings for local government.

Mr. RYAN. I understand that, but is there a fiscal note for these bills?

Mr. FRYER. Mr. Speaker, I realize that there is a need for a fiscal note when it calls for additional expenditures. But to repeat, this package of bills, if it is passed, will result in a substantial savings to local governments.

PARLIAMENTARY INQUIRY

Mr. RYAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. Would the Speaker advise me if the rules do not provide that a fiscal note is necessary when there is any fiscal impact on a local municipality by reason of the passage of a given bill or the introduction of a bill, should it pass, regardless of whether it is an anticipated saving or expenditure?

The SPEAKER. The rule in question is rule 19 (a), subparagraph (2): "No amendment to a bill— Are we dealing with an amendment or the bill itself?"

Mr. RYAN. This is the bill itself, Mr. Speaker.

The SPEAKER. "No bill, except a General Appropriation bill or any amendments thereto, which may require an expenditure of Commonwealth funds or funds of any political subdivision or which may entail a loss of revenues shall be reported from committee until the committee chairman has requested a fiscal note from the Appropriations Committee, and the fiscal note has been attached thereto which shall be provided by the Appropriations Committee and no bill so reported shall be given second consideration reading on the calendar until it has first been referred to the Appropriations Committee."

So the rule would address itself to the expenditure of moneys or the loss of revenues, and in this instance it does not fit either category.

Mr. RYAN. Well, it deals with advertisements that need to be placed by local municipalities in connection with ordinances, and as far as I am concerned, that is an expenditure of money. Is it not?

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. I think we can cease debate on this issue. If we vote to suspend the rules, that would solve the whole problem.

Mr. RYAN. Well, that would not solve my problem, Mr. Speaker. If I may address some remarks—

The SPEAKER. In direct response to the gentleman's inquiry, I do not believe that this requires a fiscal note.

Mr. RYAN. I am not going to go through the exercise of appealing the Chair's ruling. I think the Chair is wrong, however. It is an expenditure of money.

Let me tell you, Mr. Speaker, what bothers some of our members. Many of us agree that the right of the

public to know is a paramount right. Now these bills would abbreviate that full description that is now required under the law. The problem I have and I think many others have is this: If it is a significant savings to a local municipality, then perhaps these bills should pass; if it is an insignificant amount, then we should go to the trouble of printing the full text of the proposed ordinance and pay that money.

I have a further question of Mr. Fryer, if I might ask it.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, under these bills, are the townships now required to advertise twice rather than once?

Mr. FRYER. Mr. Speaker, in townships of the first class, they could, yes, because presently they advertise after passage of the act. However, the bills call for advertising prior to passage and then, if there is a substantial change, it would mean that there would be a summary of the act.

Mr. RYAN. Mr. Speaker, these bills, then, do more than just permit the local townships to reduce the size of their ad by summarizing the ordinance, is that not correct? They require double advertisement in some cases?

Mr. FRYER. What we are addressing ourselves to, Mr. Speaker, is that in the Borough Code, townships of the first class advertise after the passage of ordinances. This makes it uniform with the other classes of local government.

Mr. RYAN. So they would advertise before and again they would be required to advertise after?

Mr. FRYER. In summary form, Mr. Speaker.

Mr. RYAN. In some what?

Mr. FRYER. In summary form, which, once again, constitutes a savings to the taxpayer.

Mr. RYAN. So there would be a double advertisement in summary form compared to a single advertisement in full form, if you will?

Mr. FRYER. Only if there is any substantial change. Also, the fact remains that it would be in summary form which constitutes a savings.

Mr. RYAN. What is a "substantial change"? Is that defined?

Mr. FRYER. Mr. Speaker, the gentleman is an attorney; he probably could tell us.

Mr. RYAN. I am sure that many people would disagree with my definition. "Substantial" is a discretionary thing; it is subjective; it is capable of many interpretations.

Mr. FRYER. Mr. Speaker, the committee addressed itself to that problem. As it is with many other problems here in the state legislature, we came up with what we thought was the best solution. Now we are aware that it can easily become a legal problem because it varies from attorney to attorney, but we felt that it was the best possible decision.

Bear in mind, Mr. Speaker, that in most cases—I would say in 95 or 98 percent of the cases—there is no change in the ordinance as it is proposed.

Mr. RYAN. Mr. Speaker, is there another change as a result of these bills as to the date of advertising?

Mr. FRYER. Not more than 60 days or less than 7 days prior to passage.

Mr. RYAN. It is my understanding that under existing law, it is a 3-day limit. Do you know if that is correct, it must be advertised 3 days before?

Mr. FRYER. I believe so. It does not state it here in the bill.

Mr. RYAN. But under this bill it requires advertising 7 days before, is that correct?

Mr. FRYER. That is correct.

Mr. RYAN. Now I am wondering if you will agree or disagree with this, so it is put in the nature of a question: Many of the townships, boroughs, perhaps cities affected by this legislation are served primarily by weekly newspapers. Would you agree that probably the bulk of the second class and perhaps first class townships and boroughs are served by and advertise in weekly newspapers?

Mr. FRYER. Yes, Mr. Speaker.

Mr. RYAN. If there is a requirement that this ad be placed 7 days before their meeting, really what you are saying is that the supervisors would have to put the ad together, or their township manager would have to put the ad together, and get it over to the weekly paper maybe 2 weeks before the actual meeting.

Mr. FRYER. Mr. Speaker, the provision of the bill calls for—and I will read it—“. . . not more than sixty days nor less than seven days prior to passage.” So we think that by granting 60 days, there is ample time to reach a weekly newspaper.

Mr. RYAN. I have no problem with the 60-day part; it is the 7-day part where my problem exists.

I have been asked by several municipalities, when they have called me and asked about the provisions of these bills, if it would be possible that the 7 days be reduced to 3 days. They tell me—and I have no experience, and that is why I am interrogating you, Mr. Fryer—that the problem they foresee is that oftentimes they really do not have their advertisement complete until almost the last minute. With a 3-day limit, they can get it together and get it to their weekly newspaper before the deadline for the newspaper ads. However, with the 7-day limit, in effect they are saying that they are required then to be ready to place the ads as much as 2 weeks in advance of the meeting. This presents a great problem to them, particularly in the smaller townships where they do not have full-time township managers, where their boards of supervisors meet monthly, and they get together and get around to putting the ads in. Would you agree that this would create an additional problem for these types of communities?

Mr. FRYER. Mr. Speaker, in reply, when the committee considered these bills, we had the representatives there from the various local government associations, and at no time was this matter brought up or considered important by these representatives of these local government associations. Possibly the gentleman's opposition to the bill itself is generating that concern.

Mr. RYAN. No. As a matter of fact, I voted for this bill the last time. I voted to do this so that the local townships could save money. What frankly distresses me is that it apparently was to no avail because the Governor vetoed it, and I suspect he will do the same thing again because, the way our calendar is marked, the administration is opposed to these bills. But that does not bother me, Mr. Speaker, the administration being opposed. They usually do not get me right in line because of their opposition. What bothers me, though, are the recent communications I have had from the townships saying that this is not going to save them money because now they are going to have to advertise twice. This is not going to make it convenient for them because now they are going

to have to be prepared several weeks in advance of the time they normally would be prepared.

I tell you honestly right now, I still do not know whether I am going to vote “yes” or “no.”

I think the bill should be held over. I know that the last motion was a motion to recommit, and the motion to recommit was defeated.

Mr. Speaker, would a motion to lay on the table be in order?

The SPEAKER. The motion would be in order.

MOTION TO TABLE SENATE BILL No. 668

Mr. RYAN. I would so move, Mr. Speaker, to table the bill.

To save time, I would ask that this motion—and I will be satisfied with the count—apply to the whole package of bills, the five or six bills.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I would ask for a negative vote on the motion.

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

Mr. SELTZER. Mr. Speaker, is this motion debatable?

Mr. SPEAKER. The motion is debatable.

Mr. SELTZER. Would the gentleman, Mr. Fryer, answer one question?

The SPEAKER. Will the gentleman yield for just a moment?

The Chair was in error, as I suspected. The motion to lay on the table is not debatable. That is rule 59 of the House rules.

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

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

YEAS—87

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

NAYS—107

Abraham	Gallagher	McCall	Ritter
Arthurs	Garzia	McLane	Romanelli
Barber	Geisler	McIntyre	Ross
Bellommi	George	Menhorn	Ruggiero
Bennett	Giammarco	Milliron	Saloom
Berlin	Gillespie	Miscevich	Schmitt
Berson	Gillette	Morris	Schweder
Blackwell	Gleason	Mrkonic	Shane
Bonetto	Goodman	Mullen, M. P.	Shelhamer
Bradley	Green	Mullen	Shelton

Brunner	Greenfield	Musto	Shuman
Caputo	Hammock	Myers	Shupnik
Cohen	Hutchinson, A.	Novak	Stapleton
Cole	Irvis	O'Brien	Stout
Cowell	Itkin	O'Donnell	Taylor
Davis, D. M.	Johnson, J.	O'Keefe	Tayoun
DeMedio	Kelly, A. P.	Oliver	Toll
Dicario	Kernick	Perry	Trello
DiDonato	Kolter	Petrarca	Vann
Dombrowski	Kowalyszyn	Plevsky	Wansacz
Doyle	LaMarca	Prendergast	Wargo
Dreibelbis	Laudadio	Rappaport	Wojdak
Eckensberger	Laughlin	Reed	Yahner
Engelhart	Lederer	Renwick	Zwiski
Fee	Letterman	Rhodes	
Fischer	Lincoln	Richardson	Fineman, Speaker
Fisher	Manderino	Rieger	
Fryer			

NOT VOTING—8

Butera	McGraw	Pratt	Valicenti
Davies	Milanovich	Sullivan	Walsh, T. P.

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

On the question recurring,
Shall the bill pass finally?

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

Mr. SELTZER. Mr. Speaker, would the gentleman from Berks, Mr. Fryer, permit himself to be interrogated?

The SPEAKER. Would the gentleman, Mr. Fryer, consent to interrogation?

Mr. FRYER. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SELTZER. Mr. Speaker, as a matter of information, can you tell me and the House the number of the companion bill to this package which was vetoed by the Governor several days ago?

The SPEAKER. That was Senate bill No. 672.

Mr. SELTZER. Thank you, Mr. Speaker.

Mr. Speaker, can the Chair inform the House whether or not the bill and the veto message has been read across the desk in the House?

The SPEAKER. The bill in question was a Senate bill and is, therefore, returned to the Senate and received by that body rather than the House.

Mr. SELTZER. Mr. Speaker, a further inquiry then. Mr. Speaker, custom dictates that if there is going to be an attempt to override a veto, it is attempted first in the House in which the bill originated. Is that correct?

The SPEAKER. That is correct.

Mr. SELTZER. Mr. Speaker, does the gentleman from Berks, Mr. Fryer, have any indication what the other body might do in reference to Senate bill No. 672 which the Governor vetoed and which is part of this package?

Mr. FRYER. Mr. Speaker, lacking a crystal ball, I could not make a prediction on that.

Mr. SELTZER. Mr. Speaker, I was not asking for a prediction. In all honesty, I was asking whether the gentleman had any sense of what the other body might consider doing?

Mr. Speaker, I believe there is a predominate number of members on our side of the aisle who voted for that bill when it passed here some time ago who would feel compelled to vote in favor of this package of bills. But, Mr. Speaker, it is sort of an act of futility, is it not, to rub under a chief executive's nose the remaining part of a package which he has just vetoed? In all honesty, we were attempting just to prolong the action on these bills

until some decision was made, for want of a better term, on a test bill.

Mr. Speaker, it is the Governor's prerogative to veto those bills for whatever purpose he vetoes them, and it is our prerogative to pass legislation as we see fit. But somewhere along the line there is some common sense that enters into the passage of legislation, and I would hope that today we would use some common sense and try and settle the issue once and for all with the test vehicle which is now lying in the other body's chamber. If they see fit to override that veto and this House follows suit, then I think it is incumbent upon us to pass the entire package. But without doing that, Mr. Speaker, I think that it is an act of futility and I think that we are sort of making not much sense. Mr. Speaker, I would ask that we postpone action on these bills until the other bill is finally decided upon.

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

Mr. FRYER. Mr. Speaker, I am most surprised with the compassion the gentleman has for the Governor. It is quite refreshing.

I do not mean to be critical of the Governor, but the bills passed by an almost unanimous vote in the Senate, and I pride myself on the fact that the legislative branch is independent. This is people's legislation. It should be supported. We are being asked for support by our local government associations. It represents a savings to our overburdened taxpayers on the local level, and I think we should pass these bills and place them before the Governor. Hopefully, someone could talk to whoever is instructing the Governor and advising him on this matter because most of us feel that he is being misguided on this particular package.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Mr. Speaker, as a former township auditor and township treasurer, I want to say that this bill is extremely important to the people back home who pay the bills. Our township has spent as much as \$8,000 to \$10,000 in legal advertising because they could not summarize the ordinances or resolutions. Unfortunately, I have asked local officials and our previous legislator from Penn Hills to fully support such legislation, but we did not have any results. I urge this House to consider the \$4,000 to \$5,000 that could be saved by your taxpayers back home.

Thank you.

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

Mr. SELTZER. Mr. Speaker, apparently I am not capable of expressing myself properly to the gentleman and the people on the other side. I am not defending His Excellency, the Governor. I think he was wrong in vetoing this legislation just as much as you felt he was wrong.

But if you think we are going to save one nickel for local government by passing this package of bills, you are only fooling yourselves. The only way we save money for local government is if these bills become law. If we do not have the cooperation of the executive in helping these bills become law, we have not saved anybody one nickel. I am interested in these bills becoming law; I am not interested in playing a sham here on the floor of this House.

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

Mr. GARZIA. Mr. Speaker, I am also interested in the boroughs and townships saving money. These bills will save the boroughs and townships money. As an ex-mayor of a borough, I know that we can save close to \$3,000 to \$4,000 a year with these bills.

Now whatever the Governor does with these bills is his business. But I think that when we get them back, we should override the veto if he vetoes them. I think that if he gets enough of these bills over there, he will probably see the light of day and not veto them.

For your information, I happen to be one of Governor Shapp's coordinators in Delaware County, so I reject the innuendo you made about the Governor.

Thank you.

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

Mr. FRYER. Mr. Speaker, the gentleman stated that we are conducting a sham on the floor of this House, and it is kind of sad when we make a comment of that type. I have watched the gentleman in past sessions when he did not have a bit of a chance for bills to become law due to approval of possibly the Senate and our Chief Executive, and I did not at that time address myself to the matter and say that he was conducting a sham.

These bills are offered in good faith. They were passed in the Senate; they are now before us; the local government associations are supporting them. I say, let us pass them and then pass them on to the Chief Executive for his action.

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

Mr. SELTZER. Mr. Speaker, if I may violate a rule of this House, which I seldom do, I urge the entire membership of this House to perpetrate a sham and vote in the affirmative on these bills.

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

Mr. ZELLER. Mr. Speaker, it surprises me no end to hear people get on the floor—people who are former officials, people who are representing their constituents back home—who are telling the taxpayers back home that they are going to fight for their rights, and yet they want to pass a package of bills like this.

Like Mr. Garzia, I, too, was a former councilman and a mayor of a community. But I, for one, want the public to know that I think the Governor was right in what he did. I will tell you why he was right in what he did. He wants the people to know what is going on in those communities.

Now stop and think of the cost. For instance, it would cost the Borough of Emmaus, roughly 1,400 people—I was the mayor—about 30 cents per person per year. The people in my community go in to borough council or go in to see the so-called borough manager or borough secretary with some of their problems and try to get some information. If you want to see some tiptoeing through the tulips or dodging the issues, go into some of the areas and try to get some information. I have got news for you. You are in for a real eye-opener.

I say this: The public has been dodged for too long. The public wants to know. These people who get on the floor and say they are battling for the rights of the peo-

ple—when it comes to an election—are trying to save peanuts—30 cents per person per year. This is ridiculous. They will spend money at a state convention. They do not mind bringing in a bill for \$60 or \$100 apiece for the week they are there. They do not mind spending that money, but they do not want to spend money to advertise an ordinance in full, and I mean in full.

I think it is about time we quit this nonsense. Let the people know we will do what we tell them we will do at election time when we want to get elected. Let us knock these bills down.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Mr. Speaker, I would like to point out that it is a rarity if more than 50 percent of the community gets that newspaper in which these ads are placed.

The city of Pittsburgh advertises by summary, and the city of Pittsburgh is pretty well run. I do not think that it is necessary to advertise the whole thing. Anybody who wants to see the ordinance or resolution in its entirety can take a trip to the borough building or the township building to do so.

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

Mr. MEBUS. Mr. Speaker, there is virtue in these bills, as far as I am concerned, insofar as the right of the public to know is concerned. By that I mean this: The legalese that most of these ordinances contain is not readily understandable to the public any more than a lot of the bills that we deal with here are generally understandable to the public. We use summaries ourselves when we are dealing with legislation here so that we can more readily comprehend what we are dealing with.

I think that the people's right to know will be expanded, not reduced, by the passage of these bills, and for that reason I favor their passage whether they are going to save a significant amount of money or not. I think that it is something helpful so that the folks who are interested in reading their local newspapers can really understand what it is all about.

On the question recurring,
Shall the bill pass finally?

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

YEAS—137

Abraham	Flaherty	Levi	Richardson
Arthurs	Foster, W.	Lincoln	Romanelli
Barber	Fryer	Lynch	Ross
Beilomini	Gallagher	Manderino	Ruggiero
Bennett	Gallen	McCall	Scheaffer
Beren	Garzia	McCue	Seltzer
Berlin	Geisler	McGinnis	Shane
Berson	Giammarco	McLane	Shelhamer
Blackwell	Gillespie	Mebus	Sirianni
Bonetto	Gillette	Menhorn	Smith, E.
Bradley	Gleeson	Milliron	Smith, L.
Brandt	Goodman	Miscevich	Spencer
Brunner	Green	Mochlmann	Stanleton
Burns	Greenfield	Morris	Taylor
Butera	Grieco	Mrkonje	Tayoun
Caputo	Gring	Mullen, M. P.	Thomas
Cessar	Hammock	Mullen	Toll
Cimini	Hasay	Myers	Trello
Cohen	Haves, D. S.	Novak	Ustynoski
Cole	Haves, S. E.	Noye	Vann
Cowell	Hepford	O'Connell	Vroon
Crawford	Hill	O'Donnell	Warsacz
Chamberland	Irvis	O'Keefe	Weidner
Davis, D. M.	Itkin	Oliver	Westerberg
Dicario	Johnson, J.	Pancoast	Whelan

DiDonato	Kelly, A. P.	Parker, H. S.	Wilson
Dietz	Kernick	Perry	Wilt, W. W.
Dombrowski	Kistler	Pievskey	Wojdak
Doyle	Klingaman	Pitts	Wright
Dreibelbis	Kowalyszyn	Polite	Zearfoss
Engelhart	Kusse	Pratt	Zord
Fawcett	Laudadio	Prendergast	
Fee	Laughlin	Rappaport	Fineman,
Fischer	Lederer	Renninger	Speaker
Fisher	Letterman	Rhodes	

NAYS—52

Anderson, J. H.	Hopkins	Musto	Shupnik
DeMedio	Hutchinson, A.	Perri	Stout
Deverter	Hutchinson, W.	Petrarca	Taddonio
Dininni	Katz	Pyles	Turner
Dorr	Kelly, J. B.	Reed	Wagner
Eckensberger	Knepper	Renwick	Wargo
Foster, A.	Kolter	Ritter	Whittlesey
Geesey	LaMarca	Saloom	Wilt, R. W.
George	Lehr	Salvatore	Worrlow
Gleason	Manmiller	Schmitt	Yahner
Halverson	McClatchy	Schweder	Yohn
Hamilton, J. H.	Miller, M. E.	Scrica	Zeller
Haskell	Miller, M. E., Jr.	Shuman	Zwinkl

NOT VOTING—13

Bittle	Milanovich	Ryan	Sullivan
Davies	O'Brien	Shelton	Valicenti
McGraw	Rieger	Stahl	Walsh, T. P.
McIntyre			

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. RYAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. RYAN. Mr. Speaker, I voted Mr. Butera "yes," and neglected to vote myself on Senate bill No. 668. I would like Mr. Butera's vote transferred to Ryan.

The SPEAKER. The record will so reflect.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 669, printer's No. 1242, entitled:

An Act amending the act of February 1, 1966 (1965, P. L. 1656, No. 581), entitled "The Borough Code," permitting advertisement of the titles and summarizations in lieu of the entire text of proposed ordinances.

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—128

Abraham	Foster, W.	Lynch	Richardson
Arthurs	Fryer	Manderino	Romanelli
Barber	Gallagher	McCall	Ross
Bellomint	Gallen	McCue	Ruggiero
Bennett	Garzia	McGinnis	Ryan
Beren	Geisler	McIntyre	Scheaffer

Berlin	Giammarco	McLane	Shane
Berson	Gillespie	Mebus	Shelhamer
Blackwell	Gillette	Menhorn	Shelton
Bonetto	Gleeson	Milliron	Smith, E.
Bradley	Goodman	Moehlrman	Spencer
Brandt	Green	Morris	Stahl
Brunner	Greenfield	Mrkonic	Stapleton
Caputo	Grieco	Mullen	Taylor
Cessar	Gring	Myers	Tayoun
Cimini	Hammock	Novak	Thomas
Cohen	Hasay	Noye	Toll
Cole	Hayes, D. S.	O'Brien	Trello
Cowell	Hayes, S. E.	O'Donnell	Ustynoski
Cumberland	Hill	O'Keefe	Vann
Davis, D. M.	Irvis	Oliver	Vroom
Dicarlo	Itkin	Pancoast	Wansacz
DiDonato	Johnson, J.	Parker, H. S.	Weidner
Dietz	Kelly, A. P.	Perry	Westerberg
Dombrowski	Klingaman	Pievskey	Whelan
Doyle	Kowalyszyn	Pitts	Wilt, W. W.
Dreibelbis	Kusse	Polite	Wojdak
Engelhart	Laudadio	Pratt	Zearfoss
Fawcett	Laughlin	Prendergast	Zord
Fee	Lederer	Rappaport	
Fischer	Letterman	Renninger	Fineman,
Fisher	Levi	Rhodes	Speaker
Flaherty	Lincoln		

NAYS—63

Anderson, J. H.	Hepford	Musto	Smith, L.
Bittle	Hopkins	O'Connell	Stout
Burns	Hutchinson, A.	Perri	Taddonio
Crawford	Hutchinson, W.	Petrarca	Turner
DeMedio	Katz	Pyles	Wagner
Deverter	Kelly, J. B.	Reed	Wargo
Dininni	Kernick	Renwick	Whittlesey
Dorr	Kistler	Ritter	Wilson
Eckensberger	Knepper	Saloom	Wilt, R. W.
Foster, A.	Kolter	Salvatore	Worrlow
Geesey	LaMarca	Schmitt	Wright
George	Lehr	Schweder	Yahner
Gleason	Manmiller	Scrica	Yohn
Halverson	McClatchy	Seltzer	Zeller
Hamilton, J. H.	Miller, M. E.	Shuman	Zwinkl
Haskell	Miller, M. E., Jr.	Shupnik	

NOT VOTING—11

Butera	Milanovich	Rieger	Valicenti
Davies	Miscevich	Sirianni	Walsh, T. P.
McGraw	Mullen, M. P.	Sullivan	

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The lady will state it.

Mrs. KERNICK. Mr. Speaker, I would like my vote on Senate bill No. 669 to be recorded as "yes."

Thank you.

The SPEAKER. The lady, Mrs. Kernick, will be recorded as "yes."

The Chair recognizes the lady, Miss Sirianni.

Miss SIRIANNI. I would like to be recorded "no" on Senate bill No. 669.

The SPEAKER. The lady's vote will be so recorded.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 670, printer's No. 1243, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," permitting advertisement of the titles and summarizations in lieu of the entire text of proposed ordinances.

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—131

Table listing names of members who voted 'YEAS' for the bill, including Abraham, Arthur, Barber, Bellomini, Bennett, Beren, Berlin, Berson, Blackwell, Bonetto, Bradley, Brandt, Brunner, Caputo, Cessar, Cimini, Cohen, Cole, Cowell, Cumberland, Davis, D. M., Dicarilo, DiDonato, Dietz, Dombrowski, Doyle, Dreibelbis, Fawcett, Fee, Fischer, Fisher, Flaherty, Foster, W., Fryer, Gallagher, Gallen, Garzia, Geisler, Giammarco, Gillespie, Gillette, Gleeson, Goodman, Green, Greenfield, Grieco, Gring, Hammock, Hasay, Hayes, D. S., Hayes, S. E., Hill, Irvis, Itkin, Johnson, J., Kelly, A. P., Kernick, Klingaman, Kowalyszyn, Kusse, Laudadio, Laughlin, Lederer, Letterman, Levi, Lincoln, Lynch, Manderino, McCall, McCue, McGinnis, McIntyre, McLane, Mebus, Menhorn, Milliron, Misceovich, Moehlmann, Morris, Mrkonic, Mullen, M. P., Myers, Novak, Noye, O'Connell, O'Donnell, O'Keefe, Oliver, Pancoast, Parker, H. S., Perry, Pievsky, Polite, Pratt, Prendergast, Rappaport, Renninger, Rhodes, Richardson, Rieger, Romanelli, Ross, Ruggiero, Ryan, Scheaffer, Shane, Shelhamer, Shelton, Smith, E., Smith, L., Spencer, Stahl, Stapleton, Taylor, Tayoun, Thomas, Toll, Trello, Ustynoski, Vann, Vroon, Wansacz, Weldner, Westenberg, Whelan, Wilt, W. W., Wojdak, Zearfoss, Zord, Fineman, Speaker

NAYS—63

Table listing names of members who voted 'NAYS' for the bill, including Anderson, J. H., Bittle, Burns, Crawford, DeMedio, Deverter, Dininni, Dorr, Eckensberger, Foster, A., Geesey, George, Gleason, Halverson, Hamilton, J. H., Haskell, Hepford, Hopkins, Hutchinson, A., Hutchinson, W., Katz, Kelly, J. B., Kistler, Knepper, Kolter, LaMarca, Lehr, Manmiller, McClatchy, Miller, M. E., Miller, M. E., Jr., Musto, O'Brien, Perri, Petrarca, Pitts, Pyles, Reed, Renwick, Ritter, Saloom, Salvatore, Schmitt, Schweder, Scirica, Seltzer, Shuman, Shupnik, Sirianni, Stout, Taddonio, Turner, Wagner, Wargo, Whittlesey, Wilson, Wilt, R. W., Worrillow, Wright, Yahner, Yohn, Zeller, Zwiki

NOT VOTING—8

Table listing names of members who did not vote, including Butera, Davies, Englehart, McGraw, Milanovich, Sullivan, Valicenti, Walsh, T. P.

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 671, printer's No. 1244, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," permitting advertisement of the titles and summarizations in lieu of the entire text of proposed ordinances.

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—130

Table listing names of members who voted 'YEAS' for the bill, including Abraham, Arthur, Barber, Bellomini, Bennett, Beren, Berlin, Berson, Blackwell, Bonetto, Bradley, Brandt, Brunner, Caputo, Cessar, Cimini, Cohen, Cole, Cowell, Cumberland, Davis, D. M., Dicarilo, DiDonato, Dietz, Dombrowski, Doyle, Dreibelbis, Englehart, Fawcett, Fee, Fischer, Fisher, Flaherty, Foster, W., Fryer, Gallagher, Gallen, Garzia, Geisler, Giammarco, Gillespie, Gillette, Gleeson, Goodman, Green, Greenfield, Grieco, Gring, Hammock, Hasay, Hayes, D. S., Hayes, S. E., Hill, Irvis, Itkin, Johnson, J., Kelly, A. P., Kernick, Klingaman, Kowalyszyn, Kusse, Laudadio, Laughlin, Lederer, Letterman, Levi, Lincoln, Lynch, Manderino, McCall, McCue, McGinnis, McIntyre, McLane, Mebus, Menhorn, Milliron, Misceovich, Morris, Mrkonic, Mullen, M. P., Myers, Novak, Noye, O'Donnell, O'Keefe, Oliver, Pancoast, Parker, H. S., Perry, Pievsky, Polite, Pratt, Prendergast, Rappaport, Renninger, Rhodes, Richardson, Rieger, Romanelli, Ross, Ruggiero, Ryan, Scheaffer, Shane, Shelhamer, Shelton, Smith, E., Smith, L., Spencer, Stahl, Stapleton, Taylor, Tayoun, Thomas, Toll, Trello, Ustynoski, Vann, Vroon, Wansacz, Weldner, Westenberg, Whelan, Wilt, W. W., Wojdak, Zearfoss, Zord, Fineman, Speaker

NAYS—65

Table listing names of members who voted 'NAYS' for the bill, including Anderson, J. H., Bittle, Burns, Crawford, DeMedio, Deverter, Dininni, Dorr, Eckensberger, Foster, A., Geesey, George, Gleason, Halverson, Hamilton, J. H., Haskell, Hepford, Hopkins, Hutchinson, A., Hutchinson, W., Katz, Kelly, J. B., Kistler, Knepper, Kolter, LaMarca, Lehr, Manmiller, McClatchy, Miller, M. E., Miller, M. E., Jr., Moehlmann, Musto, O'Brien, O'Connell, Perri, Petrarca, Pyles, Reed, Renwick, Ritter, Saloom, Salvatore, Schmitt, Schweder, Scirica, Seltzer, Shuman, Shupnik, Sirianni, Stout, Taddonio, Turner, Wagner, Wargo, Whittlesey, Willson, Wilt, R. W., Worrillow, Wright, Yahner, Yohn, Zeller, Zwiki

NOT VOTING—7

Table listing names of members who did not vote, including Butera, Davies, McGraw, Milanovich, Sullivan, Valicenti, Walsh, T. P.

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 707, printer's No. 1245, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," permitting advertisement of the titles and summarizations in lieu of the entire text of proposed ordinances.

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—133

Abraham	Fryer	Manderino	Rieger
Arthurs	Gallagher	McCall	Romanelli
Barber	Gallen	McCue	Ross
Bellomrini	Garzia	McGinnis	Ruggiero
Bennett	Geisler	McIntyre	Ryan
Beren	Gianmarco	McLane	Scheaffer
Berlin	Gillespie	Mebus	Shane
Berson	Gillette	Menborn	Shelhamer
Blackwell	Gleeson	Milliron	Shelton
Bonetto	Green	Miscevich	Smith, E.
Bradley	Greenfield	Moehlmann	Smith, L.
Brandt	Grieco	Morris	Spencer
Brunner	Gring	Mrkonic	Stahl
Brunner	Hammock	Mullen, M. P.	Stapleton
Caputo	Hasay	Mullen	Taylor
Cessar	Hayes, D. S.	Myers	Tayoun
Cimini	Hayes, S. E.	Novak	Thomas
Cohen	Hill	Noye	Toll
Cole	Irviss	O'Connell	Trello
Cowell	Itkin	O'Donnell	Ustynoski
Cumberland	Johnson, J.	O'Keefe	Vann
Davis, D. M.	Kelly, A. P.	Oliver	Vroon
Dicarlo	Kelly, J. B.	Pancoast	Wansacz
DiDonato	Kernick	Parker, H. S.	Weidner
Dietz	Klingaman	Perry	Westerberg
Dombrowski	Kowalyszyn	Pievsky	Whelan
Doyle	Kusse	Pitts	Wilt, W. W.
Dreibelbis	Laudadio	Polite	Wojdak
Englehart	Laughlin	Pratt	Zearfoss
Fawcett	Lederer	Prendergast	Zord
Fee	Letterman	Rappaport	
Fischer	Levi	Renninger	Fineman,
Fisher	Lincoln	Rhodes	Speaker
Flaherty	Lynch	Richardson	
Foster, W.			

NAYS—62

Anderson, J. H.	Haskell	O'Brien	Sirianni
Bittle	Hepford	Perri	Stout
Burns	Hopkins	Petrarca	Taddonio
Crawford	Hutchinson, A.	Pyles	Turner
DeMedio	Hutchinson, W.	Reed	Wagner
Deverter	Katz	Renwick	Wargo
Dinnini	Kistler	Ritter	Whittlesey
Dorr	Knepper	Saloom	Wilson
Eckensberger	Kolter	Salvatore	Wilt, R. W.
Foster, A.	LaMarca	Schmitt	Worriow
Geesey	Lehr	Schwuder	Wright
George	Manmiller	Scirica	Yahner
Gleason	McClatchy	Seltzer	Yohn
Goodman	Miller, M. E.	Shuman	Zeller
Halverson	Miller, M. E., Jr.	Shupnik	Zwickl
Hamilton, J. H.	Musto		

NOT VOTING—7

Butera	McGraw	Sullivan	Walsh, T. P.
Davies	Milanovich	Valicenti	

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

CONSIDERATION OF
SENATE BILL No. 572 RESUMED

The SPEAKER. The Chair recognizes the gentleman

from Cambria, Mr. Gleason. Does the gentleman, Mr. Gleason, have amendments to Senate bill No. 572, printer's No. 875?

The Chair understands that the gentleman had offered his amendments this morning. The amendments were read.

Mr. GLEASON. I believe that Mr. Ritter has an amendment to the amendment which I think may take precedence over my amendment.

The SPEAKER. That is correct.

On the question recurring,

Will the House agree to the amendments?

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

Amend Page 2, lines 7 and 8, by striking out "Such determination shall be made prior to December 1, 1975."

On the question,

Will the House agree to the amendment to the Gleason amendments?

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

Mr. RITTER. Mr. Speaker, my amendment seeks to amend the Gleason amendment by removing one sentence. That sentence reads: "Such determination shall be made prior to December 1, 1975."

If this amendment is adopted, the effect of the amendment will be to say that in third through eighth class counties, the district attorney's office will remain as it is and it will be up to the county commissioners to make a determination prior to the subsequent election for district attorney in that particular county. I ask support for the amendment, Mr. Speaker.

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

Mr. GLEASON. Mr. Speaker, the effect of the Ritter amendment will destroy any chance for third and eighth class counties in Pennsylvania to exercise the very same option we gave second and second class A counties yesterday. I believe we gave that option to the second and second class A counties yesterday by a very significant vote.

Mr. Speaker, we all have problems; we all have local political problems so obviously most of us have got to vote our own concerns. I know several fourth class and even fifth class counties that want this option. I hope, personally, that my own commissioners in my fourth class county will opt for a full-time district attorney.

But I think we have to remember that the bill, even with my amendment, only allows such a choice before the district attorney-elect takes his office in January and begins then his term of office. This House has already adjudged this by a majority vote to be proper. If we gave a choice to second class and second class A counties, why cannot we give the other counties as well the very same option? We are only talking here about an option, remember. I ask the members from those counties; that is, second class and second class A, to give those of us in the third to eighth class counties the very same option. Let us now, all of us, extend to all of the counties, second class through eighth class, the option to declare their district attorneys full time or part time.

The Ritter amendment would render this option mean-

ingless for a 4-year period of time. At least with my amendment, which will be before the House, it gives the counties a chance to exercise that option for a full-time or a part-time district attorney. I ask for a negative vote on Mr. Ritter's amendment. I would ask everybody to vote "no."

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

Mr. RITTER. Mr. Speaker, this is a very serious amendment. I realize the hour is late and all of us are tired, but let me give you some illustrations as to why I object to the December 1 provision.

We are going to have a general election on November 4. We are going to elect new county commissioners in some cases; in some cases we are going to retain the old commissioners. We are going to have, in a lot of counties, a complete changeover in terms of county commissioners. You are saying, then, that regardless of what the people said on November 4, you are going to allow those lame duck commissioners to say, by December 1, that the office of district attorney, which was already voted on on November 4, is now going to be a full-time job and it is going to cost the taxpayers \$1,000 less than it does for the judges in the courts of common pleas in that particular county. I think that is ludicrous. I even object to the provision of letting them do it by November 1—3 days prior to a general election.

Let us not give somebody an opportunity after the election has been made to change the rules and say to a person who has been elected district attorney, you now have 30 days to divest yourself of any partnership, any interest in any corporation, any outside income, and you better do that within 30 days or you are going to forfeit your office.

I think that all of these arguments I am raising are legitimate arguments. They are matters which ought to concern us. Certainly, if someone wanted to say to us, either 3 days before election or, in this case, 3 weeks after election, that everyone of us is going to have to be full time; everyone of us is going to have to give up outside income, we would automatically reject it, and everybody in this House I think knows it. I am asking for the same consideration for people who are going to be elected on November 4. Do not change the rules prior to this election. At least give them an opportunity to know what you are going to do before you do it to them. I ask for support of this amendment.

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

Mr. SHANE. Mr. Speaker, I oppose this amendment. I represent a sixth class county. Our judges, one of whom, I guess, is a Republican and one a Democrat, our commissioners, two of whom are Republicans and one is a Democrat, our two district attorney candidates this time, and our retiring district attorney are all very interested in this possibility of a full-time district attorney. In a growing area, with a college community and other people coming in, it is something they want to consider. I am not sure our local government people are going to adopt the policy of a full-time district attorney, but they are now actually considering it; the issue of a full-time district attorney is being discussed by the candidates. So I feel that the people, at least in our area, are very much aware of the possibility of this legislation.

Nobody out where I live feels that the rules are being

changed on them; nobody is being surprised. I would, frankly, like to have our local government officials have this option. Should they choose to follow it—which I do not know whether they will—I would like them to have this option to make it a full-time district attorney without having it locked in for 4 more years. I, therefore, urge you to vote "no" on this amendment.

Thank you, Mr. Speaker.

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

Mr. GLEASON. Just briefly, a few words in response to Mr. Ritter. I think Mr. Shane started to say that the part-time or full-time district attorney situation is not new to anybody who is running for that office in Pennsylvania. If we were to listen to Mr. Ritter carefully, it would seem that suddenly we have had this idea of part-time or full-time district attorneys sprung upon us this afternoon, but quite the contrary is the case. The issue has been before us any number of times. What we are talking about is local option to determine what is best for law enforcement in a specific county or a class of counties.

I would ask once again, if you care for the third through eighth class counties, if you want that kind of option for your counties, that you vote "no" on the Ritter amendment.

On the question recurring,

Will the House agree to the amendment to the Gleason amendments?

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

YEAS—72

Arthurs	George	McCall	Schmitt
Barber	Giammarco	McLane	Schweder
Bellomini	Gillette	Menhorn	Shelhamer
Bennett	Gleason	Morris	Shuman
Berlin	Green	Mullen, M. P.	Smith, E.
Berson	Greenfield	Myers	Taylor
Blackwell	Hammock	O'Donnell	Tayoun
Bradley	Hutchinson, W.	Oliver	Thomas
Caputo	Irvis	Petrarca	Toll
Cohen	Johnson, J.	Pievsky	Wansacz
Cole	Kelly, A. P.	Pratt	Wargo
Dicarlo	Kernick	Rappaport	Weidner
Dombrowski	Klingaman	Renwick	Wojdak
Eckensberger	Laudadio	Richardson	Yahner
Fee	Laughlin	Ritter	Zeller
Fryer	Lederer	Ross	Zwilk
Gallagher	Letterman	Saloom	
Geesey	Lincoln	Scheaffer	Fineman,
Geisler			Speaker

NAYS—120

Abraham	Gillespie	McCue	Salvatore
Anderson, J. H.	Gleason	McGinnis	Scirica
Beren	Goodman	Mebus	Seltzer
Bittle	Grieco	Miller, M. E.	Shane
Brandt	Gring	Miller, M. E., Jr.	Shelton
Brunner	Halverson	Milliron	Shupnik
Burns	Hamilton, J. H.	Miscevich	Srianni
Cessar	Hasay	Moehlnann	Smith, L.
Cimini	Haskell	Mrkonie	Spencer
Cowell	Hayes, D. S.	Mullen	Stahl
Crawford	Hayes, S. E.	Musto	Stapleton
Cumberland	Hepford	Novak	Stout
Davis, D. M.	Hill	Noye	Taddonio
DeMedio	Hopkins	O'Brien	Trello
Deverter	Hutchinson, A.	O'Connell	Turner
DiDonato	Itkin	O'Keefe	Ustynoski
Dietz	Katz	Pancoast	Vann
Dininni	Kelly, J. B.	Parker, H. S.	Vroon
Dorr	Kistler	Perri	Wagner
Doyle	Knepper	Perry	Westerberg
Draebelbis	Kolter	Pitts	Whelan
Englehart	Kowalyszyn	Polite	Whittlesey
Fawcett	Kusse	Prendergast	Wilson
Fischer	LaMarca	Pyles	Wilt, R. W.

Fisher	Lehr	Reed	Wilt, W. W.
Flaherty	Levi	Renninger	Worrillow
Foster, A.	Lynch	Rieger	Wright
Foster, W.	Manderino	Romanelli	Yohn
Gallen	Manmiller	Ruggiero	Zearfoss
Garzia	McClatchy	Ryan	Zord

NOT VOTING—10

Bonetto	McGraw	Rhodes	Valicenti
Butera	McIntyre	Sullivan	Walsh, T. P.
Davies	Milanovich		

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

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

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

Mr. GLEASON. I ask for an affirmative vote, Mr. Speaker. I think the issues have been very well ventilated and aired before the House. I would hope that the House would now extend to the third and eighth class counties the same thing that was done for the second class and second class A counties.

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Would Mr. Gleason consent to a brief interrogation?

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

Mr. GLEASON. Yes, Mr. Speaker.

Mr. THOMAS. If I understand this amendment correctly, this will now allow all counties, or the county commissioners of all counties, to determine whether the district attorney shall be part time or full time?

Mr. GLEASON. That is correct, the third through eighth class counties. Yesterday we took care of the second class and the second class A counties.

Mr. THOMAS. Now let us take a hypothetical case such as Mr. Ritter was talking about, where we might have a lame duck commissioners' board that would decide—take a seventh class county such as I am in—on a full-time basis for district attorney. Would his salary automatically become \$39,000 a year?

Mr. GLEASON. Well, the bill provides for the option to be exercised by the county commissioners. But I think to characterize the county commissioner as a lame duck would seem to indicate that he has no power whatsoever between the election and the next time we take the oath of office. Such is not the case. County commissioners or any elected officials are allowed to exercise his or her responsibilities between election time and January. I think the lame-duck argument, Mr. Speaker, is really irrelevant in terms of what is best for the county and what is best for the proper administration of criminal justice in that county. So that is my answer to the gentleman.

Mr. THOMAS. Well, then, let us approach it in a little different manner. Mr. Speaker, let us just forget the lame duck board of commissioners now. Assuming that any board of commissioners in the seventh class county would decide that their district attorney's office should be full time, would his salary automatically be \$1,000 less than the judge receives.

Mr. GLEASON. In accordance with this amendment, the answer to that, of course, is yes.

Mr. THOMAS. Thank you, Mr. Speaker.

Now I am not too sure, Mr. Speaker, that this is what we want in the Commonwealth of Pennsylvania at this particular time. I serve from a judicial district serving two counties with one judge. My same judicial district has two part-time district attorneys. Should the county commissioners of each of those counties decide that my district attorneys should be on a full-time basis, we would have two district attorneys, who do not have that much work, each receiving \$1,000 less than the judge receives, and the judge has far more work to do than the district attorneys in that particular area. I think we are treading on very dangerous ground here, and I would ask that we vote in the negative.

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

Mr. GLEASON. Mr. Speaker, the gentleman is making certain assumptions which I do not think are based in what he says. His assumption is that almost automatically the county commissioners in the seventh class county are going to make a part-time district attorney full time who, apparently, is not as overloaded as those in the third, fourth, fifth and sixth class counties. I think that we can depend upon the good judgment of some of our local officials and our elected officials to do the right thing for the county.

All this bill does is give them an option. If, in their opinion, the proper administration of criminal justice does not require full-time district attorneys, then they will, of course, vote against that sort of a proposition. All we are asking, again, Mr. Speaker, is an option and that is all. I ask for an affirmative vote.

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

Mr. WRIGHT. Mr. Speaker, I would like to reiterate the point made by Mr. Gleason. The key word in this amendment is "may." If your county does not need a full-time district attorney, it is your option not to appoint one. But those of us who are in counties that need full-time district attorneys would like to have the option of appointing them in our case. An affirmative vote on this would be appreciated by those counties that seriously need full-time district attorneys.

Thank you.

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

Mr. RITTER. Mr. Speaker, I rise to oppose the bill for a number of reasons other than the one that I offered an amendment to.

The SPEAKER. Does the gentleman indicate that he is opposing the bill or the amendment?

Mr. RITTER. The amendment. I am sorry, Mr. Speaker. One of the reasons is that this amendment says that "The district attorney while in office, shall not derive any other income, . . ." et cetera, and it says, ". . . lectures, honorariums, profit shares or divisions of income from any firm with which the district attorney was associated prior to election."

It seems to me that if he earned profit shares prior to his election but was not paid until after his election, he would be in fact in violation if he accepted that money, because there is a further clarification which says that any income that he earned as fees for services performed

prior to the election he can receive after the election. It says nothing at all about profit sharing or dividends.

This amendment also talks in terms of the election. Now the election is going to be, Mr. Speaker, on November 4. What happens if by December 1 the commissioners decide it is now going to be full time? What happens to the income that he got in the interim? Is he in fact in violation when the amendment says after the date of election he cannot do these things?

I am saying that the amendment is poorly drawn. It ought to be effective January 1, 1976. Let it be effective for the next term but not this term. I think the amendment is defective. I am convinced that if we pass it and the Governor should happen to sign it—I do not think he will sign it. I think the interpretation by the Attorney General will be that there are many unconstitutional provisions in here, and I think we should defeat the amendment and get on with the bill.

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

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

YEAS—142

Abraham	Foster, W.	McCall	Romanelli
Anderson, J. H.	Gallagher	McClatchy	Ross
Arthurs	Garzia	McCue	Ruggiero
Barber	Geisler	McGinnis	Ryan
Bellomtni	Giammarco	McLane	Saloom
Bennett	Gillespie	Mebus	Salvatore
Berlin	Gleason	Menhorn	Scheaffer
Berson	Gleeson	Miller, M. E.	Schmitt
Bittle	Goodman	Miller, M. E., Jr.	Shane
Blackwell	Green	Milliron	Shelhamer
Bonetto	Greenfield	Miscevich	Shelton
Bradley	Grieco	Moehlmann	Smith, E.
Brandt	Gring	Morris	Smith, L.
Brunner	Hamilton, J. H.	Mullen	Spencer
Burns	Haskell	Mullen, M. P.	Stahl
Caputo	Hayes, D. S.	Myers	Stapleton
Cimini	Hepford	Novak	Stout
Cohen	Hill	Noye	Toil
Cole	Hopkins	O'Brien	Trello
Cowell	Hutchinson, A.	O'Donnell	Ustynoski
Crawford	Irvic	O'Keefe	Vann
Cumberland	Itkin	Oliver	Vroon
Davis, D. M.	Johnson, J.	Pancoast	Wansacz
DeMedio	Katz	Perri	Wargo
Dicarlo	Kelly, A. P.	Perry	Weldner
DiDonato	Kernick	Petrarca	Westerberg
Dininni	Kistler	Pievsky	Whelan
Dombrowski	Kolter	Pitts	Wilson
Dorr	Kowalyszyn	Polite	Wilt, R. W.
Doyle	Laudadio	Prendergast	Wojdak
Dreibelbis	Lederer	Pyles	Wright
Englehart	Lehr	Rappaport	Yohn
Fee	Letterman	Reed	Zearfoss
Fisher	Lincoln	Renninger	
Flaherty	Mandertno	Richardson	Fineman,
Foster, A.	Manmiller	Rieger	Speaker

NAYS—45

Cessar	Hasay	Musto	Taylor
Deverter	Hayes, S. E.	O'Connell	Tayoun
Dietz	Kelly, J. B.	Parker, H. S.	Thomas
Eckensberger	Klingaman	Pratt	Turner
Fawcett	Knepper	Renwick	Wagner
Fischer	Kusse	Ritter	Wilt, W. W.
Fryer	LaMarca	Schweder	Worrilow
Gallen	Laughlin	Shuman	Yahner
Geesey	Levi	Shupnik	Zeller
George	Lynch	Sirlanni	Zord
Gillette	Mrkonic	Taddonio	Zwinkl
Halverson			

NOT VOTING—15

Beren	Hutchinson, W.	Rhodes	Vallcenti
Butera	McGraw	Scirca	Walsh, T. P.
Davies	McIntyre	Seltzer	Whittlesey
Hammock	Milanovich	Sullivan	

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

RECONSIDERATION OF VOTE ON CAPUTO
AMENDMENTS TO SENATE BILL No. 572

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

Mr. CAPUTO moved that the vote by which his amendments to Senate bill No. 572 were defeated on Wednesday, October 15, 1975, be reconsidered.

Mr. ENGLEHART seconded the motion.

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

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

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

Mr. CAPUTO. Mr. Speaker, yesterday I offered an amendment to this bill which would provide that the counties pay the expenses for meetings of the various professional associations of which row officers are members. The amendment has the effect of increasing the allowances paid by counties presently under existing law to \$300 in third and fourth class counties—this is on an annual basis—\$200 in fifth and sixth class counties, and \$100 in seventh and eighth class counties.

Yesterday there was quite a bit of confusion as to whether or not presently these expenses are paid by counties. I am informed that they are being paid by counties presently, and this is just a small increase in the amount of money that the counties would be paying for these associations as dues for their own officers which is based on the cost of increased clerical staff and increased costs of hotel accommodations and meetings and dinners which are conducted when the county officials meet.

I would like to say that I was not too disappointed yesterday because I did not carry the point in this case, but I have had calls from several associations, including principally the Sheriffs' Association of the Commonwealth of Pennsylvania, and the calls I had this morning and last night were from both Democrats and Republicans. It is my understanding that several Republican officials have called members of the other side of the House and have asked their support. I am reiterating that request to all members of this House and I ask favorable consideration of the amendment.

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

Mr. ZELLER. Mr. Speaker, as I stated yesterday in opposition to Mr. Caputo's amendment, this is exactly what is happening and he has confirmed it. They are getting calls from the Sheriffs' Association; they are going to get calls from all the associations now. They all want to get on this good old gravy-train bandwagon, and this is what is going to happen. It will be the clerks of courts; we are going to have a whole gang coming in—prothonotaries. Let us give them all an association. What the heck, we have been very liberal here today; let us give them all a break. Why just stop at the district attorneys? Let us take care of everybody. We are sitting in a real socialistic welfare operation here. Let us take care of them all.

So I think it is about time we pull the cork on this, and let us shoot this one down and let us get on with the amendment I have which will clear the whole thing up; there will be no problem. Let us vote it down.

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

The yeas and nays were required by Messrs. CAPUTO and ZELLER and were as follows:

YEAS—102

Table listing names of members who voted 'YEAS' (102 total). Includes Abraham, Anderson, J. H., Arthurs, Barber, Bellomini, Bennett, Beren, Berlin, Berson, Bittle, Blackwell, Bonetto, Brandt, Brunner, Burns, Caputo, Cessar, Cowell, Cumberland, DiDonato, Dombrowski, Dorr, Doyle, Englehart, Fee, Fisher, Flaherty, Foster, A., Gallagher, Garzia, Geesey, Geisler, Giammarco, Gillespie, Gleason, Green, Greenfield, Grieco, Halverson, Hepford, Hopkins, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, J., Kelly, A. P., Kelly, J. B., Kistler, Knepper, Kowalshyn, Lederer, Lehr, Manderino, McClatchy, McIntyre, McLane, Mebus, Menhorn, Miller, M. E., Miller, M. E., Jr., Moehlmann, Mullen, M. P., Myers, Novak, Noye, O'Connell, O'Keefe, Oliver, Parker, H. S., Petrarca, Pievsky, Pitts, Pratt, Rappaport, Renninger, Rieger, Romanelli, Ross, Ruggiero, Ryan, Saloom, Scheaffer, Schmitt, Scirica, Seltzer, Shelton, Stahl, Stapleton, Taddonio, Toll, Trello, Vann, Wansacz, Whittlesey, Wilt, R. W., Wojdak, Wright, Yohn, Zord, Fineman, Speaker.

NAYS—88

Table listing names of members who voted 'NAYS' (88 total). Includes Bradley, Cimini, Cole, Crawford, Davis, D. M., DeMedio, Deverter, Dicarolo, Dietz, Dininni, Dreibelbis, Eckensberger, Fawcett, Fischer, Foster, W., Fryer, Gallen, George, Gillette, Gleason, Goodman, Gring, Hamilton, J. H., Hammock, Hasay, Haskell, Hayes, D. S., Hayes, S. E., Hill, Katz, Kernick, Klingaman, Kolter, Kusse, Prendergast, LaMarca, Laudadio, Laughlin, Letterman, Levi, Lincoln, Lynch, Manmiller, McCall, McCue, McGinnis, Milliron, Misevich, Morris, Mrkonic, Mullen, Musto, O'Brien, Pancoast, Perri, Polite, Pyles, Reed, Renwick, Richardson, Ritter, Salvatore, Schweder, Shane, Shelhamer, Shuman, Shupnik, Sirianni, Smith, E., Smith, L., Spencer, Stout, Taylor, Tayoun, Thomas, Turner, Vroon, Wagner, Wargo, Weidner, Westerberg, Whelan, Wilt, W. W., Worrihow, Yahner, Zearfoss, Zeller, Zwickl.

NOT VOTING—12

Table listing names of members who did not vote (12 total). Includes Butera, Cohen, Davies, McGraw, Milanovich, O'Donnell, Ferry, Rhodes, Sullivan, Ustynoski, Valicenti, Walsh, T. P.

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

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

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

Amend Title, page 1, lines 5 and 6, by striking out all of said lines

Amend Bill, page 1, lines 9 through 20; page 2, lines 1 through 11, 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 Lehigh, Mr. Zeller.

Mr. ZELLER. Thank you, Mr. Speaker.

I have a very simple amendent here. It will take out everything in the bill with the exception of what Mr. Gleason just put in and what Mr. Caputo put in.

I believe if you would like to rule on it, I think we probably should have a ruling to see whether or not this is proper, because, in all fairness, I had it drawn up by the Legislative Reference Bureau, naturally, and Mr. Rehr said it would probably be good to call it to your attention to see whether or not I can really do it the way this is drawn, because the bill is in different shape now.

But what I am doing is tearing out what the original bill had completely, and all that is left is what Mr. Gleason has put in and what Mr. Caputo has put in.

Thank you.

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

The yeas and nays were required by Messrs. ZELLER and SHUMAN and were as follows:

YEAS—27

Table listing names of members who voted 'YEAS' (27 total). Includes Cimini, Dorr, Foster, A., Geesey, George, Grieco, Gring, Hamilton, J. H., Hasay, Katz, Kolter, Lehr, McClatchy, McCue, Perri, Renwick, Salvatore, Shuman, Smith, L., Stahl, Tayoun, Wagner, Weidner, Westerberg, Yahner, Zeller.

NAYS—165

Table listing names of members who voted 'NAYS' (165 total). Includes Abraham, Anderson, J. H., Arthurs, Barber, Bellomini, Bennett, Beren, Berlin, Berson, Bittle, Blackwell, Bonetto, Bradley, Brandt, Brunner, Burns, Caputo, Cessar, Cohen, Cole, Cowell, Crawford, Davis, D. M., DeMedio, Deverter, Dicarolo, Dietz, Dininni, Dreibelbis, Eckensberger, Englehart, Fawcett, Fischer, Foster, W., Fryer, Gallen, Garzia, Geisler, Giammarco, Gillespie, Gillette, Gleason, Goodman, Green, Greenfield, Halverson, Hammock, Haskell, Hayes, D. S., Hayes, S. E., Hepford, Hill, Hopkins, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, J., Kelly, A. P., Kelly, J. B., Kernick, Kistler, Klingaman, Knepper, Kowalshyn, Kusse, LaMarca, Laudadio, Laughlin, Lederer, Letterman, Levi, Lincoln, Lynch, Manderino, Manmiller, McCall, McGinnis, McIntyre, McLane, Mebus, Menhorn, Miller, M. E., Milliron, Misevich, Moehlmann, Morris, Mrkonic, Mullen, Mullen, M. P., Musto, Myers, Noye, O'Brien, O'Connell, O'Donnell, O'Keefe, Oliver, Pancoast, Parker, H. S., Perri, Petrarca, Pievsky, Pitts, Polite, Pratt, Prendergast, Pyles, Rappaport, Reed, Renninger, Richardson, Ritter, Romanelli, Ross, Ruggiero, Ryan, Saloom, Scheaffer, Schmitt, Schweder, Scirica, Seltzer, Shane, Shelhamer, Shelton, Shupnik, Sirianni, Smith, E., Spencer, Stapleton, Stout, Taddonio, Taylor, Thomas, Toll, Trello, Turner, Ustynoski, Vann, Vroon, Wansacz, Wargo, Whelan, Whittlesey, Wilson, Wilt, R. W., Wilt, W. W., Wojdak, Worrihow, Wright, Yohn, Zearfoss, Zord, Zwickl, Fineman, Speaker.

NOT VOTING—10

Table listing names of members who did not vote (10 total). Includes Butera, Cumberland, Davies, McGraw, Milanovich, Novak, Rhodes, Sullivan, Valicenti, Walsh, T. P.

So the question was determined in the negative and the amendments were not 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—136

- | | | | |
|-----------------|----------------|--------------------|-------------|
| Anderson, J. H. | Gallagher | McCall | Scheaffer |
| Arthurs | Garzia | McClatchy | Schmitt |
| Barber | Geesey | McLane | Scirica |
| Bellomini | Gelsler | Mebus | Seltzer |
| Bennett | Giammarco | Menhorn | Shane |
| Beren | Gillespie | Miller, M. E. | Shelhamer |
| Berlin | Gleason | Miller, M. E., Jr. | Shelton |
| Berson | Gleeson | Milliron | Sirianni |
| Bittle | Goodman | Morris | Smith, E. |
| Blackwell | Green | Mullen, M. P. | Smith, L. |
| Bonetto | Greenfield | Myers | Spencer |
| Bradley | Gring | Novak | Stahl |
| Erandt | Hammock | Noye | Stapleton |
| Brunner | Hayes, D. S. | O'Connell | Stout |
| Eurns | Hepford | O'Donnell | Toll |
| Caputo | Hill | O'Keefe | Trelio |
| Cole | Hopkins | Oliver | Ustynoski |
| Cowell | Hutchinson, A. | Pancoast | Vann |
| Crawford | Hutchinson, W. | Perry | Vroon |
| Cumberland | Irvis | Petrarca | Wansacz |
| Davis, D. M. | Rkin | Pievsky | Wargo |
| DeMedio | Johnson, J. | Pitts | Weidner |
| Dicarlo | Kelly, A. P. | Polite | Whelan |
| Dininni | Kernick | Prendergast | Whittlesey |
| Dombrowski | Kistler | Pyles | Wilson |
| Dorr | Kowalyshyn | Rappaport | Wilt, R. W. |
| Doyle | LaMarca | Reed | Wofdak |
| Dreibelbis | Laudadio | Renninger | Worrilow |
| Engelhart | Lederer | Rhodes | Wright |
| Fawcett | Lehr | Richardson | Yohn |
| Fee | Letterman | Romanelli | Zearfoss |
| Fisher | Lincolin | Ross | |
| Flaherty | Lynch | Ruggiero | Fineman, |
| Foster, A. | Manderino | Ryan | Speaker |
| Foster, W. | Manniller | | |

NAYS—54

- | | | | |
|-----------------|--------------|---------------|-------------|
| Abraham | Hasay | Mrkonic | Shupnik |
| Cessar | Haskell | Mullen | Taddonio |
| Cimini | Hayes, S. E. | Musto | Taylor |
| Deverter | Katz | O'Brien | Tayoun |
| Dietz | Kelly, J. B. | Parker, H. S. | Thomas |
| Eckensberger | Klingaman | Perri | Turner |
| Fischer | Knepper | Pratt | Yahner |
| Fryer | Kolter | Renwick | Wagner |
| Gallen | Kusse | Ritter | Westerberg |
| George | Laughlin | Saloom | Wilt, W. W. |
| Gillette | Levi | Salvatore | Zeller |
| Grieco | McCue | Schweder | Zord |
| Halverson | McGinnis | Shuman | Zwilk |
| Hamilton, J. H. | Miscevich | | |

NOT VOTING—12

- | | | | |
|--------|----------|------------|--------------|
| Butera | DiDonato | Milanovich | Sullivan |
| Cohen | McGraw | Mochlmann | Valicenti |
| Davies | McIntyre | Rieger | Walsh, T. P. |

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE 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 publicly read as follows:

SENATE BILL No. 196

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for a State Board of Physical Therapy Examiners in the Department of State.

SENATE BILL No. 1007

An Act providing for the capital budget for the fiscal year 1975-1976.

Whereupon,

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

BILL REPORTED TO CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the Rules Committee has instructed me to move to report the following bill to the calendar, and I so move:

House bill No. 1759, printer's No. 2253.

The SPEAKER. The bill will be reported.

BILL REPORTED AND CONSIDERED FIRST TIME AND TABLED

HOUSE BILL No. 1759

By Mr. IRVIS

An Act imposing a tax on real estate for public school purposes in school districts of the first class A for general public school purposes.

Reported from Committee on Rules.

BILL REMOVED FROM TABLE AND RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the Rules Committee has instructed me to remove the following bill from the table for the purpose of recommitment to the Liquor Control Committee, and I so move:

House bill No. 1675, printer's No. 2106.

On the question,

Will the House agree to the motion?

Motion was agreed to.

GAME AND FISHERIES BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 293, printer's No. 1054, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the maximum purchase price per acre the commission may pay for land and providing for the purchase of certain land without restriction or limitation.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Bill, page 2, by inserting between lines 10 and 11:

Section 2. Section 1203 of the act, amended April 18, 1949 (P. L. 509, No. 119), is amended to read:

Section 1203. Acknowledgment of Guilt.—(a) Any person charged with violating any provisions of this act, other than those designated as a misdemeanor or a felony, may sign an acknowledgment of the offense committed, either before or after the beginning of suit, and pay to any duly appointed and commissioned game protector, or deputy game protector, the fine provided by this act, together with costs accruing to that date, and surrender to the Commonwealth any bird or animal, or part thereof, or any article, implement, device or equipment the use of which is expressly forbidden by this act, unlawfully taken or possessed.

(b) Such person shall receive a printed receipt therefor, which shall bear the imprint of the seal of the commission and the signature of its executive director, which shall be evidence of full satisfaction of the offense committed, except as otherwise provided in this act.

(c) Any person signing an acknowledgment pursuant to subsection (a) shall receive a certified copy of the report filed with the commission by the game protector concerning the offense committed by that person. The copy of the report shall be sent to the offender by certified mail within ten days of receipt of the report by the commission.

Amend Sec. 2, page 2, line 11, by striking out "2." and inserting: 3.

On the question,

Will the House agree to the amendments?

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

Mr. R. W. WILT. Mr. Speaker, I believe these are agreed to. All it does is ask that whenever a citation is given by a warden and the copy is submitted to the commission, that a copy also be given to the defendant.

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

Amend Title, page 1, lines 4 and 5, by striking out "increasing the maximum purchase price per acre the commission may pay for land AND"

Amend Sec. 1 (Sec. 903), page 1, line 16, by striking out the bracket before "one"

Amend Sec. 1 (Sec. 903), page 1, line 16, by striking out "[] two hundred dollars"

Amend Sec. 1 (Sec. 903), page 2, lines 2 to 4, by striking out "SHALL BE AUTHORIZED TO PURCHASE INTERIOR HOLDINGS OF" in line 2, all of line 3, and "GAME LANDS," in line 4

On the question,

Will the House agree to the amendments?

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

Mr. DREIBELBIS. Thank you, Mr. Speaker.

My amendments are really substantive changes in this bill in that I am attempting to delete the \$200 allowable to be paid and returning it to \$100.

The second portion of my amendment would strike from page 2 of the bill the part that allows the commission to purchase any contiguous lands of any size for an unlimited amount of money. I think these are very broad prerogatives that we are giving to the commission,

and I would like to say that if the commission itself cannot purchase lands for \$100 per acre, I feel that they cannot afford to pay \$200 an acre.

I think this body was very generous a year ago in giving the Game Commission a license increase to operate their commission and their game program effectively, which I believe they have done, but I do not think we ought to turn them into a public entrepreneur in purchasing land all over at high costs.

A couple of years ago, you will remember, we raised the allowable purchase prices for the Game Commission up to \$100 an acre, which was a substantial increase from what they previously had been allowed. We found in some places throughout the state that this established new values of mountain land and wasteland, and I do not think this was the original intention of our prerogative that we extended to the commission.

Now if we increase this again to \$200, I think we are again letting these prices in what they may offer for lands establish new values—and a 100-percent increase in a lot of cases—that would be established on lands that are for sale. The State Game Commission has sizable landholdings in Pennsylvania, and I do not believe that for the small amount that they give to the communities in lieu of taxes, it is in the best interests of these communities for them to buy up these lands.

I do not touch any part of a problem that the commission has which is to buy at higher than allowable costs for rights-of-way, straightening out of other lands that they have. I merely touch the contiguous lands, which I do not think should be circumvented from the limitations, and I would ask support of my amendment.

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Renwick.

Mr. RENWICK. Mr. Speaker, I rise in opposition to the amendment proposed by Mr. Dreibelbis of Centre County. It reminds me of the amendment that was presented here by Mr. Zeller a little bit ago that gutted a whole bill. That is exactly what Mr. Dreibelbis' amendment does. It cuts the bill out. I think that if the gentleman disagrees with the bill, he should vote "no" rather than present an amendment that would cut the whole bill into nothing, and this is exactly what he does.

The bill itself is a good bill, and I think what we should do is resolve ourselves to the fact that land, as you and I know, is getting to a point where it costs money. Now to restrict the Game Commission to \$100 an acre I think is wrong in this day and age. We have got to find some way that these people are going to be able to buy land. Let us suppose our forefathers, way back 20 or 30 years ago, would have done the same thing that he is doing. Our Game Commission would not own any land at all. Other states look at us and they envy us because we have land to hunt and to fish on. We have land that is preserved in this method because the Commonwealth of Pennsylvania owes it. Many a time, every Governor we have over there will stand up and he will make a big issue and a proclamation of how wonderful it is that this Commonwealth of Pennsylvania owns enough land for our fishermen and our sportsmen to hunt on. And this is exactly what this bill does—give us the right to go out and buy land and to pay for land at its worth. After all, if the Game Commission does not have the money, it is not going to buy the land, but if it does have, we

should not put a collar around their neck and say, oh, no; stay away from that land.

So I am asking you people, every one of you in here, to vote down this amendment and, of course, support the bill.

Thank you.

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

Mr. NOYE. Thank you, Mr. Speaker.

I rise in opposition to the amendment as well. There is no doubt about it that the amount of money that we have raised this to to purchase land is still not adequate to really buy prime land for hunting and for recreation in this state. If they can purchase land at \$200 an acre, they are still getting a bargain, and I doubt whether they are going to get a chance to buy much at that price.

As far as the other part of the amendment is concerned, I think the Game Commission has shown that it is fiscally responsible in all of its dealings. The amount of money in their proposed surplus for the year is a good figure which shows sound fiscal management, and I do not believe that they are going to recklessly purchase land at any price unless they feel the land is definitely worth it, and I think we should defeat the amendment and pass the bill the way it is.

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

Mr. DREIBELBIS. I wonder if I could ask for a brief interrogation of my hunting partner from Elk, Mr. Renwick.

The SPEAKER. Will the gentleman from Elk, Mr. Renwick, consent to interrogation?

Mr. RENWICK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DREIBELBIS. Mr. Speaker, here when we talked about the increase in the hunting license, it was because the Game Commission did not have the money to continue their game management program. Do you honestly feel that they can afford to buy large tracts of land for between \$100 and \$200 an acre?

Mr. RENWICK. Yes, I do, because some certain percentage of their money they set aside for this purpose of purchasing land and if they can come across a good deal—you know, we have eight commissioners who represent all of Pennsylvania, and they rule on how much money they can spend for the purchase of land. I think that this money is set aside and we should not have a collar around their necks.

Mr. DREIBELBIS. Do you realize, Mr. Speaker, that the bill as it is without my amendment would provide that the Game Commission could buy any size land they wanted to that was contiguous to any of their lands without any limitation to price?

Mr. RENWICK. When it is contiguous, yes.

Mr. DREIBELBIS. I think that is pretty broad.

May I make a quick statement, Mr. Speaker?

The SPEAKER. The gentleman may proceed.

Mr. DREIBELBIS. What I would like to share with this body is what happened in some of the counties whereby the Game Commission has gone out and purchased lands that had private buildings on them, and, of course, their regulations provide that they cannot have private buildings on state game lands. So what they have done after they have bought these lands is to serve

notice on these people that they must tear these properties down and get them off their land or they will burn them down. I think that is very unfair, and we ought to try to restrict the broad taking and purchasing of land by the Game Commission or they may be destroying some of the image that they are trying to set up among the sportsmen. And this is not an anti-sportsmen amendment, because a great deal of the sportsmen in Pennsylvania are very much in favor of my proposal.

Thank you, Mr. Speaker.

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

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

YEAS—55

Bellomini	Goodman	Levi	Schweder
Bradley	Greenfield	Lincoln	Scrica
Brandt	Hamilton, J. H.	McCall	Seltzer
Cohen	Hasay	McLane	Smith, L.
Deverter	Hayes, S. E.	Menhorn	Spencer
Dicarlo	Hepford	Milliron	Stahl
Dombrowski	Hill	Moehlmann	Stout
Doyle	Hutchinson, A.	Myers	Wagner
Dreibelbis	Hutchinson, W.	O'Brien	Wansacz
Fischer	Katz	O'Donnell	Westerberg
Fryer	Kernick	O'Keefe	Yohn
Gallen	LaMarca	Perri	Zearfoss
Geisler	Lederer	Ritter	Zeller
Gillespie	Letterman	Romanelli	

NAYS—128

Abraham	George	Miller, M. E.	Shane
Anderson, J. H.	Giammarco	Miller, M. E., Jr.	Shelhamer
Arthurs	Gillette	Miscevich	Shelton
Barber	Gleason	Morris	Shuman
Bennett	Gleeson	Mrkonic	Shupnik
Beren	Green	Mullen	Sirianni
Berlin	Grieco	Mullen, M. P.	Smith, E.
Berson	Gring	Musto	Stapleton
Bittle	Halverson	Novak	Taddonio
Blackwell	Hammock	Noye	Taylor
Brunner	Haskell	O'Connell	Thomas
Burns	Hayes, D. S.	Oliver	Toll
Caputo	Hopkins	Pancoast	Trello
Cessar	Irvis	Parker, H. S.	Turner
Cimmini	Itkin	Perry	Ustynoski
Cole	Johnson, J.	Petrarca	Vroon
Cowell	Kelly, A. P.	Pitts	Wargo
Crawford	Kelly, J. B.	Polite	Weidner
DeMedio	Kistler	Pratt	Whelan
DiDonato	Klingaman	Pyles	Whittlesey
Dietz	Knepper	Rappaport	Wilson
Dininni	Kowalshyn	Reed	Wilt, R. W.
Dorr	Kusse	Renninger	Wilt, W. W.
Eckensberger	Laudadio	Renwick	Wojdak
Fawcett	Laughlin	Richardson	Worrilow
Fee	Lehr	Ross	Wright
Fisher	Lynch	Ruggiero	Yahner
Flaherty	Manderino	Ryan	Zord
Foster, A.	Manmiller	Saloom	Zwickl
Foster, W.	McClatchy	Salvatore	
Gallagher	McCue	Scheaffer	Fineman,
Garzia	McGinnis	Schmitt	Speaker
Geesey	Mebus		

NOT VOTING—19

Bonetto	Englehart	Pievsky	Tayoun
Butera	Kolter	Prendergast	Vaicenti
Cumberland	McGraw	Rhodes	Vann
Davies	McIntyre	Rieger	Walsh, T. P.
Davis, D. M.	Milanovich	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?

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 Chair recognizes the gentleman from Columbia, Mr. Shelhamer.

Mr. SHELHAMER. I would like to interrogate somebody on the bill.

The SPEAKER. Will the gentleman from Elk, Mr. Renwick, consent to interrogation?

Mr. RENWICK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SHELHAMER. Thank you, Mr. Speaker.

Mr. Speaker, on the second page of the bill, starting with line 7 and running down through line 9, it says, ". . . under such conditions, shall be authorized to pay what it considers a fair and reasonable price for such additions to state game lands." Now my question to you, Mr. Speaker, is this: Since most of the land that the Game Commission would be taking under this bill is going to be taken under eminent domain or condemnation practices—

Mr. RENWICK. Oh, no. Stop right there.

Mr. SHELHAMER. It is not by condemnation at all?

Mr. RENWICK. No way. They do not have the power of eminent domain; oh, no, not the Game Commission. I say they do not have the power to do this.

Mr. SHELHAMER. Mr. Speaker, I know the gentleman has answered to the best of his ability, but I am not certain that he is correct. Could we hold the bill until that can be verified?

The SPEAKER. Is the gentleman, Mr. Renwick, agreeable to the bill being held?

Mr. RENWICK. What does he mean by "being held"? Does he want to make a telephone call? Does he want to call someone?

The SPEAKER. The bill will be held until November 17.

Mr. RENWICK. Oh, no.

Mr. Speaker, even if he verifies what he is saying on eminent domain, even if you are saying it, this is on contiguous land whereby it borders on the Game Commission land; for example, a farm that is surrounded by game land or on the border. We are talking about there they can make a deal; they can buy the land from the man, period. They cannot condemn it. For what reason?

Mr. SHELHAMER. Well, what if the man does not want to sell?

Mr. RENWICK. Then they cannot buy it. It is as simple as that. They cannot condemn that land. If they could, they would do it now.

Mr. SHELHAMER. Mr. Speaker, until the question can be resolved, I would like to ask that the bill be passed over.

The SPEAKER. Since the gentleman, Mr. Renwick, is not agreeable that we do this administratively, the Chair would suggest to the gentleman that he make a motion to place it upon the table.

HOUSE BILL No. 293 TABLED

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

Mr. SHELHAMER. Mr. Speaker, at this time I move, until the question can be cleared up, that House bill No. 293 be placed upon the table.

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

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

YEAS—124

Abraham	Gleeson	Mebus	Scheaffer
Arthurs	Goodman	Menhorn	Schweder
Barber	Greenfield	Miller, M. E., Jr.	Seltzer
Bellommi	Grieco	Milliron	Shane
Bennett	Gring	Moehmann	Shelhamer
Berson	Hamilton, J. H.	Morris	Shuman
Bittle	Hammock	Musto	Shupnik
Blackwell	Hasay	Myers	Stahl
Bonetto	Hayes, S. E.	Novak	Stapleton
Bradley	Hepford	O'Brien	Stout
Brandt	Hill	O'Donnell	Taddonio
Burns	Hopkins	O'Keefe	Toil
Caputo	Hutchinson, A.	Olliver	Trello
Cimini	Hutchinson, W.	Pancoast	Turner
Cohen	Irvis	Perri	Wagner
Cowell	Itkin	Pievsky	Wansacz
Deverter	Johnson, J.	Polite	Wargo
Dicarlo	Katz	Pratt	Weidner
DiDonato	Kelly, A. P.	Prendergast	Westerberg
Dombrowski	Kernick	Pyles	Whittlesey
Doyle	Kolter	Rappaport	Wilson
Dreibelbis	LaMarca	Reed	Wilt, W. W.
Fawcett	Laughlin	Renninger	Wojdak
Fee	Lederer	Rhodes	WorriLOW
Flaherty	Letterman	Richardson	Wright
Fryer	Levi	Ritter	Yohn
Gallagher	Lincoln	Romanelli	Zeller
Gallen	Lynch	Ross	Zwikel
Garzia	Manderino	Ryan	
Geisler	McCall	Saloom	Fineman,
Giammarco	McClatchy	Salvatore	Speaker
Gillespie	McLane		

NAYS—61

Anderson, J. H.	Foster, W.	Lehr	Scitica
Beren	Geesey	Manmiller	Shelton
Berlin	George	McCue	Sirianni
Brunner	Gillette	McGinnis	Smith, E.
Cessar	Gleason	Miller, M. E.	Smith, L.
Cole	Green	Mrkonic	Spencer
Crawford	Halverson	Mullen, M. P.	Taylor
Davis, D. M.	Haskell	Noye	Thomas
DeMedio	Hayes, D. S.	O'Connell	Ustynoski
Dietz	Kelly, J. B.	Parker, H. S.	Vroon
Diminni	Klingaman	Petrarca	Whelan
Dorr	Knepper	Pitts	Wilt, R. W.
Englehart	Kowalshyn	Renwick	Yahner
Fischer	Kusse	Ruggiero	Zcarfoss
Fisher	Laudadio	Schmitt	Zord
Foster, A.			

NOT VOTING—17

Butera	McGraw	Mullen	Tayoun
Cumberland	McIntyre	Perry	Vaicenti
Eckensberger	Milanovich	Rieger	Vann
Davies	Miscevich	Sullivan	Walsh, T. P.
Kistler			

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

CONSIDERATION OF HOUSE BILL No. 1590 RESUMED

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1590

Mr. SALVATORE moved that the vote by which HOUSE BILL No. 1590, printer's No. 2192, as amended was agreed to on third consideration on this day be reconsidered.

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

Amend Bill, page 1, by inserting between lines 9 and 10:

Section 1. The title, act of July 10, 1968 (P. L. 316, No. 154), known as the "Legislative Code of Ethics," is amended to read:

AN ACT

Establishing a code of ethics for the General Assembly, its officers and employes; and providing certain requirements for candidates to the General Assembly, and providing remedies for its enforcement and penalties.

Amend Sec. 1, page 1, lines 10 through 12, by striking out all of lines 10 and 11, and "Ethics," in line 12, and inserting:

Section 2. Clauses (5) and (6) of section 3,

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

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

Mr. SALVATORE. Mr. Speaker, the first amendment is corrective language that was brought to my attention by the sponsors of the bill. They neglected to put in "providing certain requirements for candidates to the General Assembly," and we do just that in the first amendment.

I do not think we will have any opposition.

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

Mr. RAPPAPORT. Mr. Speaker, I do not have this amendment before me. I would be very grateful if I could be provided with a copy.

The SPEAKER. Will the gentleman, Mr. Salvatore, immediately furnish Mr. Rappaport with a copy of the amendment?

The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. This amendment is accepted, Mr. Speaker.

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?

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

Amend Sec. 3, (Sec. 5.1), page 9, line 24, by inserting after "statement": , as required for members by section 5.1,

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

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

Mr. SALVATORE. Mr. Speaker, all this amendment does is that on page 9, line 24, after the word "state-

ment", we put in a comma and the words "as required for members by section 5.1".

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

Mr. RAPPAPORT. Mr. Speaker, I really do not understand this amendment. All I can see that it does is strike out a section which is procedural, stating that it amends the already existing Legislative Code of Ethics. I do not understand why the gentleman wants to strike out that particular paragraph.

Mr. SALVATORE. I do not want to strike out anything. I requested it from the Legislative Reference Bureau, and this is the way they sent it down to me.

Mr. RAPPAPORT. Mr. Speaker, I am not responsible for the Legislative Reference Bureau. I would be grateful—

Mr. SALVATORE. Which amendment do you have in front of you, Mr. Speaker?

Mr. RAPPAPORT. I have one marked "Salvatore—"

Mr. SALVATORE. I have two amendments.

Mr. RAPPAPORT. The first amendment we accepted.

Mr. SALVATORE. Right.

Mr. RAPPAPORT. This one refers to page 1. It starts at the top, "Amend Bill, page 1, by inserting between lines 9 and 10".

Mr. SALVATORE. That is the one we accepted, right?

Mr. RAPPAPORT. No; that is not the one I accepted. I accepted the other one.

Mr. SALVATORE. Well, then you accepted both of them.

Mr. RAPPAPORT. Mr. Speaker, I was handed two amendments. One refers to amending on page 9, line 24. That amendment is accepted.

Mr. SALVATORE. All right.

Mr. RAPPAPORT. I am asking the gentleman to explain the other amendment, because on quick perusal I frankly do not understand what either he or the Legislative Reference Bureau is doing.

Mr. SALVATORE. Well, the amendment that you are questioning is to the definition in the title: "AN ACT Establishing a code of ethics for the General Assembly, its officers and employes; and providing certain requirements for candidates to the General Assembly . . ." It is not in the title. There is nothing in the title of this bill that says anything about the candidates.

Mr. RAPPAPORT. Mr. Speaker, perhaps the gentleman could explain to us the next three lines of his amendment.

Mr. SALVATORE. I do not change anything in the next three lines.

Mr. RAPPAPORT. You are striking out three lines. Perhaps the gentleman could tell us why he wants to strike out those three lines which is the paragraph that just says another act is amended.

Mr. SALVATORE. I yield to Mr. Yohn on that.

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

Mr. YOHN. Mr. Speaker, perhaps I could shed some light on this. I think what Mr. Salvatore is trying to do is that the question was raised this morning informally as to whether or not the title of the act would sufficiently give notice to candidates for the General Assembly that they were subject to some of the provisions of the act.

What he is attempting to do is to amend the title of the present existing Code of Ethics to include a reference to candidates so those candidates will be put on notice that they are subject to the provisions of the act insofar as they are required to file the financial disclosure statement.

Mr. RAPPAPORT. Mr. Speaker, I understand what the gentleman from Montgomery is referring to. I do not understand the last three lines of that amendment proposed by the gentleman from Philadelphia. Perhaps that could be explained to me as well.

Mr. YOHN. I am afraid only the Legislative Reference Bureau can explain that, although it appears to me that all they are doing is eliminating the reference in the existing section 1 of your bill to the Legislative Code of Ethics and accepting that by inference, having just stated what the act is that is being amended in the new section 1 that is set forth in the Salvatore amendment.

Mr. RAPPAPORT. Apparently, Mr. Speaker, this is another great triumph for the Legislative Reference Bureau.

AMENDMENTS DIVIDED

Mr. RAPPAPORT. Might I ask that the amendment be divided and that it be divided down to the words "and penalties"? If it is so divided, I can accept one part of it and not accept the other.

Mr. SALVATORE. It is all right with me, Mr. Speaker. When I asked the Legislative Reference Bureau to draw up the amendment, I made no reference to lines 10 through 12, so it makes no difference to me.

The SPEAKER. Will the gentleman, Mr. Rappaport, please again indicate where he wants to divide this? After the word "penalties"?

Mr. RAPPAPORT. Yes, sir.

The SPEAKER. All material after that word is to be treated as a separate amendment?

Mr. RAPPAPORT. That is correct, sir.

The SPEAKER. That will be the last three lines of this amendment?

Mr. RAPPAPORT. That is correct, sir.

PART II OF AMENDMENTS WITHDRAWN

Mr. SALVATORE. Would the gentleman yield to me for a second?

I will withdraw the second part of that amendment.

The SPEAKER. All right. The gentleman withdraws the second part of the amendment which consists of the last three lines of the amendment?

Mr. SALVATORE. Right.

On the question recurring,
Will the House agree to the amendment?
Amendment was agreed to.

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

Mr. YOHN. Mr. Speaker, I move to reconsider the vote by which section 2 of the first amendment which I presented this morning was defeated.

The SPEAKER. Has the gentleman submitted a reconsideration motion in writing? Will the gentleman submit the original and a copy to the desk?

RECONSIDERATION OF VOTE ON PART II OF JOHN AMENDMENTS TO HOUSE BILL No. 1590

Mr. YOHN moved that the vote by which Part II of his first set of amendments was defeated on Wednesday, October 16, 1975, be reconsidered.

Mr. WESTERBERG 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 Part II of the Yohn amendments?

The SPEAKER. If you have the amendment in front of you, it is marked amendment No. 1 and it reads as follows:

Amend Sec. 3 (Sec. 5.1), page 7, line 14, by striking out "two thousand five hundred dollars (\$2,500)." and inserting: five hundred dollars (\$500).

The Chair recognizes the gentleman from Montgomery, Mr. Yohn.

Mr. YOHN. Mr. Speaker, the reason I am asking that this vote be reconsidered is that I found in discussing it over the lunch hour that there were some members who were perhaps confused that this related to the disclosure of amounts of income. It does not do that. It only relates to disclosure of sources of income and which sources must be disclosed.

Under the bill as proposed by Mr. Rappaport, sources in excess of \$2,500 would be required to be disclosed, whereas under this amendment and under the bill that we passed almost unanimously last year, all sources above \$500 would be listed. Again I repeat, it is just sources; it is not the amounts of those incomes.

Now I think that there are several reasons why this is important, and I think that if you would discuss this with general members of the public, they would feel that amounts of \$1,000, \$1,500, \$2,000 would be significant amounts and therefore should be disclosed if there is a potential conflict involved.

In addition, I think that if we leave it at that \$2,500 level, it would be very easy for somebody who is trying to hide something to perhaps divide up his source of income by use of corporate or other legal mechanisms and therefore perhaps avert the intent of the bill. So I think that this amendment is a very critical one.

I think that the bill as we passed it this morning is a good step, but it is only a partial step. I think that this is a critical amendment. If this amendment is accepted, we will be then making the full effort that we should be making in the area of financial disclosure, and I think that all of us should consider this as something that would be extremely important and something that we should be supporting.

Thank you.

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

Mr. RAPPAPORT. Mr. Speaker, I agree with the gentleman, this is an important amendment. We are not arguing about the principle of disclosure but arguing about just where the threshold should be, an issue upon which reasonable men can differ.

Perhaps \$2,500 is too much. I definitely feel, however, that \$500 is too little. Five hundred dollars is about \$10 a week. This applies not only to the member but to his spouse and his minor children. That means that if the child of one of the members has a newspaper route and makes more than \$10 a week out of it, each member will have to disclose that they indeed do have an income from the "Patriot Star" or whatever the name of the newspaper is. Or if your daughter is doing baby-sitting for the president of the local utility company, that is going to have to be reported as well, and then, of course, you are going to have a real problem voting on utility legislation.

I am not making fun of it. I think that \$500 is just too small of a figure. It becomes de minimis, for it is too insignificant to worry about. Perhaps the Senators in their wisdom will find a happy medium, but I do think that \$500 is much too little.

Thank you, Mr. Speaker.

On the question recurring,

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

The yeas and nays were required by Messrs. YOHN and RAPPAPORT and were as follows:

YEAS—94

Abraham	Gallen	Levi	Schweder
Bellomini	Geesey	Manmiller	Scirica
Beren	Gillette	McCue	Seltzer
Berson	Gleason	Mebus	Shane
Bittle	Greenfield	Miller, M. E.	Sirianni
Brandt	Grieco	Miller, M. E., Jr.	Smith, L.
Bradley	Halverson	Milliron	Spencer
Burns	Hamilton, J. H.	Moehlmann	Stahl
Cessar	Hasay	Musto	Stapleton
Cimtni	Haskell	Noye	Taddonio
Crawford	Hayes, D. S.	O'Brien	Taylor
Cumberland	Hayes, S. E.	O'Connell	Toll
DeMedio	Hepford	O'Donnell	Turner
Deverter	Hill	Pancoast	Ustynoski
Dicarlo	Hopkins	Parker, H. S.	Weidner
Dietz	Itkin	Perri	Westerberg
Dininni	Katz	Pitts	Whittlesey
Dombrowski	Kelly, J. B.	Polite	Wilson
Dorr	Kistler	Pyles	Worrilow
Eckensberger	Klingaman	Reed	Wright
Fischer	Knepper	Ryan	Yohn
Fisher	Kolter	Salvatore	Zearfoss
Foster, A.	Lederer	Scheaffer	Zord
Foster, W.	Lehr		

NAYS—98

Anderson, J. H.	Giammarco	McLane	Ruggiero
Arthurs	Gillespie	Menhorn	Saloom
Barber	Gleason	Miscevich	Schmitt
Bennett	Goodman	Morris	Shelhamer
Berlin	Green	Mrkonic	Shelton
Blackwell	Hammock	Mullen, M. P.	Shuman
Bonetto	Hutchinson, A.	Mullen	Shupnik
Brunner	Hutchinson, W.	Myers	Smith, E.
Caputo	Irvit	Novak	Stout
Cohen	Johnson, J.	O'Keefe	Tayoun
Cole	Kelly, A. P.	Oliver	Thomas
Cowell	Kernick	Perry	Trello
Davis, D. M.	Kowalshyn	Petrarca	Vroon
DiDonato	Kusse	Pievsky	Wagner
Doyle	LaMarca	Pratt	Wansacz
Dreibelbis	Laudadio	Prendergast	Wargo
Englehart	Laughlin	Rappaport	Whelan
Fawcett	Letterman	Renninger	Wilt, W. W.
Fee	Lincoln	Renwick	Wojdak
Flaherty	Lynch	Rhodes	Yahner
Fryer	Manderino	Richardson	Zeller
Gallagher	McCall	Rieger	Zwickl
Garzia	McClatchy	Ritter	
Geisler	McGinnis	Romanelli	Fineman,
George	McIntyre	Ross	Speaker

NOT VOTING—10

Butera Davies Gring	McGraw Milanovich Sullivan	Valicenti Vann	Walsh, T. P. Wilt, R. W.
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So the question was determined in the negative and Part II of the Yohn amendments was not agreed to.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McGinnis. The Chair understands that the gentleman is going to withdraw his amendments but desires to make a statement. Is that correct, sir?

Mr. McGINNIS. I am going to offer the amendment.

On the question recurring,

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

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

Amend Sec. 3 (Sec. 5.1), page 8, line 28, by striking out "attorney"

Amend Sec. 3 (Sec. 5.1), page 9, by inserting between lines 16 and 17:

(10) If the member or candidate is an attorney whose principal source of income is from practicing law, the names of all clients of the law firm.

On the question,

Will the House agree to the amendments?

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

Mr. McGINNIS. Mr. Speaker, I did not offer this amendment in a frivolous way. This morning as I grew more angry and more angry at watching the shadowboxing that was going on, I looked over at the fourth estate and they were lapping it up like milk.

When I have to disclose the income of my wife and my children and the mortgage on the boat, I think it is an invasion of my privacy. I finally got a little fed up with these do-gooders, and I figured I would make them disclose a few things. But I did it in a fit of anger, Mr. Speaker, and I have thought about it, and I wish to withdraw my amendment because two wrongs do not make a right.

I am not chicken, but I want to say, sir, that it is not fair to make the attorneys reveal the names of their clients any more than it is to make my wife reveal her income.

Now I would like to make a motion to send this bill back to the Rules Committee.

AMENDMENTS WITHDRAWN

The SPEAKER. The gentleman has withdrawn his amendments.

MOTION TO RECOMMIT

The SPEAKER. The gentleman moves that House bill No. 1590 be recommitted to the Committee on Rules.

On the question,

Will the House agree to the motion?

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

Mr. RAPPAPORT. Mr. Speaker, and I may be out of order, but I ask the indulgence of the House.

I thank the gentleman from Montgomery, Mr. McGin-

nis. I, too, have some of the feelings that Mr. McGinnis has, and that is why I argued as I did this morning for relevant disclosure. I really do not think it is anybody's business what my income may be or what I may have unless the Commonwealth is involved in that particular source of income, and that is what I was talking about this morning.

I think it is a positive asset to the House to have businessmen such as Mr. McGinnis as members, and we must encourage more of them rather than fewer of them to be here. And I think that the votes this morning, well-intentioned and very sincere on both sides, showed that at least eight more members agreed with me than did not agree with me on most votes.

I would oppose the motion to send this back to the Rules Committee. This is not a perfect bill. In some ways perhaps it does go too far as it now stands. There are many people here who believe it does not go far enough as it now stands. But on the whole it is a fairly good bill and I would hope more workable than most of the legislation that we pass. Mr. Speaker, I would oppose the motion to recommit.

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

The yeas and nays were required by Messrs. McGINNIS and RAPPAPORT and were as follows:

YEAS—43

Anderson, J. H.	Grieco	McGinnis	Salvatore
Brandt	Gring	Mullen, M. P.	Schweder
Brunner	Hamilton, J. H.	O'Brien	Sirianni
Burns	Hasay	O'Connell	Stahl
Caputo	Hill	Pancoast	Thomas
Cimini	Hutchinson, A.	Perri	Turner
Cumberland	Hutchinson, W.	Petrarca	Yahner
Dietz	Johnson, J.	Polite	Whelan
Dreibelbis	Katz	Prendergast	Witt, W. W.
Fisher	Kistler	Pyles	Wright
Goodman	LaMarca	Saloom	

NAYS—149

Abraham	Geesey	McClatchy	Schmitt
Arthurs	Geisler	McCue	Scirica
Barber	George	McIntyre	Seltzer
Bellommi	Giammarco	McLane	Shane
Bennett	Gillespie	Mebus	Shelhamer
Beren	Gillette	Menhorn	Shelton
Berlin	Gleason	Miller, M. E.	Shuman
Berson	Gleeson	Miller, M. E., Jr.	Shupnik
Bittle	Green	Milliron	Smith, E.
Blackwell	Greenfield	Miscevich	Smith, L.
Bonetto	Halverson	Moehlmann	Spencer
Bradley	Hammock	Morris	Stapleton
Cessar	Haskell	Mrkonje	Stout
Cohen	Hayes, D. S.	Mullen	Taddonio
Cole	Hayes, S. E.	Musto	Taylor
Cowell	Hepford	Myers	Toll
Crawford	Hopkins	Novak	Trello
Davis, D. M.	Irvia	Noye	Ustynoski
DeMedio	Itkin	O'Donnell	Vann
Deverter	Kelly, A. P.	O'Keefe	Vroon
Dicarlo	Kelly, J. B.	Oliver	Wagner
DiDonato	Kernick	Parker, H. S.	Wansacz
Dininni	Klingaman	Perry	Wargo
Dombrowski	Knepper	Pievsky	Weidner
Dorr	Kolter	Pitts	Westerberg
Doyle	Kowalshyn	Pratt	Whittlesey
Eckensberger	Kusse	Rappaport	Wilson
Englehart	Laudadio	Reed	Witt, R. W.
Fawcett	Laughlin	Renninger	Worrlow
Fee	Lederer	Renwick	Yohn
Fischer	Lehr	Rhodes	Zearfoss
Flaherty	Letterman	Richardson	Zeller
Foster, A.	Levi	Rieger	Zord
Foster, W.	Lincoln	Ritter	Zwikel
Fryer	Lynch	Romanelli	
Gallagher	Manderino	Ruggiero	
Gallen	Manmillar	Ryan	
Garzia	McCall	Scheaffer	

Speaker

NOT VOTING—10

Butera Davies McGraw	Milanovich Ross Sullivan	Tayoun Valicenti	Walsh, T. P. Wojdak
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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 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 lady from Montgomery, Mrs. Fawcett.

Mrs. FAWCETT. Mr. Speaker, I would like to interrogate Mr. Rappaport on section 5.1, page 7.

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

Mr. RAPPAPORT. Yes, Mr. Speaker.

The SPEAKER. The lady may proceed.

Mrs. FAWCETT. Mr. Speaker, I have mixed emotions about section 5.1. We female spouses sometimes have the experience—and, personally, I have had the experience—of having my spouse feel that it is an invasion of privacy for him to have to reveal his investments simply because I am a member of the House. On the other hand, I have a feeling there are many spouses on the other side who would be glad to know how much their spouses had invested, because it has been my experience, in some instances at least, that spouses are completely unaware of the worth of the family.

However, I do have a question about invasion of privacy and the right of the individual as far as this section is concerned. Do you believe that this would stand up to a constitutional test?

Mr. RAPPAPORT. Mr. Speaker, I have many of the emotions of the lady from Montgomery, and we have been talking about this all morning. I think that there is no constitutional right to be a member of this House. I think that it is a privilege. We all are under certain inhibitions in our public and private lives because of our membership here, and that is one of the burdens of office. And I think it would stand a constitutional challenge.

Mrs. FAWCETT. Mr. Speaker, I must disagree with the gentleman from Philadelphia. I personally elected to run for the House. My husband agreed to my doing it, but he is not involved in my business here. And what would one do in the case of a spouse refusing to the invasion of privacy? I think there is a constitutional question.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I do not have a spouse, and I have an objection. If this House asked for me to disclose what I made after I became a member, it would be a different matter, but whatever I have I made before I got here—or God only knows I could not afford to be here—and I think it is very unfair for this House to expect me to disclose what I earned or might have received through my parents or any other way at any other time, spouse or no spouse.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I just received a phone call from Mrs. McGinnis. She said she has no objection to putting on the record her principal source of income. It is Pat's wallet after he goes to bed.

The SPEAKER. That is like having an investment in a gusher in Texas.

Mr. RYAN. And she said, "That does apply to \$5,000 and over, doesn't it?"

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

Mr. CAPUTO. Mr. Speaker, will the gentleman, the sponsor of the bill, agree to further interrogation?

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

Mr. RAPPAPORT. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. CAPUTO. Mr. Speaker, under the same section that Mrs. Fawcett brought to the attention of the House, section 5.1, page 7, there is a phrase on line 7, "unless otherwise noted." Will the sponsor explain what that means?

Mr. RAPPAPORT. I think that refers to the specific disclosure that must be made if the Commonwealth is involved.

Mr. CAPUTO. Mr. Speaker, that is not very much of an explanation.

Each member is required to file a statement with the Secretary of the Senate or the Chief Clerk, as appropriate. "The economic interest statement shall contain the following information concerning the member, his or her spouse and children under eighteen years of age, unless otherwise noted . . ." What does that mean, "unless otherwise noted"?

Mr. RAPPAPORT. I am sorry, Mr. Speaker. I was quite cryptic with the gentleman and obviously I was not clear enough. Certain information has to be specifically provided. For instance, you might list under "sources of income" real estate investments. Assuming for a moment that your sole real estate investment was a property which was rented by the Liquor Control Board for a state store, that must be specifically listed because the Commonwealth is involved. If that was your only real estate investment, you would not have to list real estate investments as a source of income because it is otherwise noted.

Mr. CAPUTO. Does the phrase then mean unless otherwise noted in the bill which creates the various exemptions?

Mr. RAPPAPORT. That is my understanding of the phrase, Mr. Speaker.

Mr. CAPUTO. Mr. Speaker, an additional question: Assuming that a member is separated but not divorced from his spouse—his or her spouse—and is not able to provide the information concerning the spouse's income, or assuming a member is separated from his children or her children under 18 years of age and has no idea nor can he determine their income or economic interests, is he excused in any way from making a report?

Mr. RAPPAPORT. Mr. Speaker, the gentleman from Allegheny, with his usual perspicacity, has pointed out something that, frankly, did not occur to the main sponsor of this bill. As a very curbstome opinion, I would suggest to the gentleman that if the member and his or her estranged spouse are filing joint income tax returns, then perhaps they should be under a duty of revealing

the information called for here. If they are so estranged that they are not filing joint income tax returns, then perhaps they are exempt. I can think of no other test, Mr. Speaker.

Mr. CAPUTO. Mr. Speaker, there have been several amendments made to this bill, and this question which has just been posed and other questions seem to me to need a little study.

We are all aware of the fact that this is a House bill and that the Senate has already recessed until November 17. While I appreciate the fact that this bill could now be considered with the amendments adopted today and tomorrow, I would request, for the benefit of me and other members who might be interested, a chance to study this bill after it is in print and to address ourselves to several questions, the answers to which seem to be in a cloudy area.

MOTION TO TABLE

Mr. CAPUTO. I would, therefore, move that this bill be tabled at this time until November 17.

MOTION AMENDED

The SPEAKER. Will the gentleman move to have the bill placed upon the final passage postponed calendar so it can be printed with the amendments in it?

Mr. CAPUTO. I will amend my motion, Mr. Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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

Mr. GALLEN. Mr. Speaker, I would hope that the Speaker would be a little bit more on the ball and not allow Mr. Rappaport to give curbstome opinions but to refer them to me.

Mr. RAPPAPORT. Mr. Speaker, might I remind the gentleman that my advice and legal opinions are worth precisely the fee that I am paid for them.

CONSIDERATION OF HOUSE BILL No. 12 RESUMED

On the question recurring,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, line 11, by removing the comma after "machines" and inserting: and for exclusion of certain ice cream sales from the tax.

Amend Bill, page 2, by inserting between lines 6 and 7: Section 2. Subclause (iii) of clause (29) of section 204 of the act is amended to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

* * *

(29) The sale at retail or use of food and beverages for human consumption including candy, gum and similar confections, except that this exclusion shall not apply with respect to—

* * *

(iii) Food and beverages (except when purchased at, or from a school or church in the ordinary course of activities of such organization) when the purchase price of the total transaction is more than ten cents (10¢), when purchased (i) from persons engaged in the business of catering, or (ii) from persons engaged in the business of operating restaurants, cafes, lunch counters, private and social clubs, taverns, dining cars, hotels and other eating

places. For the purposes of this subclause (iii), ice cream purchased for consumption off the premises irrespective of from whom or where purchased, shall be excluded from the tax. For the purpose of this subclause (iii), beverages shall not include malt and brewed beverages and spirituous and vinous liquors, but shall include soft drinks, and the price of such soft drinks shall be considered together with the price of other beverages and food in determining whether the purchase price of the total transaction is more than ten cents (10¢).

* * *

Amend Sec. 2, page 2, line 7, by striking out "2." and inserting: 3.

Amend Sec. 3, page 2, line 14, by striking out "3." and inserting: 4.

On the question,

Will the House agree to the amendments?

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

Mr. SHUMAN. Thank you, Mr. Speaker. I will try to be brief.

When I appeared at the microphone this morning, it seemed that we did not have a fiscal note. I think all the members have a fiscal note now that indicates my amendment has an impact that is minimal, minute.

What my amendment does—and I will be very short—is that when ice cream is purchased for consumption off the premises, irrespective of from whom or where purchased, it shall be exempt from the sales tax. In other words, if you go to a grocery store now to take a pint of ice cream home for consumption, you do not pay a sales tax. If you go to High's ice cream store and get a pint of ice cream to take home for consumption, you do not pay the sales tax. But if you go to the Dairy Maid next door and get a pint of ice cream to take home, you pay the sales tax.

All my amendment does in that respect is say you do not pay the sales tax. Everything is even Stephen, fair and bipartisan and nondiscriminatory.

We passed this amendment last session and it went over to the Senate at the end of the session and it did not get through over there.

Thank you very much.

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

Mr. LINCOLN. Mr. Speaker, I request a negative vote on this amendment.

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

Mr. ITKIN. Mr. Speaker, would the sponsor of the amendment consent to brief interrogation?

The SPEAKER. Will the gentleman from Franklin, Mr. Shuman, consent to interrogation?

Mr. SHUMAN. Yes, but I am no sales tax expert.

The SPEAKER. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, I would be interested to know from the sponsor, in his judgment, how many ice cream cones would an individual, on the average, consume in a year?

Mr. SHUMAN. Oh, I would guess 5 a week, 250.

Mr. ITKIN. Mr. Speaker, I really thought those dairies were hurting.

Mr. Speaker, my question might appear to have an aura of frivolity, but it was not for that purpose. If you make a simple assumption, which could be an underestimate, let us just assume that the average person in our Commonwealth consumes five cones a year. All right, everyone

laughs, but that is probably a very small number. And we have about 11 million people in Pennsylvania, so we are talking about 55 million ice cream cones. That is conservative, right? And we are talking about roughly 2 cents sales tax on a cone. We are talking about \$1 million in sales tax. That is on the basis of five cones a year for the average per person.

Now I take exception to the fiscal note that says that a \$1-million loss to the Commonwealth is minimal. From my assessment, I cannot support this amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. SHUMAN and LINCOLN and were as follows:

YEAS—142

Anderson, J. H.	Gleason	McCue	Seltzer
Arthurs	Gleeson	McGinnis	Shelhamer
Bellomini	Goodman	McIntyre	Shelton
Bennett	Green	Miller, M. E.	Shuman
Beren	Greenfield	Miller, M. E., Jr.	Sirianni
Berlin	Grieco	Milliron	Smith, E.
Bittle	Gring	Moehlmann	Smith, L.
Bradley	Halverson	Morris	Spencer
Brandt	Hamilton, J. H.	Mrkoncic	Stahl
Brunner	Hasay	Mullen, M. P.	Stapleton
Burns	Haskell	Musto	Sullivan
Cessar	Hayes, D. S.	Noye	Taddonio
Cimini	Hayes, S. E.	O'Brien	Taylor
Cole	Hepford	O'Connell	Thomas
Crawford	Hill	O'Donnell	Toll
Cumberland	Hopkins	O'Keefe	Trello
Davis, D. M.	Hutchinson, A.	Pancoast	Turner
DeMedio	Katz	Parker, H. S.	Ustykoski
Deverter	Kelly, A. P.	Perri	Vann
Dietz	Kelly, J. B.	Petrarca	Vroon
Dininni	Kernick	Pievsky	Wagner
Dombrowski	Kistler	Pitts	Weidner
Dorr	Klingaman	Polite	Westerberg
Doyle	Knepper	Prendergast	Whelan
Eckensberger	Kolter	Pyles	Whittlesey
Fawcett	Kowalshyn	Rappaport	Wilson
Fischer	Kusse	Renwick	Wilt, R. W.
Foster, A.	LaMarca	Ritter	Worrilow
Foster, W.	Laudadio	Ruggiero	Wright
Fryer	Laughlin	Ryan	Yahner
Gallen	Lehr	Saloom	Yohn
Garzia	Levi	Salvatore	Zearfoss
Geisler	Lynch	Scheaffer	Zeller
George	Manmiller	Schmitt	Zord
Gillespie	McCall	Schweder	Zwilk
Gillette	McClatchy		

NAYS—39

Abraham	Flaherty	Mebus	Shane
Berson	Gallagher	Menhorn	Shupnik
Bonetto	Geesey	Myers	Stout
Caputo	Hutchinson, W.	Novak	Wansacz
Cohen	Irvis	Oliver	Wargo
Cowell	Itkin	Perry	Wilt, W. W.
Dicarlo	Letterman	Pratt	Wojdak
DiDonato	Lincoln	Renninger	
Dreibelbis	Manderino	Romanelli	Fineman,
Englehart	McLane	Scirica	Speaker
Fisher			

NOT VOTING—21

Barber	Hammock	Miscevich	Rieger
Blackwell	Johnson, J.	Mullen	Ross
Butera	Lederer	Reed	Tayoun
Davies	McGraw	Rhodes	Valicenti
Fee	Milanovich	Richardson	Walsh, T. P.
Giammarco			

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

On the question,

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

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 lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Mr. Speaker, I would like the consent of the sponsor to be interrogated.

The SPEAKER. Will the gentleman from Fayette, Mr. Lincoln, consent to interrogation?

Mr. LINCOLN. As long as it is on this bill.

The SPEAKER. The lady may proceed.

Mrs. KERNICK. Mr. Speaker, if I buy a pack of cigarettes at the drugstore, I pay 50 cents, and if I purchase a pack of cigarettes at a coin-operated machine, it costs me 65 cents, leaving a leeway of 15 cents. In that 15 cents, I imagine the vendor includes his cost of operation, his profit, and his taxes. Is that not so?

Mr. LINCOLN. I guess you could assume that, yes.

Mrs. KERNICK. And the tax in the vending machine is 4 cents.

Mr. LINCOLN. Excuse me one second. I do not smoke and I am a little unfamiliar with the figures you are talking about. Somebody over here said there is no sales tax on cigarettes, so I do not know.

Mrs. KERNICK. I thought we were talking about a sales tax on cigarettes.

Mr. LINCOLN. No. This is on many different items.

Mrs. KERNICK. All right, forget about that then. But the additional penny that the coin-operators will receive because we are reducing it to 6 cents on a dollar, will that go to the vending company or will that go back to the consumers on the pack of cigarettes as they obtain it from the machine? Or on a candy bar or whatever?

Mr. LINCOLN. Mr. Speaker, one of the problems that we are trying to correct is that the vending machines are operated on increments of 5 cents, and to increase for a 1-cent tax, they have to go up a nickel. And what they do—it would be more profit to them—is the first thing you think of. But it is not in reality because it causes them to lose business because they price themselves out of the market.

They have tried in the past to have the penny machines attached to the vending machines and they have proved to be totally unworkable. There were problems with them that would cause inconvenience to the consumer; the consumer did not like them; and the cost of handling the coins and storing coins placed an additional burden on the vendor. And also, there is a shortage of pennies. So that made that unworkable and they have to go in 5-cent increments. And the higher they raise their price, the higher the percentage of tax is, too.

Mrs. KERNICK. I am a little bit older than you and I remember when the cigarette companies used to put the pennies on the side of the packs as you got them out of the machines. But my question to you is: Where will this penny go that we are taking from the consumer to give to the cigarette company?

Mr. LINCOLN. I think the first thing that you are a little confused on is that when the sales tax was initiated, it was initiated to be a consumer tax, and the situation that exists for the vending machine companies at this time is that they are forced to pay that tax on the gross sales prior to putting the product into the machine. In effect, they are paying the tax because they cannot collect it from the consumer-purchaser.

The penny or the amount of \$400,000 which has been attached to this bill will be money that rightfully belongs to the owners of the vending machine companies, and they will realize that \$400,000. But it is \$400,000 that they should have been realizing in the past.

Mrs. KERNICK. But we are then turning \$400,000 over to private interests instead of to the state. We are losing almost half a million dollars. In this case, a penny saved is a penny earned, but it is earned for the vending machine company at a loss to the state and the taxpayers.

Mr. LINCOLN. I dispute the point that we are taking it from the Commonwealth. The point is the Commonwealth did not deserve it in the first place. The law is set up in a manner which is causing these vending machine operators to pay more than the 6-percent sales tax which is what the law asks for.

Mrs. KERNICK. My point is that there is a margin of difference on what is paid for a pack of cigarettes—I will stick to the pack of cigarettes—of 15 cents—

Mr. LINCOLN. I do not think we should use cigarettes basically because there is no tax being collected on them. Use a candy bar, sandwich or another item.

Mrs. KERNICK. All right, anything you want to use. But someone is still going to earn a penny that they do not have now.

Do you know for a fact that the vending machine companies are losing money because of this sales tax?

Mr. LINCOLN. I do not think you can attribute financial loss of a business to one particular portion of that business or one particular expense such as the sales tax. I would think that their margin of profit is at such a minimal rate that that little bit of money we are taking from them, when we should not be, could be causing them some problems within their industry, whereby they are not able to purchase new machines and they are not able to provide greater service to the consumers they are serving.

Mrs. KERNICK. You say that you think their profit is minimal but do you know that for a fact?

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

Mr. MILLIRON. Mr. Speaker, would Mr. Lincoln yield on that question?

The SPEAKER. Will the gentleman, Mr. Lincoln, yield?

Mr. LINCOLN. Yes.

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

Mr. MILLIRON. I had not wanted to get into names or facts or figures, Mr. Speaker, but one of the largest vending companies in the state is Servomation, which has various locally run operations, one of which is in my county, Blair County. I went over their figures with them several months ago when this bill was in the Finance Committee.

Now this figure is phenomenal; it is hard to believe; and yet it was shown to me from the books: A company that did over \$700,000 worth of business last year, after taxes, showed a \$6,000 profit. This was mainly because of various things, because of inflation. We are not blaming it on the sales tax; I am not blaming it on the sales tax. I am sure there are certain areas where they have cut down—personnel, new equipment, various things.

What I am getting at, just to answer your question, is

this; I cannot speak for the vending companies as a whole, but I can speak for one of the largest in the Commonwealth, and there is not the windfall that everybody feels is being made.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Mr. Speaker, may I make a few comments?

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

Mrs. KERNICK. I think we have to stop playing Santa Claus in this House and doing favors for special-interest groups.

I am so new to the House that \$400,000 still sounds like a lot of money to me. It is not minimal and it is not peanuts, and I ask for the defeat of this bill.

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

Mr. LINCOLN. Mr. Speaker, I hope that I am never in this House long enough, whether it be the 3 years that I have been here or the 30 years I would like to be here, to think that \$400,000 is not a considerable amount of money. That is why I say that the \$400,000 that we are depriving this industry of is not a windfall; it is an inequity in the law that causes them not to get that. We are not giving them anything. We are allowing them the same break that every industry has had. We have already done this for coin-operated laundries and car washes.

These people deal mainly with factory workers or legislators, who have to eat their lunch in the back room a lot of times—candy bars and sodas—and if we continue to force them to go up in 5-cent increments to make up for a penny in tax, they are going to make more money from the consumer. I do not think that this is what they want.

The only thing they are interested in is being treated fairly under the tax laws. They are not looking for a windfall; we are not letting them out of anything; they are going to be paying the 6-percent sales tax that everyone else is required to pay on the same type of purchases and sales.

I would hope that House bill No. 12 will be looked upon favorably by the body by a positive vote.

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

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

Mr. A. C. FOSTER. Will the gentleman, Mr. Lincoln, consent to interrogation?

The SPEAKER pro tempore. Would the gentleman, Mr. Lincoln, consent to interrogation?

Mr. LINCOLN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. A. C. FOSTER. Mr. Speaker, I would just like to clarify one point. First of all, would this bill apply to coin-operated car washes?

Mr. LINCOLN. That exemption has already been made, Mr. Speaker, in a law prior to this.

Mr. A. C. FOSTER. Yes, the gentleman is correct.

The second question, Mr. Speaker: Is there at the present time a 10-cent exemption with respect to sales tax?

Mr. LINCOLN. Yes.

Mr. A. C. FOSTER. Mr. Speaker, may I make a statement at this point?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. A. C. FOSTER. Inasmuch as we already have a 10-cent exemption, I think it is really fair to go the route that Mr. Lincoln is going in this bill and impose a tax on the basis of a percentage, rather than get into the exemption battle at all.

On that basis, I think the bill is a good bill, has merit. I would strongly urge the passage of House bill No. 12.

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

Mr. MENHORN. Mr. Speaker, I would like to urge the House once again to defeat this bill. I think if it passes we are setting a very dangerous precedent.

I must agree with what Mr. Lincoln asked me under questioning this morning, that everyone should be treated fairly. If this bill were to pass, I am sure that if I were a restaurant owner or had any other business in this state, I would be in here demanding the same privilege so that I could pay on a gross-receipts basis rather than on a unit-sales-tax basis.

Do not let the ice cream amendment confuse you when you vote on this bill. Here you are talking about an exemption from unit sales as opposed to an inside change converting to gross receipts. I would urge defeat of this bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Mr. Speaker, first of all, in response to the gentleman from Allegheny, Mr. Menhorn, perhaps it is a dangerous precedent and I hope that it is.

We all made light of the Shuman amendment for ice cream. I voted for it because I think the sales tax is regressive, and I hope this is a precedent. I hope we get rid of the sales tax. We were promised that several years ago by the Governor; instead, we got a few scattered exemptions. So I would hope that we would set a precedent and get away from this type of regressive tax.

Secondly, we speak of the tax as a unit tax which is charged on everything. This is fine at the store when the salesman or the owner can charge it directly to the consumer. Again, as Mr. Lincoln mentioned, this is next to impossible for the vending company. You cannot collect the exact percentage, the 2 cents; you have to raise everything up to a nickel.

I am not here defending the profits of a company; I am not here as a spokesman for the industry. But I do feel, as has been reiterated already, that this company, this industry, is being discriminated against by collecting as high as 10 percent and 11.2 percent on its total sales when the tax was originated and intended to be at 6 percent.

I ask my colleagues in the House to take this first step toward making the sales tax more equitable and, hopefully, to eliminate it totally.

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

Mr. DREIBELBIS. Mr. Speaker, I have no objection to what Mr. Milliron says about the tax being very uncollectable, but I think in making a piecemeal exemption such as this, we are making the situation more difficult.

I find in this piece of legislation that it says: “. . . six cents of each dollar . . . collected in any such machine on all sales which heretofore were taxable . . .” What I am really assuming then is that any sales of 10 cents or less in the machine heretofore were not taxable, and therefore will not now be collected under the gross sales.

We must remember one thing that we should not lose sight of, and that is, our sales tax, whether we like it or not, is a bracketed tax and not a 6-percent sales tax. Any merchant who collects any amount of money charges tax on the amount of that particular sale, so that in most cases, if the sales tax bureau finds that someone is only turning in exactly 6 percent of gross sales, there is something wrong with his accounting system and he is immediately subject to audit.

What I am saying is that what the vendor could do with this piece of legislation is exclude all his 10-cent and under- sales that heretofore were not taxable. Therefore, I think it is pretty much of a windfall, even more than what has been outlined here today.

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

Mr. ROMANELLI. Would the gentleman, Mr. Lincoln, stand for a brief interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Lincoln, consent to a brief interrogation?

Mr. LINCOLN. I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ROMANELLI. Mr. Speaker, have you ever purchased a soft drink from a soft drink vending machine that makes change?

Mr. LINCOLN. Yes.

Mr. ROMANELLI. Well, then, why cannot the vendors do this? If I can put a quarter in the vending machine to get a 10-cent drink and get 15 cents change, then I am sure that the vendors can do this.

Mr. Speaker, I do not feel that the Commonwealth at this time can afford either Mr. Shuman's amendment or this bill. The \$400,000 that we are going to lose on this bill could go to pay for some of the day-care centers they are closing in my district.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Fayette, Mr. Lincoln.

Mr. LINCOLN. Mr. Speaker, I feel the arguments have been presented. I think the membership should not be subjected to any more debate on my part. I would hope they can intelligently make up their own minds from what we have discussed here in the last 10 or 15 minutes. I would urge them to vote in the positive.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. O'CONNELL.

Mr. O'CONNELL. Mr. Speaker, I rise in support of the bill. I think it is fair and equitable. I think that it is the only place left where you can get a 20-cent lunch. I think it does favor the consumer and I think it is an advantage to the person who cannot afford a lot of money.

Vending machines do provide a service. There is a great risk in the vending-machine business, in spite of the accusation they may be high-profit areas. I can attest to the fact that that is not so.

The provision in here that speaks to the exemptions and to those items that are not now taxable, such as

cigarettes and that. I think it is fair and equitable and I really think we ought to support this.

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

Mr. CAPUTO. Mr. Speaker, I rise in opposition to this bill. We have just been faced in this state with a disaster which is going to require money from the taxpayers of this Commonwealth if we are going to follow through with what we did in the past. I am referring to the damage that was caused by the floods in recent weeks.

In addition to that, in the passage of the budget this year, the Department of Revenue was reduced in their necessary appropriation, I understand, by \$4.2 million.

An analysis made by the Department of Revenue indicates that this bill, before the Shuman amendment, would cost the state \$400,000. If we deprive the state of that \$400,000, somehow we are going to have to make it up to have the Department of Revenue properly administered.

I do not know what the cost of Mr. Shuman's amendment will be, but I think that Mr. Itkin probably hit pretty close on an estimated cost of depleted revenue, and I do not think we can stand this.

I have some bills ready to be put into the hopper to amend the sales tax because, as one of the previous speakers pointed out, we do have a classified sales tax and not a general sales tax. We have made classifications. In the last session we gave relief to housewives and to various senior citizens. But we cannot go on giving relief to everybody.

I have a couple of bills ready to be introduced because I believe that the industries concerned need it, but I will not introduce them until there is a change in the economic climate of this Commonwealth.

There is, for example, an obligation on the Department of Revenue to collect sales tax on clothing. However—and I use this as an illustration—if a woman buys a formal gown or a gentleman buys formal attire in a department store, they do not pay the sales tax because it comes under the exclusion of clothing. This holds true for sportswear. If purchased in a department store, you do not pay the sales tax because it is listed on your bill as clothing. But if you go to the Mister Formal Shop or some other place that deals only with formal wear, you pay the sales tax because formal wear is not exempt from the imposition of a sales tax. The same is true if you go to a sporting goods store and buy sporting attire. You pay a sales tax. This cries for some sort of cleaning up, some sort of legislation that will make it definite whether or not you pay sales tax on formal wear or sporting clothes. That needs to be cleaned up, but that, at this point, would cost the Commonwealth money. I do not think we are in a position to give any special interests any relief at this time.

I hope that my remarks will have some effect on the actions of this House in this particular instance and I ask for a “no” vote on the bill.

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

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

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

The SPEAKER pro tempore. Will the gentleman, Mr. Caputo, consent to a brief interrogation?

Mr. CAPUTO. I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. O'CONNELL. Mr. Speaker, is it not true that what we are talking about here is breakage?

Mr. CAPUTO. Not from the analysis I have on the bill, Mr. Speaker.

Mr. O'CONNELL. Well, let me see if I can put this in the proper perspective. If I were in a restaurant and had an 80-cent meal, what would the sales tax be?

Mr. CAPUTO. On an 80-cent meal? I guess it would be 5 cents.

Mr. O'CONNELL. I am inclined to think that it might be 6 cents when it is past 75 cents.

Mr. CAPUTO. You may be right. I do not know. I pay my bill; I do not check the tax.

Mr. O'CONNELL. That is exactly right. But I think when it goes by the 75 cents and it is at three-quarters and it is an 80-cent meal, it is 6 cents.

Mr. CAPUTO. It could be.

Mr. O'CONNELL. However, when that restaurant operator reports the sales tax, he takes the total sales. He has a deduction of taxable and nontaxable items that he reports as gross, so he can take advantage of breakage because he does not record particularly on every sale.

What you are suggesting here is that the vending-machine operator be given the same opportunity because, in fact, there is a penalty when you pay for it on an individual sale, which I refer to as breakage. The breakage gets to be rather substantial. In this case, it would be 10 or 11 percent. The vending people are not asking for any break. They are willing to pay the 6 percent that is due on a dollar sale. It is the method in which they arrive at it that is pretty difficult for them. So they are presently being penalized in the operation of a vending-machine business.

It is just a judgment as to whom that money does belong to. Since the consumer, in effect, cannot take advantage of it, is it not fair to say that the vendor, by using that money, would pass that along to the consumer—and has, in many instances—as opposed to going to the Commonwealth? I think that is the question. What you are really talking about here is breakage. When everyone else computes this, they can take advantage of the breakage, whereas a vending-machine operator cannot.

I think this is long overdue. I think the Commonwealth has really been raping them for a hell of a long time. It is time it was straightened out.

Mr. CAPUTO. Mr. Speaker, I would like to correct Mr. O'Connell.

The SPEAKER pro tempore. Does the gentleman, Mr. O'Connell, agree to a brief interrogation?

Mr. O'CONNELL. Yes, Mr. Speaker.

Mr. CAPUTO. I just wanted to answer Mr. O'Connell.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. CAPUTO. You asked me what the tax was on an 80-cent sale.

Mr. O'CONNELL. That is right.

Mr. CAPUTO. I have just been passed the Tax Reform Code of 1971, which has a schedule of taxes. On 85 cents,

but less than \$1.01, the tax is 6 cents; from 68 cents to 85 cents, the tax is 5 cents.

Mr. O'CONNELL. Okay, I am sorry. But it was just the formula.

Then at 85 cents it goes to the 6 cents? Is that true?

Mr. CAPUTO. That is right.

Mr. O'CONNELL. I was a nickel wrong in the computation, but the facts are still there and the same principle applies. I was not sure anymore whether it was 80 or 85 cents where the breakage occurred.

Mr. CAPUTO. I know.

Mr. O'CONNELL. And I am not sure of the bracket under that, but the breakage is rather substantial.

A restaurant can serve 100 of those 85-cent meals and when they compute their gross sales at the end of that month for sales tax purposes, they take the total and, by so doing, they have some advantage in that breakage.

Mr. CAPUTO. I disagree with the speaker on that point.

I have been retained and have represented taxpayers throughout the Commonwealth. I have had cases before the various agencies, including the Board of Finance and Revenue. I have challenged audits on behalf of my clients. However, when an audit is made in a restaurant or in any other business, the tax assessment and the tax collected by the Department of Revenue is based on individual sales. When an audit is made, each slip in the restaurant is audited to see what the cost of the meal or sandwich was and the tax is a separate item on that particular slip.

You will recall that in this House, I think during the last session, we amended the tax act in cases where you go into a restaurant and they impose a service charge of 10 percent or 15 percent. A ruling by the Department of Revenue was that where the service charge or tip was mandatory, you had to pay the tax on the entire transaction, including the tip, because you were billed that way, if you belonged to a country club or some other kind of a club or were in a restaurant where this practice was practiced. We corrected the law to provide that the sale itself would be separate from the tip so that you would only pay on the cost of the meal.

That is what the tax is imposed on. It is the responsibility, under the existing law, of the restaurateur to make a return based on the individual sales as it is in 5 and 10's and other stores that sell taxable items. They do not submit or pay a tax on their gross revenues; they pay it on individual sales that are subject to tax.

On the question recurring,
Shall the bill pass finally?

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

YEAS—131

Anderson, J. H.	Giammarco	Manmiller	Scheaffer
Arthurs	Gillette	McCall	Schmitt
Bellomini	Gleason	McClatchy	Seltzer
Bennett	Gleeson	McCue	Shuman
Beren	Grieco	McGinnis	Sirianni
Berlin	Gring	Mebus	Smith, E.
Bittle	Halverson	Miller, M. E.	Smith, L.
Brandt	Hamilton, J. H.	Miller, M. E., Jr.	Spencer
Brunner	Hasay	Milliron	Stahl
Burns	Haskell	Miscevich	Stout
Cessar	Hayes, D. S.	Morris	Taylor
Cimini	Hayes, S. E.	Mullen, M. P.	Thomas
Cole	Hepford	Myers	Turner
Cowell	Hill	Novak	Ustynowski
Crawford	Hopkins	Noye	Vroon

Cumberland	Hutchinson, A.	O'Connell	Wagner
Davis, D. M.	Irvis	Oliver	Weidner
DeMedio	Johnson, J.	Pancoast	Westerberg
Deverter	Katz	Parker, H. S.	Whelan
Dicarlo	Kelly, A. P.	Perri	Whittlesey
DiDonato	Kelly, J. B.	Perry	Wilt, R. W.
Dietz	Kistler	Pievsky	Wilt, W. W.
Dininni	Klingaman	Pitts	Wojdak
Dorr	Knepper	Polite	Worrilow
Englehart	Kusse	Pratt	Wright
Fawcett	Laudadio	Pyles	Yahner
Fee	Laughlin	Rappaport	Yohn
Foster, A.	Lehr	Reed	Zearfoss
Foster, W.	Letterman	Renninger	Zeller
Gallagher	Levi	Renwick	Zwikl
Gallen	Lincoln	Ryan	
Garzia	Lynch	Saloom	Fineman, Speaker
Geesey	Manderino	Salvatore	
George			

NAYS—54

Abraham	Gillespie	Moehlmann	Scirica
Barber	Goodman	Mrkonjc	Shane
Bonetto	Greenfield	Mullen	Shelhamer
Bradley	Hammock	Musto	Shelton
Caputo	Hutchinson, W.	O'Brien	Shupnik
Cohen	Itkin	O'Donnell	Stapleton
Dombrowski	Kernick	O'Keefe	Taddonio
Doyle	Kolter	Petrarca	Toll
Eckensberger	Kowalshyn	Prendergast	Trello
Fischer	LaMarca	Richardson	Vann
Fisher	Lederer	Romanelli	Wansacz
Flaherty	McIntyre	Ruggiero	Wargo
Fryer	McLane	Schweder	Zord
Geisler	Menhorn		

NOT VOTING—17

Berson	Green	Rieger	Tayoun
Blackwell	McGraw	Ritter	Valenti
Butera	Milanovich	Ross	Walsh, T. P.
Davies	Rhodes	Sullivan	Wilson
Dreibelbs			

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. I was out of my seat when the vote was taken on House bill No. 12. I would like to be recorded in the affirmative, please.

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

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

Mr. GREEN. My switch was locked on the vote on House bill No. 12. I wish to be recorded in the affirmative.

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

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOMBROWSKI. Mr. Speaker, when the vote was taken on House bill No. 12, I inadvertently voted

in the negative. I would like to be recorded in the affirmative.

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

The SPEAKER pro tempore. Without objection, the Chair now turns to page 9 of today's calendar.

EDUCATION BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 580, printer's No. 1315, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for general obligation bonds.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, line 5, by inserting after "there-to," "": providing for an elected board of public education in first class A school districts, and for taxing power for such board;

Amend Title, page 1, line 6, by removing the period after "bonds" and inserting: and for eligibility for district superintendent or assistant superintendent in school districts of the first class.

Amend Bill, page 1, by inserting between lines 8 and 9: Section 1. The act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," is amended by adding a section to read:

Section 302.1. School Board in First Class A School Districts; Apportionment of Seats, and Numbers, Terms, and Methods for Election of School Directors in First Class A School Districts.—(a) Composition of School Board.

(1) In each school district of the first class A, the school board shall be known as the board of public education and shall consist of an odd number of members not less than seven nor more than fifteen school directors, to be elected by the qualified voters of the school district by specified districts.

(2) There shall be a corresponding odd number, not less than seven nor more than fifteen separate districts for each of which only one candidate shall be elected. Each candidate shall be nominated only for the specified district in which he resides and each elected member shall represent only a specified district in which he resides, such districts to be constituted as hereinafter set forth.

(b) Term of office.

All elected members shall serve for a term of four years except the three, four, five, six or seven members elected at this initial election in even numbered school director districts, who shall serve for two years. In the event the first election occurs in an even-numbered year, the terms of the initial members shall be increased by one year, so that future elections can be held in odd-numbered years. In the case of death or resignation of elected members, the mayor of the most populous municipality contained in such school district shall fill the vacancy from the same school director district in which the vacancy occurred until the first Monday in December following the next municipal primary occurring one hundred twenty days after the vacancy occurred.

(c) Apportionment.

(1) In each school district of the first class A, a School Director District Apportionment Commission shall be constituted for the purpose of establishing an odd number not less than seven nor more than fifteen school director districts within the first class A school district by assigning each election district within such school district into one of such school director districts. The commission shall select that odd number of districts from seven to fifteen which will best provide for racial balance and proportional representation of all segments of the population at the time

of the apportionment. Such school director districts shall be compact, contiguous, and as nearly equal in population as practicable.

(2) The commission shall consist of six members, two to be appointed by the mayor of the most populous municipality in such school district, three by the city council of such municipality and one by the mayor of any other municipality in such school district with the approval of the legislative body thereof. The commission shall elect one of its members chairman, and shall act by a majority of its entire membership. If any of the appointing authorities shall fail to make any or all of such appointments within fifteen days after enactment of this act, such appointment or appointments shall be made by the court of common pleas.

(3) No later than forty-five days after the commission has been duly certified, the commission shall file an apportionment plan with the county board of elections to be submitted to the voters of the district at the next primary election occurring not less than ninety-one days after the plan is filed with the county board and at which primary election the candidates for members of the school board shall be nominated.

(4) Each year following the year in which such Federal census data is officially reported, a School Director District Reapportionment Commission shall be constituted in like manner and with like composition as the initial School Director District Apportionment Commission herein set forth. Such reapportionment commission shall file its plan no later than forty-five days after either the commission has been duly certified or the population data for the first class A school district as determined by the Federal decennial census are available, whichever is later in time.

(5) The school district shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by such apportionment and reapportionment commissions, and other necessary expenses. The members of such commissions shall be entitled to such compensation for their services as the school district from time to time shall determine, but no part thereof shall be paid until a plan is filed.

(6) If an apportionment or reapportionment plan is not filed by the commission within the time prescribed by this section, the court of common pleas of the county in which the district is located shall immediately proceed on its own motion to apportion or reapportion the school director districts.

(7) Any apportionment or reapportionment plan, filed by any such commission or prepared by the court of common pleas of the county in which the district is located upon the failure of the commission to act shall be published by the county board of elections once in at least one newspaper of general circulation in the most populous municipality of the school district, which publication shall contain a map of the school district showing the complete apportionment or reapportionment of the school director district. The publication shall also state the population of the school director districts having the smallest and largest population and the percentage variation of such districts from the average population for such districts.

(8) The county board of elections shall place upon the ballot to be submitted to the voters of each first class A school district under the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," the following question:

Shall the apportionment plan submitted by the School Director District Apportionment Commission for the election of members of the Board of Public Education of the School District of be approved?	Yes
	No

In the event the voters shall reject the apportionment plan, the nomination of school directors under this section shall be void and the present board shall continue, but a second referendum, upon the petition of fifteen per cent of the registered voters of the school district, may be held after two years from the date of the first election.

(d) Nomination and Elections of School Directors. School directors shall be nominated and elected in accord-

ance with the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code."

(e) Applicable Law upon Adoption. After the election of school directors from specified districts in accordance therewith, the board of public education of such first class A school district shall be governed by the provisions of this section and by all other provisions of the act to which this is an amendment and other provisions of general law relating to first class A school districts which are not inconsistent with the provisions of this section. The provisions of this section shall supersede all other parts of the act to which this is an amendment and all other acts affecting the organization of school districts of the first class A to the extent that they are inconsistent or in conflict herewith. All existing acts or parts of acts and resolutions affecting the organization of first class A school districts not inconsistent or in conflict with the provisions of this section shall remain in full force until modified or repealed as provided by law.

(f) Certain Prohibitions of Service. No superintendent, assistant superintendent, supervising principal, teacher or other employe shall serve either temporarily or permanently as a member of the school board by which employed.

(g) Transition Provisions and Expiration of Existing Terms. The terms of existing appointed board members shall terminate on the first Monday of December in 1976 or in any subsequent year in which the initial elected members are elected, at which time the terms of all members to be elected as herein provided shall be deemed to begin. Thereafter the terms of all elected members shall expire on the first Monday of December in the year in which the length of term to which such members shall have been elected has been served.

Amend Sec. 1, page 1, line 9, by striking out "1." and inserting: 2.

Amend Sec. 1, page 1, line 9, by removing the comma after "633" and inserting: of the

Amend Sec. 1, page 1, lines 9 and 10, by striking out "of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949.""

Amend Bill, page 3, by inserting between lines 4 and 5: Section 3. The act is amended by adding a section to read:

Section 652.1. Taxing Power of Elected Board of Public Education of School Districts of the First Class A.—(a) The elected board of public education in any school district of the first class A shall have authority to impose taxes for the purposes of such school district as follows:

(1) Without ordinance and under the following statutes their reenactments and amendments, at the rates fixed therein, namely:

(i) Act of June 20, 1947 (P. L. 745, No. 320), (mercantile license tax),

(ii) Act of June 20, 1947 (P. L. 733, No. 319), (personal property tax),

(iii) Act of August 24, 1961 (P. L. 1135, No. 508), (income tax),

(iv) Real Property Tax Acts: Act of November 19, 1959 (P. L. 1552, No. 557), (additional 2 mills)

Act of August 8, 1963 (P. L. 585, No. 304), (additional 1 mill)

Act of May 23, 1949 (P. L. 1661, No. 505), (additional 1½ mills)

Act of July 12, 1957 (P. L. 837, No. 386), (additional ¾ mill) and section 652 of this act, (11¼ mills).

(2) In addition thereto, by ordinance on any persons, transactions, occupations, privileges, subjects and real or personal property as they shall determine not prohibited by the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act"; but no ordinance shall authorize the imposition of a tax on the wages, salary or net income of any person not a resident of such school district.

(b) Any ordinance authorizing a tax, other than under a statute and at the rate fixed thereby, shall fix the rate thereof and provide for the levy, assessment and collection of the same.

(c) In any case where an ordinance of the elected board of education imposes a tax on the same subject and person on which any coterminous political subdivision im-

poses a similar tax, the rate shall be halved as provided in section 8 of "The Local Tax Enabling Act."

Amend Sec. 2, page 3, line 5, by striking out "2." and inserting: 4.

Amend Bill, page 3, by inserting between lines 29 and 30:

Section 5. The provisions of this act shall apply to school districts of the first class A only from the first Monday of December following the election of a board of public education in accordance with section 302.1 (a) of the "Public School Code of 1949."

Amend Sec. 3, page 3, line 30, by striking out "3." and inserting: 6.

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, I will try to be extremely brief. I know the hour is getting late. I will try to expedite the discussion on this amendment.

Mr. Speaker, my amendment would provide an elected school board for the school district of Pittsburgh. This particular issue has been debated in this House over several terms, and I commend my colleagues for passing the measure every time it has been brought to the floor.

The problem we have with the bill is that the other chamber's chairman of the Education Committee refuses to give it appropriate consideration. For that reason I have taken the tack of using a Senate-passed bill to provide it as a vehicle so that the issue could be debated directly on the floor of the Senate.

Now an overwhelming majority of the people in the city of Pittsburgh favor an elected school board. The issue has become extremely heightened over the past couple of months because the school board is now in the throes of a fiscal crisis in which it has asked this legislature to provide them with a 25-percent increase in property taxes.

Now Pittsburgh is only one of two districts in the Commonwealth that has an appointed board. We are the only district in the Commonwealth that must come to this legislature to ask for an increase in its taxing authority.

It seems ironic that we should empower a school board to pass on expenditures and give them the authority to go ahead and develop new school construction, to settle disputes, to collectively bargain; in other words, to assess costs to the taxpayers; but then do not give them the attendant responsibility to impose upon their own residents the taxes to pay for the costs.

It seems to me, Mr. Speaker, and to my colleagues in the past—and I am addressing myself to the new members now—unfair and inequitable that the residents of Pittsburgh should have an appointed board while every other school district, save Philadelphia, should have an elected one. And then even in Philadelphia the fiscal responsibility is still housed within its city council and within its mayor.

I would urge the members of this House to give us the opportunity to choose our own local officials, to determine not only school policy but the costs that are required to carry out that policy, and to provide them with the responsibility to raise their own taxes.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I rise in opposition to the gentleman's amendments. I am not going to belabor the patience or the time of the House with a long address

about this. Those of you who have heard before on this issue know that there is much more to it than what the gentleman has said. This is not merely a simple issue of whether people have a right to select their own leaders or not; there is a racial issue behind this and the racial issue is very simple.

In the city of Pittsburgh, the black population of the schools, I believe, is now almost at 42 percent. No plan has been offered so far for an elected school board which would not deny the black parents parity with the white parents on such a board. The selected school board has managed to keep a percentage relationship between white and black on the board.

I have said at this microphone before and I say it again, that my primary interest is not to appeal to the fears of men and women but to try and move over difficult areas of life, and one of those difficult areas right now is in our school system. I am absolutely convinced as I stand here that if we now go to an elected school board system in the city of Pittsburgh, we shall have troubles in our schools and around our schools. I am trying to avoid that.

Contrary to what the gentleman, Mr. Itkin, has told you, there is no established fact that the majority of the people in the city of Pittsburgh want an elected school board. I am not saying that if we were to take a poll it would come out in the negative. I am saying nobody knows that as a fact. He stated it as if it has been established as a fact, and he knows better than that.

I am also convinced right now that the people in the city of Pittsburgh are quiet about this issue. I am equally convinced that we can stir the issue up. We can get black demagogues and white demagogues, black bigots and white bigots stirred up very easily. Then the rest of us who are trying to walk a middle path will suffer from that, and so will the children.

I know this is a crusade, and I think it is quite a sincere crusade on the gentleman's part, but it is equally a sincere crusade of mine to stop it. And I ask that your vote be in the negative.

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

Mr. CAPUTO. Mr. Speaker, I respect the statements of the majority leader, and I am happy to say that he and I have been getting along very, very well for a couple of years now, but every time this comes up we take the opposite sides of the pole.

I do not know whether it is a fact or not that the residents of the Pittsburgh School District want an elected or an appointed school board. I do know that there have been many, many meetings, and depending on which section of the city you are in, you had a consensus one way or the other.

But this House has historically, since I have been a member, approved legislation creating an elected school board in the city of Pittsburgh, and historically it has been held up and never subjected to a vote in the Senate.

During the last session of this legislature, a bill was introduced and passed providing for an elected school board subject to certain conditions. When the bill got to the Senate, the Senate held hearings on the bill over a period of 6 or 7 months.

The bill we are seeking to amend contains, among the sponsors, the name of Mrs. Reibman. She was chairman of the committee which had to deal with this bill when it got over there and which never let it out. I think it only appropriate at this time that this bill be amended so that

Mrs. Reibman can push through the legislation she espouses in the principal part of this bill or relegate it to some conference committee or some committee that will not shut it off from debate in the Senate. I ask that you give her that opportunity by amending this bill.

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

Mr. COWELL. Thank you, Mr. Speaker.

I, too, rise to support the Itkin amendment. Very briefly and to summarize some of the remarks that probably have been made on the floor many times with respect to this argument in the past several years, we have a situation in the city of Pittsburgh—and I might add that I do not live in Pittsburgh. I live right outside of Pittsburgh, in one of the suburban communities of Allegheny County. I represent a part of Pittsburgh but only three voting precincts in the eastern part of the city. But, we have a situation in the city of Pittsburgh—now where the school directors for that city are selected by our Allegheny County judges. Consequently, we have a situation where one of my neighbors, who lives in Allegheny County but not in Pittsburgh, and many of his colleagues from around the county, many of whom also live outside of Pittsburgh, are charged with the responsibility of selecting who will be the school directors for the city of Pittsburgh. Even more absurdly, I would suggest, I—not a resident of the city of Pittsburgh—and all of you—most of you nonresidents of Pittsburgh; many of you from Philadelphia and from hundreds of miles away from Pittsburgh—are charged with the responsibility of, in effect, establishing tax rates for those people who do live in Pittsburgh. Frankly, this system makes no sense to me whatsoever.

Now our majority leader has spoken, as usual, very eloquently with respect to some of the problems he sees with this particular type of amendment. I respectfully, in this circumstance, must disagree with the majority leader. It has been suggested by a couple of speakers that it is not an established fact that a majority of people or anywhere near a majority of people in Pittsburgh want an elected board. Well, I think that those of us who are from in or near Pittsburgh would admit, though, that if we did take a poll, chances are excellent that Pittsburgh residents would choose for themselves a system where they could elect their school board representatives. In fact, the Itkin amendment does conduct such a poll. It provides for a referendum so that, in effect, what we would be giving the people of Pittsburgh is an opportunity to choose. We would not be shoving an elected board down their throats. The Itkin amendment gives them an opportunity to choose.

I believe that there may be a Representative from the House Education Committee who may comment about a hearing that the House Education Committee had on this particular subject 2 or 3 months ago. It might be suggested that no advocates of an elected board system spoke or testified or offered any comments whatsoever to that subcommittee of the Education Committee. I was a member of that subcommittee, and it would be accurate to state that.

But I would suggest that we should not rely too greatly on what occurred with that particular subcommittee and the events that surrounded it because, in effect, that subcommittee decided to circumvent the real issue for the time being and not go into Pittsburgh and not give the residents of Pittsburgh an easy opportunity to offer their comments. Instead, on a midsummer day, we had a hear-

ing here in Harrisburg in the Capitol, somewhat insulated from the people of Pittsburgh. We found that one gentleman did travel to Harrisburg and offered some testimony for his organization and for a couple of other organizations against legislation similar to the Itkin amendment, but I submit that that is in no way representative of the feelings of the majority of the people in Pittsburgh.

I think that what it comes down to is this: We are faced with a situation where, if we defeat the Itkin amendment, we are again telling the people of Pittsburgh that, unlike most people in Pennsylvania, we are going to continue to deny them the opportunity to elect those men and women who will run their school district and who will decide what types of taxes they will pay to maintain that school system. Really, when you get down to the nitty-gritty, what we are saying, or our rationale for saying that anyway, is that we do not like the people whom they might elect, or we do not like the issues they might discuss in the campaign.

I am terribly sympathetic with some of the arguments raised by the majority leader, but, frankly, I cannot subscribe and I cannot see how anybody in this House can subscribe to a position that I consider somewhat elitist; that is the position, as I said, where we tell people, we are not going to give you the right to elect your representatives because we do not like the people you might elect.

I do not see how we can take that stance, and I therefore urge the members of this House to vote in favor of the Itkin amendment.

Thank you.

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

Mr. RHODES. Mr. Speaker, it is late in the day and it is hard to get into a substantive debate about a subject this House has been over so many times, but I beg the indulgence of the House because, unfortunately, this matter has been raised again. I regret as you do that this matter has been raised again, but it has been. I will not discuss the substantive issue. I know you are tired of that, and it has been a long day.

Let me simply point this out: Anyone who tells you that this is not controversial in Pittsburgh is not telling you the truth. I do not represent a part of Pittsburgh; I represent most of the eastern part of Pittsburgh, and I will tell you that my constituents consider this very controversial. There is not one voice in Pittsburgh on whether we should have an elected or what kind of elected or appointed school board. There is a lot of disappointment with our current board, but there is even more concern about what an elected board would mean in Pittsburgh. Do not believe anybody who tells you that this is not controversial in our city.

Senator Reibman held extensive hearings, as has been pointed out, years ago on this question in Pittsburgh. And there was, as far as I could tell—and I honestly say it to you as a colleague of yours on this floor that there was—definitely, in my opinion, evenly divided opinions or points of view represented at those hearings on this question. That is the reason Senator Reibman chose not to act in the Senate.

We had hearings in Harrisburg, and it is true, as Mr. Cowell pointed out, there was not a lot of representation because people boycotted the hearings. It is that controversial. Do not stir this controversy any further by adding it to this bill.

One further point. Those of you from Philadelphia

have a direct interest in this bill. If we add on this very controversial amendment, I swear to you that I will go to the Senate—and so will others who are concerned about this controversy—and ask that the House amendments to this Senate bill be nonconcurrent in so we can go into a conference committee and hold this up, because we do not believe this is the way to deal with this subject. And you would do the same thing if they were trying to ram something controversial down your throat. So I recommend to the members from Philadelphia that you do not cloud up your very important legislation with this amendment, because we will cloud it up in the Senate. This bill is not the vehicle to amend and change this procedure in Pittsburgh.

It is a very controversial thing. I do not care what anyone tells you today, it is very controversial. Do not make a decision today that is going to throw Senate bill No. 580 into an interminable conference-committee controversy. I ask you to vote against the amendment.

Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, other members of the House may think that this is a parochial interest of concern only to Pittsburgh. Let me tell you, Mr. Speaker, it has far-reaching effects on all of you because Pittsburgh and Philadelphia need and receive additional moneys that you ultimately appropriate.

Now when I look at my school board and I see a case of declining student population over the past decade, where the population has dropped by some 15 or 16 percent, when I see increased expenditures, when I see an expansion program of over \$100 million of new school construction or remodeling where you do not have the capacity of a tax base to pay for that, when I see that school district going ahead and borrowing money because it is an appointed board that does not have to come up with the taxes, when our debt service has gone up from \$6 million a few years ago and it is now \$13 million in this forthcoming budget from \$11 million, and when they talk about floating some \$20 million in bonds next year, I start to get concerned.

Now I can tell you what is going to happen. I can tell you that if you do not give us an elected board that starts putting some fiscal restraint on our school board, we are going to come to this legislature and try to extract from you additional moneys to save our schools.

I think there may be a question of concern about minority groups, but I think responsible people can address themselves to the concerns of all persons in Pittsburgh. The particular legislation requires that the commission which will do the apportionment must consider racial balance, and also it has to come under the guidelines of the Constitution. Therefore, if there are any grievances which go beyond the purview of what may appear to be discriminatory, there can be, of course, court action taken.

I would say to you that if you want to start putting our educational system on a sound fiscal basis to provide that you do not have to pay the bill ultimately, then you will support this amendment. Thank you.

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

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

YEAS—111

Abraham	Fryer	Lynch	Sirlanni
Anderson, J. H.	Gallen	Manmiller	Smith, E.
Bellomini	Garzia	McClatchy	Smith, L.
Bittle	Geesey	McCue	Spencer
Brandt	Geisler	McGinnis	Stahl
Brunner	Gillespie	McLane	Stapleton
Burns	Gleason	Menhorn	Stout
Caputo	Green	Müller, M. E., Jr.	Taddonio
Cessar	Gricco	Miscevich	Taylor
Ciminl	Gring	Mrkonjc	Trelo
Cowell	Halverson	Mullen	Turner
Crawford	Hamilton, J. H.	Musto	Ustynoski
Cumberland	Hasay	Novak	Vroon
Davis, D. M.	Hayes, D. S.	Noye	Wagner
Deverter	Hayes, S. E.	O'Keefe	Wansacz
Dicarlo	Hepford	Pancoast	Wargo
Dietz	Hill	Perri	Weidner
Dininni	Hopkins	Pitts	Westerberg
Dombrowski	Itkin	Polite	Whelan
Dorr	Katz	Pyles	Whittlesey
Doyle	Kelly, J. B.	Romanelli	Wilson
Dreibelbis	Kernick	Ryan	Woytlow
Eckensberger	Kistler	Seloom	Wright
Fawcett	Klingaman	Salvatore	Zearfoss
Fisher	Knepper	Scheaffer	Zeller
Flaherty	Kusse	Schweder	Zord
Foster, A.	Lehr	Seitzer	Zwikel
Foster, W.	Levi	Suelhamer	

NAYS—81

Arthurs	Hammock	Mochlmann	Rieger
Barber	Haskell	Morris	Ritter
Bennett	Hutchinson, A.	Mullen, M. P.	Ross
Beren	Hutchinson, W.	Myers	Ruggiero
Berlin	Irvis	O'Brien	Schmitt
Berson	Johnson, J.	O'Connell	Scitica
Blackwell	Kelly, A. P.	O'Donnell	Shane
Bradley	Kolter	Oliver	Shelton
Cohen	Kowalyszyn	Parker, H. S.	Shuman
Cole	LaMarca	Perry	Shupnik
DeMedio	Laudadio	Petrarca	Sullivan
DiDonato	Loughlin	Pivsky	Tayoun
Fee	Lederer	Pratt	Thomas
Fischer	Letterman	Prendergast	Toll
Gallagher	Lincoln	Rappaport	Vann
George	Manderino	Reed	Wilt, R. W.
Giammarco	McCall	Renninger	Wilt, W. W.
Gillette	Mebus	Renwick	Wojdak
Gleeson	Miller, M. E.	Rhodes	Yahner
Goodman	Milliron	Richardson	Yohn
Greenfield			

NOT VOTING—10

Bonetto	Engelhart	Milanovich	Fineman,
Butera	McGraw	Volcenti	Speaker
Davies	McIntyre	Walsh, T. P.	

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

MOTION TO RECOMMIT

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

Mr. RHODES. I rise to make a motion to recommit Senate bill No. 580 to the Committee on Education because of this amendment and the broader questions it raises now.

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

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

YEAS—60

Barber	Irvis	Myers	Schweder
Bennett	Johnson, J.	O'Donnell	Scitica
Blackwell	Kelly, A. P.	Oliver	Shane
Bradley	Kolter	Parker, H. S.	Shelton
Cohen	Kowalyszyn	Pratt	Shuman
DiDonato	LaMarca	Prendergast	Shupnik

Fischer	Laughlin	Reed	Tayoun
Giammarco	Lederer	Renninger	Toil
Gillette	Letterman	Rhodes	Vann
Greenfield	Lincoln	Richardson	Wargo
Hammock	Manderino	Rieger	Wilt, R. W.
Haskell	McIntyre	Ritter	Wilt, W. W.
Hopkins	Mebus	Ross	Yohn
Hutchinson, A.	Miller, M. E.	Ruggiero	Zearfoss
Hutchinson, W.	Moehmann	Schmitt	Zwinkl

NAYS—132

Abraham	Foster, A.	Levi	Ryan
Anderson, J. H.	Foster, W.	Lynch	Saloom
Arthurs	Fryer	Manmiller	Salvatore
Bellomint	Gallagher	McCall	Scheaffer
Beren	Gallen	McClatchy	Seltzer
Berlin	Garzia	McCue	Shelhamer
Berson	Geesey	McGinnis	Sirianni
Bittle	Geisler	McLane	Smith, E.
Brandt	George	Menhorn	Smith, L.
Brunner	Gillespie	Miller, M. E., Jr.	Spencer
Burns	Gleason	Milliron	Stahl
Caputo	Gleason	Miscovich	Stapleton
Cessar	Goodman	Morris	Stout
Cimini	Green	Mrkonic	Taddonio
Cole	Grieco	Mullen, M. P.	Taylor
Cowell	Gring	Mullen	Thomas
Crawford	Halverson	Musto	Trello
Cumberland	Hamilton, J. H.	Novak	Turner
Davis, D. M.	Hasay	Noye	Ustynoski
DeMedio	Hayes, D. S.	O'Brien	Vroon
Deverter	Hayes, S. E.	O'Connell	Wagner
Dicarlo	Hepford	O'Keefe	Wansacz
Dietz	Hill	Pancoast	Weidner
Dininni	Itkin	Perri	Westerberg
Dombrowski	Katz	Perry	Whelan
Dorr	Kelly, J. B.	Petrarca	Whittlesey
Doyle	Kernick	Pievsky	Wilson
Dreibelbis	Kistler	Pitts	Wojdak
Eckensberger	Klingaman	Polite	Worrlow
Fawcett	Knepper	Pyles	Wright
Fee	Kusse	Rappaport	Yahner
Fisher	Laudadio	Renwick	Zeller
Flaherty	Lehr	Romanelli	Zord

NOT VOTING—10

Bonetto	Englehart	Sullivan	Fineman,
Butera	McGraw	Valicenti	Speaker
Davies	Milanovich	Walsh, T. P.	

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

On the question,

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

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

Amend Sec. 2 (Sec. 1003), page 3, lines 18 through 24, by striking out all of said lines

On the question,

Will the House agree to the amendment?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the amendment I am offering to Senate bill No. 580 simply deletes seven lines on page 3, seven lines which passed the Education Committee by just the minimum votes needed after 3 days of extensive discussion and debate and an original verdict by committee members in favor of keeping these lines out.

My amendment seeks to delete seven lines which state in effect that any person who meets the precise credentials of the nominee of the mayor of Philadelphia for superintendent of schools, but does not meet the full educational requirements for superintendent of schools prescribed by the Department of Education, is automatically qualified.

Taken in isolation, the good case can be made for saying that anyone who has served at the level of associate superintendent for 5 years is qualified to be superintendent of schools for a city of the first class. The issue, though, is far too important to be taken in isolation. We have standards for who is qualified to be a teacher, a counselor, a principal, or a superintendent for the reason of ending arbitrary criteria, political deals and personality struggles which in the past have proved detrimental to good education for our children.

The section which I seek to remove, aimed at changing the law for one man in Philadelphia, a man who, by his own statement reported in the press, is perfectly capable of completing the educational requirements in time to be certified by the state and thus be made fully qualified under current law, is one which would seriously endanger the vital principle of one law for all.

If we pass this special provision for one man in Philadelphia, we will be saying that the path for educational advancement lies not within the educational profession but within the development of political clout. If we pass this special provision for one man in Philadelphia, can we, in fairness, turn down a school board which seeks to hire as superintendent a person who has served 5 years, say, as a principal but who lacks the required course work? It will be argued on this floor that we cannot. If we pass this special provision for one man in Philadelphia, can we, in fairness, turn down a school board which seeks to hire as a superintendent someone who has served 5 years as a superintendent outside of Pennsylvania but who lacks the required course work? It will be argued on this floor at that time that we cannot. Examples of possible qualifications equally deserving can be multiplied endlessly and will cause endless embarrassment, endless struggle, and endless attack on professional standards if we open Pandora's box with the seven lines I am seeking to delete.

It may be, upon examination, that some of our educational standards are too high. It may be that our educational standards are keeping out some of the best people available. We all know that Ph.D.'s in education do not monopolize all wisdom, but if the legislature decides to change the rules of the game for what the qualifications are for a person to be a superintendent, we should not do it this way. Instead, we should do it on the basis of one law for all after hearings at which input from all sides across the state is received. We cannot afford to create a situation where qualification requirements are just a plaything of those who momentarily possess political power at any time in any county.

A generation from now, historians and just plain citizens alike will little note nor long remember the names of those citizens who wield the political powers today in any county, but the quality of education received in the public schools in every county of this Commonwealth will enormously affect the future of the people of this Commonwealth 20, 40 and 60 years from today.

Although the section of Senate bill No. 580 which I seek to delete involves Philadelphia, it is not ultimately a Philadelphia section, and my amendment for deletion is not ultimately a Philadelphia amendment. We are dealing with the question of what is best for all Pennsylvanians, for the action we set here today will set a precedent for all Pennsylvanians and a precedent which we will be reminded of in this legislature many, many times in the future.

I urge every member of this House to recognize the real stakes and vote in favor of my amendment, in favor of deletion of the special provision abridging the certification requirements.

Thank you.

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

Mr. GALLAGHER. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the amendment offered by Mr. Cohen. The committee reported the bill out with the language which he wishes to strike out. The committee felt that it belonged in there.

Without any further delay, I think we should just oppose Mr. Cohen's amendment.

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

Mr. RICHARDSON. Mr. Speaker, I rise to support the Cohen amendment and say that in our committee meeting there was only one vote over. We had voted it down, but there was a gentleman who switched his vote in the meeting which made it possible for that bill to come out of the committee in this particular form. So I would think it was not the majority of the members of that committee who met that day who wanted the bill.

I say that if we set a precedent which would allow individuals not to go to school to get the degree they are supposed to have, then we should make it applicable to everybody who goes to school, who applies for any type of associate superintendent, who becomes superintendent of schools or anything else. I feel that we set a precedent in the wrong direction by doing this.

The only reason this language was inserted in this bill was to give it a lot of attention, because the mayor of the city of Philadelphia wanted it done. Other than that, it is clear to me that this is another political issue again today that has been used on this House floor to try to superimpose certain positions of other individuals by using pressure tactics to make sure that this passes.

I certainly cannot vote for the bill in its form as it is. I think that by moving to strike the information which this particular amendment by Mr. Cohen seeks to do, we can then get on with the business at hand. But I feel very personally that if we do not stand up now and take a stand against individuals who do not have their degrees by saying that we are going to make a special recommendation and a special effort to allow for someone to step in and become superintendent just because he does not have enough hours, we are certainly taking an incorrect position.

Everybody else who goes to school to get their doctorate, their Ph.D., their bachelor's degree, and other degrees that they go to school for, have to acquire the necessary hours in order to do this. This bill now allows for all of those hours to be washed away so that we can make a special recommendation for a man who does not have his credentials, and I feel that is setting a bad precedent.

Now if you members, again, want to take on that responsibility and allow a man to step into a position when he is not qualified, then the burden of that will lie on the rest of the members of this House, but I feel that we are acting in good faith if we step forward and take a position and vote "yes" on the Cohen amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Schweder.

Mr. SCHWEDER. Mr. Speaker, will Mr. Gallagher consent to interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Gallagher, consent to interrogation?

Mr. GALLAGHER. Very briefly, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SCHWEDER. Mr. Speaker, is the current wording that is in Senate bill No. 580 the exact wording that is currently included in House bill No. 770?

Mr. GALLAGHER. No, only if it would pass. The other language is part of House bill No. 770; the underlined language is new.

Mr. SCHWEDER. In other words, section (4) of this bill would not be in the new School Code as it is now written?

Mr. GALLAGHER. That is right. It does not appear in the School Code.

Mr. SCHWEDER. What is the immediate necessity for this, Mr. Speaker?

Mr. GALLAGHER. The immediate necessity is for the school district of the first class city. That is all I can say. It just deals with the city of Philadelphia. The gentleman has all the requirements except several graduate credits which are rather moot at the present time.

Mr. SCHWEDER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Cohen amendment. I was under the impression originally, when we started to work on the recodification of the School Code, that we were not going to have bills that would amend the School Code of 1949 until that recodification was presented to us, and I see that this has.

The reason this is necessary at this time is because before this was passed, the school district in question hired a man who did not meet the qualifications of the job according to state law. I am not going to get into personalities because I am not from Philadelphia and I am not really interested in the personalities involved down there. But what disturbs me is the fact that if it is done for one school district, it could be done for any other district. It could be done for any other department. Who is to say next year, if someone applies to run petitions for the General Assembly, that the Secretary of State cannot decide to waive the rules and put the bill in that someone else may run for this.

I think this is a dangerous precedent that could be started by this, and I would ask all my colleagues to vote in favor of the amendment.

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

The yeas and nays were required by Messrs. COHEN and GALLAGHER and were as follows:

YEAS—59

Anderson, J. H.	Gallen	Menhorn	Shelhamer
Barber	George	Morris	Smith, L.
Blackwell	Green	Noye	Spencer
Bradley	Halverson	Petrarca	Stahl
Cohen	Hammock	Pratt	Taddonio
Cole	Hayes, S. E.	Reed	Taylor
Davis, D. M.	Hepford	Richardson	Toll
Deverter	Hill	Ritter	Vann
Dicarlo	Hutchinson, A.	Ross	Westerberg
Dietz	Hutchinson, W.	Ruggiero	Whittlesey
Dorr	Kistler	Ryan	Wilt, W. W.
Eckensberger	Klingaman	Saloom	Yohn
Foster, A.	Kolter	Schweder	Zeller
Foster, W.	Laughlin	Seirica	Zwinkl
Fryer	McCall	Seltzer	

NAYS—131

Abraham	Gillette	McCue	Salvatore
Arthurs	Gleason	McGinnis	Scheaffer
Bellomini	Gleeson	McLane	Schmitt
Bennett	Goodman	Mebus	Shane
Beren	Greenfield	Miller, M. E.	Shuman
Berlin	Grieco	Miller, M. E., Jr.	Shupnik
Berson	Gring	Milliron	Sirianni
Bittle	Hamilton, J. H.	Miscevich	Smith, E.
Bonetto	Hasay	Moehmann	Stapleton
Brandt	Haskell	Mrkonic	Stout
Brunner	Hayes, D. S.	Mullen	Sullivan
Burns	Hopkins	Mullen, M. P.	Tayoun
Caputo	Irvic	Musto	Thomas
Cessar	Itkin	Novak	Trelio
Cimini	Johnson, J.	O'Brien	Turner
Cowell	Katz	O'Connell	Ustynoski
Crawford	Kelly, A. P.	O'Donnell	Vroon
DeMedio	Kelly, J. B.	O'Keefe	Wagner
DiDonato	Kernick	Oliver	Wansacz
Dininni	Knepper	Pancoast	Wargo
Dombrowski	Kowalshyn	Parker, H. S.	Weidner
Doyle	Kusse	Perri	Whelan
Dreibelbis	LaMarca	Perry	Wilson
Englehart	Laudadio	Pievsky	Wilt, R. W.
Fawcett	Lederer	Pitts	Wojdak
Fee	Lehr	Polite	Worrlow
Fischer	Letterman	Prendergast	Wright
Fisher	Levi	Pyles	Yahner
Flaherty	Lincoln	Rappaport	Zearfoss
Gallagher	Lynch	Renninger	Zord
Garzia	Manderino	Rhodes	Fineman, Speaker
Geesey	Manmiller	Romanelli	
Geisler	McClatchy		
Gillespie			

NOT VOTING—12

Butera	Giammarco	Milanovich	Shelton
Cumberland	McGraw	Myers	Valicenti
Davies	McIntyre	Rieger	Walsh, T. P.

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

MOTION TO TABLE

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

Mr. RICHARDSON. Mr. Speaker, at this time, I feel that since the House has allowed that particular amendment to fall and allowed the vote to stand as it is, I would like to make a motion that we table Senate bill No. 580, because there are some amendments that have to be prepared so that we will be able to vote the bill maybe on November 17.

I am asking that a motion now be before the House that we table Senate bill No. 580 and place it on the third consideration postponed calendar.

The SPEAKER pro tempore. The Chair would remind the members that this motion is not debatable.

On the question,

Will the House agree to the motion?

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

YEAS—32

Blackwell	Hutchinson, A.	Reed	Shupnik
Bradley	Johnson, J.	Rhodes	Vann
Cohen	Kolter	Richardson	Wansacz
Dietz	Kowalshyn	Ritter	Wargo
Eckensberger	Laughlin	Ross	Whittlesey
Gillette	McIntyre	Ruggiero	Yahner
Green	McLane	Schweder	Zeller
Hammock	Rappaport	Shelton	Zwickl

NAYS—159

Abraham	Geesey	McCall	Salvatore
Anderson, J. H.	Geisler	McClatchy	Scheaffer
Arthurs	George	McCue	Schmitt

Barber	Gillespie	McGinnis	Scirica
Bellomini	Gleason	Mebus	Seltzer
Bennett	Gleeson	Menhorn	Shane
Beren	Goodman	Miller, M. E.	Shelhamer
Berlin	Greenfield	Miller, M. E., Jr.	Shuman
Bittle	Grieco	Milliron	Sirianni
Bonetto	Gring	Miscevich	Smith, E.
Brandt	Halverson	Moehmann	Smith, L.
Brunner	Hamilton, J. H.	Morris	Spencer
Burns	Hasay	Mrkonic	Stahl
Caputo	Haskell	Mullen, M. P.	Stapleton
Cessar	Hayes, D. S.	Mullen	Stout
Cimini	Hayes, S. E.	Musto	Sullivan
Cole	Hepford	Myers	Taddonio
Cowell	Hill	Novak	Taylor
Crawford	Hopkins	Noye	Thomas
Davis, D. M.	Hutchinson, W.	O'Brien	Toll
DeMedio	Irvic	O'Connell	Trelio
Deverter	Itkin	O'Donnell	Turner
Dicarlo	Katz	O'Keefe	Ustynoski
DiDonato	Kelly, A. P.	Oliver	Vroon
Dininni	Kelly, J. B.	Pancoast	Wagner
Dombrowski	Kernick	Parker, H. S.	Weidner
Dorr	Kistler	Perri	Westerberg
Doyle	Klingaman	Perry	Whelan
Dreibelbis	Knepper	Petrarca	Wilson
Englehart	Kusse	Pievsky	Wilt, R. W.
Fawcett	LaMarca	Pitts	Wilt, W. W.
Fee	Laudadio	Polite	Wojdak
Fischer	Lederer	Pratt	Worrlow
Fisher	Lehr	Prendergast	Wright
Flaherty	Letterman	Pyles	Yohn
Foster, A.	Levi	Renninger	Zearfoss
Foster, W.	Lincoln	Renwick	Zord
Fryer	Lynch	Romanelli	
Gallagher	Manderino	Ryan	Fineman, Speaker
Gallen	Manmiller	Saloom	
Garzia			

NOT VOTING—11

Berson	Davies	Milanovich	Valicenti
Butera	Giammarco	Rieger	Walsh, T. P.
Cumberland	McGraw	Tayoun	

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 bill as amended on third consideration?

Bill as amended was agreed to.

The SPEAKER pro tempore. 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—160

Abraham	Geisler	Manderino	Salvatore
Anderson, J. H.	George	Manmiller	Scheaffer
Arthurs	Gillespie	McCall	Schmitt
Barber	Gillette	McClatchy	Seltzer
Bellomini	Gleason	McCue	Shane
Bennett	Gleeson	McGinnis	Shelhamer
Beren	Goodman	Menhorn	Sirianni
Berlin	Green	Miller, M. E., Jr.	Smith, E.
Bittle	Greenfield	Miller, M. E.	Smith, L.
Bonetto	Grieco	Milliron	Spencer
Brandt	Gring	Miscevich	Stahl
Brunner	Hamilton, J. H.	Morris	Stapleton
Burns	Hasay	Mrkonic	Stout
Caputo	Haskell	Mullen, M. P.	Sullivan
Cessar	Hayes, D. S.	Mullen	Taddonio
Cimini	Hayes, S. E.	Musto	Taylor
Cole	Hepford	Myers	Thomas
Cowell	Hill	Novak	Toll
Crawford	Hopkins	Noye	Trelio
Cumberland	Hutchinson, A.	O'Brien	Turner
Davis, D. M.	Hutchinson, W.	O'Connell	Ustynoski
DeMedio	Itkin	O'Donnell	Wagner
Deverter	Johnson, J.	O'Keefe	Wansacz
Dicarlo	Katz	Pancoast	Weidner
DiDonato	Kelly, A. P.	Parker, H. S.	Westerberg
Dininni	Kelly, J. B.	Perri	Whelan

Dombrowski	Kernick	Perry	Whittlesey
Dorr	Kistler	Petrarca	Wilson
Doyle	Klingaman	Pievsky	Wilt, R. W.
Dreibelbis	Knepper	Polite	Wilt, W. W.
Englehart	Kolter	Pratt	Wojdak
Fee	Kowalshyn	Prendergast	Worrilow
Fisher	Kusse	Pyles	Wright
Flaherty	LaMarca	Rappaport	Yahner
Foster, A.	Laudadio	Reed	Yohn
Foster, W.	Lederer	Renninger	Zearfoss
Fryer	Lehr	Renwick	Zord
Gallagher	Letterman	Romanelli	
Gallen	Levi	Ruggiero	Fineman,
Garzia	Lincoln	Ryan	Speaker
Geesey	Lynch		

NAYS—29

Blackwell	Hammock	Rhodes	Shuman
Bradley	Irviss	Richardson	Shupnik
Cohen	Laughlin	Ritter	Vann
Dietz	McLane	Ross	Vroon
Eckensberger	Mebus	Saloom	Wargo
Fawcett	Moehlmann	Schweder	Zeller
Fischer	Pitts	Schrica	Zwinkl
Halverson			

NOT VOTING—13

Berson	McGraw	Oliver	Tayoun
Butera	McIntyre	Rieger	Valicenti
Davies	Millanovich	Shelton	Walsh, T. P.
Giammarco			

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

HOUSE SCHEDULE ANNOUNCEMENT

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVISS. Mr. Speaker, if the members will please pay very close attention, it is my intention to get you out of here no later than 5:30. We have 19 other votes that I had listed and obviously we cannot go through them. I have made an arbitrary selection of bills which I think must be acted upon because certain members have asked for them. Other than these bills, we do not intend to call up any others from the calendar.

Those bills are three—three, Mr. Ryan, instead of the two that I gave you. Senate bill No. 955 on page 9. Do you have that now marked, Mr. Speaker, because I did not put that on your list? House bill No. 526 on page 3, and Senate bill No. 536 on page 8.

Now unless some member can convince me that he or she has a bill on here which is of absolute importance, that will be it and we will get you out of here about 5:30. I think I hear no objections.

Mr. Speaker, will you take up Senate bill No. 955, printer's No. 1101?

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOEHLMANN. Mr. Speaker, this has to do with Senate bill No. 572.

In view of House rules 64 and 65 concerning members

having a private or personal interest in measures before the House, I wish to inform the House that the district attorney of Lebanon County is a partner of the law firm with which I am associated.

Senate bill No. 572 having by amendment become a salary bill for district attorneys, I have judged it appropriate that I not vote on final passage of Senate bill No. 572 and I ask the House to excuse me under the provisions of rule 64.

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

Without objection, the Chair turns to page 9 of the calendar, to Senate bill No. 955, printer's No. 1101.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 955, printer's No. 1101, entitled:

An Act providing services for the diagnosis and correction of speech and hearing defects to nonpublic school children.

On the question,

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

The SPEAKER pro tempore. 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—187

Abraham	Giammarco	McCue	Scheaffer
Anderson, J. H.	Gillespie	McGinnis	Schmitt
Arthurs	Gillette	McIntyre	Schweder
Barber	Gleason	McLane	Schrica
Bellomini	Gleason	Mebus	Seltzer
Bennett	Goodman	Menhorn	Shane
Beren	Green	Miller, M. E.	Shelhamer
Berlin	Greenfield	Miller, M. E., Jr.	Shelton
Bittle	Grieco	Milliron	Shuman
Blackwell	Gring	Miscevich	Shupnik
Bonetto	Halverson	Moehlmann	Sirianni
Bradley	Hamilton, J. H.	Morris	Smith, E.
Brandt	Hammock	Mrkonje	Smith, L.
Brunner	Hasay	Mullen, M. P.	Spencer
Burns	Haskell	Mullen	Stahl
Caputo	Hayes, D. S.	Musto	Stapleton
Cessar	Hepford	Novak	Stout
Cimini	Hill	Noye	Tadocnio
Cohen	Hopkins	O'Brien	Taylor
Cole	Hutchinson, A.	O'Connell	Thomas
Cowell	Hutchinson, W.	O'Donnell	Toll
Crawford	Irviss	O'Keefe	Trello
Cumberland	Itkin	Oliver	Turner
Davis, D. M.	Johnson, J.	Pancoast	Ustynowski
DeMedio	Katz	Parker, H. S.	Vann
Deverter	Kelly, A. P.	Perri	Vroon
Dicarlo	Kelly, J. B.	Perry	Wagner
DiDonato	Kernick	Petrarca	Wansacz
Dietz	Kistler	Pievsky	Wargo
Dininni	Klingaman	Pitts	Westerberg
Dombrowski	Knepper	Polite	Whelan
Dorr	Kolter	Pratt	Whittlesey
Doyle	Kowalshyn	Pyles	Wilson
Dreibelbis	Kusse	Rappaport	Wilt, R. W.
Eckensberger	LaMarca	Reed	Wilt, W. W.
Englehart	Laudadio	Renninger	Wojdak
Fawcett	Laughlin	Renwick	Worrilow
Fee	Lederer	Rhodes	Wright
Fischer	Lehr	Richardson	Yahner
Fisher	Letterman	Rieger	Yohn
Flaherty	Levi	Ritter	Zearfoss
Foster, W.	Lincoln	Romanelli	Zeller
Gallagher	Lynch	Ross	Zord
Gallen	Mandertino	Ruggiero	Zwinkl
Garzia	Manmiller	Ryan	
Geesey	McCall	Saloom	Fineman,
Geisler	McClatchy	Salvatore	Speaker
George			

NAYS—5

Foster, A. Hayes, S. E. Prendergast Weidner
Fryer

NOT VOTING—10

Berson McGraw Sullivan Valicenti
Butera Milanovich Tayoun Walsh, T. P.
Davies Myers

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same without amendment.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRENDERGAST. Mr. Speaker, I would like the record to show that I voted in the affirmative on Senate bill No. 955.

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

TAX BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 526, printer's No. 2195, entitled:

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), referred to as the Intangible Personal Property Tax Law, changing the time of making a tax return.

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 (Sec. 4.1), page 2, line 4, by inserting brackets before and after "it shall be the duty of"

Amend Sec. 1 (Sec. 4.1), page 2, line 5, by inserting a bracket before "on"

Amend Sec. 1 (Sec. 4.1), page 2, line 6, by striking out the brackets before and after "February"

Amend Sec. 1 (Sec. 4.1), page 2, line 6, by striking out "APRIL"

Amend Sec. 1 (Sec. 4.1), page 2, line 6, by inserting a bracket after "to" and inserting immediately thereafter: shall, each year, on or before such date as shall be fixed by the council in cities coextensive with counties or by the board of revision of taxes or the county commissioners in counties other than counties of the first class,

On the question,

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 pro tempore. 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—186

Abraham Geesey Manmiller Ryan
Anderson, J. H. Geisler McCall Saloom
Arthurs George McClatchy Salvatore
Barber Giammarco McCue Scheaffer
Bellomint Gillespie McGinnis Schmitt
Bennett Gillette McIntyre Schweder
Beren Gleason McLane Scirica
Berlin Gleeson Mebus Seltzer
Berson Goodman Menhorn Shane
Bittle Green Miller, M. E. Shelhamer
Blackwell Greenfield Miller, M. E., Jr. Shuman
Bonetto Grieco Milliron Shupnik
Bradley Gring Miscovich Sirlanni
Brandt Halverson Moehlmann Smith, E.
Brunner Hamilton, J. H. Morris Smith, L.
Burns Hasay Mrkoncic Spencer
Caputo Haskell Mullen, M. P. Stahl
Cessar Hayes, D. S. Mullen Stapleton
Cimini Hayes, S. E. Musto Stout
Cole Hepford Novak Taddonio
Cowell Hill Noye Taylor
Crawford Hopkins O'Brien Toll
Cumberland Hutchinson, A. O'Connell Trello
Davis, D. M. Hutchinson, W. O'Donnell Turner
DeMedio Irvs O'Keefe Ustynoski
Deverter Itkin Oliver Vann
Dicarlo Johnson, J. Pancoast Vron
DiDonato Katz Parker, H. S. Wagner
Dietz Kelly, A. P. Perri Wansacz
Dininni Kelly, J. B. Perry Wargo
Dombrowaki Kernick Petrarca Weidner
Dorr Kistler Pievsky Westerberg
Doyle Klingaman Pitts Whelan
Dreibelbis Knepper Polite Whittlesey
Eckensberger Kolter Pratt Wilson
Engelhart Kowalyszyn Prendergast Wilt, R. W.
Fawcett Kusse Pyles Wilt, W. W.
Fee LaMarca Rappaport Wojdak
Fischer Laudadio Renninger Worrlow
Fisher Laughlin Renwick Wright
Flaherty Lederer Richardson Yahner
Foster, A. Lehr Rieger Yohn
Foster, W. Letterman Ritter Zearfoss
Fryer Levi Romanelli Zeller
Gallagher Lincoln Ross Zord
Gallen Lynch Ruggiero Zwick
Garzia Manderino

NAYS—0

NOT VOTING—16

Butera Milanovich Sullivan Walsh, T. P.
Cohen Myers Tayoun Fineman,
Davies Reed Thomas Speaker
Hammock Rhodes Valicenti
McGraw Shalton

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 pro tempore. The Chair would like the record to reflect that had the Speaker, Mr. Fineman, voted on House bill No. 526, he would have voted in the affirmative.

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 pro tempore. The gentleman will state it.

Mr. COHEN. Mr. Speaker, I ask to be recorded in the affirmative on House bill No. 526.

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

Mr. COHEN. Thank you, Mr. Speaker.

**MINES AND ENERGY MANAGEMENT BILL
ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 536, printer's No. 1246, entitled:

An Act regulating the practices of suppliers, distributors and dealers of gasoline petroleum products and accessories for motor vehicles and providing remedies for violations.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. 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—192

Abraham	Geisler	McCue	Scheaffer
Anderson, J. H.	George	McGinnis	Schmitt
Arthurs	Giammarco	McIntyre	Schweder
Barber	Gillespie	McLane	Scirica
Bellomini	Gillette	Mebus	Seltzer
Bennett	Gleason	Menhorn	Shane
Beren	Gleeson	Miller, M. E.	Shelhamer
Berlin	Goodman	Miller, M. E., Jr.	Shelton
Berson	Green	Milliron	Shuman
Bittle	Greenfield	Miscevich	Shupnik
Blackwell	Grieco	Moehlmann	Sirianni
Bonetto	Gring	Morris	Smith, E.
Bradley	Halverson	Mrkonjc	Smith, L.
Brandt	Hamilton, J. H.	Mullen, M. P.	Spencer
Brunner	Hammock	Mullen	Stahl
Burns	Hasay	Musto	Stapleton
Caputo	Haskell	Myers	Stout
Cessar	Hayes, D. S.	Novak	Taddonio
Cimini	Hayes, S. E.	Noye	Taylor
Cohen	Hepford	O'Brien	Thomas
Cole	Hill	O'Connell	Toll
Cowell	Hopkins	O'Donnell	Trello
Crawford	Hutchinson, A.	O'Keefe	Turner
Cumberland	Hutchinson, W.	Oliver	Ustynoski
Davis, D. M.	Irvis	Pancoast	Vann
DeMedio	Itkin	Perri	Vroon
Deverter	Johnson, J.	Perry	Wagner
Dicarlo	Katz	Petrarca	Wansacz
DiDonato	Kelly, A. P.	Pievsky	Wargo
Dietz	Kelly, J. B.	Pitts	Weidner
Dininni	Kernick	Polite	Westerberg
Dombrowski	Kistler	Pratt	Whelan
Dorr	Klingaman	Prendergast	Whittlesey
Doyle	Knepper	Pyles	Wilson
Dreibelbis	Kolter	Rappaport	Wilt, R. W.
Eckensberger	Kowalyszyn	Reed	Wilt, W. W.
Englehart	Kusse	Renninger	Wojdak
Fawcett	LaMarca	Renwick	Worrilow
Fee	Laudadio	Rhodes	Wright
Fischer	Laughlin	Richardson	Yahner
Fisher	Lederer	Rieger	Yohn
Flaherty	Lehr	Ritter	Zearfoss
Foster, A.	Letterman	Romanelli	Zeller
Foster, W.	Levi	Ross	Zord
Fryer	Lincoln	Ruggiero	Zwinkl
Gallagher	Lynch	Ryan	
Gallen	Manderino	Saloom	
Garzia	McCall	Salvatore	
Geesey	McClatchy		

NAYS—0

NOT VOTING—10

Butera	McGraw	Sullivan	Valicenti
Davies	Milanovich	Tayoun	Walsh, T. P.
Manmiller	Parker, H. S.		

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same without amendment.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, there is a privileged resolution, a condolence resolution on the passing of a former member. I would like the members to remain just for that and then they are released.

HOUSE OF REPRESENTATIVES

HARRISBURG, PA.

OFFICE OF THE CHIEF CLERK

RESOLUTION

WHEREAS, Harold A. Yetzer, Sheriff of Berks County and a former member of this House, died on Friday, October 3, 1975; and

WHEREAS, Sheriff Yetzer served as an able and dedicated member of this House of Representatives from 1947 to 1956, and earned the love and respect of all who knew and worked with him; and

WHEREAS, Mr. Yetzer is survived by his wife, Mary Yetzer and one brother and three sisters; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn the passing of Harold A. Yetzer, and extends its heartfelt condolences to his wife and to the family of this outstanding citizen and public servant; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Mary Yetzer, 521 Jefferson Street, Hyde Park, Pennsylvania 15641.

LESTER K. FRYER
RUSSELL J. LaMARCA
K. LEROY IRVIS
JAMES J. GALLEN
HAROLD J. STAHL, JR.
JOHN S. DAVIES

(Members stood in silence.)

The SPEAKER pro tempore. The resolution is unanimously adopted.

REMARKS ON LEGISLATION INTRODUCED

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

Mr. TURNER. Mr. Speaker, I rise to present a bill to the House. I would like to be recognized, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman wish to make remarks concerning the bill?

Mr. TURNER. Yes, very briefly, sir.

The SPEAKER pro tempore. The gentleman will proceed with his remarks.

Mr. TURNER. I am submitting a piece of legislation today to the House of Representatives which represents an exemption factor in the sales tax for those people who were affected by the flood of Eloise. We have many people in our area across the northern tier who lost property, lost personal property in the way of appliances,

Speaker

homes, electric motors, pumps, and so forth. This bill would exempt them from the sales tax.

Thank you, Mr. Speaker.

REMARKS AND OPINION SUBMITTED FOR THE RECORD

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

Mr. BEREN. Thank you, Mr. Speaker.

Mr. Speaker, I have some remarks to be submitted for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman will send his remarks to the desk.

Mr. BEREN presented the following remarks and opinion for the Legislative Journal:

Mr. Speaker, on August 10, 1973, the Attorney General issued an opinion that nonprofit corporations created by the United States Congress were, nonetheless, subject to registration under the Solicitation of Charitable Funds Act of Pennsylvania. Specific reference was made in that opinion to the American National Red Cross.

Following the publication of that opinion, it became apparent that there were conflicting prior opinions in Pennsylvania and conflicting opinions in other jurisdictions. As a result, a new opinion was issued by the present Attorney General, written to William A. Titelman, director of the Commission on Charitable Organizations, which indicated that the American National Red Cross will voluntarily submit its audited financial statements and that, under such conditions, the Attorney General feels that it should not subject the American National Red Cross to regulation.

Mr. Speaker, because it is important this opinion be of public record, I request that the entire opinion of the Attorney General be reproduced in this Journal.

September 9, 1975

William A. Titelman, Director
Commission On Charitable Organizations
301 North Office Building
Harrisburg, Pennsylvania

Dear Mr. Titelman:

On August 10, 1973, in response to a request from the Honorable C. DeLores Tucker, Secretary of the Commonwealth, we issued our opinion that non-profit corporations created by the United States Congress under Title 36 of the United States Code must register under the Solicitation of Charitable Funds Act [10 P.S. Sections 160-1 et. seq.]. Among the corporations to which reference was made in that Opinion was the American National Red Cross. A footnote comment also withdrew an apparently contradictory former opinion of this office with respect to the jurisdiction of the Commission on Charitable Organizations over the fund-raising activities of that organization.

Since promulgation of Official Opinion No. 58, we have located and reviewed two prior Opinions of this office with respect to the application of state jurisdiction over the American National Red Cross. In addition, several official actions of federal and state authorities in other jurisdictions have led to reconsideration of our earlier

opinion. Salient among the official actions of other governments are the following:

The Office of the Attorney General of South Carolina has ruled that the American National Red Cross, as a quasi-federal governmental agency, is not subject to the registration provisions of the Solicitation of Charitable Funds Act. [April 4, 1974]

The Internal Revenue Service has ruled that the American National Red Cross is not liable for the tax imposed by Section 4481(a) of the Internal Revenue Code, since, for purposes of the Federal Highway Motor Vehicle Use Tax, use of a highway motor vehicle by the American National Red Cross is considered use by the United States [April 4, 1974].

The Minnesota Department of Revenue has ruled that the American National Red Cross, as an instrumentality of the United States, is not subject to state excise or income taxes and has no annual reporting requirement normally applicable to charitable organizations. [March 4, 1974]

See also Department of Employment v. United States, 385 U.S. 355 (1966).

We also note that each year the American National Red Cross submits public reports to, and is subjected to audit by, the United States Department of Defense; and the audited reports are transmitted to the Congress of the United States. In the latter respect, the American National Red Cross is unique among the corporations to which reference was made in Official Opinion No. 58.

The American Red Cross, citing the authorities discussed above, takes the position that the Red Cross is not subject to regulation by the Solicitation of Charitable Funds Act. However, it will voluntarily submit its audited financial statements to the Commission. Under these conditions, the Attorney General feels it appropriate to accept the procedures suggested by the American Red Cross and not subject the American Red Cross to regulation under the Act at this time.

Sincerely yours,
ROBERT P. KANE
Attorney General

REMARKS ON RESOLUTION INTRODUCED

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I am at this time introducing a resolution which I believe has bipartisan accord, if not in signature, at least in spirit, to look over the problems of the Pennsylvania Department of Transportation. It asks this House, on adoption of the resolution, to appoint a five-member bipartisan committee with subpoena powers and an advisory commission made up of members of organizations interested in the Pennsylvania highway system and its problems, and asks that a report be made by these groups on or before January 15 of 1976.

I am offering the resolution at this time, asking that if any additional sponsors care to join in it, they go to the desk and sign.

Thank you, Mr. Speaker.

BILLS NOT CALLED UP

The SPEAKER pro tempore. Remaining bills on today's calendar are not called up.

WELCOMES

The SPEAKER pro tempore. The Chair would like to welcome some guests who are here today as the guests of the gentleman from Bradford, Mr. Turner—Messrs. Hauck, Leker, Eastburn and Peavy, from the Masonite Corporation.

The Chair is pleased to acknowledge the presence today of the King's College Men in Red. Obviously they are from King's College in Wilkes-Barre.

This is a choral group of 60 young men, all of whom are students at King's College. They appeared today in the Thursday college concert which was held at the William Penn Memorial Hall. They are under the leadership of their choir director, Professor Bronis Voveris of King's College.

These young men are the guests of the Luzerne County delegation.

The Chair wishes at this time to welcome to the House Mr. and Mrs. Robert Skinner and their daughter Melissa of Emmaus, Pennsylvania. Mr. and Mrs. Skinner are the parents of our page, Michael Skinner. They are the guests of the gentleman from Lehigh, Mr. Zeller.

The SPEAKER pro tempore. Does the majority leader have any further business to come before the House?

Mr. IRVIS. I have no further business, Mr. Speaker.

The SPEAKER pro tempore. Has the minority whip any further business to come before the House?

QUESTION OF INFORMATION

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, have we acted on any of the resolutions or citations, and so forth? Have they been acted upon? It was asked me by a member, and I thought I would do it for him.

The SPEAKER pro tempore. We have not acted on any of the resolutions.

Mr. ZELLER. Okay.

GUEST PAGES COMMENDED

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

Mr. ZELLER. Mr. Speaker, I would like, for the record's sake, to pay tribute to the three young pages who worked here the last 2 days—Mike Skinner, son of Mr. and Mrs. Robert Skinner of Emmaus; Peter Labenberg, son of Mr. and Mrs. William Labenberg of Emmaus; and Curt Kemmerer, son of Mr. and Mrs. Gerald Kemmerer of Emmaus. These young men have been the recipients of an award on a Flag Day essay contest, and part of their award was to serve as pages in the House.

I want to thank Mr. Pat McShane and the chief clerk's office for the tremendous cooperation they have given us in aiding these boys, and also their immediate boss, Mr. Art Woolsey, who did a tremendous job in guiding these young men. I want to thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

ADJOURNMENT

Mr. ABRAHAM moved that this House do now adjourn until Monday, November 17, 1975, at 1 p.m., e.d.t., unless sooner recalled by the Speaker of the House.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 5:20 p.m., e.d.t.) the House adjourned.