

Legislative Journal

WEDNESDAY, FEBRUARY 25, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 105

HOUSE OF REPRESENTATIVES

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

Most gracious and everlasting God and Father of all mankind, it is with the consciousness that we are dependent upon Thee that we invoke Thy blessing upon this assemblage. We recognize that without Thy power and strength directing our lives and actions we cannot reach the highest potential which Thou dost expect of us. We are aware that without Thy counsel and guidance in our lives we cannot bring forth those deeds of mature citizenship in Thy kingdom here on earth. And we know that without Thy love and tender mercy we cannot fully share the extension of Thy kingdom in the hearts and minds of all mankind. O God, enrich us with Thy love, fill us with Thy counsel, and send us forth with Thy power. Amen.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Messrs. VROON, BUTERA, SELTZER, MORRIS, A. K. HUTCHINSON, E. H. SMITH, PYLES, GEORGE, SHANE, HEPFORD, L. E. SMITH, Mrs. FAWCETT, Mr. ZEARFOSS, Mrs. CRAWFORD, Messrs. HILL and McGINNIS **HOUSE BILL No. 2156**

An Act amending the "General Appropriation Act of 1975," approved June 30, 1975 (No. 8-A), making an additional appropriation to the Pennsylvania Historical and Museum Commission for the administration of the Valley Forge State Park.

Referred to Committee on Appropriations.

By Messrs. VROON, A. K. HUTCHINSON, SELTZER, ZEARFOSS, Mrs. CRAWFORD, Messrs. E. H. SMITH, McCLATCHY, Mrs. FAWCETT, Messrs. PYLES, HILL, SHANE and McGINNIS **HOUSE BILL No. 2157**

An Act making an appropriation to the Valley Forge Park Commission for administration and operation of the park for the celebration of the Bicentennial.

Referred to Committee on Appropriations.

By Messrs. BONETTO, WESTERBERG, CAPUTO, PRENDERGAST, ENGLEHART, RYAN, L. E. SMITH, SPENCER, BUTERA and BRUNNER **HOUSE BILL No. 2158**

An Act amending the "Motor Vehicle Sales Finance

Act," approved June 28, 1947 (P. L. 1110, No. 476), further providing for finance charges for certain motor vehicles.

Referred to Committee on Transportation.

By Messrs. DiCARLO and LINCOLN

HOUSE BILL No. 2159

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), adding penalties for the fraudulent acquisition of Federal food order stamps.

Referred to Committee on Health and Welfare.

By Messrs. DAVIES, BRANDT, PYLES, WHELAN, WRIGHT, BURNS, O'BRIEN, HASAY, NOYE, STAPLETON, GEESEY, GALLEN and GARZIA

HOUSE BILL No. 2160

An Act providing for the assessment of solar energy systems.

Referred to Committee on Mines and Energy Management.

By Messrs. DAVIES, BRANDT, PYLES, WHELAN, WRIGHT, BURNS, O'BRIEN, NOYE, STAPLETON, GALLEN and GARZIA **HOUSE BILL No. 2161**

An Act empowering the Department of Community Affairs to make certain grants or subsidies; requiring consultation with the Department of Environmental Resources; and making an appropriation.

Referred to Committee on Appropriations.

By Messrs. McCUE, DeMEDIO, SHUMAN, LYNCH, OLIVER and USTYNOSKI **HOUSE BILL No. 2162**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing tuition credit at certain colleges and schools for members of the National Guard.

Referred to Committee on Military and Veterans Affairs.

By Messrs. BURNS, MORRIS, WRIGHT, FRYER and WEIDNER **HOUSE BILL No. 2163**

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), providing that the costs in processing a curative amendment be borne by the landowner.

Referred to Committee on Local Government.

By Messrs. BURNS, MORRIS, WRIGHT, FRYER and WEIDNER **HOUSE BILL No. 2164**

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), further providing for approval of plats.

Referred to Committee on Local Government.

By Messrs. THOMAS, VALICENTI, HAMILTON, GILLESPIE and MEBUS **HOUSE BILL No. 2165**

An Act amending the act of May 2, 1929 (P. L. 1513, No. 451), entitled, as amended, "An act regulating the construction, equipment, maintenance, operation and inspection of boilers and unfired, pressure vessels; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," further providing for inspections.

Referred to Committee on Labor Relations.

SENATE MESSAGE

BILLS FOR CONCURRENCE

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

SENATE BILL No. 1002

An Act amending the act of July 22, 1970 (P. L. 513, No. 178), entitled "Pennsylvania Cigarette Tax Act," providing for disposition of unclaimed motor vehicles.

Referred to Committee on Finance.

SENATE BILL No. 1199

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled "Real Estate Tax Sale Law," further extending the act of certain third class cities and school districts within third class cities.

Referred to Committee on Urban Affairs.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I request leave of absence for Mr. HAMMOCK for today's session.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I request leave of absence for Mr. WHELAN for today's session.

The SPEAKER. Without objection, leaves are granted.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, February 24, 1976, will be postponed until printed.

MASTER ROLL CALL

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

The roll was taken and was as follows:

YEAS—187

Abraham	Gillespie	McGinnis	Salvatore
Anderson, J. H.	Gillette	McIntyre	Scheaffer
Arthurs	Gleason	McLane	Schmitt
Barber	Gleeson	Mebus	Schweder
Bellomini	Goodman	Menhorn	Scitica
Bennett	Green	Milanovich	Seltzer
Beren	Greenfield	Miller, M. E.	Shane
Berlin	Grieco	Miller, M. E., Jr.	Shelhamer
Berson	Gring	Millron	Shelton
Bittle	Halverson	Miscevich	Shuman
Bradley	Hamilton, J. H.	Moehlmann	Shupnik
Brandt	Hasay	Morris	Sirianni
Brunner	Haskell	Mrkonic	Smith, E.
Burns	Hayes, D. S.	Mullen	Smith, L.

Butera	Hayes, S. E.	Mullen, M. P.	Spencer
Caputo	Hepford	Musto	Stahl
Cessar	Hill	Myers	Stapleton
Cimini	Hopkins	Novak	Stout
Cole	Hutchinson, A.	Noye	Taddonto
Cowell	Hutchinson, W.	O'Brien	Taylor
Crawford	Irvis	O'Connell	Thomas
Cumberland	Itkin	O'Donnell	Toll
Davies	Johnson, J.	O'Keefe	Trello
DeMedio	Katz	Oliver	Turner
Deverter	Kelly, A. P.	Pancoast	Ustynoski
Dicarlo	Kelly, J. B.	Parker, H. S.	Valicenti
Dietz	Kernick	Perri	Vroon
Dininni	Kistler	Petrarca	Wagner
Dombrowski	Klingaman	Pievsky	Walsh, T. P.
Dorr	Knepper	Pitts	Wansacz
Doyle	Kolter	Polite	Wargo
Dreibelbs	Kowalyszyn	Pratt	Weidner
Eckensberger	Kusse	Prendergast	Westerberg
Engelhart	LaMarca	Pyles	Wilson
Fawcett	Laudadio	Rappaport	Wilt, R. W.
Fee	Laughlin	Ravenstahl	Wilt, W. W.
Fischer	Lederer	Reed	Wojdak
Fisher	Lehr	Renninger	WorriLOW
Flaherty	Letterman	Renwick	Wright
Foster, A.	Levi	Rhodes	Yahner
Fryer	Lincoln	Richardson	Zearfoss
Gaillagher	Lynch	Rieger	Zeller
Gallen	Manderino	Ritter	Zord
Garzia	Manmiller	Ross	Zwinkl
Geesey	McCall	Ruggiero	
Geisler	McClatchy	Ryan	Fineman,
George	McCue	Saloom	Speaker
Giammarco			

NOT VOTING—10

Bonetto	DiDonato	McGraw	Whelan
Cohen	Foster, W.	Perry	Yohn
Davis, D. M.	Hammock		

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

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, if the members will please pay attention so we can give them the schedule for today, I would appreciate it if all of you will look at your voting schedules which are on your desks.

The first bill that we shall take up on the voting schedule is House bill No. 184. Mark that as number one, even though it does not appear as number one on your schedule. I thought it better for us not to start off talking about marijuana the first thing in the morning, so we will not take House bill No. 1699 up first. The first bill we will take up will be House bill No. 184. The second bill will be House bill No. 1928. The third bill will be House bill No. 2073, and then we will go in order through House bill No. 699 as number four, House bill No. 1642 as number five, House bill No. 1036 as number six, House bill No. 1932 as number seven, and House Bill No. 1089 as number eight. We will then skip to Senate bill No. 738—I am sorry; the minority leader just advised me that there is an amendment to that bill. We may get to Senate bill No. 738 as number nine. Mr. Butera has an amendment to that bill.

Senate bill No. 401 will be number ten, and then we will go back and pick up House bill No. 1699, House bill No. 2002, House bill No. 1431, House bill No. 2010, and Senate bill No. 852, in that order. So the first bill will be House bill No. 184.

We shall be in session briefly tomorrow morning. I am sorry, but there is nothing I can do about that. There are two bills on the calendar which must be passed to-

morrow, and I cannot do anything except get them ready for tomorrow. They were not reported out of committee until yesterday, so we will have to be here tomorrow morning. It will be brief tomorrow morning, and if you will get up and get over here, we can get you on the road very quickly. But we cannot vote those bills today. They are not ready for a vote today.

Thank you, Mr. Speaker.

CALENDAR

STATE GOVERNMENT BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 184, printer's No. 205**, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth the real property connected with the Fort Hunter Museum in Susquehanna Township, Dauphin County, providing for its control, management, supervision, restoration, improvement and maintenance; and receipt of certain funds in connection therewith.

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 SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. McLane.

Mr. McLANE. Mr. Speaker, I rise today to oppose this bill for a number of reasons, the first reason being that it is another attempt by which the General Assembly is moving into an area of picking up responsibilities which are not theirs at the present time.

But the second reason is a much bigger one. On Saturday of the past week, Mr. Speaker, in the city of Scranton, a 13-year-old child fell on one of those properties currently owned by the Historical and Museum Commission. Today that child lies in critical condition in one of our Scranton hospitals. That child lies in critical condition, Mr. Speaker, because the state is unable to man that facility, provide security at that facility, and because through the negligence of the Historical and Museum Commission it was not properly being taken care of. The child went into the facility, was playing there, and, unfortunately, he fell. And today we are attempting to assume the responsibility for another such facility.

I contend, Mr. Speaker, that this has to stop. During the budget arguments last June, I sat in my seat and I listened to both sides argue that no longer could we continue to open facilities under this guise of the Historical and Museum Commission, no longer could we continue to staff them. Now this tragedy has occurred in my district. I do not know whose district it will occur in next. But I contend, Mr. Speaker, that unless we are willing and ready to appropriate the money and to vote the taxes to staff and operate these facilities properly, then we should not continue to assume the responsibility for them. Therefore, I request a vote in the negative. This has to stop someplace, and I contend we should do it today.

Thank you, Mr. Speaker.

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

Mr. KISTLER. Mr. Speaker, this might hold with what the gentleman said for certain conditions, but this Fort Hunter Museum is an exception to the case. There is enough money coming along with this museum addition to not only support it but to support many other projects. So the gentleman is entirely out of order in this comment, and I would respectfully ask the members of the House to vote in support of the bill.

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

Mr. REED. Mr. Speaker, just to reinforce what Mr. Kistler just said, very specifically there is an endowment fund that belongs to the Fort Hunter Museum and land which would be converted to the Commonwealth of Pennsylvania. That was included in the information provided the State Government Committee prior to their reporting the matter out. The revenue realized by Fort Hunter today from just that one endowment fund is in excess of \$10,000.

In addition to that, they have a pretty large contingent of volunteers which is presently and has been for years operating it. They plan to continue doing that, and there is no cost for that.

There are various other sources of revenue—the sale of various items, the memberships. They have a shop in operation and so forth. Proceeds are realized, as well, from admissions at the door. There is a whole series of revenue-raising devices that are presently employed at Fort Hunter which are not employed at other locations.

So for this reason, while I understand Mr. McLane's contentions and can sympathize with them, this is an exception to the rule about which he spoke.

HOUSE BILL No. 184 TABLED

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. McLane.

Mr. McLANE. Mr. Speaker, maybe what the gentlemen say is true. However, I believe basically and philosophically I am correct. Therefore, at this point in time, until each member can make up his own mind and decide which course he wants to take, I respectfully move that this bill be tabled.

The SPEAKER. The gentleman has moved that House bill No. 184 be placed upon the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. McLANE and KISTLER and were as follows:

YEAS—85

Abraham	Garzia	Lincoln	Scirica
Arthurs	Gelsler	McCall	Shekhamer
Bellomint	Giammarco	McIntyre	Shelton
Bennett	Gillespie	McLane	Shuman
Berlin	Green	Menhorn	Shupnik
Bradley	Greenfield	Milliron	Stapleton
Brunner	Grieco	Miscevich	Stout
Caputo	Hamilton, J. H.	Mullen	Taddonio
Cole	Hammock	Mullen, M. P.	Taylor
Cowell	Hayes, D. S.	Musto	Toll
Davies	Hopkins	Mrkonje	Trello
DeMedio	Hutchinson, A.	Novak	Turner
Dicarlo	Itkin	O'Keefe	Ustynoski
Dietz	Kelly, A. P.	Prendergast	Valicenti
Dombrowski	Kernick	Pyles	Wagner
Doye	Kusse	Ravenstahl	Wansacz
Eckensberger	LaMarca	Renwick	Wargo

Englehart	Laudadio	Richardson	Yahner
Fee	Laughlin	Rieger	Fineman,
Flaherty	Lederer	Ross	Speaker
Fryer	Letterman	Schmitt	
Gallagher	Levi	Schweder	

NAYS—81

Anderson, J. H.	Gillette	McCue	Saloom
Barber	Goodman	McGinnis	Salvatore
Beren	Gring	Mebus	Scheaffer
Bittle	Halverson	Miller, M. E.	Seltzer
Brandt	Hasay	Miller, M. E., Jr.	Shane
Burns	Haskell	Moehlmann	Smith, E.
Butera	Hayes, S. E.	Morris	Smith, L.
Cessar	Hepford	O'Brien	Spencer
Cimini	Hill	O'Connell	Stahl
Crawford	Irvis	Oliver	Thomas
Cumberland	Katz	Pancoast	Vroon
Deverter	Kistler	Parker, H. S.	Weidner
Dininni	Klingaman	Ferri	Westerberg
Dorr	Knepper	Petrarca	Wilt, R. W.
Fawcett	Kowalyszyn	Pitts	Wilt, W. W.
Fischer	Lehr	Polite	Worrilow
Fisher	Lynch	Reed	Wright
Foster, A.	Manderino	Renninger	Zeller
Gallen	Manmiller	Ritter	Zord
Geesey	McClatchy	Ryan	Zwilk

NOT VOTING—31

Berson	Gleeson	Noye	Sirianni
Bonetto	Hutchinson, W.	O'Donnell	Walsh, T. P.
Cohen	Johnson, J.	Perry	Whelan
Davis, D. M.	Kelly, J. B.	Pievsky	Wilson
DiDonato	Kolter	Pratt	Wojdak
Dreibelbis	McGraw	Rappaport	Yohn
Foster, W.	Milanovich	Rhodes	Zearfoss
Gleason	Myers	Ruggiero	

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

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, before the discussion is taken, let me please make an announcement.

I would appreciate it, Mr. Speaker, if members intend to make motions or amendments to a bill which has been scheduled for a vote on this agenda, that they would at least do me the courtesy of letting me know so that I am not taken by surprise by such motions. It is not that I object to being surprised; it is the fact that we are unable to operate the House in an orderly fashion unless this is done. The same thing has been happening with amendments, and we are trying to correct that problem. I do not want to see us slipping into the same slipshod habits of handling motions also. Please let me know so that the majority leader and the minority leader will be able to schedule this House.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, while we are on the subject of surprises, I would appreciate someone—perhaps Mr. Rappaport or yourself—explaining to the House exactly what you have in mind regarding the Philadelphia tax package. I am sure the chairman of the Urban Affairs Committee would like to know, as he has not even been consulted, as would the chairman of the Philadelphia delegation, as would the minority leader. We read in the paper this morning that there are going to be hearings, and perhaps later on in the session at the appropriate time there could be some explanation so that we could participate in this situation.

The SPEAKER. At the appropriate moment the gentleman, Mr. Rappaport, will be happy to respond to the inquiry of the minority leader.

Agreeable to order,

The House proceeded to third consideration of House bill No. 1928, printer's No. 2478, entitled:

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), further providing for provisional appointments.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 604), page 2, line 6, by inserting a bracket before "six"

Amend Sec. 1 (Sec. 604), page 2, line 7, by inserting a bracket after "period" and inserting immediately thereafter: twelve-months

Amend Sec. 1 (Sec. 604), page 2, line 10, by striking out "six-month" and inserting: twelve-month

On the question,

Will the House agree to the amendments?

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

Mr. DiCARLO. Mr. Speaker, it is my understanding that there is no disagreement on the amendments. What they do is increase the time for provisional appointment of civil service employes from 6 months to 12 months.

On the question,

Will the House agree to the amendments?

The yeas and nays were required by Mr. DiCARLO and Mrs. CRAWFORD and were as follows:

YEAS—167

Abraham	George	McLane	Schmitt
Anderson, J. H.	Giammarco	Mebus	Schweder
Arthurs	Gillespie	Menhorn	Scirca
Barber	Gillette	Miller, M. E.	Seltzer
Bennett	Gleeson	Miller, M. E., Jr.	Shane
Beren	Goodman	Milliron	Shelhamer
Berlin	Green	Miscevich	Shelton
Berson	Greenfield	Moehlmann	Shuman
Bittle	Griceo	Morris	Shupnik
Bradley	Halverson	Mrkonjic	Sirianni
Brandt	Hayes, D. S.	Mullen, M. P.	Smith, E.
Brunner	Hayes, S. E.	Mullen	Smith, L.
Burns	Hepford	Musto	Spencer
Butera	Hill	Myers	Stahl
Caputo	Hopkins	Novak	Stapleton
Cessar	Hutchinson, A.	Noye	Stout
Cimini	Irvis	O'Brien	Taddonio
Cole	Katz	O'Connell	Taylor
Cowell	Kelly, A. P.	O'Keefe	Thomas
Crawford	Kernick	Oliver	Toll
Davies	Kistler	Pancoast	Trello
DeMedio	Klingaman	Parker, H. S.	Turner
Deverter	Knepper	Perry	Ustynoski
DiCarlo	Kolter	Petrarca	Valicenti
Dietz	Kowalyszyn	Pievsky	Vroon
Dininni	Kusse	Pitts	Wagner
Dombrowski	LaMarca	Polite	Walsh, T. P.
Dorr	Laudadio	Prendergast	Wansacz
Doyle	Laughlin	Pyles	Wargo
Dreibelbis	Lederer	Rappaport	Weidner
Eckensberger	Lehr	Reed	Westerberg
Englehart	Letterman	Renninger	Wilson
Fawcett	Levi	Renwick	Wilt, W. W.
Fee	Lincoln	Rieger	Wojdak
Fisher	Lynch	Ritter	Worrilow
Flaherty	Manderino	Romanelli	Wright
Foster, A.	Manmiller	Ross	Yahner
Fryer	McCall	Ruggiero	Zeller
Gallagher	McClatchy	Ryan	Zwilk
Gallen	McCue	Saloom	
Garzia	McGinnis	Salvatore	Fineman,
Geesey	McIntyre	Schaeffer	Speaker
Gelsler			

NAYS—8

Cumberland Fischer	Hamilton, J. H. Hasay	Haskell Itkin	Wilt, R. W. Zord
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NOT VOTING—22

Bellomini	Gleason	McGraw	Rhodes
Bonetto	Gring	Milanovich	Richardson
Cohen	Hammock	O'Donnell	Whelan
Davis, D. M.	Hutchinson, W.	Perry	Yohn
DiDonato	Johnson, J.	Pratt	Zearfoss
Foster, W.	Kelly, J. B.		

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 Chester, Mrs. Crawford.

Mrs. CRAWFORD. Mr. Speaker, I wonder if Mr. DiCarlo would submit to interrogation.

The SPEAKER. Will the gentleman from Erie, Mr. DiCarlo, consent to interrogation?

Mr. DiCARLO. Yes, Mr. Speaker.

The SPEAKER. The lady may proceed.

Mrs. CRAWFORD. Mr. Speaker, under the present Civil Service Act where a vacancy is filled by provisional appointment, would you explain to the members just exactly what this means? Does it mean, for instance, that the person has to take a civil service test or does he not have to take a civil service test under these provisional requirements?

Mr. DiCARLO. It is my understanding, Mr. Speaker, that if an individual is placed in a position provisionally, he is placed in that position with the expectation that at a future time he will have to take a civil service examination to be qualified.

The purpose of the legislation has been that in the past the Civil Service Commission has been very, very lax in even giving the examinations. In my district there are two or three individuals who have been on provisional certificate now for 3 years, over 3 years. And during that time period, a person who is on provisional status really does not have any tenure or seniority in the job; he is not eligible to apply for promotion; he is not eligible to apply for transfer or anything else. He is in a constant state of limbo, and at any time his employment could be jeopardized or even be terminated.

Mrs. CRAWFORD. Mr. Speaker, under the provisional provisions that now stand, are you telling me that an employe can be hired without taking a civil service exam and perhaps be almost like a patronage employe?

Mr. DiCARLO. It is my understanding, Mr. Speaker, that in the area of provisional employment, if a position becomes vacant and there is a list of individuals who have applied for that position, the Civil Service Commission gives examinations, but they are scheduled very differently. Perhaps only once or twice a year the examinations are given. So if the job has to be filled immediately and there is a person who qualifies, at least on paper, it gives the flexibility for that department or that agency to put that person on the job until the examination is given.

Mrs. CRAWFORD. Mr. Speaker, it does not say this to me, and perhaps we need to consider a further amendment. Would your bill say that at the end of 12 months, which would be the probationary period, that this employe would become a regular employe without a civil service exam?

Mr. DiCARLO. Yes, it does.

Mrs. CRAWFORD. Mr. Speaker, I would like to request that this bill be held until I can prepare amendments which would require that at the end of the 12-month probationary period that employe has to take the civil service exam.

The SPEAKER. Does the gentleman, Mr. DiCarlo, have any objection?

Mr. DiCARLO. Yes, I object, Mr. Speaker, for the reason that the bill is trying to correct a present inequity in the act. I feel that a 12-month probationary period is enough time to have the Civil Service Department set up an examination. If they cannot do that, then I believe that the person ought to—if they have been functioning in the job for a 12-month period and they have been functioning very successfully—at least remain in the position. I feel that it is going to be very unfair for the applicant who is involved, and that is what is happening in the present system right now.

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

Mr. RENNINGER. Mr. Speaker, I support the lady from Chester's request. I think that this could be an area of opportunity of abuse in trying to take care of people by saying that an emergency is involved in some way. I do not see any objection, during the 2-year period or 1-year period, in requiring that that person get himself or herself organized and take a test.

I am sure that in most instances the hirings would be on the level, but I think the opportunity for abuse is pretty rife, and I think to protect the employment structure and the standards that we are trying to establish through the civil service system, we should require that that person take a test and come into the system as anyone else does, even though he has been placed on the payroll or she has been placed on the payroll in advance to meet some emergency need.

I understand the fairness argument, but I can see that that could be abused, and that is my position.

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

Mr. SHUMAN. Mr. Speaker, may I ask Mr. DiCarlo a question? It may affect the matter of holding the bill for amendment.

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

Mr. DiCARLO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SHUMAN. Do you not think that we should amend the bill differently, because what you are doing could be doing away with the veterans' preference? Now under provisional appointment, when they are given an examination later on, veterans can take a test and get 10 points extra. Under your bill we would be circumventing the veterans' preference law.

Mr. DiCARLO. Mr. Speaker, I am not really doing that at all. The problem has been that the Civil Service Commission, which we are suddenly espousing as being

the agency that is going to protect the rights and set up high quality for jobs, has not really been functioning the way it should. They have not been giving examinations to provisional employees. Even if you have a veteran on the list, he certainly will not be jeopardized. He is being jeopardized right now. What is happening is that you have people who are on provisional status for 2, 3, 4, 5 years in the Commonwealth of Pennsylvania and those people are unable to leave that job to move to a higher job or even take an examination because the Civil Service Commission has not taken the time to put a test together.

What we are saying, Mr. Speaker, in fairness to everybody, is that within a 12-month period the Civil Service Commission shall indeed set up an examination for those individuals who are provisional employees who would like to apply for a job, whether they be veterans or non-veterans. We are saying that a test has to be taken by an employee. There is no doubt about that.

I have talked with the Department of Administration and the Civil Service Commission—in fact, that is why I amended the bill today from 6 months to 12 months—and they feel that a 12-month period is enough time to put an examination together to take care of a provisional employee.

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

Mr. ZELLER. Mr. Speaker, for those people who may be very concerned about this, I would like to give them an example of what happened in my county.

As a matter of fact, there were two well-qualified nurses who were on this provisional program who were told that they were going to get the job. All of a sudden without any notice, they were told that they were out and a homosexual got the job because he had already gone through that so-called certification. These people who had been doing the job and were well qualified had no chance at all.

In case you do not know it, there is a move by the administration to get all these characters in these areas I have got news for you. What you are doing is aiding and abetting this group.

If you think that is okay, that is your business, but that is what is happening. These people were well qualified, were from the area, and they brought this character in from some other area. I will not mention it; it might make some people sore; but they brought him in from a rather queer area.

Mr. DiCarlo has a very good amendment here.

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

Mr. O'CONNELL. Would Mr. DiCarlo submit to a brief interrogation?

The SPEAKER. Will the gentleman from Erie, Mr. DiCarlo, consent to interrogation?

Mr. DiCARLO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. O'CONNELL. In accordance with this language as amended, is it not possible there can be a circumvention of the civil service rules and regulations by, in fact, delaying the testing, using the provisional appointment, and then ensuring that that particular appointment go beyond 6 months and then lock them in?

Mr. DiCARLO. Well, if you are worried about that

fear, I am worrying about the same fear now because the same thing exists. What we are saying is—we are being very specific—that they had better give that examination. If you have the fear that that exists, then perhaps the legislature ought to look into the present operations of the Civil Service Commission because they have been very, very lax in not giving these tests.

Mr. O'CONNELL. Well, I am not sure but I think the language as amended here might defeat exactly what you intend to accomplish.

My second question is: How many employees would this apply to?

Mr. DiCARLO. I do not know specifically, but I understand it is a very small number, Mr. Speaker.

Mr. O'CONNELL. Well, Mr. Speaker, I would like to support this, in all honesty, but I think the language is so broad that you are going to lock in exactly what you are trying to exempt or what you are trying to eliminate.

I think you are going to create this kind of a situation in the departments where there are attempts to circumvent or to reach people. They are not going to indicate that the examination be given, that a list be prepared, and, therefore, they will be able to constantly use this as a method of putting employees on on a provisional basis and then locking them into a permanent status.

Mr. DiCARLO. Mr. Speaker, the Civil Service Commission itself has very specific rules and regulations for developing tests, for advertising those tests, for setting up lists for individuals to take those tests.

Now we do not change that pattern at all. What we are saying is that if a person is put on provisional basis, we feel that after 12 months is too long a period time to have a person sit in a provisional status. We are saying that the Civil Service Commission, within that 12-month period, should be able to put the test together, should be able to advertise the examination, not only for the person who is in a provisional status who holds a provisional job, but also for those other people in the Commonwealth who may want to apply for that job. We are saying they have the time to do that and 12 months is a reasonable time in which to do it.

Mr. O'CONNELL. I would agree with you, Mr. Speaker, but that is not what the language says. It says: "Whenever any provisional appointment continues beyond the six-month period set forth in this section, the provisional employe shall automatically assume the status of a probationary employe for a period of six months and shall, at completion of such probationary period, be classified as a regular employe." Now I agree with you that there is hanky-panky within the system and there are abuses of it. What I am suggesting is that you are going to perpetuate those abuses rather than eliminate them. I think that language ought to be redrafted to do exactly what you want it to do. It is too broad. It is self-defeating, I believe. I would have to oppose it unless it were changed.

Thank you.

Mr. DiCARLO. Mr. Speaker, I disagree with the gentleman.

I have sat down with the Civil Service Commission and the Department of Administration, and we seem to feel that this is the language that is appropriate to do the job. So I would ask the House to concur on the bill, please.

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

Mr. ITKIN. Mr. Speaker, would Mr. DiCarlo consent to interrogation?

The SPEAKER. Will the gentleman from Erie, Mr. DiCarlo, consent to interrogation?

Mr. DiCARLO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, does this apply just to state employes or does it go beyond that?

Mr. DiCARLO. It would be my understanding, Mr. Speaker, that it would apply to all those employes who come under the status of civil service in the Commonwealth.

Mr. ITKIN. You mean those political subdivisions that opt to use the state Civil Service Commission would come under the purview of this change?

Mr. DiCARLO. If they come under the Civil Service Commission of Pennsylvania, yes.

Mr. ITKIN. So this would go beyond just state employes? It would extend to all agencies which use the services of the state Civil Service Commission?

Thank you, Mr. Speaker.

Mr. DiCARLO. No, Mr. Speaker. I think you are trying to infer that we are getting involved in hiring by local agencies. Will you be more specific in your question, please?

Mr. ITKIN. Well, if you look at the title of the act which you are amending, it talks about ". . . imposing duties upon certain officers and employes of the Commonwealth; authorizing service to other State departments or agencies and political subdivisions of the Commonwealth . . ." So that there are political subdivisions of the Commonwealth which do use the state Civil Service Commission as their civil service board?

Mr. DiCARLO. Yes. For example, if you have a children's service agency and if they use the civil service list to hire a counselor or something like that, if they use the civil service guidelines for provisional employes, yes, that would apply.

Mr. ITKIN. So these changes would not only affect those employed by the Commonwealth, but also those employed by political subdivisions that make use of the services of the state Civil Service Commission to fill their lists.

Mr. DiCARLO. Mr. Speaker, it is my understanding that if they take the state civil service examination and if they follow the state civil service guidelines under the jurisdiction of the state civil service commission, yes, they would.

Mr. ITKIN. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I agree with the previous speakers. I can understand the attempt of Mr. DiCarlo in trying to mitigate the problems that certain provisional employes might have. But I agree with Mr. O'Connell and the previous speakers that this does give an opportunity for abuse because any tardiness on the state Civil Service Commission can provide that a provisional employe, one appointed only on the basis of temporary employment, be then made a regular employe.

What I am concerned about is that the act goes on further—and I think there may be some misinterpretation—after the amendatory section, on line 14 of the

bill, to say—and this is now existing law and has not been changed by the amendment—"The acceptance of a provisional appointment shall not confer upon the appointee any rights of permanent tenure, transfer, promotion or reinstatement." This amendment goes to circumvent that provision of existing law and that would still remain in the law and certainly would create confusion because of its ambiguity. In one section you say—

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

Mr. DiCARLO. Mr. Speaker, rather than take the time of this House—I thought I did have a clean bill, and I am sorry that my colleague did not at least talk to me in the caucus about the amendments—I would like to have the Speaker grant me the courtesy to pass over the bill. Perhaps the gentlemen, Mr. Itkin and Mr. O'Connell, can give me language which will be acceptable to the House.

HOUSE BILL No. 1928 AND AMENDMENTS TABLED

The SPEAKER. Would the gentleman, Mr. DiCarlo, have any objection to placing the bill, along with the amendments, on the table?

Mr. DiCARLO. No, Mr. Speaker.

The SPEAKER. Does the lady have any objection?

Mrs. CRAWFORD. No, Mr. Speaker.

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

Mr. DiCARLO. Mr. Speaker, I move that House bill No. 1928, along with the amendments which have been adopted by the House, be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LABOR RELATIONS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1431, printer's No. 1684**, entitled:

An Act amending the "Child Labor Law," approved May 13, 1915 (P. L. 286, No. 177), changing the applicability of the act to members of volunteer fire companies in certain instances.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, line 23, by inserting after "companies": , volunteer ambulance corps, and rescue squads
Amend Sec. 1, page 1, line 29, by inserting after "amended": and a subsection is added

Amend Sec. 1 (Sec. 7.3), page 2, line 1, by inserting after "Company": , Volunteer Ambulance Corps, Volunteer Rescue Squads

Amend Sec. 1 (Sec. 7.3), page 2, by inserting between lines 12 and 13:

(g) Any minor who is a member of a volunteer ambulance corps or rescue squad may participate in training and any other activity as provided by regulations adopted by the Department of Labor and Industry.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Ruggiero.

Mr. RUGGIERO. Mr. Speaker, this amendment would simply add minors who are engaged in activities with volunteer ambulance corps and volunteer rescue squads to the scope of this bill.

On the question recurring,
Will the House agree to the amendments?
Amendments were agreed to.

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

Bill as amended was agreed to.

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

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

Mr. ITKIN. Mr. Speaker, before we vote on House bill No. 1431, I would like to discuss with the House the ramifications of this legislation.

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

Mr. ITKIN. Well, I am not in order, Mr. Speaker, for a second. I lost the bill.

Mr. Speaker, this act is an act that was adopted by the legislature for one purpose, the purpose of which was to protect the child against labor abuse in order to protect his or her health and safety.

What we have been seeing over the past few years is a continuous erosion of the protection of young people in the area of community public protection. I am quite concerned that what is happening, in particular with our volunteer public protection agencies, is that they have been unable to get enough adult complement to do the job that they claim they can do and now are moving into the area of enlisting younger and younger persons to participate in these hazardous functions.

Now when you start moving into the area of a 16- or 17-year-old participating in main line fire fighting operations, I think you are moving into an area of great concern.

We still have laws on the books with respect to child labor which prohibit children of these ages from operating hazardous equipment in industry and in business. It seems ludicrous to me that you can say that it is in the best interest of a young person to fight a fire but that he cannot operate a meatcutting piece of equipment. It would seem to me that the hazards of fighting a fire are far more grave and severe and that the safety consequences are far greater in this area.

What it indicates to me, Mr. Speaker, is that far too many volunteer fire companies can no longer get the volunteers, and they are now moving to enlist younger and younger people who are far more impressionable and certainly not as mature as adults. I think by doing this, we are putting them in a very, very grave situation. Consequently, I would urge the members to reflect on what we are doing here today. I would hate to see our young people become injured through an act of this General Assembly.

Mr. Speaker, I would like at this time to interrogate the prime sponsor of the bill, Mr. Zeller, if I may.

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

Mr. ZELLER. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, beyond my philosophical concerns for the legislation, I have a problem trying to interpret what the amendment to the act will in fact do. The amendatory language states: "That a minor sixteen or seventeen years of age who is a member of a volunteer company who answers a fire call while lawfully employed and continues in such service until excused by the one acting as chief of that fire company shall not be considered in violation of this act for any part of the period so occupied." What I am having trouble with is the interpretation of "while lawfully employed". Could you answer that for me, Mr. Speaker?

Mr. ZELLER. Yes, Mr. Speaker. First of all, I have been feeling very very sorry here because of the fact that it is quite obvious that you are not aware of what the bill is all about. I do not say that to be critical of Mr. Itkin; I say it because of the fact that the way it is worded, it would sound like it does not do what it is supposed to do. But it really helps the individual in a learning process while employed. Say he is employed. It is only for nighttime. During the day he can do it. There is no law against it. He can do it during the day; no problem at all. It just happens that we have a problem with the child labor law after the hours of 11 until 7 in the morning.

This is only a learning process. He is not allowed to go into the building or fight fires or anything like that. He is only out there observing. He helps carry the hose. It is no different from working in a drugstore or anywhere else, sweeping out the store or handling a broom or carrying out garbage or anything else. He is in what you call an observation setup. In other words, he is in the learning process. Therefore, if he does go out to a fire that night, he is allowed to get the time off the next day without any hindrance to him at all, so that he can get his rest, and this is what it is all about. It does not happen that often, but we find that—and it is not a question of taking the place of adult firemen—the question is that it is a training process to fill the breach so that when the older ones fall by the wayside, we have younger fellows to fill the breach. That is all that it is about. I hope that helps you.

Mr. ITKIN. No, you did not answer my question. My question was not answered, Mr. Speaker.

I am trying to understand the language, who answers a call while lawfully employed. Does that mean it relates to a minor who has gainful external employment?

Mr. ZELLER. Yes, I mentioned that, Mr. Speaker. He could be employed by working in a drugstore during the day or working in a factory or working somewhere and he is gainfully employed if he is working. He is allowed to go to that buyer and get the time off the next day. That is what it is all about, gainfully employed. How could he go and get off the next day? Child labor laws are very strict in regard to giving that child rest. Now an adult would not have that problem. The company would say, you do not get off the next day, but we have to have him get his rest. So I think we are helping the child rather than hurting him. That is what it is all about, Mr. Itkin.

Mr. ITKIN. You mean if that child did not have a job and he was attending school, that he would not be able

to be used because he would have to go to school the next morning?

Mr. ZELLER. No, exactly not. In effect what he would be allowed to do—and there again is probably where you may question the fact of how often does it happen that the child goes out to that fire at night. He does not have to; he may go. He is not forced to; he may go. And then if he does go to that fire under what you call a training program or observance or what-have-you, he can get off the next day and it is not going to hurt his school operation. So we give him his rest and get him taken care of.

Mr. ITKIN. Mr. Zeller, is parental consent required for this?

Mr. ZELLER. In most cases, I said most cases, the parents still have control over that child up until 18, so I am certain they have to have parental consent even to become a junior fireman.

Mr. ITKIN. But is that part of the law? That is to say, can a volunteer fire company encourage a young person to go out on a fire mission without receiving the consent of the parents?

Mr. ZELLER. From what I understand—and I cannot answer that question right now. Maybe Mr. Ruggiero or someone could. All I do know is this—in my district, no junior fireman is a junior fireman unless the parents give him consent. Now whether that is law or not, I do not know. I could not answer that. I could not tell you.

Mr. ITKIN. Well, perhaps Mr. Ruggiero could.

Mr. Speaker, would Mr. Ruggiero consent to interrogation so that he can answer the question?

The SPEAKER. Will the gentleman from Northampton, Mr. Ruggiero, consent to interrogation?

Mr. RUGGIERO. I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RUGGIERO. It is my understanding, although I cannot cite the regulation, that the Department of Labor and Industry does have regulations which do require parental consent in this particular instance. Maybe somebody else would know exactly.

Mr. ITKIN. Mr. Zeller, do you know the position of the Department of Labor and Industry on this piece of legislation?

Mr. ZELLER. Yes, I do. As a matter of fact, Mr. Speaker, Labor and Industry are the ones who stopped this in the first place to enable us to get this into the regulation in order to protect the youngsters when we passed the bill before. The only thing that we are trying to do here is to help Mr. Ruggiero get his amendment in and also, if my bill would pass, to allow them to be off the next day. Labor and Industry are the ones who guided us on this.

As a matter of fact, Kay Clarke worked real close with us on this, and Secretary Smith, and this is what they want. And unless we get this bill, they are not going to go along with it. They have to have this bill. Otherwise they are going to stop all operations of junior firemen.

So this is the bill we need. It is approved by Labor and Industry, and they worked with us very closely for the last year on it.

Mr. ITKIN. What you are saying, Mr. Zeller, is that the Department of Labor and Industry opposed the last measure that you proposed, which was amended and some of the really bad features were eliminated from the bill, and now they are trying by regulation to circumvent the

act which you aggressively sponsored last session, and now you are trying to get in through the back door and through a statute in order to circumvent those regulations?

Mr. ZELLER. Quite the contrary, Mr. Speaker. As a matter of fact, using adjectives such as you have and the scare tactics that you have, as far as I am concerned, it is an abuse, it is a direct abuse, to what we are trying to do, Mr. Itkin.

As a matter of fact, we are trying to protect the youngster. What we did when we passed the bill originally, we did not amend the child labor law. Our bill was strictly a bill to allow youngsters to go to fires after the hour of 11 o'clock. What we failed to do was amend the child labor law. That is what we are trying to do now to bring it into compliance with what you want. As a matter of fact, this is what we are doing, what you really want. We are not trying to abuse anybody. It was an oversight, an honest oversight, and I am very sorry that you are trying to brainwash this body with such explanations. As a matter of fact, we are trying to do exactly what you want, Mr. Itkin, and I am surprised.

Mr. ITKIN. Mr. Speaker, the last bill that you introduced in this regard that I recall was to have persons of this age entering burning structures and operating pneumatic hoses. I recall it very well because I made my maiden speech on that particular issue. It seems to me that you cannot accomplish what you want through the aegis of the Department of Labor and Industry. So you come before this House and look to have enacted into law that which you cannot get responsible people in the Department of Labor and Industry to agree to have done by regulation.

Mr. Speaker, I do not want to belabor the House any longer in this regard. Suffice to say I am seriously concerned about the erosion of our health and safety aspects of our young people in our Commonwealth, particularly in these areas of public protection. If we cannot get sufficient personnel to operate our fire companies and our ambulance and our rescue squads, then we ought to go at least like Reading did and pay some of these people to work in the most burdensome and most hazardous times of the day. For us to go into the impressionable young—and, sure, I can remember myself as a teenager. I was very gullible to the suggestions of adults in doing things and—I suggest to you that I am very concerned that a lot of our young people could be placed in a lot of jeopardy for their health and safety if we continue to go along this path and pass legislation the type of which you have sponsored today.

Thank you, Mr. Speaker.

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

Will the gentleman, Mr. O'Connell, yield to the gentleman, Mr. Zeller?

Mr. O'CONNELL. Yes, sir, I will, Mr. Speaker.

Mr. ZELLER. Thank you, Mr. Speaker. I would like to interrogate Mr. Itkin.

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

Mr. ITKIN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ZELLER. Mr. Speaker, I am very happy that you mentioned the fine, fine fire department in the city of Reading. Are you aware of the fact, Mr. Speaker, that they have volunteers as well?

Mr. ITKIN. Yes, I am aware, Mr. Speaker. But they recognize that there is a need for additional personnel. They recognize that they cannot get sufficient adult volunteer personnel and have made that judicious decision that they have to have a paid complement. And I think that this is some type of realization that many of our totally volunteer public protection agencies may have to come to grips with. I would rather see them pay than to go and to enlist impressionable young people into these particularly hazardous details. I think that it goes against the whole tenet of protection of children in our Commonwealth and I think it is a serious erosion.

Mr. ZELLER. Mr. Speaker, further, have you ever contacted the fine fire department in Reading to talk to the chief or any of the officers?

Mr. ITKIN. No, I have not, Mr. Speaker.

Mr. ZELLER. I supposed so.

I would like to ask you or inform you that the fine fire department in Reading 100 percent endorses this movement. So, I do not know why you even brought it up.

All I ask for is an affirmative vote. Thank you.

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

Mr. O'CONNELL. Mr. Speaker, I rise in support of the bill. I have been actively involved in the fire company for a good many years, and we do use the junior firemen concept. I think that the junior firemen are adequately protected. They are given training courses. They are not committed to actually engaging in fire fighting from inside. If they are in attendance at a fire, they have to be in the company of a senior officer, and there is a whole host of other safety and precautionary measures that are taken so as to keep these young people protected while giving them an opportunity to do the thing that they themselves want to do.

Now as far as this aspect of it is concerned, I am not really sure, but the problem here lies in the fact that the municipalities in many instances provide the compensation and a blanket policy for the volunteers, and because there have been some accidents in training and that sort of thing where the junior member may have been hurt while not even actively participating in a fire, there is a question here as to whether or not he is eligible for compensation. I think that this provides the vehicle to have him adequately covered should an injury occur at the time he was involved in training, and I support the bill and I think that it is needed.

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

Mr. SHELHAMER. Thank you, Mr. Speaker. Would Mr. Zeller consent to brief interrogation?

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. ZELLER. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SHELHAMER. Thank you, Mr. Speaker. Mr. Zeller, I think that I agree with the context of the bill, but the provision where a teenager is employed and can be excused from employment by the fire chief—is what you are really saying—does that necessarily excuse the employer from paying a teenager for the time that he is off?

Mr. ZELLER. Mr. Speaker, in regard to the pay, it has nothing to do with the pay. The idea is to get the youngsters proper rest.

We are talking about child abuse and, if I may answer,

there was an oversight when the original bill went through to amend the child labor law, and the Department of Labor and Industry is very concerned about no abuse with youngsters. This bill would not allow that abuse by allowing that youngster off the next day to get the proper rest. It has nothing to do with his pay.

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

Mr. SHELHAMER. Thank you, Mr. Speaker.

I, too, agree with Mr. Zeller and Mr. O'Connell that it is a worthwhile bill and should be supported.

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

Mr. GEESSEY. Mr. Speaker, I also rise to support the bill, but I should like all the members to know—and particularly Mr. Itkin especially—what the workmen's compensation law provides. Under the law, a 16-year-old can only engage in training, first aid, clean-up service at the scene of a fire after it is under control and coffee-wagon and food services, and that is all. Under those circumstances I see absolutely no reason why this bill should not pass with a very heavy "aye" vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Ruggiero.

Mr. RUGGIERO. Mr. Speaker, I just wanted to point out that Mr. Itkin's objections are to the law as it now is, and the law does restrict the use of junior firemen in these activities. So, there is really nothing harmful that is being added by this bill.

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

Mr. M. E. MILLER. Mr. Speaker, I rise in support of this bill and I would comment in regard to the gentleman from Allegheny making references to these poor little children, these 16- and 17-year-old tykes, so frail of body, who serve as junior firemen. And I would like to recount for you an example that happened in my own election district where one of these little tots, a kid by the name of Gary Horning, 6 feet 1, 190 pounds, one of the finest scholastic wrestlers I have ever seen, State finalist, and another roly-poly little fellow, 17 years of age, 6 feet 4 inches, 230 pounds, Chris Herr, were members of the Neffsville Volunteer Fire Company as junior firemen. Now part of their training is this: They have to be trained in not only handling the hose lines and things like that, but they have to be trained in first aid. And one Saturday afternoon in the sleepy little village of Neffsville, a woman was driving through the town and she suffered a heart attack. Her car pulled over into a parking lot. These two little tots, being very naive and not very versed in the ways of the world, however, discerned something was wrong and indeed they investigated. They had just come from a meeting at the fire house, and Mr. Horning applied mouth-to-mouth resuscitation to the lady, while Mr. Herr went to the nearest telephone and called the ambulance company. She was delivered to the intensive care unit of the Lancaster General Hospital, where the doctor said she had indeed suffered a massive heart attack and, had it not been for these two little tykes, she would have died.

Now, this is a contribution that young people are making to voluntary associations, and they do it out of a com-

munity spirit and a sense of wanting to belong to their community. They are not naive. While in age they are tender, in mind they are well advanced; and in body many of them are much larger in size than I am.

I support Mr. Zeller's bill; it is a good bill.

**THE SPEAKER PRO TEMPORE
(M. P. Mullen) IN THE CHAIR**

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—184

Abraham	George	McIntyre	Scheaffer
Anderson, J. H.	Giannmarco	McLane	Schmitt
Arthurs	Gillespie	Mebus	Schweder
Barber	Gillette	Menhorn	Scirca
Bellomini	Gleason	Milanovich	Seltzer
Bennett	Gleeson	Miller, M. E.	Shane
Beren	Goodman	Miller, M. E., Jr.	Shelhamer
Berlin	Green	Milliron	Shelton
Berson	Grieco	Miscevich	Shuman
Bittie	Gring	Moehlmann	Shupnik
Bradley	Halverson	Morris	Sirianni
Brandt	Hamilton, J. H.	Mrkonje	Smith, E.
Brunner	Hasay	Mullen, M. P.	Smith, L.
Burns	Haskell	Mullen	Spencer
Butera	Hayes, D. S.	Musto	Stahl
Caputo	Hayes, S. E.	Myers	Stapleton
Cessar	Hepford	Novak	Stout
Cimini	Hill	Noye	Taddonio
Cole	Hopkins	O'Brien	Taylor
Cowell	Hutchinson, A.	O'Connell	Thomas
Crawford	Hutchinson, W.	O'Keefe	Toll
Cumberland	Irvis	Oliver	Trello
Davies	Katz	Pancoast	Turner
DeMedio	Kelly, A. P.	Parker, H. S.	Ustynowski
Deverter	Kelly, J. B.	Perri	Valicenti
Dicarlo	Kernick	Petrarca	Vroon
DiDonato	Kistler	Pievsky	Wagner
Dietz	Klingaman	Pitts	Walsh, T. P.
Dininni	Knepper	Polite	Wansacz
Dombrowaki	Kolter	Pratt	Wargo
Dorr	Kowalyszyn	Prendergast	Weidner
Doyle	Kusse	Pyles	Westerberg
Dreibelbis	LaMarca	Rappaport	Wilson
Eckensberger	Laudadio	Ravenstahl	Wilt, R. W.
Englehart	Laughlin	Reed	Wilt, W. W.
Fawcett	Lederer	Renninger	Wojdak
Fee	Lehr	Renwick	Worrlow
Fischer	Letterman	Rhodes	Wright
Fisher	Levi	Richardson	Yahner
Flaherty	Lincoln	Rieger	Zearfoss
Foster, A.	Lynch	Ritter	Zeller
Fryer	Manderino	Ross	Zord
Gallagher	Manmiller	Ruggiero	Zwinkl
Gallen	McCall	Ryan	
Garzia	McClatchy	Saloom	
Geesey	McCue	Salvatore	
Geisler	McGinnis		

Fineman, Speaker

NAYS—1

Itkin

NOT VOTING—12

Bonetto	Foster, W.	Johnson, J.	Perry
Cohen	Greenfield	McGraw	Whelan
Davis, D. M.	Hammock	O'Donnell	Yohn

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

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

**TRANSPORTATION BILLS ON
THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of House bill No. 1231, printer's No. 1422, entitled:

An Act authorizing the Department of Environmental Resources, with the approval of the Governor, to grant a license across the Delaware Canal and through the Theodore Roosevelt State Park in the Borough of Morrisville, Bucks County, for bridge purposes.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

Mr. IRVIS moved that House bill No. 1231 be recommended to the Committee on Transportation.

Motion was agreed to.

Agreeable to order,

The House proceeded to third consideration of House bill No. 2073, printer's No. 2776, entitled:

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58, No. 32), adding a definition of "implement of husbandry"; further providing for exemptions from registration, applications for registrations and registration cards, temporary plates or markers, certain fee provisions, equipment leasing contracts and authority to take possession of abandoned vehicles.

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—185

Abraham	Gillespie	McGinnis	Scheaffer
Anderson, J. H.	Gillette	McIntyre	Schmitt
Arthurs	Gleason	McLane	Schweder
Barber	Gleeson	Mebus	Scirca
Bennett	Goodman	Menhorn	Seltzer
Beren	Green	Milanovich	Shane
Berlin	Greenfield	Miller, M. E.	Shelhamer
Berson	Grieco	Miller, M. E., Jr.	Shelton
Bittie	Gring	Milliron	Shuman
Bradley	Halverson	Miscevich	Shupnik
Brandt	Hamilton, J. H.	Moehlmann	Sirianni
Brunner	Hammock	Morris	Smith, E.
Burns	Hasay	Mrkonje	Smith, L.
Butera	Haskell	Mullen, M. P.	Spencer
Caputo	Hayes, D. S.	Musto	Stahl
Cessar	Hayes, S. E.	Myers	Stapleton
Cimini	Hepford	Novak	Stout
Cole	Hill	Noye	Taddonio
Cowell	Hopkins	O'Brien	Taylor
Crawford	Hutchinson, A.	O'Connell	Thomas
Cumberland	Hutchinson, W.	O'Donnell	Toll
Davies	Irvis	O'Keefe	Trello
DeMedio	Itkin	Oliver	Turner
Deverter	Katz	Pancoast	Ustynowski
Dicarlo	Kelly, A. P.	Parker, H. S.	Valicenti
Dietz	Kelly, J. B.	Perri	Vroon
Dininni	Kernick	Petrarca	Wagner
Dombrowaki	Kistler	Pievsky	Walsh, T. P.
Dorr	Klingaman	Pitts	Wansacz
Doyle	Knepper	Polite	Wargo
Dreibelbis	Kolter	Pratt	Weidner
Eckensberger	Kowalyszyn	Prendergast	Westerberg
Englehart	Kusse	Pyles	Wilson
Fawcett	LaMarca	Rappaport	Wilt, R. W.
Fee	Laudadio	Ravenstahl	Wilt, W. W.
Fischer	Laughlin	Reed	Wojdak
Fisher	Lederer	Renninger	Worrlow
Flaherty	Lehr	Renwick	Wright
Foster, A.	Letterman	Rhodes	Yahner
Fryer	Levi	Richardson	Zearfoss
Gallagher	Lincoln	Rieger	Zeller
Gallen	Lynch	Ritter	Zord

Garzia	Manderino	Ross	Zwikt
Geesey	Manmiller	Ruggiero	
Geisler	McCall	Ryan	Fineman
George	McClatchy	Saloom	Speaker
Giammarco	McCue	Salvatore	

NAYS—0

NOT VOTING—12

Bellomini	Davis, D. M.	Johnson, J.	Perry
Bonetto	DiDonato	McGraw	Whelan
Cohen	Foster, W.	Mullen	Yohn

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

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

**PROFESSIONAL LICENSURE BILL
ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 699, printer's No. 790**, entitled:

An Act amending "The Private Detective Act of 1953," approved August 21, 1953 (P. L. 1273, No. 361), permitting certain police officers to apply for licenses.

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—184

Abraham	Gillespie	McGinnis	Salvatore
Anderson, J. H.	Gillette	McIntyre	Scheaffer
Arthurs	Gleason	McLane	Schmitt
Barber	Gleeson	Mebus	Schweder
Bennett	Goodman	Menhorn	Scirica
Beren	Green	Millanovich	Seltzer
Berlin	Greenfield	Miller, M. E.	Shane
Berson	Grieco	Miller, M. E., Jr.	Shelhamer
Bittle	Gring	Milliron	Shuman
Bradley	Halverson	Miscevich	Shupnik
Brandt	Hamilton, J. H.	Moehlmann	Sirianni
Brunner	Hammock	Morris	Smith, E.
Burns	Hasay	Mrkonic	Smith, L.
Butera	Haskell	Mullen, M. P.	Spencer
Caputo	Hayes, D. S.	Mullen	Stahl
Cessar	Hayes, S. E.	Musto	Stapleton
Cimini	Hepford	Myers	Stout
Cole	Hill	Novak	Taddonio
Cowell	Hopkins	Noye	Taylor
Crawford	Hutchinson, A.	O'Brien	Thomas
Cumberland	Hutchinson, W.	O'Connell	Toll
Davies	Irviss	O'Keefe	Trello
DeMedio	Itkin	Oliver	Turner
Deverter	Katz	Pancoast	Ustynoski
Dicarlo	Kelly, A. P.	Parker, H. S.	Valicenti
Dietz	Kelly, J. B.	Perri	Vroon
Dininni	Kernick	Petrarca	Wagner
Dombrowski	Kistler	Pievsky	Walsh, T. P.
Dorr	Klingaman	Pitts	Wansacz
Doyle	Kolter	Polite	Wargo
Dreifelbis	Kowalyszyn	Pratt	Weidner
Eckensberger	Knepper	Prendergast	Westerberg
Englehart	Kusse	Pyles	Wilson
Fawcett	LaMarca	Rappaport	Wilt, R. W.
Fee	Laudadio	Ravenstahl	Wilt, W. W.
Fischer	Laughlin	Reed	Wojdak
Fisher	Lederer	Renninger	Worrilow
Flaherty	Lehr	Renwick	Wright
Foster, A.	Letterman	Rhodes	Yahner
Fryer	Levi	Richardson	Zearfoss
Gallagher	Lincoln	Rieger	Zeller

Gallen	Lynch	Ritter	Zord
Garzia	Manderino	Ross	Zwikt
Geesey	Manmiller	Ruggiero	
Geisler	McCall	Ryan	Fineman,
George	McClatchy	Saloom	Speaker
Giammarco	McCue		

NAYS—0

NOT VOTING—13

Bellomini	DiDonato	McGraw	Shelton
Bonetto	Foster, W.	O'Donnell	Whelan
Cohen	Johnson, J.	Perry	Yohn
Davis, D. M.			

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.

**GAME AND FISHERIES BILL
ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1642, printer's No. 2797**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the maximum amount which may be expended annually by the commission for the payment of bear damage protection or bear damage claims.

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—181

Abraham	Giammarco	McGinnis	Scheaffer
Anderson, J. H.	Gillespie	McIntyre	Schmitt
Arthurs	Gillette	McLane	Schweder
Barber	Gleason	Mebus	Scirica
Bennett	Gleeson	Millanovich	Seltzer
Beren	Goodman	Miller, M. E.	Shane
Berlin	Green	Miller, M. E., Jr.	Shelhamer
Berson	Greenfield	Milliron	Shuman
Bittle	Grieco	Miscevich	Shupnik
Bradley	Gring	Moehlmann	Sirianni
Brandt	Halverson	Morris	Smith, E.
Brunner	Hamilton, J. H.	Mrkonic	Smith, L.
Burns	Hasay	Mullen, M. P.	Spencer
Butera	Haskell	Mullen	Stahl
Caputo	Hayes, D. S.	Musto	Stapleton
Cessar	Hayes, S. E.	Myers	Stout
Cimini	Hepford	Novak	Taddonio
Cole	Hill	Noye	Taylor
Cowell	Hopkins	O'Brien	Thomas
Crawford	Hutchinson, A.	O'Connell	Toll
Cumberland	Hutchinson, W.	O'Donnell	Trello
Davies	Irviss	O'Keefe	Turner
DeMedio	Itkin	Oliver	Ustynoski
Deverter	Katz	Pancoast	Valicenti
Dicarlo	Kelly, A. P.	Parker, H. S.	Vroon
Dietz	Kelly, J. B.	Perri	Wagner
Dininni	Kernick	Petrarca	Walsh, T. P.
Dombrowski	Kistler	Pievsky	Wansacz
Dorr	Klingaman	Pitts	Wargo
Doyle	Kolter	Polite	Weidner
Dreifelbis	Kowalyszyn	Pratt	Westerberg
Eckensberger	Kusse	Prendergast	Wilson
Englehart	LaMarca	Pyles	Wilt, R. W.
Fawcett	Laudadio	Rappaport	Wilt, W. W.
Fee	Laughlin	Ravenstahl	Wojdak
Fischer	Lederer	Reed	Worrilow

Fisher	Lehr	Renninger	Wright
Flaherty	Letterman	Renwick	Yahner
Foster, A.	Levi	Richardson	Zearfoss
Fryer	Lincoln	Rieger	Zeller
Gallagher	Lynch	Ritter	Zord
Gallen	Manderino	Ross	Zwikel
Garzia	Manmiller	Ruggiero	
Geesey	McCall	Ryan	Fineman,
Geisler	McClatchy	Saloom	Speaker
George	McCue	Salvatore	

NAYS—2

Kernick Menhorn

NOT VOTING—14

Bellomini	DiDonato	McGraw	Shelton
Bonetto	Foster, W.	Perry	Whelan
Cohen	Hammock	Rhodes	Yohn
Davis, D. M.	Johnson, J.		

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.

TAX BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1036, printer's No. 2711**, entitled:

An Act amending the "Local Tax Collection Law," approved May 25, 1945 (P. L. 1050, No. 394), requiring the purchase of certain tax collectors' bonds through bidding procedures.

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—167

Abraham	Gillespie	McGinnis	Ruggiero
Anderson, J. H.	Gillette	McIntyre	Ryan
Arthurs	Gleason	McLane	Saloom
Barber	Gleeson	Mebus	Salvatore
Bennett	Goodman	Menhorn	Scheaffer
Beren	Green	Milanovich	Schmitt
Berlin	Greenfield	Miller, M. E.	Schweder
Berson	Grieco	Miller, M. E., Jr.	Scirica
Bittle	Gring	Milliron	Seltzer
Bradley	Halverson	Miscevich	Shane
Brandt	Hamilton, J. H.	Moehmann	Shelhamer
Brunner	Hayes, D. S.	Morris	Shupnik
Burns	Hayes, S. E.	Mrkonjic	Smith, L.
Butera	Hepford	Mullen, M. P.	Spencer
Caputo	Hill	Mullen	Stahl
Cessar	Hopkins	Musto	Stapleton
Cimini	Hutchinson, A.	Myers	Stout
Cole	Hutchinson, W.	Novak	Taddonio
Cowell	Irvis	Noye	Taylor
Cumberland	Itkin	O'Brien	Thomas
Davies	Katz	O'Connell	Tou
DeMedio	Kelly, A. P.	O'Keefe	Trello
Deverter	Kelly, J. B.	Oliver	Turner
Dicarlo	Kernick	Pancoast	Ustynoski
Dininni	Kistler	Parker, H. S.	Valicenti
Dombrowski	Klingaman	Perri	Wagner
Doyle	Knepper	Petrarca	Walsh, T. P.
Dreibelbis	Kolter	Pievsky	Wansacz
Eckensberger	Kowalishyn	Polite	Wargo
Engelhart	Kusse	Pratt	Wilson
Fawcett	LaMarca	Prendergast	Wilt, W. W.
Fee	Laudadio	Pyles	Wojdak
Fischer	Laughlin	Rappaport	Worrilow

Fisher	Lederer	Ravenstahl	Wright
Flaherty	Letterman	Reed	Yahner
Fryer	Levi	Renninger	Zearfoss
Gallagher	Lincoln	Renwick	Zeller
Gallen	Lynch	Rhodes	Zord
Garzia	Manderino	Richardson	Zwikel
Geesey	Manmiller	Rieger	
Geisler	McCall	Ritter	Fineman,
George	McCue	Ross	Speaker
Giammarco			

NAYS—15

Crawford	Hasay	Pitts	Weidner
Dietz	Haskell	Shuman	Westerberg
Dorr	Lehr	Smith, E.	Wilt, R. W.
Foster, A.	McClatchy	Vroon	

NOT VOTING—15

Bellomini	DiDonato	McGraw	Sirianni
Bonetto	Foster, W.	O'Donnell	Whelan
Cohen	Hammock	Perry	Yohn
Davis, D. M.	Johnson, J.	Sheiton	

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

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1932, printer's No. 2713**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), requiring reports by collectors of certain taxes.

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—183

Abraham	Gillette	McLane	Scheaffer
Anderson, J. H.	Gleason	Mebus	Schmitt
Arthurs	Gleeson	Menhorn	Schweder
Barber	Goodman	Milanovich	Scirica
Bellomini	Green	Miller, M. E.	Seltzer
Beren	Greenfield	Miller, M. E., Jr.	Shane
Berlin	Grieco	Milliron	Shelhamer
Berson	Gring	Miscevich	Shelton
Bittle	Halverson	Moehmann	Shuman
Bradley	Hamilton, J. H.	Morris	Shupnik
Brandt	Haskell	Mrkonjic	Sirianni
Brunner	Hayes, D. S.	Mullen	Smith, E.
Burns	Hayes, S. E.	Mullen, M. P.	Smith, L.
Butera	Hepford	Musto	Spencer
Caputo	Hill	Myers	Stahl
Cessar	Hopkins	Novak	Stapleton
Cimini	Hutchinson, A.	Noye	Stout
Cole	Hutchinson, W.	O'Brien	Taddonio
Cowell	Irvis	O'Connell	Taylor
Crawford	Itkin	O'Donnell	Thomas
Cumberland	Katz	O'Keefe	Toll
Davies	Kelly, A. P.	Oliver	Trello
DeMedio	Kelly, J. B.	Pancoast	Turner
Deverter	Kernick	Parker, H. S.	Ustynoski
Dicarlo	Kistler	Perri	Valicenti
Dininni	Klingaman	Petrarca	Vroon
Dombrowski	Knepper	Pievsky	Wagner
Doyle	Kolter	Pitts	Walsh, T. P.
Dreibelbis	Kowalishyn	Polite	Wansacz
Eckensberger	Kusse	Pratt	Wargo
Engelhart	LaMarca	Prendergast	Weidner
Fawcett	Laudadio	Pyles	Westerberg
Fee	Laughlin	Rappaport	Wilson
Fischer	Lederer	Ravenstahl	Wilt, R. W.

Fee	Lehr	Reed	Wilt, W. W.
Fischer	Letterman	Renninger	Wojdak
Fisher	Levi	Renwick	Worrilow
Flaherty	Lincoln	Rhodes	Wright
Foster, A.	Lynch	Richardson	Yahner
Gallagher	Manderino	Rieger	Zearfoss
Gallen	Manmiller	Ritter	Zeller
Garzia	McCall	Ross	Zord
Geesey	McClatchy	Ruggiero	Zwikl
Geisler	McCue	Ryan	
George	McGinnis	Saloom	Fineman,
Giammarco	McIntyre	Salvatore	Speaker
Gillespie			

NAYS—2

Fryer Hasay

NOT VOTING—12

Bennett	Davis, D. M.	Hammock	Perry
Bonetto	DiDonato	Johnson, J.	Whelan
Cohen	Foster, W.	McGraw	Yohn

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BENNETT. I had a malfunction in my switch, Mr. Speaker. Would you be kind enough to vote me in the affirmative on House bill No. 1932?

The SPEAKER pro tempore. The gentleman's remarks will be placed on the record.

APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1089, printer's No. 1250, entitled:

An Act amending the act of June 17, 1974 (No. 107), entitled "An act amending Title 1 (General Provisions) of the Consolidated Pennsylvania Statutes, providing for an official publication of the Consolidated Statutes, adding provisions relating to unofficial statutory provisions, changing provisions relating to the correction of errors in and printing and distribution of statutes, repealing inconsistent statutory provisions and making an appropriation," changing the amount and extending the period for the appropriation for the publication of the Consolidated Statutes.

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—186

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

NAYS—0

NOT VOTING—11

Bonetto	DiDonato	Johnson, J.	Whelan
Cohen	Foster, W.	McGraw	Yohn
Davis, D. M.	Hammock	Perry	

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.

SENATE BILL No. 852 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Senate bill No. 852 will be passed over temporarily.

CONSERVATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 738, printer's No. 1604, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing members of the General Assembly who are members of the Environmental Quality Board to designate member alternates to act in their stead.

On the question,

Will the House agree to the bill on third consideration?

SENATE BILL No. 738 PASSED OVER

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I would ask that Senate bill No. 738 be passed over as I am having amendments prepared which are controversial.

JUDICIARY BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1699, printer's No. 2677, entitled:

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), further providing for a reduction in certain penalties.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

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

Mr. RHODES. Mr. Speaker, I would like to make a motion to revert to the prior printer's number.

Mr. Speaker, House bill No. 1699, printer's No. 2141, in its original form would have placed Pennsylvania into the same status as a number of the leading states in the United States which are moving toward the decriminalization for the possession of a small amount of marijuana. As specified in our Control Substance Act, that amounts to 30 grams.

The original printer's number of House bill No. 1699 would have placed Pennsylvania alongside the States of California, Colorado, Alaska, Maine and Oregon, which have taken this step—particularly the State of California—in the last 2 years.

For the benefit of the membership of the House, let me try to explain some of the arguments of why we should return House bill No. 1699 to its original form.

There is a growing sentiment in the United States reflected by Federal legislation, by the position of the National Commission on the use of marijuana, by our own Pennsylvania Governor's Council on Marijuana and Drug Abuse, that it is absolutely a top priority that we decriminalize the possession of marijuana for personal use of a small amount, and that this be taken from the criminal statutes and placed into the civil statutes of the Commonwealth.

The reasons for this are many. Data indicates that in 1974, 70 percent of all drug arrests in the United States were for the possession of a small amount of marijuana. That means that an enormous amount of law-enforcement time and energy is being expended on the prosecution, arrests and convictions of people for the possession of a small amount of marijuana, even though polls indicate that a vast majority of the American people and of the State of Pennsylvania do not support this crime.

Not only is there a growing number of people in Pennsylvania who use marijuana in small amounts, but, more important, the law-enforcement establishment itself finds this an onerous and cumbersome dissipation of their law-enforcement energies as long as they have on the books—in any form, summary or misdemeanor form—the crime of the possession of a small amount of marijuana.

I would like to quote to the House a statement first by the Centre County District Attorney, Charles Brown. He said in a formal statement before the Governor's Council on Drug Abuse:

I am suggesting that use of marijuana not be a crime: felony, misdemeanor, or summary offense.

. . . if the legislature of Pennsylvania would decriminalize use, possession, and distribution of marijuana, law enforcement personnel would gladly turn their attention to the more serious matters of crimes against persons and property.

Mrs. Doree Goodman, the director of the Lackawanna County Commission on Drug and Alcohol Abuse, followed suit and said:

Pennsylvania should follow the lead of Senators Javits, Cranston, and Brooks in the U. S. Senate, and states such as Oregon and California in decriminalizing the personal possession of small amounts of marijuana and substituting for a criminal penalty a minimal civil fine.

That is exactly what House bill No. 1699 in its original form, printer's No. 2141, would do. In its current form, you would have the same offense, the same crime. That is, in the current form it would be \$100 maximum fine, as you would have in the original form. The only difference is that you retain the stigma of a criminal offense in the current form, in printer's No. 2677, which defines the summary offense. But still it retains the criminal stigma that a growing number of people in this state, law-enforcement personnel officials, feel should not be a part of their responsibilities and should not be a part of the criminal law of Pennsylvania.

In Pennsylvania we have a growing and serious crime problem regarding crimes of violence and crimes against property. As a member of the Governor's Justice Commission, I can tell you, members of the House, that we are struggling in Pennsylvania to update and modernize our law-enforcement efforts, and that is why the Criminal Justice Goals and Standards Committee of Pennsylvania voted overwhelmingly that we decriminalize the use of a small amount of marijuana, because this is an unnecessary burden on the law-enforcement agencies in this Commonwealth. Amazing amounts of time and energy are spent in the arrest, prosecution and conviction, incarceration and fining of individuals who use a small amount of marijuana. The time has come, ladies and gentlemen of the House, that we place Pennsylvania alongside California, Oregon and Alaska and that we eliminate the crime for the possession of a small amount of marijuana and make this a civil fine, which would greatly improve the law-enforcement capability of this state and would remove forever the stigma which is attached to so many of our children.

One last word, Mr. Speaker: We have in Pennsylvania a serious problem involving juvenile delinquency and juvenile crime. Later on in the day, we are going to vote on a bill, House bill No. 852, which has as part of its main objective, to keep young people who fall astray of the law out of the criminal justice system, because all data indicates that that is the important thing. We want young people not to be caught up in the criminal justice system, because once they get caught up, they get sucked up, and small crimes lead to larger crimes.

It is very important that we not take young people in this state and subject them to the criminal justice system for the use of marijuana. This is a personal problem, a religious problem and a family problem. It is not a problem for the criminal law of Pennsylvania.

If you retain the \$100 fine element in the civil proceedings, I think that is proper and that is the way the bill should go. Therefore, Mr. Speaker, I urge the members of the House to vote "yes" on the motion to revert to the prior printer's number, No. 2141.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Fischer.

Mr. FISCHER. Thank you, Mr. Speaker.

I rise in opposition to the motion to revert House bill No. 1699 to prior printer's No. 2141. I rise to oppose this motion for a number of reasons: First of all, I believe the bill in prior printer's No. 2141, as has been stated by Mr. Rhodes, would provide for a so-called civil penalty for the possession of a small amount of marijuana. Under our existing constitutional law and criminal procedure in this Commonwealth, I do not believe that there is any effective means by which this type of penalty can be enforced.

Secondly, it is my opinion that what we are doing here by attempting to decriminalize the possession of a small amount of marijuana is really putting the cart before the horse. Mr. Rhodes has indicated that there are and have been a number of states that have tried this approach. This is correct. But just because a number of other states may have taken a certain approach does not necessarily mean that Pennsylvania has to follow suit. And I particularly think that in this area, this dangerous area of the controls on marijuana, that we should just not take an approach because other states have done it.

We have heard statistics; we have heard statistics from the Governor's Drug Council; we have heard statistics from the recent federal study about the effects, as to whether the use of marijuana is harmful or not harmful, but we have never really had any thorough determination as to its adverse effects.

There are a lot of questions that are unanswered at this point as to the effects of marijuana. But not only this, what we are doing by creating a so-called civil penalty is that unquestionably we are removing one of the stigmas that we presently have which may deter some people from using this drug. Now the existing law and the law that would remain on the books if the prior printer's number of the bill were enacted in Pennsylvania still provides for very serious penalties for dealing in marijuana in large quantities and possession of marijuana in large quantities. What I believe the adoption of the bill under the prior printer's number would do would be to further encourage the use of this substance. But at the same time we have an anomaly: Where are you going to get this substance? I do not see anyone proposing legislation that the Commonwealth is going to be the dealer of the substance, that we are going to realize tax revenue from the dealing of this substance. What we are going to do is unquestionably create a black market by which many people will be bringing this drug into the Commonwealth similar to a situation we had approximately 10 days ago in the western part of the state, where the drug enforcement administration working to-

gether with law-enforcement officers confiscated almost one-half ton, or a ton perhaps, of marijuana in a van at a motel in Monroeville. Now this marijuana was apparently being brought in for sale and distribution in Pennsylvania. By decriminalizing it, we are going to make a lot of people rich and at the same time we are going to have no controls. We are going to receive absolutely no revenue from these illegal profits.

So I believe that reverting to the prior printer's number would do just this: At the present time, the law-enforcement people in this state literally have their hands tied with possession of small amounts. It is foolhardy for the police to go out and spend the funds which their police departments have to arrest a person for an offense for which the maximum penalty under the existing law is a maximum of 30 days in jail or a \$500 fine.

The district attorney in Philadelphia has by and large ignored the prosecution of these offenses. In Allegheny County, our second largest county, over a period from 1974 to 1975, we had approximately 800 cases that did go through the courts at the taxpayers' expense for which the maximum penalty was generally no higher than 30 days probation without verdict and in few instances any fine.

So unquestionably we have a system now that needs some revision, because law enforcement is only wasting money and has its hands tied. But I submit that this revision is not the revision that is contained within the prior printer's number, but if we want to revise and if we want to reduce the penalties, the revision is the solution that is contained in the existing printer's number, to make the possession of a small amount a summary offense, keep the criminal stigma, and give law enforcement a viable means by which they can enforce this penalty at a reasonable cost—a system similar to issuing a traffic ticket that you have for traffic violators.

For these reasons, I respectfully urge the membership to oppose the motion of Mr. Rhodes to revert the bill to a prior printer's number.

Thank you.

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

Mr. RHODES. I yield, Mr. Speaker, to Mr. Doyle.

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

Mr. DOYLE. Mr. Speaker, I would like to join in the opposition to the move to revert to the prior printer's number.

Firstly, the present enforcement provisions for marijuana are not in the Crimes Code at all, but they are in a separate act, the Controlled Substance Act.

And the criminal stigma—quote, unquote—that was used is simply a summary conviction under the present provisions in this House bill. A summary conviction is nothing more than going before the district justice, the same as for common drunkenness. And I think in that way, we can keep a handle on it and keep records.

What concerns me is this: Firstly, that we have been—or at least I have been—receiving literature in the mail from an outfit, National Organization for Reform of Marijuana Laws. This scoreboard as they send has Pennsylvania the target state for 1976. I do not know what they mean by the target state except to decriminalize it altogether.

I think that perhaps there might be something more behind this than just the present bill that we have on the calendar. If we are logical about it, if we are going to take out mere possession of a small amount and provide no offense whatsoever, then what we should do is legalize the whole thing. If it is not an offense to have a little bit of it, then it should not be an offense to have or to sell a little bit of it to others. And I think I would want to take a hard look at the situation and what is behind it. This bill as we see it before us reduces it not only to a summary offense, but also with the penalties to less than a summary conviction which is already in our Crimes Code.

I can support the present legislation as in this bill, but I would not support it if it were reverted to its prior printer's number. It is a question of the summary convictions. Even if they are found guilty, they are not booked or mugged or fingerprinted; a record only is kept. I think that is fair enough under the present circumstances of what we know about it.

Thank you, Mr. Speaker.

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

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

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Berson, agree to interrogation?

Mr. BERSON. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, you are the primary sponsor of the bill apparently in the form that it was introduced, which would be the form that we would have the bill in if it were reverted to the prior printer's number. Is that correct?

Mr. BERSON. That is correct.

Mr. ZEARFOSS. Mr. Speaker, are you aware if there are any other civil penalties in our law in Pennsylvania today?

Mr. BERSON. Not that I am aware of, and I have with me an amendment which would, if this bill is reverted to a prior printer's number, have to be inserted in the bill with some language which would describe how that civil penalty would be imposed. I have prepared an amendment that, in the event the bill is reverted, would generally prescribe that the civil penalty would be imposed and collected in the same manner as in a summary proceeding pursuant to the Rules of Criminal Procedure of the Pennsylvania Supreme Court. That would have to be inserted in the bill to cover that procedure.

Mr. ZEARFOSS. You have just answered all the other questions I had.

But if your amendment were not to go in, what would the appeal procedure be, or let us say the amendment does go in, what would the appeal procedure be?

Mr. BERSON. It would be the same appeal procedure that is prescribed by the Supreme Court in matters related to summary offenses.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, thank you.

I am not trying to be funny, but I would like to wave the red flag on this one, because, first of all, we hear con-

stantly from the advocates of decriminalizing the use of marijuana that 70 percent of the arrests are in this area of small amounts and our police would have more time to concentrate on the more abusive criminal problems. Just consider how misleading and juvenile these remarks are. To give you an example, by decriminalizing the use of this drug allows its use openly because small amounts would allow general smoking, and that is the angle of those who want to decriminalize it and use it and to those who push it for profit. So both sides win, the user and the promoter.

Mr. Rhodes stated that these young people get, so-called, "sucked-up" in this being arrested and by becoming criminally listed and too often start in a field of crime. Let me explain how it is just the opposite. These young people are no different from you and me in regard to the chemical composition of their bodies. I will give you an example concerning just my wife and I. I can go to the hospital and I have been there 14 times for operations, and I will take one little pill before I go to the operating room and I am gone. I do not even know when they give me the sodium pentothal; I am out. They can give my wife one pill, they can give her two pills and she is on that table and she knows everything that is going on because her chemical composition is much stronger than mine. I have what you call a weak resistance. Now people are different. Therefore, those who use marijuana fall into this category, according to doctors. I am not a doctor, but I say that doctors in many articles on it that I have read and releases published by these doctors, who are well versed in the field, have said that this is what happens. Now it has also been established by survey and study as to the crimes committed by those so-called petty little uses of marijuana that those who get high become abrasive, brave, with more courage to commit an act, and do so in many, many cases. Too, those who become addicted, since they do become immune after long use, have to obtain stronger drugs to be able to support this so-called feeling of being "cool," "high," and "get with it man." These people have to have this sort of stronger drugs. So what they are doing is aiding and abetting this cause.

Now what are we doing in many cases? If you cannot live with the so-called "kooks" and the individuals who want these things, if you cannot live with it and you cannot stand it, make it legal and it is okay. That is the way to do it. Make it legal and then you have no problems. Make everything legal. What do you say we take all laws and wipe them off the books? Let them do anything they want. Why not? This is what you are inviting.

HOUSE BILL No. 1699 RECOMMENDED

Mr. ZELLER. So, I say at this time, let us wave the red flag. Let us not only not revert to the prior printer's number. I would like to move at this time that since there have been no hearings on this bill—there have been no hearings on this bill at all is what I have been told—that this bill be either reported back to the Judiciary Committee or to the Law and Justice Committee for public hearings to get this aired by the public who are going to be affected by it, and their children, and let us do a job on this bill. Right now we ought to send it back to Committee for hearings, and I move so at this time, earmarking it for the Law and Justice Committee.

The SPEAKER pro tempore. Mr. Turner, may I just interrupt a minute.

We have another motion before the House which takes precedence, the motion to recommit offered by Mr. Zeller. At this point, we will discuss Mr. Zeller's motion to recommit.

The Chair recognizes the gentleman from Bradford, Mr. Turner, for that purpose.

Mr. TURNER. Mr. Speaker, I oppose the motion to recommit House bill No. 1699, and is it in proper order to request interrogation of Mr. Rhodes?

Mr. ZELLER. Mr. Speaker, point of order.

The SPEAKER pro tempore. Only in connection with the recommitment.

Mr. Zeller, will you agree to be interrogated?

Mr. ZELLER. No, Mr. Speaker. The only thing before the floor now is recommitment, and as far as I know and I understand according to the rules, there is no debate on that.

Mr. TURNER. Thank you, Mr. Speaker.

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

Mr. RHODES. I yield to Mr. Scirica, Mr. Speaker.

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

Mr. SCIRICA. Mr. Speaker, I would oppose the motion to recommit the bill at this time. I think all of you have received a report from the Governor's Commission on Drug and Alcohol Abuse, which is the most thorough, the most exhaustive study that I have seen on the question of decriminalizing marijuana. To send the bill back to any committee at this time would not elicit any additional information than has already been made available to every member of this House.

I think the arguments presented by both sides were well argued today and I see no reason why we should not vote on the motion to revert and then vote on the bill.

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

Mr. ZELLER. Mr. Speaker, in my move to recommit I had earmarked it for the Law and Justice Committee, and that is what the members would be voting on, unless that has to be designated by the Speaker, or what?

Can I move under the rules of the House to have it designated to a certain committee?

The SPEAKER pro tempore. Yes.

Mr. ZELLER. And I had mentioned the Law and Justice Committee.

The SPEAKER pro tempore. The Law and Justice Committee? Okay.

Mr. ZELLER. Yes, the Law and Justice Committee.

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

Mr. BERSON. I oppose the motion to recommit. I think the Report of the Governor's Council on Drug and Alcohol Abuse, which was distributed to every member of this body, has exhaustively considered this subject. It has collected all the relevant statistics and scientific information. I think we are in a position today to consider the issues before this House—reversion to the prior printer's number and final passage.

I would urge the House to face this issue. Get on with

it one way or the other and dispose of the legislation on the calendar.

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

Mr. ZELLER. Mr. Speaker, since latitude was given to Mr. Berson, I would like to say just shortly that since they referred to the Drug and Alcohol Abuse Commission, I think that—and without being abusive to the administration—it has been noted in the past with the work towards the more liberal area of homosexuals, you name it, as a matter of fact, the area has been so liberal in regards to the criminals who have been released, the criminal activities in this state as to hiring and so forth, I think it is about time that we give them a message. And this is why I say, we should recommit it and study it and let the administration know and the Drug and Alcohol Abuse Commission know where we stand.

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

Mr. RHODES. Thank you, Mr. Speaker.

I really feel that we can dispose of this matter today. We have all of the information before us. We should not handle such an important and serious matter capriciously and send messages to anybody. This is something the state has been waiting for. The Judiciary Committee has discussed it at length. There is nothing to be gained by sending it to another committee.

Let us dispose of the matter. There are a number of amendments to the bill. We can get it done in the next hour. Let us deal with this today, because we have an obligation to our constituents to do that. There is no reason at all to recommit this bill to any committee, Law and Justice or even Judiciary.

Thank you, Mr. Speaker.

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

Mr. DOYLE. Mr. Speaker, I would support the motion to recommit to the Law and Justice Committee.

I do not see Mr. Eckensberger on the floor, but I did discuss it with him. He assured me that public hearings would be held.

I think that the prime sponsor, Mr. Berson, admits himself that it does need corrective amendments to it. I think we should hear from the public and the law-enforcement agencies involved, not just from the Governor's Commission. To my knowledge, no public hearings were held except for the commission. I would support the motion to recommit.

Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. ZELLER and TURNER and were as follows:

YEAS—126

Abraham	Geesey	McCall	Salvatore
Anderson, J. H.	George	McClatchy	Scheaffer
Bellomini	Giammarco	McCue	Schmitt
Bennett	Gillespie	McIntyre	Schweder
Berlin	Gillette	McLane	Seltzer
Bittle	Gleason	Mebus	Shelhamer
Bradley	Goodman	Milanovich	Shelton
Brandt	Grieco	Miller, M. E.	Shuman
Brunner	Gring	Miller, M. E., Jr.	Shupnik
Burns	Halverson	Milliron	Sirianni

Cessar	Hamilton, J. H.	Moehlmann	Smith, E.
Cimini	Hayes, D. S.	Mullen, M. P.	Smith, L.
Cole	Hayes, S. E.	Musto	Spencer
Crawford	Hepford	Myers	Stahl
Cumberland	Hill	Novak	Stout
DeMedio	Hopkins	Noye	Taylor
Deverter	Katz	Pancoast	Thomas
Dicarlo	Kernick	Parker, H. S.	Turner
Dietz	Kistler	Perri	Ustynoski
Dininni	Klingaman	Pitts	Valicenti
Dombrowski	Kolter	Polite	Vroon
Dorr	Kowalyszyn	Pratt	Walsh, T. P.
Doyle	Kusse	Pyles	Wansacz
Eckensberger	LaMarca	Reed	Weidner
Englehart	Laudadio	Renninger	Westerberg
Fee	Laughlin	Renwick	Wilt, R. W.
Fischer	Lehr	Rieger	Wilt, W. W.
Foster, A.	Letterman	Ritter	Yahner
Fryer	Levi	Ruggiero	Zeller
Gallagher	Lincoln	Ryan	Zord
Gallen	Lynch	Saloom	Zwilk
Garzia	Manmiller		

NAYS—53

Arthurs	Haskell	Mullen	Stapleton
Barber	Hutchinson, A.	O'Connell	Taddonio
Beren	Hutchinson, W.	O'Donnell	Toll
Berson	Irvis	O'Keefe	Trello
Butera	Itkin	Oliver	Wagner
Caputo	Kelly, A. P.	Petrarca	Wargo
Cowell	Kelly, J. B.	Prendergast	Wilson
Dreibelbis	Knepper	Rappaport	Worriow
Fawcett	Manderino	Ravenstahl	Wright
Fisher	McGinnis	Rhodes	Zearfoss
Flaherty	Menhorn	Richardson	
Green	Miscevich	Ross	Fineman, Speaker
Greenfield	Morris	Seirica	
Hasay	Mrkonic	Shane	

NOT VOTING—18

Bonetto	Foster, W.	Lederer	Pievsky
Cohen	Geisler	McGraw	Whelan
Davies	Gleeson	O'Brien	Wojdak
Davis, D. M.	Hammock	Perry	Yohn
DiDonato	Johnson, J.		

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

The SPEAKER pro tempore. The bill is so recommitted.

THE SPEAKER (Herbert Fineman) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman, Mr. Mullen, very much for ably presiding.

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

Mr. ECKENBERGER. Mr. Speaker, in the event that the public hearings are held on the bill which was just recommitted to the Law and Justice Committee, may I request that all of those members who have an interest in the public hearings, either with regard to persons who may wish to testify or places where the hearings should be held, to kindly contact Mike Berney in my office as soon as possible. We would like to get these hearings going right away.

Thank you, Mr. Speaker.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, on page 18, I move that Senate bill No. 1282, printer's No. 1536, and Senate bill No. 1284, printer's No. 1602, be taken from the table.

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

RULES SUSPENDED TO CONSIDER BILLS SECOND TIME

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, because of the pressures of time, I am asking the House to suspend the rules, and I move that the rules be suspended on both Senate bill No. 1282 and Senate bill No. 1284 so that each bill may be considered for the second time today. If that is done, that will place the bills on third consideration, ready for a vote tomorrow. I so move.

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

Mr. KNEPPER. Mr. Speaker, I would like to make a motion to recommit these bills, Mr. Speaker, but prior to that, I would like to make the members aware—

The SPEAKER. Will the gentleman yield?

The gentleman's motion is not appropriate at the moment. The Chair will recognize the gentleman. The matter before the House at the moment is on a motion to waive the rules.

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

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

YEAS—153

Abraham	Giammarco	Mebus	Schmitt
Arthurs	Gillespie	Menhorn	Schweder
Barber	Gillette	Milanovich	Scirica
Bellomini	Gleeson	Milliron	Shane
Bennett	Goodman	Miscevich	Shelhamer
Beren	Green	Morris	Shelton
Berlin	Greenfield	Mrkonic	Shuman
Berson	Grieco	Mullen, M. P.	Shupnik
Bittle	Gring	Mullen	Sirianni
Bradley	Hasay	Musto	Smith, E.
Brandt	Haskell	Myers	Smith, L.
Brunner	Hayes, D. S.	Novak	Spencer
Burns	Hill	O'Connell	Stapleton
Butera	Hopkins	O'Donnell	Stout
Caputo	Hutchinson, A.	O'Keefe	Taddonio
Cessar	Irvis	Oliver	Taylor
Cimini	Itkin	Pancoast	Toll
Cole	Kelly, A. P.	Parker, H. S.	Trello
Cowell	Kelly, J. B.	Petrarca	Turner
Cumberland	Kernick	Pievsky	Ustynoski
DeMedio	Kistler	Polite	Valicenti
Dicarlo	Klingaman	Pratt	Wagner
Dombrowski	Knepper	Prendergast	Walsh, T. P.
Dorr	Kolter	Pyles	Wansacz
Doyle	Kowalyszyn	Rappaport	Wargo
Dreibelbis	Kusse	Ravenstahl	Weidner
Eckensberger	Laudadio	Reed	Westerberg
Englehart	Laughlin	Renninger	Wilt, W. W.
Fawcett	Lederer	Renwick	Wojdak
Fee	Letterman	Rhodes	Worriow
Fischer	Lincoln	Richardson	Wright
Fisher	Lynch	Rieger	Yahner
Flaherty	Manderino	Ritter	Zeller
Fryer	McCall	Ross	Zord
Gallagher	McClatchy	Ruggiero	Zwilk
Gallen	McCue	Ryan	
Garzia	McGinnis	Saloom	Fineman, Speaker
Geisler	McIntyre	Salvatore	
George	McLane	Scheaffer	

NAYS—30

Anderson, J. H.	Halverson	Manmiller	Seltzer
Crawford	Hamilton, J. H.	Miller, M. E.	Stahl
Davies	Hayes, S. E.	Miller, M. E., Jr.	Thomas
Deverter	Hepford	Moehlmann	Vroon
Dietz	Hutchinson, W.	Noye	Wilson
Dininni	Katz	Perri	Wilt, R. W.
Foster, A.	Lehr	Pitts	Zearfoss
Gleason	Levi		

NOT VOTING—14

Bonetto	Foster, W.	LaMarca	Perry
Cohen	Geesey	McGraw	Whelan
Davis, D. M.	Hammock	O'Brien	Yohn
DiDonato	Johnson, J.		

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

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1284, printer's No. 1602**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing discounts on taxes.

On the question,

Will the House agree to the bill on second consideration?

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

Mr. KNEPPER. Mr. Speaker, prior to making a motion to recommit Senate bill No. 1282 and Senate bill No. 1284, I would like to acquaint the members of the House with these two pieces of legislation. I think you will see that they have both only been very recently introduced in the Senate and, of course, whipped through the Senate this week rather quickly without much debate and without an opportunity for any reaction on the part of the members of the General Assembly or the taxpayers of Allegheny County who are going to be drastically affected by this legislation.

They might appear on the surface to be rather harmless bills. They happen to incidentally only affect, to my knowledge, Allegheny County, but what they amount to, Mr. Speaker, are tax increases for every property owner and every renter in Allegheny County.

In view of recent triennial reassessments of property in our county, many citizens have been zapped with assessment increases that have ranged up to 75 and 80 percent. And particularly hard hit among these people have been thousands and thousands of older citizens who have struggled to pay off mortgages on their homes and reside in their communities and their local neighborhoods, and they are finding it with great difficulty to even be able to afford to pay the increased tax load as it exists now.

Passage of this legislation would only add salt to the wounds of these people by, in effect, saying, on top of the additional taxes you will be paying as a result of this reassessment, you will also be losing the opportunity for at least 3 percent return for savings on your taxes.

This legislation, incidentally, is not new to this General Assembly. It has not been passed, but it has been introduced before. In the past 2 and past 4 years, I have opposed it at that time, as have many others on both sides of the aisle.

I think many of us from Allegheny County are very cognizant of the fact that we have one of the most non-uniform assessment procedures of any county and perhaps even across this state of any state in the country. And until such time as we can address ourselves in this General Assembly to some type of a uniform assessment program within Allegheny County and the state, one which will be fair and equal for all people on both sides of the street and not one like we have in Allegheny County

where we assess in many cases only part of a community one year and three years later the other side of the street in another part of that same community. I think it would be premature for us to do anything in terms of reducing the discount rate on prepayment or early payment of taxes within the discount period until such time as we have that meaningful type of reform. If a tax increase is needed in Allegheny County, then I think that decision should rest on the elected commissioners of Allegheny County, not on the legislature of this state.

Incidentally, I might add that we have two newly elected county commissioners. One happens to be a Democrat; one happens to be a Republican. They both ran on platforms of cutting the payroll, eliminating unnecessary programs, and making county government more efficient. They are already assured of getting a tremendous amount of new revenue as a result of the property reassessments that have already taken place. This particular legislation would, in effect, grant them another tax increase without them having to consider or even be really conscientious about the efforts to further make the government efficient or to reduce the payrolls as they have promised. Frankly, I think it is a license to spend more as opposed to the encouragement which many of us as citizens of Allegheny County have been led to believe we could expect from our new county commission to keep the costs from expanding at, hopefully, other than just the normal inflationary rate. It is my firm belief that the triennial assessments themselves will bring in more than sufficient revenue to make up for the cost of inflation.

I have been a supporter in this House of legislation and the so-called Allegheny County package, as many others have, to try and equalize what we thought was our fair share of return of various funds from state government, and I think that was a very credible position for those of us who supported that from the county to take. But I think it is grossly unfair that we should be called on as a General Assembly to pass what amounts to a 3-percent tax increase on the people of our county. Let us have the onus on the commissioners.

MOTION TO RECOMMIT

Mr. KNEPPER. On this basis, Mr. Speaker, I would like to make a motion to recommit Senate bill—I would like to recommit both of them, Mr. Speaker. Do I have to make two separate motions?

I would like to make, first, a motion to recommit Senate bill No. 1284, printer's No. 1602.

The SPEAKER. The gentleman understands that his remarks were out of order but the Chair allowed him to proceed, and the Chair, in the interest of fairness, will allow one member with an opposing point of view to speak contrary to your remarks, notwithstanding the fact that a motion has been put. But after that, we are going to confine debate to the reasons for or against recommitment.

Mr. KNEPPER. Thank you, Mr. Speaker.

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

Mr. CAPUTO. Thank you, Mr. Speaker.

I was going to ask for the consent of the House to make a few remarks and answer the statements made by Mr. Knepper before rising to oppose the motion. Since

the Chair has already allowed me that courtesy, I shall proceed.

Mr. Speaker, there is nothing about this bill or either of these bills that will detract in any way from the onus placed on the county commissioners. This legislation, if adopted by this House, would place the onus on the county commissioners to decide whether they are going to continue to permit a 5-percent discount for prepayment or payment of taxes on the current date. The legislation, if passed, would provide that they may change to a lower discount rate but not less than 2 percent.

We do not know yet what the county commissioners will do if we pass this bill. We do know, however, Mr. Speaker, from the facts that this bill was introduced in the last session with a different board of county commissioners, a board that was dominated by two Democratic members. The history of the present board of county commissioners is that it is dominated by two members, but they are not both Democrats. The controlling county commissioners constitute one Democrat and one Republican, and it was at the request of these two commissioners, joined by the other Democratic commissioner, that this legislation was introduced in the Senate.

It was introduced because the new board of county commissioners are attempting to curtail expenses to the extent in Allegheny County that there will be no necessity for a tax increase. They have already estimated their budget and the income that they can anticipate, and, I believe as of early last week, they are going to run something like \$12 million into the red, maybe more than that. I am not sure of the figures. However, they are making a determined effort to live within the budget requirements and they are cutting expenses in Allegheny County.

As to the triennial assessments, Mr. Speaker, the estimates they have already made are based on assessments that are in. There will be no increase in revenue on any new assessments. In fact, it is for that very reason that these bills are being presented to this House in the manner in which they are presented. The bills, as we have indicated, must have action today to be in a position to roll tomorrow. The House has been courteous enough to suspend the rules to permit us to do that. And I know it is going to be an imposition on several members of this legislature to be here tomorrow to vote finally on these bills, but I have asked for it and people who support our position have asked for it for the reason that in order to make these bills effective, they have to be enacted before March 5 of this year. The proper constitutional advertising has been made, but this has to be law before March 5 or it will have no force or effect on the taxpayers of Allegheny County this year. The vote cannot be delayed.

Unfortunately, the scheduling for this House calls for committee meetings next week. We all know that a week from this coming Friday is March 5. There will be no opportunities to vote on this legislation until next year if we do not get it passed this week. Because it is of such urgency and because I feel that the members of this House should be allowed to vote their convictions on this type of legislation, I object and oppose the motion to recommit.

The SPEAKER. From this point forward, all speakers will address themselves to the motion before the House.

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

Mr. MEBUS. Mr. Speaker, I was going to offer a compromise suggestion to the gentlemen supporting Mr. Caputo's motion and let Mr. Knepper handle this thing in another way, and I cannot very well do that within the circumscribed limits that you have established.

The SPEAKER. Say it real fast.

Mr. MEBUS. Okay. I would choose to support Mr. Caputo's motion and suggest that the bill be held so Mr. Knepper could offer an amendment to the bill which would say that during the first year they could not increase the total tax take. In that fashion there would not be a sudden bonanza for the county commissioners by enacting this, but I think it does make some sense because it would bring Allegheny County in line with the other 66 counties of the Commonwealth insofar as the 2-percent discount is concerned.

The SPEAKER. Is the gentleman, Mr. Knepper, agreeable?

Mr. KNEPPER. Mr. Speaker, I appreciate Mr. Mebus's suggestion. However, I am not inclined to make any amendments at this time. I think the issues are quite clear and I did not intend to respond to Mr. Caputo. Incidentally, both of us have faced this issue before and we both have been in opposition to it before, and I appreciate the fact that he has brought out apparently two sides of the issue.

But I would like to point out to Mr. Mebus that while there seems to be some concern here as to whether the county commissioners may or may not implement this if it is passed, I think it is rather obvious that they have built it into their budget for this year or they anticipate building it into the budget, and that they are very quickly trying to ram this through the legislature at a much more rapid speed, for instance, than the school code and some of the other important pieces of legislation we have attempted to consider. I would have to stick with my original motion to recommit this bill to the Local Government Committee.

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

Mr. W. W. WILT. Mr. Speaker, which bill are we considering, please?

The SPEAKER. We are considering Senate bill No. 1282.

Mr. W. W. WILT. Mr. Knepper's motion was for Senate bill No. 1284.

The SPEAKER. The motion has been addressed to Senate bill No. 1284. We are voting on a motion to recommit Senate bill No. 1284.

The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

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

YEAS—90

Beren	Grieco	McClatchy	Sirianni
Berlin	Gring	McCue	Smith, E.
Bittle	Holverson	McGinnis	Smith, L.
Brandt	Hamilton, J. H.	Mebus	Spencer
Burns	Hasay	Miller, M. E.	Stahl
Butora	Haskell	Miller, M. E., Jr.	Taddonio
Cessar	Hayes, D. S.	Moehlmann	Thomas

Cimini	Hayes, S. E.	Noye	Turner
Crawford	Hepford	O'Connell	Ustynoski
Cumberland	Hill	Pancoast	Vroon
Davies	Hopkins	Paricer, H. S.	Wagner
Deverter	Hutchinson, W.	Perri	Weidner
Dietz	Katz	Pitts	Westerberg
Dininni	Kelly, J. B.	Polite	Wilson
Dorr	Kernick	Pyles	Wilt, R. W.
Fawcett	Kistler	Renninger	Wilt, W. W.
Fischer	Klingaman	Ryan	Wright
Fisher	Knopper	Salvatore	Worrlow
Foster, A.	Kusse	Scheaffer	Yahner
Fryer	Lehr	Scirica	Zearfoss
Gallen	Levi	Seltzer	Zeller
Geesey	Lynch	Shuman	Zord
Gleason	Manmiller		

NAYS—91

Abraham	Gillespie	Milanovich	Ritter
Arthurs	Gillette	Milliron	Ross
Barber	Gleeson	Miscevich	Ruggiero
Bellomini	Goodman	Morris	Saloom
Bennett	Green	Mrkonic	Schmitt
Berson	Greenfield	Mullen, M. P.	Schweder
Bradley	Hutchinson, A.	Mullen	Shane
Brunner	Irvic	Musto	Shelton
Caputo	Itkin	Myers	Shupnik
Cole	Kelly, A. P.	Novak	Stapleton
Cowell	Kolter	O'Keefe	Stout
DeMedio	Kowalyszyn	Oliver	Taylor
Dicarlo	LaMarca	Petrarca	Toll
Dombrowski	Laudadio	Plevsky	Trello
Doyle	Laughlin	Pratt	Valicenti
Eckensberger	Lederer	Prendergast	Walsh, T. P.
Englehart	Letterman	Rappaport	Wansacz
Fee	Lincoln	Ravenstahl	Wargo
Flaherty	Manderino	Reed	Wojdak
Gallagher	McCall	Renwick	Zwick
Garzia	McIntyre	Rhodes	
Geisler	McLane	Richardson	Fineman.
George	Menhorn	Rieger	Speaker
Giammarco			

NOT VOTING—15

Anderson, J. H.	Dreibelbis	McGraw	Sheihamer
Bonetto	Foster, W.	O'Brien	Whelan
Cohen	Hammock	O'Donnell	Yohn
DiDonato	Johnson, J.	Perry	

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 second consideration?

Bill was agreed to.

And said bill having been considered the second time and agreed to,

Ordred, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of Senate bill No. 1282, printer's No. 1536, entitled:

An Act repealing section 22 act of May 1, 1861 (P. L. 450, No. 424), entitled "An act relating to Allegheny County," eliminating the reduction of five per centum discount for payment of Allegheny County real estate taxes.

On the question,

Will the House agree to the bill on second consideration?

SENATE BILL No. 1282 RECOMMENDED

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

Mr. KNEPPER. Mr. Speaker, there is no need to repeat the reasons for my opposition to this legislation. Apparently I am going to have an opportunity tomorrow to debate the bill on the floor of the House, but I

would like to make the same motion on Senate bill No. 1282, printer's No. 1536, and I would hope that all those members who are in their seats and interested in attempting to curb this so-called tax increase on the citizens of our boroughs, townships and city in Allegheny County would vote for recommitment of this piece of legislation, too.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

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

Miss SIRIANNI. I rise to a parliamentary inquiry.

The SPEAKER. There is nothing in order but the taking of the roll.

Miss SIRIANNI. It concerns the roll.

The SPEAKER. The lady will state it.

Miss SIRIANNI. Could you please tell me, Mr. Speaker, what the rules state on the time of keeping the board open?

The SPEAKER. I think the rules state "a reasonable length of time." "A reasonable length of time not to exceed 10 minutes," I believe is what the rule says.

Miss SIRIANNI. I think you have already made your 10 minutes, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. ZORD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZORD. Mr. Speaker, do these bills require a fiscal note since there is a possibility that it would incur greater assets to the county of Allegheny?

The SPEAKER. The Chair is unable to respond informatively at the moment. Perhaps the gentleman, Mr. Caputo, after the question is properly put, will return to this matter and we can get an answer.

On the question recurring,

Will the House agree to the motion?

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

YEAS—92

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

NAYS—90

Abraham	Gillette	Miscevich	Ross
Arthurs	Gleeson	Morris	Ruggiero
Barber	Goodman	Mrkonic	Saloom
Bellomini	Green	Mullen, M. P.	Schmitt
Bennett	Greenfield	Mullen	Schweder
Berson	Hutchinson, A.	Musto	Shane
Bradley	Irvic	Myers	Shelhamer
Brunner	Itkin	Novak	Shelton
Caputo	Kelly, A. P.	O'Brien	Shupnik
Cole	Kolter	O'Keefe	Stapleton
Cowell	Kowalshyn	Oliver	Stout
DeMedio	LaMarca	Petrarca	Taylor
Dicarlo	Laudadio	Pievsky	Toll
Dombrowski	Laughlin	Pratt	Trello
Doyle	Lederer	Prendergast	Valicenti
Eckensberger	Letterman	Rappaport	Walsh, T. P.
Englehart	Lincoln	Ravenstahl	Wansacz
Fee	Manderino	Reed	Wargo
Flaherty	McCall	Renwick	Wojdak
Gallagher	McIntyre	Rhodes	Zwickl
Garzia	McLane	Richardson	
Geisler	Menhorn	Rieger	Fineman,
George	Milanovich	Ritter	Speaker
Giammarco	Milliron		

NOT VOTING—15

Bonetto	Dreibelbis	Johnson, J.	Perry
Cohen	Foster, W.	McGraw	Whelan
Davis, D. M.	Hammock	O'Donnell	Yohn
DiDonato			

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

The SPEAKER. The bill is so recommitted.

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

Mr. KNEPPER. Mr. Speaker, the board showed that we had 92 "yeas" and 90 "nays." Is that correct?

The SPEAKER. That is correct.

Mr. KNEPPER. Thank you, Mr. Speaker.

The SPEAKER. That was the result announced by the Speaker.

Now the gentleman, Mr. Zord, poses a question to the gentleman, Mr. Caputo. Does the gentleman, Mr. Caputo, desire to respond to an inquiry as to whether or not there is any fiscal impact?

Mr. CAPUTO. If I am in order, Mr. Speaker, these bills would not require a fiscal note. They are merely enabling legislation. There is nothing to indicate that any action will be taken by the county commissioners at this time.

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

Mr. STAHL. Would you clarify your reading of the roll? You had said that the motion had failed.

The SPEAKER. No. The motion on Senate bill No. 1282 prevailed, not failed.

Mr. STAHL. Okay. Thank you.

The SPEAKER. The motion to recommit prevailed because the vote was 92 in favor and 90 against.

PARLIAMENTARY INQUIRY

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

Mr. BUTERA. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTERA. I wonder if the Chair could verify for the House whether Mr. Caputo's response to Mr. Zord's question is accurate, that is, that these bills do not require a fiscal note. I believe our rules state that bills

which do affect local government tax revenues do require a fiscal note.

The SPEAKER. Revenues or expenditures? Is it revenues or expenditures? I seem to recall it is expenditures.

Mr. BUTERA. I am not sure. That is really why I am asking the question. I think the rule is broad enough to cover any effect on revenue, either outgo or income.

The SPEAKER. This only affects the question of expenditures, not revenues, unless there is a loss of revenues.

Mr. BUTERA. Well, then, I guess my next question would be: If I read this bill properly, it is fairly clear that there is going to be a loss of revenue in Allegheny County should either of the two bills pass, which means then, I think, that a fiscal note would be required?

The SPEAKER. Can the gentleman, Mr. Caputo, advise the Chair?

Mr. BUTERA. I am sorry. I mean it would increase revenue. There would not be a revenue loss; there would be a revenue increase. I think, then, that that would require a fiscal note.

The SPEAKER. The increase in revenue does not require a fiscal note; only the loss of revenue requires a fiscal note.

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

Mr. PANCOAST. Mr. Caputo, in giving a reason why a fiscal note was not required, I believe said that this was merely enabling legislation, and enabling legislation, he said, does not need a fiscal note. I think this is an incorrect statement.

Most of our fiscal notes show two things: actual loss or increase in revenue; or secondly, potential increase or loss in revenue. All legislation is in that sense enabling legislation and does require a fiscal note.

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

Mr. COWELL. Mr. Speaker, on the question of whether or not this legislation requires a fiscal note, I think the intent of that particular rule of the House that requires fiscal notes was so that this House would have a handle on or be able to ascertain what kind of fiscal ramifications legislation that comes before this body might have on local government or state government.

I think that Mr. Caputo is correct when he says that this particular legislation on its own merit will have no ramification whatsoever. It simply provides a little bit more latitude for local officials, who happen to be in Allegheny County in this particular case, to act in a particular fashion. But on its face, this legislation itself does not affect either the expenses of Allegheny County or the income of Allegheny County. I therefore would argue that no fiscal note is required.

The SPEAKER. In order to cut the Gordian knot, the Chair will decide that there is no fiscal implication requiring a fiscal note.

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

Mr. KNEPPER. Mr. Speaker, I will send down the appropriate document to the front, but I would like to

reconsider the vote by which Senate bill No. 1284, printer's No. 1602, failed on recommittal.

Thank you.

The SPEAKER. The Chair has reconsideration motions on both Senate bill No. 1282 and Senate bill No. 1284, both ways.

The Chair will first present to the House a reconsideration motion presented by the gentleman, Mr. Dom-browski.

For what purpose does the gentleman from Allegheny, Mr. Caputo, rise?

Mr. CAPUTO. I would like that motion to be considered after the recess.

The SPEAKER. After the recess? I think that is good strategy.

Mr. CAPUTO. Mr. Speaker, in fact, if you will hold both of them until after the recess, we may have no problems.

HOUSE BILL No. 1928 AND AMENDMENTS TAKEN FROM TABLE

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

Mr. DiCARLO. Mr. Speaker, I move that House bill No. 1928, printer's No. 2478, along with the amendments, be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

Agreeable to order,

The House resumed final consideration of **House bill No. 1928, printer's No. 2478**, entitled:

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), further providing for provisional appointments.

On the question recurring,
Shall the bill pass finally?

RECONSIDERATION OF VOTE ON DiCARLO AMENDMENTS TO HOUSE BILL No. 1928

Mr. DiCARLO moved that the vote by which his amendments to House bill No. 1928 were adopted on Wednesday, February 25, 1976, be reconsidered.

Mrs. CRAWFORD 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?

AMENDMENTS WITHDRAWN

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

Mr. DiCARLO. Mr. Speaker, I withdraw the amendments.

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 lady from Chester, Mrs. Crawford.

Mrs. CRAWFORD. Mr. Speaker, I am withdrawing my objections to this amendment at this time, because I plan to draw up a resolution to instruct this House—

The SPEAKER. Will the lady permit an interruption?

The amendment has been withdrawn. Are you withdrawing your objection to the bill rather than to the amendment?

Mrs. CRAWFORD. To the bill.

The SPEAKER. The Chair thanks the lady.

Mrs. CRAWFORD. Because of the fact that I believe the whole Civil Service Act needs to be looked at. I think that the only way this can be done is if a committee of the House will undertake this task, and I am going to be drawing up a resolution in order to accomplish this.

QUESTION OF INFORMATION

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

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

The SPEAKER. The gentleman will state it.

Mr. ITKIN. I would like to know what the status of the bill is in terms of what it contains now.

The SPEAKER. The bill is as it appears in printer's No. 2478.

Mr. ITKIN. So the only thing is that the 6 months' additional period has been deleted?

Mr. DiCARLO. That is right, Mr. Speaker.

Mr. ITKIN. But now, at the end of 12 months, a person who is a provisional employe would become a bona fide regular employe if the Civil Service Commission took no action? Is that correct?

Mr. DiCARLO. Yes, Mr. Speaker. We went back to the original language which was the way the House State Government Committee had unanimously passed the bill out of committee.

Mr. ITKIN. I see. So, in other words, it is even making it easier now for a provisional employe to become a regular employe because the time period in which the Civil Service Commission has to act has been reduced by 6 months with the withdrawal of the amendment. Is that correct?

Mr. DiCARLO. No, it is not, Mr. Speaker. It is not making it easier for anybody; it is doing what we anticipate doing. It is saying that within the 1-year period the Civil Service Commission shall indeed provide an examination for those individuals who are provisional employes. If they do not, they will retain their status as a permanent employe.

Mr. ITKIN. Thank you.

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—145

Abraham
Arthurs
Barber
Bellomini

Geesey
Geisler
George
Giammarco

Lynch
Manderino
McCall
McCue

Ritter
Ross
Ruggiero
Saloom

Bennett	Gillespie	McGinnis	Scheaffer
Beren	Gillette	McIntyre	Schmitt
Berlin	Gleason	McLane	Schweder
Berson	Gleeson	Menhorn	Scirica
Bittle	Goodman	Milanovich	Shane
Bradley	Green	Miller, M. E.	Shelhamer
Brandt	Greenfield	Miller, M. E., Jr.	Shelton
Brunner	Grieco	Milliron	Shupnik
Burns	Gring	Miscevich	Sirianni
Butera	Halverson	Morris	Smith, L.
Caputo	Haskell	Mrkonic	Spencer
Cessar	Hayes, D. S.	Mullen, M. P.	Stapleton
Cimini	Hayes, S. E.	Mullen	Stout
Cole	Hepford	Musto	Taddonio
Cowell	Hill	Myers	Taylor
Crawford	Hopkins	Novak	Toll
DeMedio	Hutchinson, A.	O'Brien	Trello
Deverter	Hutchinson, W.	O'Connell	Turner
Dicarlo	Irviss	O'Donnell	Ustynoski
Dininni	Kelly, A. P.	O'Keefe	Valcenti
Dombrowski	Kelly, J. B.	Oliver	Walsh, T. P.
Doyle	Kernick	Parker, H. S.	Wansacz
Dreibelbis	Kistler	Petrarca	Wargo
Eckensberger	Knepper	Pievsky	Wilson
Englehart	Kolter	Pratt	Wojdak
Fawcett	Kowalshyn	Prendergast	WorriLOW
Fee	LaMarca	Pyles	Yahner
Fischer	Laudadio	Rappaport	Zeller
Fisher	Laughlin	Ravenstahl	Zwikl
Flaherty	Lederer	Reed	
Gallagher	Letterman	Renwick	Fineman,
Gallen	Levi	Richardson	Speaker
Garzia	Lincoln	Rieger	

NAYS—38

Anderson, J. H.	Katz	Perri	Thomas
Cumberland	Klingaman	Pitts	Vroon
Davies	Kusse	Polite	Wagner
Dietz	Lehr	Renninger	Weidner
Dorr	Manmiller	Ryan	Westerberg
Foster, A.	McClatchy	Salvatore	Wilt, R. W.
Fryer	Mebus	Shuman	Wilt, W. W.
Hamilton, J. H.	Moehlmann	Smith, E.	Zearfoss
Hasay	Noye	Stahl	Zord
Itkin	Pancoast		

NOT VOTING—14

Bonetto	Foster, W.	Perry	Whelan
Cohen	Hammock	Rhodes	Wright
Davis, D. M.	Johnson, J.	Seltzer	Yohn
DiDonato	McGraw		

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.

MILITARY AND VETERANS AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 401, printer's No. 627, entitled:

An Act amending the act of July 18, 1968 (P. L. 405, No. 183), entitled "Vietnam Conflict Veterans' Compensation Act," further providing for persons missing in action who are not declared dead or captured and extending the deadline for applications.

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—182

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

NAYS—0

NOT VOTING—15

Bonetto	Foster, W.	Mebus	Whelan
Cohen	Hammock	Perry	Wojdak
Davis, D. M.	Johnson, J.	Rhodes	Yohn
DiDonato	McGraw	Shelton	

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.

HOUSE RESOLUTION No. 126 ADOPTED

Mr. ZWIKL called up HOUSE RESOLUTION No. 126, printer's No. 1931, entitled:

House urging the Federal Interagency Task Force on Inadvertent Modification of the Stratosphere to continue to study the possible ill effects of fluorocarbon propellants on the atmosphere and on human beings.

On the question,

Will the House adopt the resolution?

The yeas and nays were required by Mr. ZWIKL and Mrs. KELLY and were as follows:

YEAS—183

Abraham	Giammarco	McGinnis	Salvatore
Anderson, J. H.	Gillespie	McIntyre	Scheaffer
Arthurs	Gillette	McLane	Schmitt
Barber	Gleason	Mebus	Schweder
Bellomini	Gleeson	Menhorn	Scirica
Bennett	Goodman	Milanovich	Seltzer
Beren	Green	Miller, M. E.	Shane
Berlin	Greenfield	Miller, M. E., Jr.	Shelhamer

Berson	Grieco	Milliron	Shelton
Bittle	Gring	Miscevich	Shuman
Bradley	Halverson	Mochlmann	Shupnik
Brandt	Hamilton, J. H.	Morris	Sirianni
Brunner	Hasay	Mrkonjc	Smith, E.
Burns	Haskell	Mullen, M. P.	Smith, L.
Butera	Hayes, D. S.	Mullen	Spencer
Caputo	Hayes, S. E.	Musto	Stahl
Cessar	Hepford	Myers	Stapleton
Cimini	Hill	Novak	Stout
Cole	Hopkins	Noye	Taddonio
Cowell	Hutchinson, A.	O'Brien	Taylor
Crawford	Hutchinson, W.	O'Connell	Thomas
Cumberland	Irvis	O'Donnell	Toll
Davies	Itkin	O'Keefe	Trello
DeMedio	Katz	Oliver	Turner
Deverter	Kelly, A. P.	Pancoast	Ustynoski
Dicarlo	Kelly, J. B.	Parker, H. S.	Valicenti
Dietz	Kernick	Perri	Vroon
Dininni	Kistler	Petrarca	Wagner
Dombrowski	Klingaman	Plevsky	Walsh, T. P.
Dorr	Knepper	Pitts	Wansacz
Doyle	Kolter	Polite	Wargo
Dreibelbin	Kowalshyn	Pratt	Weidner
Eckensberger	Kusse	Prendergast	Westerberg
Englehart	Laudadio	Pyles	Wilson
Fawcett	Laughlin	Rappaport	Wilt, R. W.
Fee	Lederer	Ravenstahl	Wilt, W. W.
Fischer	Lehr	Reed	WorriLOW
Fisher	Levi	Renninger	Wright
Flaherty	Letterman	Renwick	Yahner
Foster, A.	Lincoln	Richardson	Zearfoss
Fryer	Lynch	Rieger	Zeller
Callagher	Manderino	Ritter	Zord
Gallen	Manmiller	Ross	Zwinkl
Garzia	McCall	Ruggiero	
Geesey	McClatchy	Ryan	Fineman, Speaker
Geisler	McCue	Saloom	
George			

NAYS—0

NOT VOTING—14

Bonetto	Foster, W.	McGraw	Whelan
Cohen	Hammock	Perry	Wojdak
Davis, D. M.	Johnson, J.	Rhodes	Yohn
DiDonato	LaMarca		

So the question was determined in the affirmative and the resolution was adopted.

HOUSE RESOLUTION No. 186 ADOPTED

Mr. IRVIS called up **HOUSE RESOLUTION No. 186**, printer's No. 2499, entitled:

General Assembly urging the Legislative Reference Bureau to make all determinations regarding slip laws and the distribution of by the Department of General Services.

On the question,

Will the House adopt the resolution?

Resolution was adopted.

HOUSE RESOLUTION No. 196 ADOPTED

Mr. IRVIS called up **HOUSE RESOLUTION No. 196**, printer's No. 2705, entitled:

Directing Joint State Government Commission to study law governing the State Workmen's Insurance Fund.

On the question,

Will the House adopt the resolution?

Resolution was adopted.

RECOGNITION DEFERRED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I will yield to the minority

leader. I believe he asked at a prior time for interrogation. After that, I would ask the Chair to recognize me.

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

Mr. BUTERA. Mr. Speaker, I have spoken to Mr. Rappaport and there is no need to go through the interrogation procedure. I am going to ask some questions and he is going to make a statement.

STATEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, this morning's Philadelphia Inquirer carried a story which is entitled, "House Plans Hearings on City Tax Bill." It is upon that subject that I want to address some brief remarks and have requested that Mr. Rappaport do likewise.

At the outset I want to make it clear that I am discouraged that I have to read about these plans, the plans for hearings, in the newspaper. And particularly I am discouraged that everyone else involved directly and indirectly in this question, on this side at least, also learned of the plans of Mr. Rappaport's hearings by way of the newspaper. That is not the way to conduct business. But I do not want to take up the time of this House in making that kind of a complaint because I suppose it is irrelevant to most people, but very relevant to me.

When the question first arose that Philadelphia was going to have to come to the legislature for authority to increase local taxes in the middle of the present fiscal year, I called for a situation which would provide this House, who ultimately has to make the decision, with all of the facts surrounding the request and that they be made available publicly prior to our consideration of any such enabling legislation. That was in early January, as I recall.

I am pleased, on the one hand, that there are going to be public hearings on this question, but I am concerned as to the process by which those hearings are going to be scheduled.

I have several fears. The first fear is that this particular question will be treated as a Philadelphia question rather than a Pennsylvania question. Those of us who have served in this House for 3, 4, or 5 terms know that in each state budget in recent years there have been special considerations—at least requested, if not made—in behalf of the city of Philadelphia. That alone should be sufficient indication that this problem is not just a question which has to be resolved among the various political forces in the city of Philadelphia but rather has a very direct bearing on the rest of the state. There are communities other than Philadelphia which are in similar binds in this particular year and at this particular moment, where communities have found themselves in deficit situations, one of those communities being in my legislative district.

A second fear, larger than the first, is that the situation in the Philadelphia city government is worse than we have been told to date by, I believe, just one communication from the mayor of Philadelphia to each member of the House.

We must have, before we make any conclusion, a complete revelation of the facts surrounding the fiscal condition of Philadelphia now, as of July 1 of this year, and in

the immediate future. If we fail to solicit and demand that kind of information prior to putting the current fire out, we will be derelict in our duties. We do not want to have this legislature placed in a similar situation as that which has occurred in the New York state legislature, where a similar problem existed last year. If we treat the subject matter as a state problem and attempt to avoid a recurrence of the problem in the future, our chances of avoiding being placed in a very bad position, such as the New York state legislature was, are better.

The scope of the problem then becomes very important and vital to the deliberations on the question, should the Senate pass the bills over to the House. Only after we understand the magnitude of the problem and those directly responsible for the problem and set the record straight, can we discuss the situation; only then can we discuss alternatives to the mayor of Philadelphia's suggestion; only then can we discuss compromise.

What I do not want to have happen, and what I want the gentleman to assure this House will not happen, is that we will go through the motions of having public hearings in Philadelphia and then come to Harrisburg and attempt to make some kind of a deal to pass these taxes which ignores the basic question which could become a crisis, not only for Philadelphia in the immediate future but for the entire Commonwealth.

None of us in this House, I do not think, know the full extent of the deal between Mayor Rizzo and Governor Shapp. I do not think that any of us really want to know about that, because I hope that none of us approve of it. We have got to make certain that that particular personal arrangement does not interfere with the duties of those of us on this floor to treat the Philadelphia tax question on its merits. Likewise, I do not think that we should permit the issue to become one which has a solution, a simple solution, of merely attracting suburban Philadelphia Republican and Democratic votes for the city tax package in return for a reduction or a limit upon the amount of tax which nonresidents pay in Philadelphia.

That may very well, and probably will, become a part of the discussions on this subject, but it should not be the only issue discussed as we debate the request of the city of Philadelphia to permit the city council to increase taxes in that city. We have had enough legislation and there is enough public coverage in the press of political deals among personalities. Let us not fall into that rut on this particular question.

Finally, I would hope that the gentleman would not restrict the hearings which he is holding to Representatives in this House who happen to be from Philadelphia. I suggest, if that is the trend of the hearings, that he will be, and those in favor of the Philadelphia tax package will be, defeated. This issue is much broader than that. The people involved in the issue have got to have interests beyond the city of Philadelphia, and it is in that vein that I have asked the gentleman to make certain assurances to this House.

STATEMENT BY MR. RAPPAPORT

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Mr. Speaker, I thank the minority leader for his statements. I think, aside from the political ones at the beginning, that his points are very well taken and I would

hope that he will continue to play that role as this problem gets discussed further.

He has referred to New York. I am not unmindful of the very important and responsible role that was played there by the Republican majority leader of the state Senate, Senator Anderson, who is, I believe, from Binghamton, in the whole New York problem. He indeed played a very important and responsible role in the solving of that problem.

I would like to assure the gentleman that at least—and I do not speak for the other members of the committee because I have not discussed it with them, but for myself—I do not come to these hearings with any preconceived notions. The only public statement that I have made was made last week when I still had four people running against me—I now have two—when I said that I personally probably could not support the package as it now stands, so that far from any consideration being given, we are going to look at this on its merits.

I would further assure the gentleman that the committee is requesting the business and financial leadership in the city of Philadelphia to come and make their views known. We have said to the city of Philadelphia—and these are my exact words, and I was quoted in the newspapers—"City, you are making an extraordinary request. You are going to have to make out a case. We suggest strongly that you send down the people to testify who you think will be able to do that job."

I am informed at the present time that they expect the director of finance, Mr. Moak, will be their leadoff witness. They have not informed me as to anyone else.

We have invited Mr. Klenk, the city controller, to testify. I might say, for those of my friends from upstate, that Mr. Klenk has not exactly been an ally of the mayor; in fact, he has been extremely critical of the mayor and has, indeed, refused to certify some of the bond prospectuses that have been put out in the last year and has put on footnotes disagreeing with the figures of the city.

We have invited the president or the chairman of the board of several of the leading banks in Philadelphia which deal in Philadelphia municipals and we are awaiting now their acceptances, although I think we are going to receive them from those whom we have invited. We have already received the acceptance to speak of the president of Standard & Poor's, the national bond rating agency. We are inviting the superintendent of the Philadelphia School District, because it is impossible to talk about city finances without talking about school district finances. We are inviting the heads of the municipal labor unions, both city and school district. I do not know the exact status of the city employes' negotiations. I do not know if their contract is up this year, but I do know the teachers' contract is up this year. I think next year we get the city again and policemen and firemen under Act 111.

We have an acceptance from the Chamber of Commerce and from one or two other groups of this same type. We have an acceptance from two of the leading economists in the city of Philadelphia—Dr. Bertram Zumeta, who was an economist with the First Pennsylvania Bank; and Dr. Anita Summers, who works with the Federal Reserve Bank, who has just completed a very fine study on the future of employment in the city of Philadelphia over the next 20 years and who wrote a very fine study on the financial and educational problems of our school district several years ago.

Let me also assure the minority leader that I, for one, do not intend to permit this to be made into a political forum, and I serve notice now that this will not be permitted. We have already had several requests from various people running for the legislature in various areas, both city and suburbs, to speak, and we do not intend to permit any candidates to come up and use this as a forum, regardless of party or other ideological background. Legislators in this House will have a chance when we debate the bills to express their views here.

On Wednesday and Thursday of next week, we will be available and we will sit all day and half the night, if necessary, to permit any and all citizen groups who wish to be heard to come and speak. Anyone wishing to be heard should contact Joseph McLaughlin at the House press office, who is keeping the list and will make up the list of those who intend to appear.

I must say to the House that unfortunately we do not have a location nailed down as yet. It will be in center city Philadelphia. The State Building does not have adequate facilities, and because we will be running for 4 days and for various other reasons, we will not use City Hall.

Now as to the first part of the minority leader's remarks, on February 11, 1976, the Speaker of this House issued a press release which stated as follows, inter alia: "I am giving notice to the mayor now, however, that his legislative programs will not be accepted unquestioningly in Harrisburg. House leaders will oppose any proposals that are without merit. Furthermore, the Pennsylvania House of Representatives will provide no direct help to the city until we have held public hearings and explored his revenue needs and spending policies in detail." Then the Speaker went on to say that it would be a rather difficult persuasion job.

Mr. Speaker, I view the requests by the city of Philadelphia to be extraordinary in nature, as I have said earlier. I am mindful of the precedent it sets for other municipalities in this Commonwealth and I think it must be studied in great detail. I have said to the city officials with whom I have discussed this—Mr. Moak and Mr. Davis, his deputy, who represents the city in Harrisburg among his other duties—that they are going to have to make a very convincing case and that the scope of our hearings is not going to be limited to what kind of tax or how much we should enact, if we indeed should do it, but the entire issue of the city's fiscal management must be brought forward and that other people are going to be discussing it.

I forgot to mention that the Pennsylvania Economy League is going to come in and testify, and they have just completed a rather fine study on the wage rates of city employees.

The entire issue is going to be open and we would hope that the discussions that we will have and the information we will receive will be of help to this entire House.

I regret that I have as yet not had time to issue any formal notifications to anyone. The letters to many people are in fact sitting on my desk now ready to go out, but they have not yet gone out.

I will say at this point, though, that, of course, each member of the Urban Affairs Committee, not just the subcommittee members, will be welcome at the hearings. I intend to extend an invitation to every member of this House to come to the hearings, and not only the House members but the Senators as well because I do not think

they are going to complete action on this package this week.

We also intend to invite to speak the members of city council because they, in essence, are the ones who will have to enact this tax program. All we can do is give them the authorization.

Those of us who have been here for a few years will remember that about 4 or 5 years ago we passed an over-the-bar tax for the benefit of the Philadelphia School District only to see it vetoed by the mayor—Mayor Tate—and then the veto not overridden; sustained by council. I, for one—and again I am speaking just for myself at this point—would like to have some very definite assurances from the members of council that they are going to enact taxes before this House spends a lot of time debating a bill which may not be used.

Mr. Speaker, I will be happy to answer any questions of any members of the House.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I am a bit shocked that the gentleman has gone as far as he has in his invitation list, et cetera, without telling anybody else what he had in mind. I think the groups that the gentleman has already invited are properly invited, but I would hope that we are not setting some kind of precedent here on matters such as this, that we deal this closely to the vest without a full disclosure to those people so directly involved.

I read the Speaker's news release in the newspaper of February 11 and have been waiting for, I guess, what we found out today. Now you give us a week's notice. Fortunately, this appeared in the paper so that we got the week's notice. I do not know what would have happened if it had not gotten into the paper. So that process is wrong, and I would like to voice that I think it is wrong and I hope that it does not recur.

There are two unanswered questions. First, who is on the committee? Is it an ad hoc committee? Is it part of the Urban Affairs Committee or the subcommittee under the Urban Affairs Committee which the gentleman heads? Who is permitted to participate? Is it going to be ruled somehow—I do not know how—that only those members of that particular subcommittee or of that committee or that ad hoc committee are going to be permitted to participate actively in the questioning and the seeking of information? Is this side going to be permitted to be involved? That is the first area of inquiry which I think must be explained thoroughly.

Secondly, there is a growing concern among taxpayers in this country that politicians be held more accountable for the statements and utterances which they make during campaigns which later on they are not able to fulfill. Now in this particular issue, it occurs to me that a month or two prior to our communication from the city officials we were told that there was no need for tax increases in the city of Philadelphia for some length of time, in the foreseeable future. I do not remember exactly how definitive those statements were made. But I think everybody who went to the polls in November was very certain that at least the city officials said there was going to be no call for new taxes.

I suggest to the gentleman that, if it is possible, he place city officials who testify on this issue under oath so that we are certain that we are getting the facts this time versus those which the people received during the

last election. You ought to seriously consider that, and I think the people would thank you for it.

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

Mr. RAPPAPORT. Mr. Speaker, I believe that the gentleman's remarks were cast in the form of questions and I would ask leave to answer them at this point.

I am delighted that the minority leader agrees that the people whom we have already invited are the proper people who should be invited by a committee holding these types of hearings. If the gentleman has any other—

Mr. BUTERA. Would the gentleman yield for just a second?

Mr. RAPPAPORT. It would be my pleasure, Mr. Speaker.

Mr. BUTERA. I think you left one person out of your invited guests.

Mr. RAPPAPORT. I will be happy to invite him.

Mr. BUTERA. Yes, and I think that if you do not invite the mayor, you are making a mistake.

Mr. RAPPAPORT. Mr. Speaker, I have invited the city to send whoever they feel will be helpful in making their case. I think that the gentleman's point is well taken, and I am sure that he will have a lot to say on the floor of this House if there is a tax package, if the mayor does not appear. That is the risk that the city officials are running, and I have pointed that out to them.

If the gentleman or any other person concerned in these hearings feels that anyone else should be invited, I would suggest that they give me the name of that person or that organization, and I shall be only too happy to invite them.

As to the makeup of the committee, the Urban Affairs Committee is a standing committee of this House. The chairman is the gentleman from Allegheny, Mr. Caputo. As I understand what happened, although I was not present, the Speaker informed Mr. Caputo that in the event the bills came over from the Senate to the House, it was his then intention to refer them to the Committee on Urban Affairs—and I would stand corrected if that is not accurate—and that he hoped that, in order to expedite things, Mr. Caputo would call hearings immediately.

Mr. Caputo discussed the matter with me since I am chairman of the Subcommittee on First Class Cities. And since on that committee the people from Pittsburgh tend to take a greater interest in matters affecting second class cities and people from Philadelphia take a greater interest in matters affecting first class cities, he felt that it was that subcommittee that should have the responsibility for the hearings. That is how my name came up on the duty roster to hold these hearings. And I use that in the literal sense, that I look on it as just that kind of job; it was my turn for KP this week.

The minority leader spoke about putting some witnesses under oath. I would say to the minority leader that that is a good suggestion. I, however, would point out to him that the former city controller of the city of New York, who is presently the mayor of that city, is presently under criminal investigation by the Securities and Exchange Commission—as are the firms of Salomon Brothers, Merrill Lynch, and Chase Manhattan Bank, among others—for fraud under the Securities Act of 1934 in the issuance of the New York City securities that came out right before the pseudodefault that they have had up there.

I personally raised those issues during the hearings of the Business and Commerce Committee on the problems of the Housing Finance Agency which we papered over last week. I questioned a representative of Salomon Brothers on that very point.

I would further say that the city officials are very well aware of it. The city controller has informed me that it is for that reason that he has refused to certify the prospectuses and has, indeed, footnoted them.

I would say that any public statement made by the finance director, whether or not under oath, makes him liable in that developing area of the law. He is very conscious of it, I know, and I am very conscious of it.

As far as defending the mayor's record fiscally, I would remind the minority leader that last fall I was not defending his record; I was attacking it. Therefore, I was as skeptical and am as skeptical as the minority leader. And, indeed, my name appeared in the Daily News several weeks ago as being one of those members of this House who would probably vote against the mayor's tax package.

However, I view our responsibility in this hearing as obtaining all of the facts from as many people who can give them to us—hence, the invitation list—and then making these available to the House and letting the chips fall where they may.

Thank you, Mr. Speaker. I will be happy to answer any other questions that other members might have. I see several members on their feet.

STATEMENT BY MR. RICHARDSON

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

Mr. RICHARDSON. Mr. Speaker, I would like to know whether or not I would be in order to make some remarks.

The SPEAKER. The gentleman may proceed.

Mr. RICHARDSON. Mr. Speaker, I was informed yesterday that I am going to be a member of this committee to investigate the tax situation in the city of Philadelphia, and from that contact yesterday I did learn that we are going to hold some hearings.

I feel that it needs to be made quite clear that I feel very personal about the situation in the city of Philadelphia and that I have been contacted by many to investigate this matter. In fact, I have a resolution in, House resolution No. 198, which calls for an immediate investigation of this matter by a bipartisan committee, a special committee to investigate the tax situation in Philadelphia.

However, since I do sit on the Urban Affairs Committee of the House of Representatives, I feel that it is imperative that I take the steps and role to certainly act in the matter to deal with the present situation.

I would like those on both sides of the aisle of the House to know that I am not going to be a part of any charade, that I am not going to be a part of any whitewash of this situation in the city of Philadelphia, and that certainly if I am going to serve as a member on this particular committee, that I am going to do everything in my power to make sure that we get to the truth and the honesty of this situation so that we will be able to report it back to the members of this House.

I feel it is important, however, that a couple of things that the minority leader spoke to need to be addressed. I think that in response to the statement that I am going to make, there will be some questions that will come out

of that that I feel I need to ask the chairman of the subcommittee.

One is whether or not the members of the committee have the right to ask that all members be sworn when they come to the podium to testify. Two, I feel that it is imperative that we do so, but I think that we should set some kind of procedures before we get underway. Three, I feel that it is also imperative that the chief executive of the city, who has certainly been involved in this whole tax situation, be invited without question—that I have no hesitancy about saying that he ought to be there. Four, I point to the fact that there has been citywide corruption in the whole management of taxes and the whole management of funds in the city of Philadelphia, and it behooves us to recognize that we have a responsibility to the citizens of Philadelphia and also to the citizens of Pennsylvania.

I would hope that we could be assured that with this type of investigation—so many times we have seen the types of things that have occurred which have just turned into an overall witch-hunt without any direction. And I feel that there are certain persons, not only in the black community but in the white community, who should definitely be invited.

I feel that if 4 days of hearings are not enough, it should be stated now that we shall hold more hearings if necessary. Sometimes 4 days might not be enough when you are talking about a very serious matter. The number of persons that I have talked to do not come from the banking area, do not come from the bond area but come from the general community, and certainly there is interest there because it affects a lot of homeowners. It affects those citizens of the city of Philadelphia who have to live there every day, and I do feel that that is something that has to be taken into consideration.

I recognize that there has been a tentative agenda that has been made out, but I feel that if we are going to be open and aboveboard and honest, all of this information should be laid upon the table. And since we are discussing it, I feel that this is an excellent time to discuss this matter.

Relative to my last point, I would like to know whether or not the committee will also have the right to subpoena power to subpoena records, deeds, documents, and anything else that is necessary in order to complete our investigation, and that we not resort to liberalism in relationship to specifically coming out and getting to the reason why all of a sudden the chief executive of the city feels that now, in 1976, we need a tax increase. Most people in the city of Philadelphia who did come out and vote for him and support him in the election were under the impression that he was not going to raise taxes. But as soon as he was sworn in, he turn-coated on the people and showed the people his true colors by proposing a tax increase.

I feel that if this committee is serious, I am going to continue to stick with it and then bring back to this House, along with the chairman of the committee, our findings. But if at any time I see that it is wavering away from the principle that it is set out to do, wavering away from the responsibilities that it is supposed to do, then I will make every effort and attempt to bring it back to the floor of this House to allow the members to make some decision. But I do not feel that we can

arbitrarily make decisions without hearing from the people first about a situation that is going to involve many and thousands of lives.

I feel that if anyone feels that they are just going to superimpose a tax on the city of Philadelphia without a rumble, they are sadly mistaken. There definitely will be a rumble. I definitely will be rumbling against any tax increase and I feel that we should make that very clear now.

I think that when you talk about the kinds of taxes that have been spoken about by the mayor, there is certainly something wrong somewhere, and I feel that the investigation is the correct route.

I would just hope that the members of this House who are interested and are certainly concerned about those kinds of fiscal matters would also make sure—wherever the meeting is going to be held, whenever the place is so clarified or situated—that we have members join us and also have the members contact their constituency to check it out, to observe and watch themselves to find out where this whole investigation is going, and I think they need to raise objections if they feel that it is going in a shaky manner.

In my closing remarks, Mr. Speaker, I would just like to say that I feel this is certainly a strong and personal type of matter that cannot be put under the table and cannot be something that we turn our backs to, because when you talk about the kind of increase of 29.3, which is going to put many homeowners out in the streets, and you talk about the added taxes that are going to be added in other areas, you are talking about making not only blacks and poor people but all the citizens of the city of Philadelphia suffer to a great degree, and it is going to be impossible for them to maintain not only living quarters but to maintain existence for their own survival. And I feel that that is what we have to be concerned about—the survival of the city of Philadelphia at this present time relative to the tax situation.

I thank the Chair and the members of the House for their indulgence.

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

Mr. RAPPAPORT. Mr. Speaker, I welcome the remarks of our colleague, Mr. Richardson. I thought that I had made it very clear, but apparently I did not, that every member of this House is invited to participate in the hearings. Naturally, in precedence in asking of questions, the members of the committee will come first, but then I intend to recognize any member who is present who wants to be recognized.

I have also already extended a very informal invitation to the members of the Senate Committee on Urban Affairs, and I intend to make that a formal invitation. And they will be recognized also.

I further welcome the remarks of Mr. Richardson which in other words repeated my own in today's paper, that this must be neither a whitewash nor a witch-hunt but a search for the truth of what is going on in Philadelphia. I really do not know what it is and I am rather curious to find out just what the facts are.

Thank you, Mr. Speaker.

**THE SPEAKER PRO TEMPORE (Sherman L. Hill)
IN THE CHAIR**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Fischer.

Mr. FISCHER. I rise to ask if Mr. Rappaport would stand for further interrogation.

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

Mr. RAPPAPORT. Yes, Mr. Speaker, I will.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. FISCHER. Mr. Speaker, some earlier remarks by the minority leader asked you whether these hearings would be extended further than just the city of Philadelphia, and he indicated that a portion of his legislative district, one of his municipalities, has similar problems. This is true for a great many people, and it is true in the case of the city of Washington, for example, in the western part of the state.

I am wondering then if you intend to extend these 4-day hearings in Philadelphia to other areas of the state. I realize that your committee is primarily concerned with cities of the first class, but I think that this problem is one of great magnitude right now that all of us have concerns with and all of us will have to deal with and vote for and be a part of the decision that is made. So I would like to know, do you intend to extend your hearings into other areas of the state? And, specifically, do you intend to give everybody throughout this Commonwealth an opportunity, whether they be a person of the particular backgrounds that you talked about or, as I think, the general public who should have every opportunity to participate in discussions on this?

Mr. RAPPAPORT. Mr. Speaker, I am probably as well aware of the problems of the municipalities throughout this state as any member in this House, and I am aware that the problems being faced by the city are the problems that are being faced by any urban area in this Commonwealth regardless of size.

Again we look to New York, because that is the extreme of everything. The city of Yonkers, which is a suburb of New York, barely averted default last week. The problem, however, is that the city officials now tell us—and I have no facts with which to contradict them; I would hope as a result of the hearings next week I will have enough facts to discuss this issue intelligently—that this present authorization that they are receiving is essential to balance the budget for this year and is essential to the immediate cash-flow problems of the city of Philadelphia.

The city officials will not use the word "default." I will. I think that is what is at stake right now from what I know now. I may change my mind next week. I do not have enough facts.

I think that this issue is of such immediacy that we must deal with this Philadelphia problem immediately. I might say to the gentleman, however, Mr. Speaker, that several months ago I requested the Department of Community Affairs to draw up legislation for introduction which would handle the problems of default of any municipality and set up a procedure to handle it, similar to the New York procedures. Unfortunately, I have not yet received a draft of legislation from that department.

It is not our present intention to hold hearings throughout the state. The gentleman, Mr. Richardson, asked whether these hearings would possibly be extended. I think we will have to make that decision next week, after

we see what happens. I am not precluding that. I am just saying that this is a matter of some urgency, which is the only reason why these hearings are being held before we even get the bills from the Senate. We usually wait for the bills to come over from the Senate before we do anything. But the matter is of some urgency.

I understand the problems the gentleman is raising, but I do not think we can address ourselves to them at this particular moment. All the bill does is request permission for cities of the first class to do one thing right now, and that is what we will be addressing ourselves to.

Mr. FISCHER. Mr. Speaker, you spoke of the urgency of the situation in the city of Philadelphia. I can assure you, Mr. Speaker, that the city of Philadelphia is not the only community in Pennsylvania with urgent problems. In the municipality that I represent, in the city of Washington, there are critical problems right now that have affected their budget dramatically and affected the employes of that community and many aspects of service that the municipality delivers to that particular area. I then am concerned about your problem, but I am also hoping that this investigation will be extended further into Pennsylvania and that you will provide opportunities for officials of cities like Washington to participate in discussions like this.

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

Mr. KATZ. Thank you, Mr. Speaker.

I would like to interrogate the gentleman from Philadelphia, Mr. Rappaport, on a couple of questions, and then I would like to make a statement.

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

Mr. RAPPAPORT. Mr. Speaker, it is always my pleasure to respond to the gentleman, Mr. Katz.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. KATZ. Mr. Speaker, would you please inform the House as to how many members will be on this committee?

Mr. RAPPAPORT. They are the regular members of the subcommittee. I really do not know exactly how many there are. I know it is in the Legislative Directory.

Mr. KATZ. Is it not so that there are three members from the majority and two from the minority, I believe?

Mr. RAPPAPORT. I do not believe that is accurate. I do not know the answer to that question, however.

Mr. KATZ. You being the chairman, would you please find out and I will wait?

Mr. RAPPAPORT. Mr. Speaker, the information is available to the gentleman in any calendar on any member's desk, and I suggest that he consult it.

Mr. KATZ. Okay.

Mr. Speaker, are you going to take testimony under oath from the city officials?

Mr. RAPPAPORT. That will be up to the committee to determine when we start the hearings on Monday.

Mr. KATZ. May I ask you why the minority was not informed, being that I am the minority chairman of cities of the first class, which to you, excuse me, Mr. Speaker, may not mean a thing but to me means something? Why was I not informed and why do I have to read about it in the paper?

Mr. RAPPAPORT. Mr. Speaker, the majority mem-

bers of the committee have not yet been officially informed.

Mr. CAPUTO. Mr. Speaker, a point of information.

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

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

Mr. CAPUTO. Mr. Speaker, this matter was taken up at the regular meeting of the Urban Affairs Committee a week ago, and all members of the committee were notified of the hearings contemplated to be held in Philadelphia beginning Monday. I have not had a chance to discuss with Mr. Rappaport the makeup of the committee, but it was announced to the members of the Urban Affairs Committee that every member of that committee, majority and minority, would be conducting the hearings in Philadelphia.

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

Mr. KATZ. Mr. Speaker, would I be in order to make a statement?

The SPEAKER pro tempore. The gentleman is in order.

Mr. KATZ. I would appreciate the attention of the members of the House.

I listened to the debate, and the minority leader raises a very good question. You seem to have invited everyone from the city of Philadelphia to speak except the captain of the ship, except the mayor of Philadelphia, the man who ran in 1971 and promised no taxes and the man who ran again and promised no tax increases.

I feel that if the mayor of Philadelphia does not come before this House to present his case for Philadelphia, that the meetings really do not mean a thing with Lennox L. Moak or whomever else you invite. The mayor has been invited to speak to KYW for the past 2 weeks. He refuses to address himself before KYW. I personally will invite the mayor if you do not want to invite the mayor. But I think the leadoff witness in the city of Philadelphia should be the number one citizen, and that is the mayor of Philadelphia.

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

Mr. RAPPAPORT. Mr. Speaker, I seem to be cast by the gentleman in a rather unfamiliar role. He would assume that I am a defender of the mayor of Philadelphia. I would assure the gentleman that I am rather high on the mayor's list, and it is not the good list; it is the other list that we talk about.

I, however, conceive my obligations as chairman of these hearings to afford the city of Philadelphia the opportunity to make its case in any way it wants to make it. If the gentleman and the minority leader feel that it is impossible for the city to make its case without the presence of the mayor, I am sure they will have every opportunity to comment upon that on the floor of this House when the package—if it comes out on the floor—will be up for votes.

As I said four times previously, I have said to the appropriate city officials, you send down everybody that you think is necessary, but you have to understand that you have got to make out a case. And it may very well be that a number of members will think that the case cannot be made out without the mayor being present.

That is the risk of nonpersuasion which is being run by the city.

I think the gentleman's remarks would be better addressed to the mayor and I would hope that he would urge the mayor to appear before our committee. I would assure the gentleman—I will be finished in a moment; be patient—that should the mayor desire to appear, he will be welcome and be treated with the respect due the mayor of the city. He is the mayor. I did not support him for that position, but he did win the election. And he will be given every opportunity to make his case, and the gentleman from the northeast will be given every opportunity to interrogate him.

Thank you, Mr. Speaker.

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

Mr. KATZ. Mr. Speaker, I have one further question I would like to ask of Mr. Rappaport.

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

Mr. RAPPAPORT. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. KATZ. Mr. Speaker, as chairman of this committee to investigate the financial problems of the city of Philadelphia, did you or did you not at this time invite the mayor of Philadelphia to speak?

Mr. RAPPAPORT. Mr. Speaker, I have invited no specific officials of the city of Philadelphia. I have invited the city to send such city officials as they think are necessary to make out the city's case. That is the responsibility of the city. If the gentleman wants the mayor, I would suggest that he make his position clear. He has the opportunity now to do so. If the gentleman wants to say that he will vote for nothing unless the mayor appears, that is his privilege.

Mr. KATZ. Mr. Speaker, I would like the gentleman to answer the question directly and not walk away from the microphone. He is going to be the chairman of this committee. I want to know if he intends to invite the mayor, yes or no. That is all I want to know.

Mr. RAPPAPORT. Mr. Speaker, the answer is no, because I have invited no specific officials in the executive branch of the city of Philadelphia. That is the sixth time I have said that. I have invited the city to send such officials as they think are necessary. That is not my decision to make. The city must make out its case, and it is up to the city to send whom they want. If they do not send the people whom we think will convince us, it is our privilege to vote against the legislation.

Mr. KATZ. Did you invite Lennox Moak?

Mr. RAPPAPORT. No.

Mr. KATZ. Did you not say he was the leadoff witness?

Mr. RAPPAPORT. The city has already informed me that Mr. Moak will be one of their witnesses.

Mr. KATZ. Mr. Speaker—and I will not belabor the House—once again in order to really understand the problems of the city of Philadelphia and what we are being asked to do, I think the House has to understand that there is a little more than \$80 million that is involved here. There is \$80 million to balance this year's fiscal budget, and then come July 1, not only will the city be looking for money but so will the Philadelphia School Board.

It would seem to me that you are talking of figures in excess of or close to \$250 million upon the people of Philadelphia, and once again I would like the mayor to know from the floor of this House that if he is going to run the city of Philadelphia, he has an obligation, an obligation as the number one citizen, to tell the people of Philadelphia why he needs all this tax money. He should be the leadoff witness, and if he has been offered an opportunity by KYW and he has been offered by other groups, I say he should come forward, out of the second floor of city hall, and tell the public, because he was mandated into office in 1975 by one of the largest majorities that a mayor ever received in the city of Philadelphia. It is his obligation to do so, and I am going to write him and ask him to be the leadoff witness.

Thank you.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 826

Mr. ECKENBERGER presented the report of the Committee of Conference on House bill No. 826.

The SPEAKER pro tempore. The report will be laid over for printing under the rules.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 749

Mr. RHODES presented the report of the Committee of Conference on House bill No. 749.

The SPEAKER pro tempore. The report will be laid over for printing under the rules.

BILLS REPORTED FROM COMMITTEES

HOUSE BILL No. 1350 By Mr. A. K. HUTCHINSON

An Act amending the "Unfair Insurance Practices Act," approved July 22, 1974 (No. 205), further providing for unfair methods of competition and unfair or deceptive acts or practices.

Reported from Committee on Consumer Protection.

HOUSE BILL No. 2059 (Amended)

By Mr. A. K. HUTCHINSON

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), authorizing investments in interest bearing deposits and savings accounts and certificates of deposit and providing for limitations thereon.

Reported from Committee on Consumer Protection.

HOUSE BILL No. 2061 (Amended)

By Mr. A. K. HUTCHINSON

An Act amending the "Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), extending certain restrictions regarding the investment of capital, surplus, etc.

Reported from Committee on Consumer Protection.

HOUSE BILL No. 2064 (Amended)

By Mr. A. K. HUTCHINSON

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), making workmen's compensation insurance a separate underwriting power and providing for capital stock and other financial requirements to write such insurance.

Reported from Committee on Consumer Protection.

REMARKS DEFERRED

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

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

I would like to defer until there are more members in the House. It would be appreciated if I could offer this resolution on the return from the recess.

The SPEAKER pro tempore. The Chair will honor the request.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I request a recess of this House until 2:30 p.m. I would at this time like to announce a Democratic caucus which will concern itself with the judges' pay increase bill. We will be caucusing at 1:45, and I would suggest to the Democratic members that those of you who wish to discuss this matter with the representatives of the bench, make yourselves available in the caucuse chamber at 1:45. Those representatives will be present.

We shall return to the floor at 2:30. I anticipate that we shall take up the judges' pay increase bill at that time and the child welfare bill at that time. I will be prepared, I hope, to advise you then whether or not a session will be necessary tomorrow.

Thank you, Mr. Speaker.

A recess until 2:30, please.

REPUBLICAN CAUCUS

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

Mr. O'CONNELL. Mr. Speaker, I would like to announce a Republican caucus at 2 p.m. It will be tremendously important. Be sure that we have as many members there as we can possibly get. We have a very important issue to discuss.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Messrs. GREENFIELD, GIAMMARCO and

PIEVSKY

HOUSE BILL No. 2166

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing temporarily for the sale of liquor and malt or brewed beverages by the glass, open bottle or other container at outdoor facilities in cities of the first class.

Referred to Committee on Liquor Control.

By Messrs. LEDERER, McINTYRE, O'KEEFE,

STAPLETON, GIAMMARCO, GREENFIELD and

SALVATORE

HOUSE BILL No. 2167

An Act amending the act of July 19, 1917 (P. L. 1117, No. 378), entitled "An act providing for the establishment, in cities of the first class, of a house or houses of detention for witnesses and untried prisoners; for the commitment of such prisoners and witnesses thereto; and for the payment of the cost of establishing and maintaining the same by the county wherein said cities are situated," providing for frequency of meetings of board of managers at the house of detention.

Referred to Committee on Law and Justice.

By Messrs. LEDERER, O'KEEFE, STAPLETON,
GIAMMARCO, GREENFIELD and SALVATORE
HOUSE BILL No. 2168

An Act amending the act of April 14, 1835 (P. L. 232, No. 140), entitled "A supplement to the act entitled An act to provide for the erection of a new prison and a debtors' apartment within the city and county of Philadelphia, and for the sale of the county prison in Walnut street in said city," providing for frequency of meetings at the prison.

Referred to Committee on Law and Justice.

By Messrs. LEDERER, McINTYRE, O'KEEFE,
STAPLETON, GIAMMARCO, GREENFIELD and
SALVATORE
HOUSE BILL No. 2169

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing for frequency of meetings of prison boards at the prisons.

Referred to Committee on Law and Justice.

By Messrs. TRELLO, ABRAHAM, SCHMITT,
FINEMAN, IRVIS, MANDERINO, Mrs. GILLETTE,
Mr. ROSS, Mrs. TOLL, Messrs. COHEN,
STAPLETON, GREEN, TAYLOR, McCALL,
JOHNSON, PERRY, BERLIN, BELLOMINI,
WOJDAK, PIEVSKY, MORRIS, OLIVER,
GILLESPIE, O'KEEFE, GIAMMARCO, GLEESON,
HAMMOCK and ITKIN
HOUSE BILL No. 2170

An Act regulating contracts for health spa services and membership and prescribing remedies and penalties.

Referred to Committee on Consumer Protection.

By Messrs. ABRAHAM, TRELLO, SCHMITT,
FINEMAN, IRVIS, MANDERINO, Mrs. TOLL,
Messrs. COHEN, STAPLETON, ROSS, TAYLOR,
MORRIS, GLEESON, OLIVER, O'KEEFE,
GIAMMARCO, McCALL, JOHNSON, PERRY,
BERLIN, GILLESPIE, BELLOMINI, PIEVSKY,
HAMMOCK and ITKIN
HOUSE BILL No. 2171

An Act regulating contracts for future personal services and prescribing penalties.

Referred to Committee on Consumer Protection.

By Messrs. FINEMAN, IRVIS, MANDERINO,
ENGLEHART, BUTERA, RYAN, PARKER, BERLIN,
REED, BENNETT, Mrs. TOLL, Messrs. MEBUS,
WOJDAK and PRENDERGAST
HOUSE BILL No. 2172

An Act creating and establishing the Legislative Office for Research Liaison; providing for its functions and duties, and creating the Legislative Committee for Research Liaison and the University Committee for Research Liaison; providing for the membership of each such committee, prescribing the powers, functions and duties of each such committee, and making an appropriation.

Referred to Committee on Federal-State Relations.

By Messrs. D. S. HAYES, BELLOMINI, LETTERMAN,
DOMBROWSKI and HOPKINS
HOUSE BILL No. 2173

An Act repealing the act of October 10, 1974 (P. L. 705, No. 235), known as the "Lethal Weapons Training Act."

Referred to Committee on Law and Justice.

By Messrs. D. S. HAYES, HOPKINS, BELLOMINI and
DOMBROWSKI
HOUSE BILL No. 2174

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), creating the Department on Aging and prescribing its functions, powers and duties.

Referred to Committee on State Government.

By Messrs. D. S. HAYES, HOPKINS, BELLOMINI and
DOMBROWSKI
HOUSE BILL No. 2175

An Act authorizing loans equal to unpaid taxes on real estate of certain corporations located in school districts, and making an appropriation.

Referred to Committee on Appropriations.

By Messrs. SALVATORE and PERRI
HOUSE BILL No. 2176

An Act requiring interest to be paid to all professional sports' season ticket deposits.

Referred to Committee on Business and Commerce.

By Messrs. HEPFORD, KOWALYSHYN, LEHR,
MANMILLER, Miss SIRIANNI, Messrs. THOMAS,
ZELLER, SCHEAFFER, ANDERSON, GRIECO and
GEESSEY
HOUSE BILL No. 2177

An Act regulating the housing of juvenile delinquents and providing for the termination of certain contracts for their care and supervision.

Referred to Committee on Law and Justice.

By Messrs. LAUDADIO, LAUGHLIN, MANDERINO,
LINCOLN, IRVIS and FINEMAN
HOUSE BILL No. 2178

An Act amending "The Land and Water Conservation and Reclamation Act," approved January 19, 1968 (P. L. 990, No. 443), redesignating funds for stream pollution from mine damage to prevention of surface subsidence and extinguishment of mine fires.

Referred to Committee on Conservation.

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:

HOUSE BILL No. 847

An Act amending the act of July 31, 1968 (P. L. 769, No. 240), entitled "Commonwealth Documents Law," providing for certain certifications by the Legislative Reference Bureau.

Whereupon,

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

RECESS

The SPEAKER pro tempore. The Chair now declares a recess until 2:30 p.m.

AFTER RECESS

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman

from York, Mr. Dorr. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. DORR. Mr. Speaker, it seems to me that it is awfully hot in here, and some other members have said the same thing. May we remove our coats this afternoon?

The SPEAKER. The members are privileged to remove their jackets if they are unable to bear the heat of the House.

RECONSIDERATION OF VOTE ON MOTION TO RECOMMIT SENATE BILL No. 1282

Mr. DOMBROWSKI moved that the vote by which SENATE BILL No. 1282 was recommitted to the Committee on Local Government on this day 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 motion to recommit?

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

Mr. CAPUTO. Will the Speaker please clear the board so we can get the question posed properly?

Mr. KNEPPER. Mr. Speaker, I think there seems to be some confusion as to what is going on here, and I think Mr. Caputo and I could probably clear it up on a brief interrogation.

The SPEAKER. Will the clerk clear the board and will the members take their seats? Will the members break off all conversation now?

A motion was made to reconsider the vote by which Senate bill No. 1282 was recommitted. The motion to reconsider prevailed, and the question now recurs on the motion originally made by the gentleman, Mr. Knepper, to recommit Senate bill No. 1282.

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

Mr. CAPUTO. Mr. Speaker, before the Chair poses that question, I think that we may have an agreement that the motion made on Senate bill No. 1284 which was successful—I may be wrong on the number—and resulted in the recommitment of that bill is the one that we would like to call up for reconsideration first.

The SPEAKER. The motion on Senate bill No. 1284 to recommit did not prevail.

Mr. CAPUTO. Then on Senate bill No. 1282.

The SPEAKER. The motion to recommit on Senate bill No. 1282 prevailed.

Mr. CAPUTO. Then I ask, Mr. Speaker, in that event for a "no" vote on Mr. Knepper's motion.

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

Mr. KNEPPER. I would like to interrogate the gentleman, Mr. Caputo, if I could.

The SPEAKER. Is the interrogation on the motion of recommitment?

Mr. KNEPPER. Yes.

The SPEAKER. The gentleman may proceed.

Mr. KNEPPER. Mr. Speaker, I would like you just to tell us why we might bring this bill back out on the floor.

Mr. CAPUTO. Mr. Speaker, in answer to Mr. Knepper's interrogation, we have worked something out with the county law department back in Pittsburgh which will have the possibility of extending the necessary enactment date to March 9 or 10. And in the event that this bill can be worked out, we would like to have it in position on the calendar to be acted on and save one day. For that reason, I ask that the bill be placed back on the calendar.

Mr. KNEPPER. Would it be my understanding then that all we are doing is bringing the bill back out on the calendar where it would be then in a position, along with the other one, for debate when we return on that day?

Mr. CAPUTO. That is correct, Mr. Speaker.

Mr. KNEPPER. Mr. Speaker, on that basis, knowing that we will have an opportunity to get a reaction from the county and to debate the bill again, I would not oppose the motion so that we have both bills back out.

MOTION TO RECOMMIT WITHDRAWN AND VOTING TABULATION

The SPEAKER. Will the gentleman, Mr. Knepper, withdraw his motion for recommitment?

Mr. KNEPPER. Yes; I will withdraw my motion.

The SPEAKER. The Chair thanks the gentleman.

It is not only proper that the motion be withdrawn, but a close examination of the vote tabulation clearly indicates that the vote was as follows: 92 for, 92 against, and less than a majority having voted for the motion, the motion to recommit had fallen.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

The SPEAKER. Just so the record may be straight, let me repeat that on Senate bill No. 1282, this bill was taken from the table. It was submitted to the House on a motion of the majority leader to waive the rules. The House was asked, "Will the House agree to the bill?" The House did agree to the bill.

Likewise, on Senate bill No. 1284, on a motion the bill was taken from the table. The majority leader made a motion to waive the rules, and the question was put, "Will the House agree to the bill?" on Senate bill No. 1284. So both bills will appear on the next day's legislative calendar on third consideration.

JUDICIARY BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 2002, printer's No. 2659, entitled:

An Act amending the act of June 1, 1956 (P. L. 1959, No. 657), referred to as the Public Official Compensation Law, further providing for the salaries of justices and judges of the various courts.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, lines 1 through 12, by striking out all of said lines and inserting: Amending the act of December 2, 1968 (P. L. 1131, No. 352), entitled "An act implementing the provision of subsection (b) of section 7 of Article V of the Constitution of Pennsylvania authorizing the General Assembly to establish classes of magisterial districts and salaries of district justices of the peace and providing for their offices and the disposition of costs," increasing the base and the minimum and maximum salaries.

Amend Bill, page 1, lines 15 through 21; page 2, lines 1 through 30; page 3, lines 1 through 30; page 4, lines 1 through 5, by striking out all of said lines and inserting:

Section 1. Subsection (a) of section 5, act of December 2, 1968 (P. L. 1131, No. 352), known as the "Magisterial Districts Act," amended July 27, 1973 (P. L. 244, No. 68), is amended to read:

Section 5. Salaries.—(a) A district justice shall receive an annual salary paid by the Commonwealth and computed by adding to [six thousand dollars (\$6,000)] nine thousand dollars (\$9,000) the product of the population of his magisterial district times forty cents (40¢), but in no event shall the salary exceed [sixteen thousand five hundred dollars (\$16,500)] nineteen thousand five hundred dollars (\$19,500) or be less than [seven thousand five hundred dollars (\$7,500)] ten thousand five hundred dollars (\$10,500).

* * *

Section 2. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

AMENDMENTS RULED IMPROPER

The SPEAKER. For the information of the membership of the House, the gentleman, Mr. Bellomini, has offered amendments to House bill No. 2002.

The Chair is constrained to advise the gentleman, Mr. Bellomini, that the amendments are not acceptable amendments to the bill in question. What the gentleman, Mr. Bellomini, seeks to do is to insert the provisions of a magisterial districts act in a bill that is confined solely to the matter of judicial salary increases, and the amendments are improper.

The Chair recognizes the gentleman from Erie, Mr. Bellomini.

Mr. BELLOMINI. Mr. Speaker, I did not quite hear that. Are you ruling that my amendments are germane to this bill?

The SPEAKER. It is my opinion that the amendments are improper to the bill.

RULING OF CHAIR APPEALED

Mr. BELLOMINI. Mr. Speaker, I would like to appeal the ruling of the Chair, if I can, with a roll-call vote.

The SPEAKER. Is the gentleman appealing the decision of the Chair?

Mr. BELLOMINI. Yes.

The SPEAKER. Is there a second on the appeal?

Mr. BELLOMINI. Give me a second.

The SPEAKER. The gentleman, Mr. DiCarlo, rises.

MR. ENGLEHART REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman, Mr. Englehart, come to the desk, please?

On the question,

Will the House sustain the decision of the Chair?

The SPEAKER. Before the gentleman, Mr. Englehart, takes the Chair temporarily, the Chair has ruled that the amendments are improper for the reason that the constitution and the rules of this House provide that "No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose."

What your amendments do, Mr. Bellomini, is to completely strike out all of the provisions of House bill No. 2002, all of the provisions of House bill No. 2002, and insert a magisterial districts act bill.

The question recurs on the appeal taken from the ruling of the Chair, and the Chair would ask the gentleman, Mr. Englehart, to temporarily preside.

THE SPEAKER PRO TEMPORE (Harry A. Englehart, Jr.) IN THE CHAIR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Bellomini. Does he have any remarks on his appeal?

Mr. BELLOMINI. Mr. Speaker, the only remarks I have are that I have seen many bills come to the House from the Senate and we struck out the complete bill and inserted other legislation in there that I thought was appropriate and did not have anything to do with the piece of legislation in front of us.

I would appeal to the legislators as to a ruling in my favor.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, while I am in sympathy with the gentleman's amendments, I would ask that the House support the Chair, because what the gentleman is attempting to do here is to confuse an issue which is very clear.

I think the gentleman has tremendous support in this House on his position regarding district justices' salaries. I wish he would raise it as a separate issue and he will receive, I think, substantial support. But to try to confuse House bill No. 2002 with what is extraneous matter, I think jeopardizes both issues.

The SPEAKER pro tempore. On the appeal of the gentleman from Erie, those voting "aye" vote to sustain the Speaker; those voting "nay" vote to overrule the Speaker.

On the question recurring,

Will the House sustain the decision of the Chair?

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

YEAS—171

Abraham	Gillette	McGinnis	Schweder
Anderson, J. H.	Gleason	McIntyre	Scirica
Arthurs	Gleason	McLane	Seltzer
Barber	Goodman	Mebus	Shane
Bennett	Green	Monhorn	Shelhamer
Beren	Greenfield	Milanovich	Sheldon
Berlin	Grieco	Miller, M. E.	Shuman
Berson	Gring	Miller, M. E., Jr.	Shupnik
Bittle	Holverson	Miscevich	Sirianni
Bradley	Hamilton, J. H.	Mochlmann	Smith, E.
Brandt	Hesay	Morris	Smith, L.
Brunner	Haskell	Mrkoncic	Spencer
Burns	Hayes, S. E.	Mullen, M. P.	Stahl
Butera	Hepford	Mullen	Stapleton
Caputo	Hill	Musto	Stout
Cessar	Hopkins	Myers	Taddonio
Cimini	Hutchinson, A.	Novak	Taylor

Cole	Hutchinson, W.	Noye	Thomas
Cowell	Irvin	O'Brien	Toll
Crawford	Ilkin	O'Connell	Trello
Cumberland	Johnson, J.	O'Donnell	Turner
Davies	Kelly, A. P.	O'Keefe	Ustynoski
DeMedio	Kelly, J. B.	Oliver	Vroon
Deverter	Kernick	Pancoast	Wagner
Dicarlo	Kistler	Parker, H. S.	Walsh, T. P.
Dietz	Klingaman	Pievsky	Wansacz
Dinnini	Knopper	Pitts	Wargo
Dorr	Kolter	Polite	Weidner
Doyle	Kowalyszyn	Pratt	Westerberg
Dreibelbis	Kusse	Pyles	Wilson
Eckensberger	Laudadio	Rappaport	Wilt, R. W.
Fawcett	Laughlin	Ravenstahl	Wilt, W. W.
Fee	Lederer	Keed	Wojdak
Fisher	Lehr	Renninger	WorriLOW
Flaherty	Letterman	Renwick	Wright
Foster, A.	Levi	Richardson	Yahner
Fryer	Lincoln	Rieger	Zearfoss
Callagher	Lynch	Ross	Zeller
Gallen	Manderino	Ruggiero	Zord
Garzia	Mann Miller	Ryan	Zwinkl
Geesey	McCall	Salvatore	
Geisler	McClatchy	Scheaffer	
George	McCue	Schmitt	Fineman, Speaker
Gillespie			

NAYS—6

Bellomini	Fischer	Katz	Valicenti
Dombrowski	Hayes, D. S.		

NOT VOTING—20

Bonetto	Foster, W.	Milliron	Rhodes
Cohen	Giammarco	Perry	Ritter
Davis, D. M.	Hammock	Petrarca	Saloom
DiDonato	LaMarca	Prendergast	Whelan
Englehart	McGraw		Yohn

So the question was determined in the affirmative, and the ruling of the Chair was sustained.

GAVEL RETURNED TO THE SPEAKER

The SPEAKER pro tempore. The Chair returns the gavel to the real Speaker.

THE SPEAKER (Herbert Fineman) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman, Mr. Englehart, for temporarily presiding.

On the question recurring,
Will the House agree to the bill on third consideration?
Bill was agreed to.

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

Mr. BERSON. I have technical amendments to this bill which I would like to offer at this time.

DECISION OF CHAIR RECONSIDERED

The SPEAKER. The Chair reconsiders its decision as to this bill having been agreed to.

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

Amend Sec. 2 (Sec. 3.1), page 2, lines 16 through 19, by striking out all of said lines and inserting:

Section 3.1. The annual salary of the President Judge of the Commonwealth Court shall be \$54,500. The annual salary of each of the associate judges of the Commonwealth Court shall be \$53,000.

Amend Bill, page 4, by inserting between lines 3 and 4: Section 6. The following acts, parts of acts and report are repealed:

(1) Section 2, act of October 17, 1969 (P. L. 259, No.

105), entitled "An act relating to the Philadelphia Municipal Court."

(2) Section 3, act of October 17, 1969 (P. L. 263, No. 106), entitled "An act providing for the Traffic Court of Philadelphia."

(3) Section 5, act of January 6, 1970 (1969 P. L. 434, No. 185), known as "The Commonwealth Court Act."

(4) The November 1972 report of the Commonwealth Compensation Commission is repealed as to the compensation of justices and judges of the various courts.

Amend Sec. 6, page 4, line 4, by striking out "6." and inserting: 7.

Amend Sec. 6, page 4, lines 4 and 5, by striking out "JULY, 1976." and inserting: July 1, 1976.

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

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

Mr. BERSON. These are technical amendments to this act which do the following: Section 3.1 is restated in exactly the same language as it appears in the bill before you except that the bracketed figures are stricken out. Section 3.1 was drawn incorrectly as an amendment to the act of June 1, 1956 and should not have been. It should just be plugged in there as \$54,500 and \$53,000 and just state the salaries.

Section 6 is amended to add additional repealer language to take account of the fact that the Commonwealth Compensation Commission statute controlling judicial salaries has to be repealed and certain other parts of statutes have to be repealed that were not included in section 6.

Finally, in existing section 6, the act becomes effective "JULY, 1976." The figure "1" after July was omitted in the printing of the bill and that is inserted in this amendment. That is all these amendments do.

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

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

Mr. BRANDT. Thank you, Mr. Speaker.

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

The SPEAKER. Will the Appropriations Committee chairman, Mr. Wojdak, consent to interrogation?

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. BRANDT. Excuse me, Mr. Speaker, were those amendments by Mr. Berson accepted? Are we on the bill?

The SPEAKER. No; we are on the amendments.

Mr. BRANDT. Excuse me, I would like to be recognized on the bill.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ZELLER. Mr. Speaker, would Mr. Berson consent to a brief interrogation?

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

Mr. BERSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ZELLER. Mr. Speaker, do your technical amendments have anything to do with increasing the expenses and allowances for the judges?

Mr. BERSON. None whatsoever.

Mr. ZELLER. In other words, they have nothing to do with increases or expenses or salaries or anything? They are strictly technical in nature?

Mr. BERSON. They are purely technical. They do not change the substance of the bill in any manner.

Mr. ZELLER. Thank you.

On the question recurring,
Will the House agree to the amendments?
Amendments were agreed to.

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

Bill as amended was agreed to.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I have an amendment to submit. I would like to say it is purely technical in nature, but somebody may have read it.

DECISION OF CHAIR RECONSIDERED

The SPEAKER. The Chair reconsiders its decision as to the bill having been agreed to.

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

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

Amend Bill, page 4, by inserting between lines 2 and 3: Section 4.3. When any former judge, learned in the law, is assigned to assist the judge or judges of any judicial district, the former judge so assigned shall be entitled to receive, for each day he is actually engaged in the performance of such duty, the sum of \$140 per day and traveling expenses of 15¢ for each mile traveled to and from the place of holding court in such district.

Amend Bill, page 4, by inserting between lines 3 and 4: Section 6. The following acts, parts of acts and reports are repealed.

(1) Section 6, act of August 31, 1966 (1st Sp. Sess., P. L. 47, No. 3), entitled "An act providing for the assignment of former judges learned in the law to sit temporarily in the courts of any judicial district for the disposal of business, and providing for their compensation."

(2) Section 2, act of October 17, 1969 (P. L. 259, No. 105), entitled "An act relating to the Philadelphia Municipal Court."

(3) Section 3, act of October 17, 1969 (P. L. 263, No. 106), entitled "An act providing for the Traffic Court of Philadelphia."

(4) Section 5, act of January 6, 1970 (1969 P. L. 434, No. 185), known as "The Commonwealth Court Act."

(5) The June 1972 and November 1972 reports of the Commonwealth Compensation Commission are repealed as to the compensation of justices and judges of the various courts.

Amend Sec. 6, page 4, line 4, by striking out "6." and inserting: 7.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, this amendment would increase the stipend paid to senior judges who have returned to official duties from \$125 a day to \$140 a day, which is the precise increase percentagewise that is being proposed for sitting judges.

It would not increase the mileage. It would cost \$44,000 per fiscal year, and the estimate is that it would remain at \$44,000 projected over the next 5 fiscal years.

I submit to the members that retired judges are judges who have spent 20 years or more on the bench who have come back to active duty, who serve on a per diem basis, and, in our jurisdiction at least, we would find it absolutely impossible to maintain the court schedule in their absence.

I would strongly support this amendment, Mr. Speaker, and urge its acceptance by this membership.

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

Mr. ZELLER. Mr. Speaker, would the majority leader, Mr. Irvis, consent to a brief interrogation?

The SPEAKER. Will the majority leader consent to interrogation?

Mr. IRVIS. Yes, Mr. Speaker.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, in your opinion, would you consider that this amendment you are proposing would need a fiscal note?

Mr. IRVIS. I certainly would, Mr. Speaker.

Mr. ZELLER. Would you mind informing us what that would be if you have it?

Mr. IRVIS. It should be on your desk, Mr. Zeller. It is on mine. It is listed "(Amendment—Irvis), Fiscal Note, House Bill 2002, Printer's No. 2659."

It was from that fiscal note that I read. For the fiscal year 1976-77, the annual estimated increased cost is \$44,000 and, as I said, over the next 4 fiscal years, that cost would remain the same. There would be no escalation. A \$44,000-a-year increase is what it says.

Mr. ZELLER. I have it in front of me, Mr. Speaker. Thank you very kindly.

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

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

YEAS—68

Anderson, J. E.	Gring	McIntyre	Ruggiero
Arthurs	Haskell	Milanovich	Ryan
Barber	Hayes, D. S.	Morris	Schweder
Bennett	Hepford	Mullen	Scirica
Beren	Hill	Musto	Shelhamer
Berlin	Hopkins	Myers	Shupnik
Brandt	Hutchinson, A.	Oliver	Spencer
Brunner	Hutchinson, W.	Pancoast	Toll
Caputo	Irvis	Plevsky	Ustynoski
Cohen	Johnson, J.	Polite	Valicenti
DiDonato	Kelly, A. P.	Prondergast	Wagner
Dorr	Kolter	Ravenstahl	Wojdak
Fee	Kowalshyn	Reed	Worrilow
Fisher	LaMarca	Rhodes	Zearfoss
Geisler	Laudadio	Richardson	
Gleason	Laughlin	Rieger	Fineman, Speaker
Gleeson	Lynch	Ross	
Greenfield	McClatchy		

NAYS—116

Abraham	Gallagher	McCall	Schmitt
Bellomini	Gallen	McCue	Seltzer
Berson	Garzia	McGinnis	Shane
Bittle	Geesey	McLane	Shuman
Bradley	George	Mebus	Sirianni
Burns	Gillespie	Menhorn	Smith, E.
Butera	Gillette	Miller, M. E.	Smith, L.
Cessar	Goodman	Miller, M. E., Jr.	Stahl
Cimini	Green	Milliron	Stapleton
Cole	Grieco	Miscevich	Stout
Cowell	Halverson	Moehmann	Taddonio

Crawford	Hamilton, J. H.	Mrkonjc	Taylor
Cumberland	Hasay	Mullen, M. P.	Thomas
Davies	Hayes, S. E.	Novak	Trello
DeMedio	Itkin	Noye	Turner
Deverter	Katz	O'Brien	Vroon
Dicarlo	Kelly, J. B.	O'Connell	Walsh, T. P.
Dietz	Kernick	O'Donnell	Wansacz
Dininni	Kistler	O'Keefe	Wargo
Dombrowski	Klingaman	Parker, H. S.	Weidner
Doyle	Knepper	Perry	Westerberg
Dreibelbis	Kusse	Pitts	Wilson
Eckensberger	Lederer	Pratt	Wilt, R. W.
Engelhart	Lehr	Pyles	Wilt, W. W.
Fawcett	Letterman	Rappaport	Wright
Fischer	Levi	Renninger	Zahner
Flaherty	Lincoln	Renwick	Zeller
Foster, A.	Manderino	Salvatore	Zord
Fryer	Manmiller	Scheaffer	Zwinkl

NOT VOTING—13

Bonetto	Hammock	Petrarca	Shelton
Davis, D. M.	McGraw	Ritter	Whelan
Foster, W.	Perri	Saloom	Yohn
Giammarco			

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?

MOTION TO TABLE

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

Mr. BELLOMINI. Mr. Speaker, would it be proper at this time to ask the indulgence of the Speaker to inquire whether a motion is in order?

The SPEAKER. A motion?

Mr. BELLOMINI. Yes. I would like to make a motion to table House bill No. 2002 for the reason that I think we should consider also the magisterial courts, the district justices, and bring the packages together and vote them all at once.

The SPEAKER. The motion to table is in order if the gentleman so desires to move.

Mr. BELLOMINI. I do, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Bellomini, has moved that House bill No. 2002 be placed upon the table.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I oppose the motion of the gentleman. The gentleman, as well as the rest of us, has obviously agonized over this particular piece of legislation. Both caucuses have extensively investigated this piece of legislation.

There is a bill in the Appropriations Committee to achieve the end that the gentleman is anxious to achieve. I concur in the opinion of the minority leader that we must address ourselves to an increase in salary for the magisterial districts. I will support that bill when it is reported from committee. I have asked that the bill be considered in committee and be reported to the floor for action.

I do not think we ought to delay this particular piece of legislation any further. I would like to call for action on it today. That is the reason it was scheduled today. I vigorously oppose the motion to table, and I ask a negative vote.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I support the gentleman in opposing the motion to table. I think we should get on with this business. We are well aware of the issue. I think it is time we decide it one way or the other.

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

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

YEAS—35

Bellomini	Fryer	Kolter	Shuman
Burns	Geisler	Laudadio	Sirianni
Davies	George	McClatchy	Stahl
DeMedio	Gillespie	Miscevich	Turner
Dietz	Green	Noye	Yahner
Dombrowski	Halverson	Pitts	Wagner
Fawcett	Hayes, D. S.	Pratt	Wilson
Fischer	Hopkins	Renwick	Zeller
Foster, A.	Hutchinson, A.	Schmitt	

NAYS—149

Abraham	Gleason	McLane	Salvatore
Anderson, J. H.	Goodman	Mebus	Scheaffer
Arthurs	Greenfield	Menhorn	Schweder
Barber	Grieco	Milanovich	Seirica
Bennett	Gring	Miller, M. E.	Seltzer
Beren	Hamilton, J. H.	Miller, M. E., Jr.	Shane
Berlin	Hasay	Milliron	Shelhamer
Berson	Haskell	Noehlmann	Shelton
Bittle	Hayes, S. E.	Morris	Shupnik
Bradley	Hepford	Mrkonjc	Smith, E.
Brandt	Hill	Mullen, M. P.	Smith, L.
Brunner	Hutchinson, W.	Mullen	Spencer
Butera	Irvis	Musto	Stapleton
Caputo	Itkin	Myers	Taddonio
Cessar	Johnson, J.	Novak	Taylor
Cimini	Katz	O'Brien	Thomas
Cohen	Kelly, A. P.	O'Connell	Toll
Cole	Kelly, J. B.	O'Donnell	Trello
Cowell	Kernick	O'Keefe	Ustynoski
Crawford	Kistler	Oliver	Valicenti
Cumberland	Klingaman	Pancoast	Vroon
Deverter	Knepper	Parker, H. S.	Walsh, T. P.
Dicarlo	Kowalyszyn	Perri	Wansacz
DiDonato	Kusse	Perry	Wargo
Dininni	LaMarca	Pievsky	Weidner
Dorr	Laughlin	Polite	Westerberg
Doyle	Lederer	Prendergast	Wilt, R. W.
Dreibelbis	Lehr	Pyles	Wilt, W. W.
Eckensberger	Letterman	Rappaport	Wojdak
Fee	Levi	Ravenstahl	Worriow
Fisher	Lincoln	Reed	Wright
Flaherty	Lynch	Renninger	Zearfoss
Gallagher	Manderino	Rhodes	Zord
Gallen	Manmiller	Richardson	Zwinkl
Garzia	McCall	Rieger	
Geesey	McCue	Ross	Fineman,
Gillette	McGinnis	Ruggiero	Speaker
Gleason	McIntyre	Ryan	

NOT VOTING—13

Bonetto	Giammarco	Petrarca	Stout
Davis, D. M.	Hammock	Ritter	Whelan
Engelhart	McGraw	Saloom	Yohn
Foster, W.			

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 Lancaster, Mr. Brandt.

Mr. BRANDT. Thank you, Mr. Speaker.

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

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

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. BRANDT. Mr. Speaker, this bill came out of the Appropriations Committee. Does this bill address itself at all to district magistrates?

Mr. WOJDAK. No, Mr. Speaker.

Mr. BRANDT. Is there a bill in your committee that would take care of district magistrates?

Mr. WOJDAK. Yes, there is, Mr. Speaker.

Mr. BRANDT. Has your committee caucused on or discussed that bill yet?

Mr. WOJDAK. The district magistrates' bill has not been on the agenda in the Appropriations Committee. The reason for that is because there is legitimate disagreement among many of the members on both sides of the aisle, first, as to the amount of the salary; and, secondly, as to the amount of the fees. As soon as everyone gets together on what those figures should be, that matter will be placed on the agenda in the Appropriations Committee and a vote will be taken for reporting it out.

Mr. BRANDT. I can certainly understand that, Mr. Speaker, but I draw your attention specifically to House bill No. 706, which is the magistrates' bill. Did you discuss that particular bill yet?

Mr. WOJDAK. No, we have not, Mr. Speaker.

Mr. BRANDT. Do you intend to discuss that in the near future?

Mr. WOJDAK. Yes, we do.

Mr. BRANDT. Thank you, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, I would like everyone to know at the very beginning that I think judges are members of probably one of the most important professions in our society, although I am very, very upset that a \$2-million judges' pay bill is before the legislature when we in Bucks County stand to lose \$4.5 million in school aid subsidies. It means that our taxpayers in Bucks County are facing millage increases up to 30 and 40 mills while we are here taking the \$2 million, which could help these people, to increase salaries.

I just do not think this is the time; we do not have the money; and I just would have to object to it very strenuously.

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

Mr. BELLOMINI. Mr. Speaker, I ask the Chair to make certain that only those in their seats vote on this piece of legislation.

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

Mr. POLITE. Mr. Speaker, will the Appropriations Committee chairman consent to a brief interrogation?

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

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. POLITE. Mr. Speaker, did you have a conversation with me last week concerning House bill No. 706?

Mr. WOJDAK. Yes, Mr. Speaker.

Mr. POLITE. What was your answer when I asked you when you were going to discuss this bill?

Mr. WOJDAK. If I recall my response, it was that I would place it on the agenda of the Appropriations Committee for reporting it out.

Mr. POLITE. And report it out this week. Was that not the answer?

Mr. WOJDAK. I believe I said, "at my next meeting." I had anticipated having a meeting this week. I did not have a meeting this week. I will probably have one next week.

Mr. POLITE. When you say that you are going to place it on the agenda in the near future, just what does the "near future" mean?

Mr. WOJDAK. Well, I do not want to specify—

The SPEAKER. Will the gentleman yield?

The Chair hates to interrupt this conversation, but it is an entirely inappropriate line of interrogation. House bill No. 706 is not before this House. The only thing that is before this House is the final passage of House bill No. 2002.

The Chair appreciates and understands the point the gentleman is arriving at, and for your information, there have been assurances given that the matter of salary increases for magistrates is going to properly be on the floor of this House in the not-too-distant future.

Mr. POLITE. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I would like to speak just very briefly in favor of the bill.

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

Mr. BUTERA. I think too often, in my experience in the legislature, when we have discussed the topic of the salaries paid to the judicial branch of government along with all other governmental officials, the issue has been clouded and confused unnecessarily.

The most powerful position in our system of government, I think, is that of a common pleas judge. It is that individual who holds the most direct responsibility to the individuals in our society. The unique kind of person who can properly serve in this capacity must have an expertise which is unexcelled in any other walk of life in a free society. I think too often we have a tendency as politicians to forget that when we apply ourselves to scrutinizing judicial salaries.

Unfortunately, judges are still elected in Pennsylvania, and we have a tendency to consider the office as a political office not unlike all the other political offices. I think we ought to focus properly on this particular office to understand the demands which are made upon people who serve there as well as the unbelievable responsibility which they have as individuals over their fellowmen.

The second area of confusion when it comes to judicial salaries is a tendency on our part to look at the levels of income among our constituents and in doing so conclude that a judicial salary is among the highest levels

of income among ordinary and normal people, and that is true. However, what we forget to look at is that the number of people within our respective districts and counties who qualify to serve on the bench is very, very limited. From the number of lawyers in a particular judicial jurisdiction who are qualified to serve, we must exclude those who are very new in practice because they lack the expertise and we must exclude those who are at the conclusion, for the most part, of a legal career because of the, I think, artificial barrier of age 70 when one must leave the bench. Therefore, the number of lawyers who qualify to serve as judges is confined to a group of people who are between the ages of 40 and 60 for all practical purposes.

I think those of us who have been involved in working with and for judicial candidates know that we should attempt as politicians to attract people to the bench who are in the prime of their lives and the prime of their careers, which usually means someone between the ages of 40 and 50. They have the expertise, the background, the experience, and they have about 20 years to give to the bench to become the kinds of seasoned judges we should look for.

We are talking about a group of people who, usually, are bringing up families rather than a group of people who have already experienced that joy in life and whose children have left them.

What I am saying is that we are dealing with a very small group of lawyers who should be judges and who can make a very decent living at this particular juncture in their careers. So when we look at judicial salaries, we must look at it in the proper perspective of where that individual might be on the economic scale, which, unfortunately, is important to us in this society, and compare where he might be privately with where he will be publicly and then make the judgment.

I submit to you that we must permit judges to keep pace with their colleagues at the bar or we will end up with the wrong people seeking spots on the bench, which, I submit to you, are the most powerful and important single offices in our entire governmental system. I recommend that we vote in favor of this bill so as to continue the high level of judicial caliber that we have seen in Pennsylvania to this date.

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

Mr. NOYE. Mr. Speaker, would the chairman of the Appropriations Committee answer one brief question?

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

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. NOYE. Mr. Speaker, in computing the Governor's proposed budget, was this salary increase included in the figures submitted by the Governor?

Mr. WOJDAK. It was not.

Mr. NOYE. Then this \$1.6 million is over and above what the Governor is requesting and projecting as far as revenues are concerned?

Mr. WOJDAK. It is not included in the Governor's budget. I do not know that it would necessarily be over and above what the revenue projections would be as of July 1, 1976.

Mr. NOYE. Thank you, Mr. Speaker.

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

Mr. LAUGHLIN. Mr. Speaker, I had had amendments drafted to this bill which would have changed the increases for judges from the \$5,000-salary increase to a 5-percent-per-year increase over a 5-year period, which I think would have better addressed the problems that the judicial members have in meeting their expenses. But in view of the fact that the leadership and the members of the bench have requested that I not introduce them, I will waive that at this time.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIES. Mr. Speaker, I know that I am stepping on eggs as I do so, but simply as a freshman for a sense of direction—and it is with that in mind that I do so—would there be anything like an opinion on submission of an amendment for deletion of the sections of House bill No. 2002 from line 21 on page 3?

The SPEAKER. Would the gentleman suspend until the Chair gets a copy of the bill?

Would you repeat that, sir? You propose an amendment that will do what?

Mr. DAVIES. Just an amendment for deletion of the provisions from line 21, page 3, to line 2, on page 4, concerning the municipal court authorities in Philadelphia other than the common pleas judges and the common pleas judges throughout the Commonwealth. Would that be possible or not possible, sir?

I am asking if there is such a thing as a sense of opinion on this, not offering it as an amendment now, sir?

The SPEAKER. Well, the question would not be germane to the discussion at hand because such an amendment is not before the body. If in fact there were an amendment, the membership would be expressing its viewpoint on the amendment. But it is speculative to ask the membership at this point, what do you think would happen and how would you vote if I brought this kind of amendment before you? That is, in essence, what you are saying.

Mr. DAVIES. If you will bear with me sir, one other question. Would there be any way possible to divide the bill so as to vote those items separately from the rest of the bill?

The SPEAKER. The Chair would think that that would do violence to the intent of the bill to try and divide it at that point.

Mr. DAVIES. Thank you, sir.

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

Mr. McCUE. Mr. Speaker, to borrow a phrase from the Speaker of the House, I feel constrained to make a few remarks.

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

Mr. McCUE. I find that I must respectfully disagree with the remarks of the minority leader.

I believe that this principle which is being stated today on behalf of our judicial system is erroneous. I feel that money in itself does not mean quality. I think a person who wants to be a judge, as I feel that most of the judges are—I would say that practically all of the judges in this Commonwealth are—must be a dedicated person.

For one thing, no one is required to be a judge; no one has to be a judge; and no one is required to keep his commission as a judge. I think, at least from the incomes in the area which I represent, that the judge's income is truly far and above the income of most of the people.

I think it is necessary that a judge, as the leader in the community and also as a person who must make decisions on disputes between private citizens and who must make decisions as to the guilt or innocence of persons in criminal trials, in addition to his learning and experience, must also have a touch with the common people. I think that it is not necessarily so that only a small and limited group of the lawyers are qualified to be judges. I think that it is necessary that a judge keep his contact with people, and I feel that a judge, by the provisions of our constitution, has a position superior to any other elected official. He is initially elected for a term of 10 years, and at the end of that time he runs in a referendum on a vote of "yes" or "no" as to retention, which practically insures his reelection and which makes it, for all practical purposes, a lifetime job, with a liberal pension when he chooses to retire.

I feel that we, as members of the legislature representing our friends and neighbors, do make sacrifices in order to be here. I feel that a person who wants to be a judge and who is dedicated should be able to make a sacrifice in order to have that honored position. I feel at this time, when inflation is upon us so heavily and there are many ordinary citizens suffering, that the judges are fully and adequately compensated and that we should not support the bill at this time.

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

Mr. ITKIN. Mr. Speaker, I am having a problem trying to resolve certain sections of the bill with respect to the Speaker's ruling on the admission of the magistrates to the bill and the subsequent support of the membership for the Speaker's decision.

I see included in House bill No. 2002, in sections 4.1 and 4.2, officers of the Philadelphia courts that were never included in the act to which this bill is an amendatory act. It seems to me, Mr. Speaker, that these various positions were created under other legislation similar to the magistrates', and if the magistrates are not germane to this bill, why are sections 4.1 and 4.2 relating to the Philadelphia municipal court and the Philadelphia traffic court germane?

The SPEAKER. If the gentleman had raised his questions seasonably, he would have been entitled to an answer directly on point. The questions were not raised at the appropriate moment. The decision of the Chair was appealed; the House has expressed itself on the decision of the Chair via the route of the appeal; and that

decision cannot at this point, according to Mason's Manual be reviewed.

Mr. ITKIN. I am not objecting to the actions taken previously by the House in rejecting the contention that the magistrates are admissible under this act. I go so far as to ask the question of the Chair whether the Philadelphia municipal court and the Philadelphia traffic court judges would be admissible as an amendment to the Act of 1956 to which this is an amendatory bill.

The SPEAKER. The reason that the gentleman from Erie's amendments were not germane was because he had stricken the entire bill that was in front of the House, House bill No. 2002, and was attempting to put before the membership of the House a bill that dealt with the Magisterial Districts Act.

Mr. ITKIN. Mr. Speaker, I am not—

The SPEAKER. The gentleman's point is moot at any rate.

Mr. ITKIN. No, Mr. Speaker, I feel not. I feel that—

The SPEAKER. Well, the Chair has given its opinion that the point is moot.

Mr. ITKIN. Well, let me express the point before you rule that it is moot.

The SPEAKER. The gentleman could go on. The Chair will not preclude the gentleman from having further conversation, but the Chair would advise the gentleman that the point he is raising is moot.

Mr. ITKIN. Since we are debating the bill, may I not debate the appropriateness of various sections of the bill to which this bill is an amendatory piece of legislation?

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

Mr. ITKIN. Okay.

The SPEAKER. But that will not alter the decision that has heretofore been made.

Mr. ITKIN. I am not suggesting to the Chair that it reverse its prior decisions. I am contemplating a new decision by the Chair relative to this particular subject matter; that is, are section 4.1 and section 4.2 of House bill No. 2002 appropriate for inclusion in this bill as an amendatory bill to the act which claims to amend? That is the question I am asking of you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, is Mr. Itkin simply asking whether or not this bill is constitutional because the traffic court and the municipal court judges of Philadelphia are included in it?

The SPEAKER. I think that is in essence what he is asking.

Mr. RYAN. Is that your question, Mr. Itkin?

Mr. ITKIN. Yes. I can understand the constitutionality or the propriety of the piece of legislation for all the other sections. I question that the addition of these two sections would in fact make this bill then inappropriate as an amendatory piece of legislation to the act which it claims it wishes to amend.

Mr. RYAN. Mr. Speaker, I am not trying to usurp the powers and duties of the parliamentarian, but it seems to me that the question Mr. Itkin is asking is whether or not this bill is constitutional because of the inclusion of the municipal court judges and the traffic court judges, and if that is the case, let us put the question and vote

on the constitutionality of it. I think that is really what Mr. Itkin is driving at.

Mr. ITKIN. Well, I am looking for a decision from the Chair first before I—if the Chair can give me a judicial answer to my question satisfying my intellect, I will accept it. I think he is having a tough decision up there.

The SPEAKER. No. I am having a tough time hearing you, Mr. Itkin; I never have a tough time making up my mind. Do you want to pose your question again?

Mr. ITKIN. Yes. I would like to know whether sections 4.1 and 4.2 should be in the bill and, if they are in the bill, whether it is a proper piece of legislation.

The SPEAKER. The Chair will make no decision as to whether those particular sections should or should not be in the bill, but the Chair will make a decision that, having included them in the bill, the bill in its present form is constitutional.

Mr. ITKIN. Okay. Mr. Speaker, could you provide the House with your reasons for making that decision?

The SPEAKER. If the gentleman wants to challenge the decision of the Chair on constitutionality, the Chair will submit the matter to the membership of the House.

Mr. ITKIN. In other words, the Chair does not wish to provide the rationale for making its decision?

The SPEAKER. Let me try to state the proposition to you once again. The reason that the Chair decided that the amendment offered by the gentleman, Mr. Bellomini, was improper was because there was an attempt by that amendment to strike out completely the terms of the provisions of House bill No. 2002, which flies in the face of the constitutional proscription, and insert only the Magisterial Districts Act.

Mr. ITKIN. I understand that, Mr. Speaker.

The SPEAKER. Now if the gentleman wanted to submit an amendment deleting sections 4.1 and 4.2, that would be a matter properly before the House.

Mr. ITKIN. Would I have that opportunity, Mr. Speaker?

The SPEAKER. I do not think so.

Mr. ITKIN. That is why I asked the question. It saved me a lot of effort.

Mr. Speaker, but, in all sincerity, it seems to me that the act only covers in the title certain classes of offices and that the bill has been drawn to extend the classes in the scope of the original legislation.

The SPEAKER. Well, the Chair can only repeat—and it is worth reiteration—that the Chair has decided that the measure as it is presently constituted is constitutional. Now if the gentleman disagrees with that original decision—and as a matter of fact, it is only an opinion of the Chair because only the membership of the House can rule on constitutionality—then I would suggest to the gentleman that he appeal the question of constitutionality, and the matter will be submitted to the membership of the House.

CONSTITUTIONAL POINT OF ORDER

Mr. ITKIN. Mr. Speaker, I will do exactly that. I will test the constitutionality of the bill.

Thank you.

The SPEAKER. The gentleman is in order.

MR. ENGLEHART REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman, Mr. Englehart, please come back to the desk?

Mr. ITKIN. I would like to test the constitutionality of that piece of legislation.

Mr. Speaker, I am not appealing your decision; you did not render one.

THE SPEAKER PRO TEMPORE (Harry A. Englehart, Jr.) IN THE CHAIR

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

Mr. ITKIN. Mr. Speaker, it is quite obvious to me that this particular bill goes beyond the scope of the act which it is amending. It includes both the judges of the Philadelphia municipal court and the judges of the Philadelphia traffic court, which, in fact, without the nomenclatural description of judges, are the same as magistrates. They were never included in the original bill to which this was amended, and obviously then, in my judgment, it goes beyond the scope of the legislation.

I would agree with the Speaker insofar as if an amendment were offered to include the magistrates, they too would not be germane because the original bill to which this is an amendment never included them, and it would seem to me that unless those two sections were struck from the bill, then the bill as it now is drafted is, in my judgment, unconstitutional because you are adding public offices into a bill that never included them in the first instance.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DAVIES. Mr. Speaker, I do not know if this point is in order, so you will have to rule on it.

If I ask for a move to go to the prior printer's number of 2566 on this same bill instead of the current number of 2659, I think that would delete the question about the very issue that we are on now.

The SPEAKER pro tempore. The gentleman is correct, but—

Mr. DAVIES. I am sorry, sir, I stand corrected. I am wrong.

May I make an inquiry of Mr. Berson?

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Berson, submit to interrogation?

Mr. BERSON. I shall, Mr. Speaker.

In response to the gentleman, if what he is directing his attention to is sections 4.1 and 4.2, a reversion to the prior printer's number would not affect those two sections. The only change made in this bill from the prior printer's number was on page 4, line 4, which inserted the word "July" as the effective date of the act, from January. The effect of reverting to a prior printer's number would be nothing more than to put all of these increases, including sections 4.1 and 4.2, into effect as of January 1 of this year.

Mr. DAVIES. Thank you, sir.

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

Mr. ITKIN. Mr. Speaker, could we pass over this bill to consider another bill on the calendar and return to it for the purpose of—

The SPEAKER pro tempore. The answer to the gentleman's question is "no."

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. GREENFIELD. What is before this House, Mr. Speaker?

The SPEAKER pro tempore. The only question before the House is whether or not House bill No. 2002, printer's No. 2659, is constitutional.

Mr. GREENFIELD. I think we should stop belaboring the time of this House and get on with the business at hand and stop the dilatory tactics so that we can meet the issue, Mr. Speaker, and I urge that we do it expeditiously.

Thank you.

The SPEAKER pro tempore. The Chair is prepared to do that.

The question recurs, is House bill No. 2002, printer's No. 2659, constitutional? Those voting "aye" vote to uphold the constitutionality; those voting "nay" vote to reject the constitutionality.

On the question,

Will the House sustain the constitutionality of the bill?

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

YEAS—147

- | | | | |
|-----------------|-----------------|--------------------|--------------|
| Anderson, J. H. | George | McCall | Schmitt |
| Arthurs | Gillespie | McClatchy | Schweder |
| Barber | Gleason | McGinnis | Scirica |
| Bennett | Gleeson | McIntyre | Seltzer |
| Beren | Goodman | McLane | Shane |
| Berlin | Greenfield | Mebus | Shelhamer |
| Berson | Grieco | Milanovitch | Shelton |
| Bittle | Gring | Miller, M. E. | Shupnik |
| Bradley | Hamilton, J. H. | Miller, M. E., Jr. | Sirianni |
| Brandt | Hasay | Milliron | Smith, E. |
| Brunner | Hayes, D. S. | Miscevich | Smith, L. |
| Burns | Hayes, S. E. | Moehlmann | Spencer |
| Butera | Hepford | Morris | Stapleton |
| Caputo | Hill | Mullen, M. P. | Stout |
| Cessar | Hopkins | Mullen | Taylor |
| Cimini | Hutchinson, A. | Musto | Thomas |
| Cohen | Hutchinson, W. | Myers | Toll |
| Cole | Irvis | O'Brien | Trello |
| Crawford | Johnson, J. | O'Connell | Turner |
| Cumberland | Katz | O'Keefe | Ustynoski |
| DeMedio | Kelly, A. P. | Oliver | Valicenti |
| Deverter | Kelly, J. B. | Pancoast | Wagner |
| Dicarlo | Klingaman | Parker, H. S. | Walsh, T. P. |
| DiDonato | Knepper | Perri | Wargo |
| Diniani | Kolter | Plevsky | Weidner |
| Dombrowski | Kowalshyn | Polite | Westerberg |
| Dorr | Kusse | Prendergast | Wilson |
| Doyle | Laudadio | Rappaport | Wilt, R. W. |
| Eckensberger | Laughlin | Ravenstahl | Wilt, W. W. |
| Englehart | Lederer | Reed | Wojdak |
| Fawcett | Lehr | Renninger | Worrilow |
| Fee | Letterman | Rieger | Wright |
| Fischer | Levi | Ross | Zearfoss |
| Fryer | Lincoln | Ruggiero | Zwikel |
| Gallagher | Lynch | Ryan | |
| Garzia | Manderino | Salvatore | Fineman, |
| Geesev | Manmiller | Scheaffer | Speaker |

NAYS—36

- | | | | |
|------------|-----------|---------|------------|
| Abraham | Gallen | Menhorn | Richardson |
| Bellomint | Gillette | Mrkonic | Shuman |
| Cowell | Green | Novak | Stahl |
| Davies | Halverson | Noye | Tadonio |
| Dietz | Haskell | Pitts | Vroon |
| Dreibelbis | Itkin | Pratt | Wansacz |
| Fisher | Kernick | Pyles | Yahner |
| Flaherty | Kistler | Renwick | Zeller |
| Foster, A. | McCue | Rhodes | Zord |

NOT VOTING—14

- | | | | |
|--------------|-----------|----------|--------|
| Donetto | Hammock | Perry | Saloom |
| Davis, D. M. | LaMarca | Petrarca | Whelan |
| Foster, W. | McGraw | Ritter | Yohn |
| Giammarco | O'Donnell | | |

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I rise in support of House bill No. 2002 and I shall be brief in my remarks because I can sense the feeling of the House. But I do want to state for the record that in Allegheny County alone we have recently lost three excellent judges from the bench almost solely because of the fact that they could not support, at least in Allegheny County, their families on the income which was given to them.

Secondly, Mr. Speaker, I would like to point out to the members of this House that since 1972 the income of the judiciary has been eroded by better than 35 percent, and the increase which we are asking today is less than an 11-percent increase, on an average.

Thirdly and philosophically, Mr. Speaker, I would point out to the members a statement I read about the United States Senate which illustrates a growing problem in this country. It was stated that better than 49 percent of the United States Senate was composed of millionaires and multimillionaires. There has been in this country, in my opinion, a distressful growth towards electing only those people who can afford to serve. That means gradually we are turning over the government of this land not to those people socially and intellectually prepared to serve so much as to those people who have the financial support to serve. If it were true that all integrity, all intelligence were lodged in those people who are wealthy, I would have no objection to that trend. But that is certainly not the fact. What we are here trying to do is to maintain the high standard of the judiciary of this Commonwealth, and it does have a high standard.

I must beg to differ with some of my comrades on this floor who have argued that if you wish to serve the public, you need to be dedicated. I have no argument with that statement, but if you follow it to its logical conclusion, as it was argued here today, you would be right back in the Dark Ages when people gave teachers of our children not enough money to live on or eat on because teachers were such noble people, so dedicated to their profession, that they ought to be above and beyond the necessity of eating. If you argue that for the bench, you

must equally argue it for yourselves. You must argue that the members of the legislature ought to be so dedicated to the public service that it is not necessary to pay them an adequate salary, for unless you are prepared to accept that argument for yourselves, you certainly cannot sustain it for the bench.

I would urge that we vote this bill now, Mr. Speaker, that we vote it in the affirmative now, Mr. Speaker, and we get on with the business of the day.

Thank you.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I would like to make a statement for the record, please.

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

Miss SIRIANNI. I would like to make the statement that the income of the row offices in the counties of Pennsylvania has been eroded by 35 percent since 1972 when the row offices had a raise the last time. While I probably am not in opposition to the judges receiving an increase in salary, I fail to understand how this body can vote an increase for one segment when they neglected to do anything about the row-offices bill prior to the November election.

In my county the judges now receive \$40,000 a year plus \$125 a day for every day that they can sit on the bench in another county, and they have many days when they can do that. The top row office in my county is paid \$10,500. If the judges need the 35-percent increase because of the erosion, so do the rest of the row offices, and I fail to understand how you can segregate. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise in support of this bill. It is a difficult vote; it is a difficult vote for many. But it has been a strength of this Nation and a strength of this system that the judiciary has attracted the top people of its profession.

It was said by the Founding Fathers and said by the observers of this country—Alexis de Tocqueville and others—that it has been through the judiciary of this country and to them that we look and to them that we have entrusted this great power to decide ultimately on constitutionality or unconstitutionality of law. And there is something wrong with the system that will say that we will give those people who are supposed to be at the top of their profession far less than the general practitioner receives. And we are beginning to reap the fruits of that. We are beginning to reap the fruits of that in the fact that we are not now in many areas able to attract the top people in the profession to the bench.

Mr. Speaker, it is well to say that a person aspiring to the bench should be dedicated—and he should be—but it is also not correct to expect that person to run a political campaign, to give up a practice, and to do it at the prime of his life and the prime of his earning power and then watch his undedicated brethren reap income far in excess of what he can reap. It is not fair, Mr. Speaker, to a man in his fifties, who perhaps has two children to educate and has himself had the benefit of an education through his family at a college and at a law school and has a take-home pay at that basis of approximately \$24,000 a year, it is not fair to ask him to be so dedicated as to assume

the bench, run a campaign, and then be unable to give that same education to his children.

There was a time, and it was not too long ago, when the members of the judiciary in our counties were ahead of the other members of the bar in their income. That time is gone. That time is no longer here. And this bill simply makes an effort to redress it so that a person who is dedicated can run without the extreme financial sacrifice that does create a very serious problem for him with respect to education.

There was a time when the members of the judiciary were entitled to hold membership on bank boards, on savings and loan boards, and have outside income in some respects. But we have correctly and properly tightened up that so that they do not have conflicts of interest. But when we did that, we did not address ourselves properly to the question of their salaries.

We have to think about what we are doing. If we want to continue to have a strong judiciary, if we want to continue to attract the top people of the profession to the bench, then this bill is necessary.

Thank you very much.

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

Mr. GARZIA. Mr. Speaker, I have been sitting here for 2 hours now and my heart is not bleeding yet for the judges making \$40,000 a year. Now how do you tell a person who is only making \$5,000 or \$6,000 a year in salary, working 40 hours a week, that he is going to have to pay for a judge to get a \$5,000 increase in wages? I do not think that is right.

I educated my son. I sent him through medical school. I made half of the salary I am making now. I do not drive a Cadillac; I drove a Chevy. I do not belong to the country club; I join a civic association if I want any kind of amusement.

In Delaware County we have a waiting list of people who want to be judges, and I think we have some judges now who got a raise by becoming a judge. They never made \$40,000 as a lawyer.

I cannot see the credibility in saying that a so-called man when he reaches 40 and 50 years of age is a good, qualified judge. We have got some judges who are nothing but a bunch of bums, and I think most of you agree with me.

Now there is no one twisting anybody's arm to run for judge in any county or in any state. Right now I think it is wrong to increase their salary by \$5,000 when in my own district I do not think there are 10 people who make \$40,000 a year. I oppose this bill.

Thank you.

The SPEAKER. If your rationale were correct, we would be hard put as legislators to try and seek to increase our salary of \$15,600 because there is still that guy out there making only \$5,000 and we are making three times as much as he is.

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

Mr. ZELLER. Mr. Speaker, a lot has been said, but I think I am going to add a little different angle to this request.

Mr. Speaker, I have a request for a "no" vote for the following reasons: This bill would increase the compensation for judges and cost, I understand, approximately \$2 million-plus.

It is certainly a means for us who represent the public, who have become the victims of the axes of too many judges with their rulings not based on what they observe and bring forward by their own intelligence but rulings given by other judges, and they call it convenience of precedent rulings. They set a precedent in an area and they use it. Too many of them have been following the leader. What we need are leaders and not too many followers.

Now I believe that for too long, judges—and we have heard it here by legislators who have been very disenchanting by the so-called breakdown of separation of powers—the administrative, the legislative, and the judicial. And we have seen too many judges in the past who have been ruling legislatively. They have been doing this for too long. I think our chance now is to give them a message and let them know that we are sick and tired of their acting as legislators, to start ruling on the law, and to knock off this business of being everything, of being God. I think it is about time we give them this message and vote this bill down unanimously. Thank you very much.

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

Mr. CAPUTO. Mr. Speaker, I do not think I will make any hard pleas either, but I do want to make a few comments, in view of the statements made previously. Number one, there is no member of this House who, if his child were ill, would not seek out some specialist, and he would find that the fee charged by the specialist is much in excess of the country doctor or the family doctor. Judges are, first of all, lawyers, which does not make them gods, I am sure, because I am also a lawyer and I am not God. Someone said I am God only to my family because I provide well.

Mr. Speaker, I too am a legislator—and I might say to Mr. Garzia, I drive a Cadillac, a Brougham—and I could not afford to be a judge because my expenses exceed the salaries that the judges are presently getting. In fact, in 1957, as many of the men from Allegheny County know, I was offered a judgeship. I had to turn it down because my income on January 1 exceeded the amount that the judges got.

Now judges are specialists. They are selected by the people on the basis of their ability to serve the people and the law. They preside over some specialists with particular legal talents.

Just consider a case in point. In today's paper the headline, I believe, is that certain surgeons, certain doctors, received tremendous amounts of money from Medicare. They got it because they worked for it and because they have the particular talent to earn that kind of money.

There is a gentleman in California today representing a young lady who may get as high as \$2 million for a fee, and the judge who is hearing that case is going to be getting \$44,000 a year or less.

Judges are entitled to make as much as any practicing lawyer. We can never get them up to the level of all practicing lawyers, but we certainly should have them at least living in comfort.

There is not one person in this House or one person in Pennsylvania who will vote for a judge who walks around with half soles on his shoes, without a pressed suit on, or who does not attract a certain amount of respect by the way he dresses. He has to dress every day. He has to attend banquets, despite the fact that he is not in politics.

He has to make contributions to all the worthwhile causes. He has to run a public relations job every day of his life. And as we should want to be rewarded for the work we do, they are entitled to be rewarded. I would say, let us get on with the business and vote "yes" on this bill.

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

Mr. BEREN. Mr. Speaker, I know how I intend to explain my vote in favor of this judge pay increase to those people who are not as fortunate to earn the same amount of money that judges do. I think there is one thing that is very, very important to every citizen of this Commonwealth, and that is, when he or she appears before a judge to hear his or her case, that they get justice. That is probably the most central factor in our quality of life in this state and in this country.

If we do not have people in these offices who can dispense justice, then the people on incomes which are not as great as the judges' are will suffer irreparable harm. It will harm them in their pocketbooks; it will harm them in their life; and it will set our system of government back.

People are upset today. They are frustrated with our system. Let us at least have in the judiciary, competent, qualified, sensitive, able people to dispense justice.

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—112

Anderson, J. H.	Geesey	McClatchy	Richardson
Arthurs	Gestler	McGinnis	Rieger
Barber	Giammarco	McIntyre	Ross
Bennett	Gleason	McLane	Ruggiero
Beren	Goodman	Mebus	Ryan
Berlin	Greenfield	Milanovich	Salvatore
Berson	Gring	Miller, M. E.	Scheaffer
Bittie	Hamilton, J. H.	Moehlmann	Schweder
Bradley	Hasay	Morris	Scirica
Brandt	Haskell	Mullen	Shane
Brunner	Hayes, D. S.	Mullen, M. P.	Shelhamer
Butera	Hepford	Musto	Shupnik
Caputo	Hill	Myers	Smith, E.
Cohen	Hopkins	O'Brien	Smith, L.
Crawford	Hutchinson, W.	O'Connell	Spencer
Cumberland	Irvis	O'Donnell	Toll
DeMedio	Itkin	Oliver	Turner
Dicarlo	Johnson, J.	Pancoast	Ustynoski
DiDonato	Katz	Parker, H. S.	Valicenti
Dininni	Kelly, A. P.	Perri	Wagner
Dorr	Kistler	Pievsy	Wilt, W. W.
Doyle	Klingaman	Polite	Wojdak
Dreibelbis	Kowalshyn	Pratt	Worrlow
Eckensberger	Laughlin	Rappaport	Zearfoss
Fawcett	Lederer	Ravenstahl	Zwilk
Fee	Letterman	Reed	
Fisher	Levi	Renninger	Fineman, Speaker
Foster, A.	Lynch	Rhodes	
Gallagher	Manderino		

NAYS—68

Abraham	Gillespie	Menborn	Stout
Bellommi	Gillette	Miller, M. E., Jr.	Taddonio
Burns	Green	Milliron	Taylor
Cessar	Grieco	Miscevich	Thomas
Cimind	Halverson	Mrkonic	Trello
Cole	Hayes, S. E.	Novak	Vroon
Cowell	Hutchinson, A.	Noye	Walsh, T. P.
Davies	Kelly, J. B.	O'Keefe	Wansacz
Deverter	Kernick	Pitts	Wargo
Dietz	Knepper	Renwick	Weldner
Dombrowski	Kolter	Ritter	Westerberg
Fischer	Kusse	Schmitt	Wilson
Flaherty	Lehr	Scltzer	Wilt, R. W.
Fryer	Lincoln	Shuman	Wright
Gallen	Manmiller	Sirianni	Yahner
Garzia	McCall	Stahl	Zeller
George	McCue	Stapleton	Zord

NOT VOTING—17

Bonetto	Hammock	Perry	Saloom
Davis, D. M.	LaMarca	Petrarca	Shelton
Engelhart	Laudadio	Prendergast	Whelan
Foster, W.	McGraw	Pyles	Yohn
Gleeson			

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 Perry, Mr. Noye. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. NOYE. Mr. Speaker, I would like the record to show that on House bill No. 2002, I was voted incorrectly. I wish the record to show that I would have been voted in the affirmative.

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

RECONSIDERATION OF VOTE ON TABLING OF HOUSE BILL No. 184

Mr. REED moved that the vote by which HOUSE BILL No. 184, printer's No. 205, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire by gift on behalf of the Commonwealth the real property connected with the Fort Hunter Museum in Susquehanna Township, Dauphin County, providing for its control, management, supervision, restoration, improvement and maintenance; and receipt of certain funds in connection therewith.

was tabled on this day be reconsidered.

Mr. KISTLER 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?

QUESTION OF INFORMATION

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

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

The SPEAKER. The gentleman will state it.

Mr. ARTHURS. For the purpose of clarification, Mr. Speaker, are we voting on final passage or just reconsideration to lay the bill on the table?

The SPEAKER. We are voting on final passage of House bill No. 184.

Mr. ARTHURS. I think there was a misunderstanding. Thank you.

The SPEAKER. For the information of the membership of the House, a vote was taken on reconsideration of the vote by which this bill was placed upon the table.

The question recurs, Shall the bill pass finally?

The vote now on the board is on the question of final passage.

The Chair recognizes the gentleman from Franklin, Mr. Shuman. For what purpose does the gentleman rise?

Mr. SHUMAN. I would like to ask the sponsor a question. I think the House is under a misapprehension as to whether this bill costs money.

The SPEAKER. The clerk will strike the vote from the board.

The gentleman, Mr. Shuman, may proceed.

Mr. SHUMAN. Should there be a fiscal note with this bill, Mr. Speaker?

MR. HEPFORD REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman from Dauphin, Mr. Hepford, come to the desk for the purpose of temporarily presiding?

THE SPEAKER PRO TEMPORE (H. Joseph Hepford) IN THE CHAIR

The SPEAKER pro tempore. The gentleman, Mr. Shuman, will proceed with his interrogation.

Mr. SHUMAN. Mr. Speaker, I asked the question as to whether there should be a fiscal note attached to this bill.

The SPEAKER pro tempore. There is a fiscal note attached, for the gentleman's information.

Mr. SHUMAN. What is the cost?

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

Mr. WOJDAK. Mr. Speaker, the Governor's Budget Office estimates that the cost of administering and maintaining the property would be \$12,000 annually.

Mr. SHUMAN. It was stated on the floor of the House here by Mr. Kistler, when we voted on it, that it would not cost the state anything.

Mr. WOJDAK. Mr. Speaker, the fiscal note has been distributed to all the members.

Mr. SHUMAN. Yes. I only want to make it a part of the record that when we voted it down, I believe it was Mr. Kistler and others who said it would not cost the state any money.

The SPEAKER pro tempore. The statement that was made by Mr. Kistler was relative to the funds that are in trust that would be turned over to the state along with the earnings on their use for maintenance.

Mr. SHUMAN. May I read from the resume that we have on our desks, Mr. Speaker?

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

Mr. SHUMAN. "The property is accompanied by a trust fund; however, the Governor's Budget Office estimates that the amount involved in this trust fund would cover only part of the annual expense of upkeep of the property."

I would like that to be made part of the record, and also, when you are voting for this bill, keep that in mind.

We have the only one-room schoolhouse back in our county, which Mr. Bittle spoke about some months ago. It was closed because the state did not have \$7,000 to keep it open, particularly during this Bicentennial year, so how in the world can we afford to spend whatever it is going to be for this new project?

Secondly, I would like to ask the sponsor of the bill, what is the stand of the Historical and Museum Commission as to whether or not they can afford this transaction?

The SPEAKER pro tempore. Will the gentleman from Dauphin, Mr. Reed, consent to interrogation?

Mr. REED. I certainly will.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. REED. Well, Mr. Speaker, first, Mr. Shuman's specific question was, does the Historical and Museum Commission want the property? The answer is, yes, and has been yes for a number of years.

Mr. SHUMAN. Well, they surely indicated in other places in the state that they are closing down historical places for the lack of money, and then we are going to spend money on this item and an annual charge to keep it open. I can hardly stand for that situation.

Mr. REED. Well, Mr. Speaker, with respect to what Mr. Shuman has raised, it is really a point that is a legitimate and justified point.

Yesterday, just out of curiosity, I queried the members of the staff of the House Appropriations Committee as to the origin of the figure of \$12,000. I was then directed to the Governor's Budget Office from whence they had received that figure. The Governor's Budget Office referred me to a specific analyst who then referred me to the Historical and Museum Commission. That was at 4 o'clock yesterday afternoon. I asked the individual in the commission, how did he arrive at the figure of \$12,000, and he did not know. He said if he would find out, he would get back to me, which he did not. I explained to him that the bill was going to be voted upon this year.

I would respectfully suggest that the Museum Commission's figure of \$12,000, which originated several years ago, I understand, is an incorrect figure for several reasons: First, there is, along with the property and the structures, an endowment fund in excess of \$140,000. That was the figure a year ago. It has since risen. There is revenue in excess of \$10,000 just from that particular fund which is used presently to operate and to maintain the facility.

Secondly, the staffing of that location, in the past as well as now and for the future, is done by an organization known as the Friends of Fort Hunter. It is a nonprofit organization of citizens in the area who recognize the historical importance and significance of that facility. So the \$12,000 that was anticipated to pay for staff is not expected, simply because they already have the volunteer staff.

There is also additional revenue at the Fort Hunter Museum realized from a shop there where they sell various items. They also have an admission fee for adults and a whole series of other periodic and regular fund-raising activities, not the least of which is the additional receipt of endowments and outright gifts from various persons as well as from the state.

I should mention also that the Department of Transportation has taken a small portion of that property in the last 18 months for the purpose of construction, and there is due, very, very soon, this year a settlement from PennDOT to the Fort Hunter Museum, which would go into their endowment fund, for the land which PennDOT took, and that would be added as well to the amount of revenue. So in actuality, there is not going to be any cost in operating it.

I would finalize my comments with this additional point: The buildings are not in ramshackle condition. They have been completely restored, completely renovated, and have been in that condition for years. It did

not just occur. They meet all the Life Safety Code requirements, to the best of my knowledge. They have new lighting and so forth, so we are not attaching to the Commonwealth's Historical and Museum Commission a financial or renovative liability.

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

Mr. DOMBROWSKI. Mr. Speaker, may I interrogate the gentleman from Bucks, Mr. Wright?

The SPEAKER pro tempore. Will the gentleman from Bucks consent to interrogation?

Mr. WRIGHT. Yes, sir, I do.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DOMBROWSKI. Mr. Speaker, are you still a member of the Historical and Museum Commission?

Mr. WRIGHT. Yes, I am.

Mr. DOMBROWSKI. Are there any of these places throughout the Commonwealth that are closed down now because of lack of funds?

Mr. WRIGHT. There are a number of historical sites owned by the Historical and Museum Commission which are closed down for lack of funds, and every other site is operating under curtailed hours because of lack of funds.

Mr. DOMBROWSKI. Thank you, sir.

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

Mr. ARTHURS. Mr. Speaker, I think under the circumstances that the Friends of Fort Hunter are operating the facility, perhaps this move could be delayed for at least a year because this is our Bicentennial year.

As it has been brought out here, we legislators who have historical sites in our areas know they are now suffering. I have one particular site in Butler County—the Old Stone House—for which we cannot even get enough money to put up a new fence for this Bicentennial year. They are working at this site on curtailed employment, and they cannot keep it open the way it should be kept open.

I am afraid, with inflation and with the Governor's budget not calling for any more money this year than it did last year, in our Bicentennial year we are absolutely going to find that more of these places, which should be open, are going to have to close, so I would ask for a negative vote on this piece of legislation to delay it for at least this year.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Wright, desire to be recognized?

Mr. WRIGHT. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman. The gentleman may proceed.

Mr. WRIGHT. As a legislative representative on the Historical and Museum Commission, I think it is incumbent upon me to add some comments.

It is true that the Historical and Museum Commission would like to see this property maintained as an historic site, and the commission has no objection if they are given that responsibility, provided there are additional moneys appropriated in the general fund for that purpose. As you all know, there are not sufficient moneys in the general fund, either in the present budget or in the proposed budget, to operate all the historic sites across the Commonwealth.

It has been said by a previous speaker that volunteers will do certain things. It is true that volunteers can act as tour guides, but volunteers are not going to do maintenance work and are not going to do some of the daily operating chores. General fund money must be used for that, and by no stretch of the imagination will a gift shop or a 50-cent-admission fee cover maintenance and operating costs. I suggest that you keep that in mind as you vote on this particular piece of legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland, Mr. Kistler.

Mr. KISTLER. Mr. Speaker, we are arguing a bunch of, what I consider to be, illogical concepts. In the first place, this project has been before the House of Representatives since 1973. It is not new. The Fort Hunter Museum is a going operation. It operates today; it will operate tomorrow. It will not cost the state any money.

Contrariwise, you are saying to us, we have a place in my county which we want taken over, but you do not come along with this place with a trust fund which will earn more than is essentially necessary to keep it going. There is no comparison. You are arguing chickens and peaches. What we are saying here is that the income from the Fort Hunter Museum and the moneys in the trust fund, and so forth, put on interest, will provide more money than it costs to operate it currently. That is the history of the place.

Now Mr. Wright is saying something else. As a member of the Historical and Museum Commission, he is saying that he wants the General Assembly to say that it is going to appropriate the money necessary to the Historical and Museum Commission to operate this Fort Hunter Museum.

I do not know what the details of the trust fund are, but it may very well be that the details of the trust fund are such that that fund would have to go to operate the facility. On the other hand, if they go to the general fund of the Commonwealth, then they can charge us with irresponsibility or say, well, we do not want to take this unless you guarantee us what the legislature of 1985 or 1995 or 2005 will do.

I submit to you that this is an opportunity to get a new historical site, which is very much needed, with a trust fund, the earnings of which will more than fund it and that there will be no cost to this thing.

Just as Mr. Reed has said to you, the fiscal facts that you have before you are not facts at all; they are fiction. They were dreamed up by somebody, and we cannot even find out who issued them. They are just so much hogwash.

It just seems a shame that every time we try to get something through in central Pennsylvania, we have all kinds of difficulties. It was the same way with other projects that we have had, and for us to stand here and make these silly arguments is ridiculous. And I would hope, Mr. Speaker, that the House would vote favorably on the bill. We have the moneys in the trust fund, the earnings of which will more than operate the museum.

The museum is not in the run-down condition that I have heard members of the Historical and Museum Commission complain about, saying that they did not have any money to rehabilitate the place. You do not have to rehabilitate this. It is up to snuff right now. It is a going institution, and the trust funds following the grant to the

state will more than pay for its operation. To turn it down is ridiculous.

HOUSE BILL No. 184 RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. McLane.

Mr. McLANE. Mr. Speaker, as most members know, I spoke extensively on this question this morning. To me, right now, the question is a plain one—we do not know the fiscal solvency of this project. The sponsors of the bill themselves admit that the Appropriations Committee's note attached to this bill is no longer a valid one, that we do not have the facts. Therefore, I would like to move to recommit this bill to the Committee on State Government.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The motion is in order. The gentleman has made a motion to recommit this bill to the State Government Committee.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. McLANE and KISTLER and were as follows:

YEAS—97

Abraham	Gleeson	Miscevich	Shelhamer
Arthurs	Greenfield	Morris	Shelton
Bellomini	Grieco	Mrkonjc	Shuman
Bradley	Hamilton, J. H.	Mullen	Shupnik
Brunner	Hasay	Musto	Sirianni
Burns	Haskell	Novak	Smith, E.
Caputo	Itkin	O'Brien	Stapleton
Cimini	Johnson, J.	O'Keefe	Stout
Crawford	Katz	Perri	Taylor
DeMedio	Kelly, A. P.	Perry	Thomas
Dicarlo	Kernick	Petrarca	Toil
Dombrowski	Kolter	Pievsky	Trello
Doyle	Kusse	Pitts	Turner
Eckensberger	Laudadio	Prendergast	Vroon
Englehart	Laughlin	Pyles	Wagner
Fawcett	Letterman	Ravenstahl	Walsh, T. P.
Fee	Levi	Renninger	Wansacz
Fischer	Lincoln	Renwick	Wargo
Flaherty	McCall	Rhodes	Weidner
Fryer	McClatchy	Ruggiero	Wilson
Garzia	McCue	Saloom	Wilt, R. W.
Geisler	McIntyre	Salvatore	Wright
Giammarco	McLane	Schmitt	Yahner
Gillespie	Milliron	Schweder	Zeller
Gillette			

NAYS—77

Anderson, J. H.	Geesey	Lynch	Reed
Bennett	George	Manderino	Richardson
Beren	Goodman	Manmiller	Ryan
Berlin	Green	McGinnis	Scheaffer
Berson	Gring	Mebus	Scirica
Bittle	Halverson	Menhorn	Seltzer
Brandt	Hayes, D. S.	Milanovich	Smith, L.
Butera	Hayes, S. E.	Miller, M. E.	Spencer
Cessar	Hepford	Miller, M. E., Jr.	Stahl
Cole	Hill	Moehmann	Taddonto
Cowell	Hopkins	Mullen, M. P.	Ustynoski
Cumberland	Hutchinson, A.	Myers	Westerberg
Davies	Hutchinson, W.	Noye	Wilt, W. W.
Deverter	Iris	O'Connell	Worrlow
Dietz	Kelly, J. B.	Oliver	Zord
Dininni	Kistler	Pancoast	Zwick
Dorr	Klingaman	Parker, H. S.	
Foster, A.	Knepper	Polite	Fineman,
Gallagher	Kowalshyn	Pratt	Speaker
Gallen	Lehr	Rappaport	

NOT VOTING—23

Barber	Fisher	McGraw	Valicenti
Bonetto	Foster, W.	O'Donnell	Whelan
Cohen	Gleason	Rieger	Wojdak
Davis, D. M.	Hammock	Ritter	Yohn
DiDonato	LaMarca	Ross	Zearfoss
Dreibelbs	Lederer	Shane	

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

The SPEAKER pro tempore. The bill is so recommitted.

STATEMENT ON RESOLUTION TO BE INTRODUCED

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

Mr. O'CONNELL. Mr. Speaker, I have a resolution here and I would like to offer it at this time and allow it to lie on the table for just a few minutes. If anyone wishes to join with me, I would be happy to have their signatures.

I would like to make a brief statement in regards to this.

The SPEAKER pro tempore. The House will be in order, and the gentleman may proceed.

Mr. O'CONNELL. Mr. Speaker, I think that something very serious has taken place in regards to the legislative process. As you are all aware, we have been actively involved in a floodplain management bill for a good bit of this session. There has been a great deal of work that has gone into this particular issue, but at this very minute this bill is on our calendar and has not been considered. Now if it is the wisdom of this House not to consider this legislation, then so be it.

But what I think is important here is the end run or the circumvention of the legislature by the Secretary of the Department of Community Affairs, Mr. Wilcox, who has by rule and regulation implemented those particular provisions of Senate bill No. 1. I think this is a blatant misuse of discretion and powers. I think it is an abuse and I think it is a direct confrontation with and to the House of Representatives. This particular decree does by rule and regulation what Senate bill No. 1 wishes to accomplish, and without it he has taken the prerogative of issuing an order and publishing it in the Pennsylvania Bulletin, indicating that in 30 days or so it will actually become law.

I think that if this legislature is going to condone these kinds of actions, if we have to submit amendments and bills to the Appropriations Committee for fiscal notes and the bureaucracy and the bureaucrats can do this at their will and circumvent this legislature and we allow it to happen and tolerate it, I think we are foolish. If that is the case, all you need to do is send any other bunch of dummies down here and use the computers. You do not need to have legislators or this body if this is going to be tolerated and if these departments are going to be allowed to circumvent the legislature.

I feel very strongly about this. I think it is an utter disregard for the legislative process and I think it is actually an insult to the legislature. So I would hope that anybody else who might feel this way would join with me in signing this resolution so that the secretary would quickly and loudly get the message that the legislature is not going to stand still for these kinds of end runs.

Thank you.

STATE GOVERNMENT BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1893, printer's No. 2770, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Military Affairs, to transfer a portion of the Fort Indian-town Gap to the United States of America.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Klingaman.

Mr. KLINGAMAN. Mr. Speaker, this morning when I asked to be recognized on this issue, Mr. Fineman told me that the bill would not be run today. So, I respectfully ask that it be held over at least until tomorrow or until we come back. Mr. Fineman said that it was not to be run today.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, Mr. Fineman gave information to the gentleman which at the time was accurate. When I marked the agenda for today, on my calendar there were two holds on the bill, one of them placed by Mr. Bennett; the other one by some party unknown. Mr. Bennett removed his hold on the bill, and those people interested in the passage of the bill came to me and asked if I could tell them who else objected to the movement of the bill, and I could not. Therefore, I changed the agenda, submitted the bill to Mr. Fineman and asked him to place it on the agenda for roll call.

If the gentleman is asking that we hold the bill over now, I will leave it up to those people who are the supporters of the bill as to whether they will agree to that, for we shall not be here tomorrow and we shall not be back here in voting session until March 8. I told them that, and that is when they insisted that we call the bill up.

And I will point out to the gentleman that if they insist on calling the bill up, there really is nothing he can do about that nor can I, unless he wishes to place a motion to table the bill or to recommit the bill. He may do that, but they may call the bill up as they wish.

MOTION TO TABLE

Mr. KLINGAMAN. Mr. Speaker, I move to table House bill No. 1893.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. Mr. Speaker, I rise in opposition to the motion. House bill No. 1893 is a very simple bill. It has been on the calendar and it is imperative that this bill be acted on.

The Veterans Administration has in their current fiscal year budget approximately \$650,000 programmed for engineering to develop the first 50 acres of this national shrine that will be constructed at Indiantown Gap.

I say to you that we should move with dispatch. I see no good reason, no merit, to the motion to table it or to hold this bill up, and, therefore, I urge the members on both sides of the aisle to vote in opposition to the motion.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Klingaman.

Mr. KLINGAMAN. Mr. Speaker, upon the vote on my motion, if it is defeated, I will speak on the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wright.

Mr. WRIGHT. As past chairman of the Veterans Affairs Committee and one who has received a tremendous amount of communications from the veterans organizations and one who is familiar with the interests in creating a national cemetery for deceased veterans in Pennsylvania, I would like to see the bill moved and moved as rapidly as possible. But I think the gentleman, Mr. Klingaman, should explain to us why he wants the bill tabled. If his explanation is adequate, maybe we will abide by his suggestion, but we have not heard a reason as yet as to why the bill should be tabled. I would appreciate hearing it.

The SPEAKER pro tempore. The gentleman desires to be recognized for the merits of the bill, not the motion to table.

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

Mr. ZELLER. Mr. Speaker, I, too, would like to hear Mr. Klingaman's reasons for wanting the bill tabled, because I believe that what he is going to talk about is in reference to Schuylkill County. I think I have some information that might be beneficial, too. So, I want to see—like Mr. Wright and Mr. DeMedio—this bill passed, because I think we can bring out a lot of information that will tell the members here as to why this should be set at Indiantown Gap. And I would like to see the move to table be defeated.

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

The yeas and nays were required by Messrs. KLINGAMAN and DeMEDIO and were as follows:

YEAS—41

Brandt	Hill	O'Brien	Stahl
Cessar	Hutchinson, W.	Parker, H. S.	Taddonio
Crawford	Kelly, J. B.	Petrarca	Thomas
Deverter	Klingaman	Pitts	Turner
Dietz	Knepper	Polite	Vroon
Gallen	Kusse	Prendergast	Wagner
Goodman	Levi	Saloom	Weidner
Gring	McCall	Smith, E.	Westerberg
Halverson	McClatchy	Smith, L.	Witt, R. W.
Hasay	McGinnis	Spencer	Wilt, W. W.
Hayes, S. E.			

NAYS—136

Abraham	Gallagher	McCue	Ruggiero
Anderson, J. H.	Garzia	McLane	Ryan
Arthurs	Geesey	Mebus	Salvatore
Barber	Geisler	Menhorn	Scheaffer
Bellomini	George	Milanovich	Schmitt
Bennett	Gillespie	Miller, M. E.	Schweder
Beren	Gillette	Miller, M. E., Jr.	Scirica
Berlin	Gleeson	Milliron	Seltzer
Berson	Green	Miscevich	Shane
Bittle	Greenfield	Moehlmann	Shelhamer
Bradley	Grieco	Morris	Shuman
Brunner	Hamilton, J. H.	Mrkonjic	Shupnik
Burns	Haskell	Mullen, M. P.	Sirianni
Butera	Hayes, D. S.	Mullen	Stapleton
Caputo	Hepford	Musto	Stout
Cimini	Hopkins	Novak	Taylor
Cole	Hutchinson, A.	Noye	Toll
Cowell	Irvis	O'Connell	Trello
Cumberland	Itkin	O'Keefe	Ustynoski
Davies	Johnson, J.	Oliver	Valicenti
DeMedio	Katz	Pancoast	Walsh, T. P.
Dicarlo	Kelly, A. P.	Ferri	Wansacz
Dininni	Kernick	Pievsky	Wargo
Dombrowski	Kistler	Pratt	Willson
Dorr	Kolter	Pyles	Wojdak
Doyle	Kowalshyn	Rappaport	Worrilow
Eckensberger	Laudadio	Ravenstahl	Wright
Englehart	Laughlin	Reed	Yahner
Fawcett	Lederer	Renninger	Zeller
Fee	Lehr	Renwick	Zord

Fischer	Letterman	Rhodes	Zwinkl
Fisher	Lincoln	Richardson	
Flaherty	Lynch	Ritter	Fineman,
Foster, A.	Manderino	Ross	Speaker
Fryer	Manmiller		

NOT VOTING—20

Bonetto	Foster, W.	McGraw	Rieger
Cohen	Giammarco	McIntyre	Shelton
Davis, D. M.	Gleason	Myers	Whelan
DiDonato	Hammock	O'Donnell	Yohn
Dreibelbits	LaMarca	Perry	Zearfoss

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 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?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Klingaman.

Mr. KLINGAMAN. Mr. Speaker, I have a great deal of information on this issue on my desk and, unfortunately, not before me because I had not intended to speak on it at this time.

However, I recognize that the question before us is not where the national shrine and cemetery should be located. That decision will be made by bureaucrats in Washington. However, this bill would turn over 600 acres at Indiantown Gap for the building of a national shrine and cemetery. Now just 29 miles to the east on route 81—it would be north on 81—the commissioners of Schuylkill County have offered to give free some 2,100 acres, almost 2,200 acres. They even agreed to dispose of the Schuylkill County Airport to be included in the site. They even agreed to clear the 2,100 acres.

Now, Fort Indiantown Gap is the last military installation in this Commonwealth for training purposes, and the 600 acres there will be filled up before the band stops playing at the dedication.

Mr. Speaker, as I said, the question I realize is not where it should be located, but I see no reason to give away 600 acres of the only military installation, the only military training installation, in the Commonwealth of Pennsylvania when another adequate site is available to the Commonwealth at no cost.

Another thought that occurs to me, Mr. Speaker—coming south on 81 just a few miles after you pass the Fort Indiantown Gap installation, there is a sign that says "You are now approaching a congested area." Now what we need, certainly—do we not?—in the congested Harrisburg area is a national shrine and cemetery, when it could be located just 29 miles northward on 81 in an area that is not at the present time being used productively for anything. That, Mr. Speaker, is my reason for asking for a "no" vote on this bill, so that the Veterans Administration might be able to take advantage of the 2,200 acres being offered to them in Schuylkill County just a short distance from the area that is proposed.

Mr. Speaker, thank you.

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

Mr. SELTZER. Mr. Speaker, for the information of

the House, the Veterans Administration reviewed three locations in Pennsylvania to be considered for a national shrine and cemetery. One of the locations was the location just discussed by Mr. Klingaman, the gentleman from Schuylkill. A second location was in Lycoming County south of the city of Williamsport, and the third location was Fort Indiantown Gap. The Veterans Administration several months ago made their decision, and their decision was Fort Indiantown Gap.

The bill that you have before you is the necessary legislation to transfer the land to the Federal Government so they can begin in the near future for the construction of this national shrine and cemetery. The description of the land which is found in the bill is the land which has been surveyed by the Federal Government for this national shrine and cemetery. The Department of Military Affairs in the Commonwealth of Pennsylvania is in agreement. The Federal Government, through the Veterans Administration, wants this land, and it is their first selection. Mr. Speaker, I ask the members of this House to vote "aye" on the passage of this bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. Just briefly, at Indiantown Gap we have an area comprised of 18,000 acres. We are speaking here of approximately 600 acres which are not being used for training. This acreage which will be devoted to a national shrine or cemetery will not take any of the acreage that is presently being used for training and will not in any way hurt Indiantown Gap as a military training post. Therefore, I request that the members on both sides vote for the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

I concur with the remarks of the gentleman, Mr. Seltzer. I too have a large file in my office, which I do not have here, which pertains to the structure of this national shrine and cemetery.

My primary concern was because of the one site that Mr. Seltzer spoke about which is in the northern part of my legislative district and the southern part of Mr. Grieco's district, on the Allenwood prison grounds, which is already owned by the Federal Government.

Now we have nothing to do as a body here with the selection of this site. That was done by other officials through proper channels, and I worked long and hard to try to get this site up into our country, because we had adequate transportation routes for ingress and egress. We could very well afford to have such a facility in the area because of the tax base that we could use that we do not have now as it is primarily rural country. And all the while this whole thing was being discussed, I was present at many meetings. And even though we lost in our area, Pennsylvania gained, and Pennsylvania could have lost the thing, so I recommend that we vote "yes" on this bill.

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

Mr. McCUE. Mr. Speaker, I too rise in support of this bill. There are additional reasons. Indiantown Gap is a location that has had much to do with the military

personnel in all of the eastern United States. It is a place even prior to World War II, during World War II and the Korean War, where many citizens were inducted into service and where the same citizens were mustered out of service. It has been a place where many persons have served in training in the National Guard and the Reserve units as well as the college students taking ROTC, Reserve Officers Training Corps. I think that there is a connection with active military service which makes Indiantown Gap a very appropriate area for the veterans to have their final resting place.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Zeller, for a very brief statement.

Mr. ZELLER. Thank you, guidance counselor.

Seriously, Mr. Speaker, I am sure Mr. Klingaman and possibly my good friend, Reid Bennett, and many others would at one time have felt—and from the goodness of their hearts and being real veterans—they would like to see this cemetery in their areas probably or nearby as an honor, a real honor. But the problem is that there is a neutral move here, as Mr. Seltzer mentioned, because it is a very touchy issue. There is no question about it. We would all like to have it in our areas I am sure.

One of the problems they had up in Schuylkill, when the engineers checked the area out, was that there was a subsidence problem in the particular area that he is talking about. And with no disrespect to Schuylkill County and the fine coal region that it is and has been and probably always will be, the problem is subsidence, felt that they were going to run into a serious problem. This is really the reason for it, an engineering problem.

So I just wanted you to know that I think we should pass this because it is in a neutral area and it is going to be in an area which is a military installation; it has good transportation facilities; and it would be the best for all the people concerned. If we let this go much longer, I am sure the Federal Government is going to say we will find some place else, and it may not be Pennsylvania. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, I am going to vote against this bill. I want the members of this House to know why. It is rather difficult to rise to the floor of the House and vote against a veterans bill. It is almost like voting against motherhood. However, Mr. Speaker, my reason, I believe, is not a selfish one. I do not want the cemetery in my district. I am not in favor of placing it somewhere else in Pennsylvania. Perhaps for a philosophical reason that only I can understand, however, I want to try to make others understand it.

I have been given information, Mr. Speaker, that the Veterans Administration and the chairman of the Military Affairs Committee has concurred that the Veterans Administration has now something in the neighborhood of \$651,000 for site development for this cemetery at Fort Indiantown Gap. I would only say to the members of this House, Mr. Speaker, the further information that I have been given is that the Veterans Administration is now building two additional veterans cemeteries in Maryland, one additional cemetery in Quantico, Virginia,

and they have just acquired 661 acres in addition to Arlington Cemetery.

Mr. Speaker, my purely philosophical reason is this: We here in this House of Representatives, on one hand, bitterly complain that the Federal Government dictates to us and says, you must do this or you will do that. And, Mr. Speaker, it just seems to me a wonder why we, as members of this House of Representatives, sit here and are dictated to by a Federal bureaucracy that continues to grow and grow and grow. We are eaten up by it every day. We are told that it is not going to cost us any money. Baloney. It is going to cost money; it is going to cost tax dollars whether it comes from the state coffers or the Federal coffers or wherever. Mr. Speaker, I am going to vote against this bill.

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—159

Abraham	Gillespie	McIntyre	Schmitt
Anderson, J. H.	Gillette	McLane	Schweder
Arthurs	Gleeson	Mebus	Scirica
Barber	Green	Menhorn	Seltzer
Bellomini	Greenfield	Milanovich	Shane
Beren	Grieco	Miller, M. E.	Shelhamer
Berlin	Gring	Miller, M. E., Jr.	Shelton
Berson	Halverson	Milliron	Shuman
Bittle	Hamilton, J. H.	Miscevich	Shupnik
Brandt	Hasay	Moehlmann	Sirianni
Brunner	Haskell	Morris	Smith, E.
Butera	Hayes, D. S.	Mrkonic	Smith, L.
Caputo	Hayes, S. E.	Mullen, M. P.	Spencer
Cessar	Hepford	Mullen	Stahl
Cimini	Hill	Musto	Stapleton
Cole	Hopkins	Novak	Stout
Cowell	Hutchinson, A.	Noye	Taddonio
Crawford	Irviss	O'Brien	Taylor
Cumberland	Itkin	O'Keefe	Thomas
Davies	Johnson, J.	Oliver	Toll
DeMedio	Katz	Pancoast	Trello
Deverter	Kelly, A. P.	Parker, H. S.	Ustynoski
Dicarlo	Kelly, J. B.	Perri	Vroon
Dietz	Kernick	Pievsky	Walsh, T. P.
Duninni	Kistler	Polite	Wansacz
Dombrowski	Kolter	Pratt	Wargo
Dorr	Kowalshyn	Pyles	Weidner
Doyle	Laudadio	Rappaport	Westerberg
Eckensberger	Laughlin	Reed	Wilt, R. W.
Englehart	Lederer	Renninger	Wilt, W. W.
Fee	Lehr	Renwick	Wojdak
Fischer	Letterman	Rhodes	Worrlow
Fisher	Levi	Richardson	Wright
Flaherty	Lincoln	Rieger	Yahner
Foster, A.	Lynch	Ritter	Zeller
Fryer	Manderino	Romanelli	Zord
Gallagher	Manmiller	Ross	Zwinkl
Garzia	McClatchy	Ruggiero	
Geesey	McCue	Salvatore	
Geisler	McGinnis	Scheaffer	Fineman,
George			Speaker

NAYS—15

Bennett	Gallen	Knepper	Pitts
Bradley	Goodman	Kusse	Turner
Burns	Hutchinson, W.	McCall	Wilson
Fawcett	Klingaman	O'Connell	

NOT VOTING—23

Bonetto	Giammarco	O'Donnell	Valicenti
Cohen	Gleason	Perry	Wagner
Davis, D. M.	Hammock	Petrarca	Whelan
DiDonato	LaMarca	Prendergast	Yohn
Dreibelbis	McGraw	Ryan	Zearfoss
Foster, W.	Myers	Saloom	

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.

SENATE MESSAGE

The clerk of the Senate, being introduced, presented Senate Bill numbered and entitled as follows, together with the objections of the Governor:

SENATE BILL No. 612

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for provisions relating to fixing the salary, compensation and emoluments of elected officers of the township.

With the information that said bill had been passed by both Houses and vetoed by His Excellency, the Governor, and has since been reconsidered in the Senate and passed by the necessary two-thirds vote, the objections of the Governor to the contrary notwithstanding.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 26, 1975

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 612, Printer's No. 1240, entitled "An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled 'The First Class Township Code,' further providing for provisions relating to fixing the salary, compensation and emoluments of elected officers of the township."

This Bill provides for the fixing of the salary, compensation and emoluments of elected officers of first class townships. It provides that any change in salary shall become effective at the beginning of the next term of elected officers. Prior provisions deleted by this Bill state that no increase or reduction in salary may take place after the election of the particular officer.

I believe that existing law is in the best public interest.

The salary of the officer must be known at the time he runs for the office. Furthermore, the public is entitled to know exactly what the elected officer is to receive in compensation at the time they are voting for that officer. By this Bill, the change in salary could come after the election of a particular officer but before he begins his term. In other words, a board of commissioners could be re-elected for a new term and after their election they could raise their salary, and the voters would be deprived of the opportunity to express their sentiment on the increase in salary.

The State Constitution provides in Article III, Section 27 for the prohibition similar to current law in the first class township code. The State Constitution sets the proper rule on these matters, and I do not believe that the first class townships should be allowed to deviate from that salutary rule.

For these reasons, I return Senate Bill No. 612 without my signature.

MILTON J. SHAPP
Governor

On the question,

Shall the bill become a law, the objections of the Governor to the contrary notwithstanding?

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVING. Mr. Speaker, I am going to read some more details on Senate bill No. 612 from the Governor's veto message because this bill has been on the table in the House since December. Many members have, of

course, forgotten the bill, and I do not wish to ask them to vote to override a veto unless I have at least refreshed their memories.

Senate bill No. 612, printer's No. 1240, provides for the fixing of the salary, compensation and emoluments of the elected officers of first class townships. It provides that any change in salary shall become effective at the beginning of the next term of elected officers. Prior provisions deleted by this bill state that no increase or reduction in salary may take place after the election of the particular officer. Now that was the major change. The present law states that no increase or reduction in salary may take place after the election of the particular officer.

We passed Senate bill No. 612 on October 15 by a vote of 186 to 8, changing the law or proposing a change in the law so that at the beginning of the next term of the elected officers a change in emolument could take place. The Senate passed the bill. I do not have the vote on their passage. The Governor vetoed this bill on November 26; the Senate overrode the veto on December 9, 1975 by a vote of 40 to 7.

The question now before the House is whether Senate bill No. 612, printer's No. 1240, shall become the law of the Commonwealth, the veto of the Governor to the contrary notwithstanding.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question recurs. Shall the bill become law the objections of the Governor to the contrary notwithstanding. Those in favor of the bill becoming law will vote "aye." Those in favor of sustaining the Governor's veto will vote "no."

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

YEAS—173

- | | | | |
|-----------------|-----------------|--------------------|--------------|
| Abraham | George | McClatchy | Schweder |
| Anderson, J. H. | Gillespie | McCue | Scirica |
| Arthurs | Gillette | McGinnis | Seltzer |
| Barber | Gleason | McIntyre | Shane |
| Bellomini | Gleeson | McLane | Shelhamer |
| Bennett | Goodman | Mebus | Shelton |
| Beren | Green | Menhorn | Shupnik |
| Berlin | Greenfield | Milanovich | Sirianni |
| Berson | Grieco | Miller, M. E. | Smith, E. |
| Bittle | Gring | Miller, M. E., Jr. | Smith, L. |
| Bradley | Halverson | Milliron | Spencer |
| Brandt | Hamilton, J. H. | Miscevich | Stahl |
| Brunner | Hasay | Moehlmann | Stapleton |
| Burns | Haskell | Morris | Stout |
| Butera | Hayes, D. S. | Mrkonic | Taddonio |
| Caputo | Hayes, S. E. | Mullen, M. P. | Taylor |
| Cessar | Hepford | Mullen | Thomas |
| Cimini | Hill | Musto | Toll |
| Cole | Hopkins | Myers | Trelo |
| Cowell | Hutchinson, A. | Novak | Turner |
| Crawford | Hutchinson, W. | Noye | Ustynoski |
| Cumberland | Irvis | O'Brien | Valicenti |
| Davies | Itkin | O'Connell | Vroon |
| DeMedio | Johnson, J. | Oliver | Wagner |
| Deverter | Katz | Pancoast | Walsh, T. P. |
| Dicarlo | Kelly, A. P. | Parker, H. S. | Wansacz |
| Dietz | Kelly, J. B. | Perri | Wargo |
| Dininni | Kernick | Perry | Weidner |
| Dombrowski | Kistler | Pievsky | Westerberg |
| Dorr | Kilngaman | Pitts | Wilson |
| Doyle | Knepper | Polite | Wilt, R. W. |
| Drelbelbis | Kowalshyn | Pratt | Wilt, W. W. |
| Eckensberger | Kusse | Pyles | Wojdak |
| Englehart | Laudadio | Ravenstahl | WorriLOW |
| Fawcett | Laughlin | Reed | Wright |
| Fee | Lederer | Renninger | Yahner |
| Fisher | Lehr | Rhodes | Zearfoss |
| Foster, A. | Letterman | Richardson | Zeller |
| Flaherty | Levi | Rieger | Zord |
| Fryer | Lynch | Ross | Zwickl |
| Gallagher | | Ruggiero | |

- | | | | |
|---------|-----------|-----------|----------|
| Gallen | Manderino | Salvatore | Fineman, |
| Geesey | Manmiller | Scheaffer | Speaker |
| Geisler | McCall | Schmitt | |

NAYS—5

- | | | | |
|---------|---------|---------|--------|
| Fischer | O'Keefe | Renwick | Shuman |
| Garzia | | | |

NOT VOTING—19

- | | | | |
|--------------|-----------|-------------|--------|
| Bonetto | Giammarco | O'Donnell | Ryan |
| Cohen | Hammock | Petrarca | Saloom |
| Davis, D. M. | Kolter | Prendergast | Whelan |
| DiDonato | LaMarca | Rappaport | Yohn |
| Foster, W. | McGraw | Ritter | |

More than the two-thirds majority of the elected members having voted in the affirmative, the question was determined in the affirmative, that the bill become a law, the objections of His Excellency, the Governor, to the contrary notwithstanding.

APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 852, printer's No. 1300, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for the payment of the costs and expenses for the care of the child; making certain repeals; and placing a duty upon the Auditor General to ascertain and certify certain costs.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 2 (Sec. 704.1), page 3, line 2, by inserting after "COST": including staff costs

Amend Sec. 2 (Sec. 704.1), page 3, line 12, by inserting after "DEPARTMENT": except for those staff costs included in clause (2) of this section

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. M. P. Mullen.

Mr. M. P. MULLEN. Mr. Speaker, this is a clarifying amendment.

The question arose when we were reading over this bill, as to whether, when we were referring to reasonable cost, it included staff. The Department of Welfare said that it did include the staff cost. However, we did not want to take a chance, so I am including the three words: "including staff costs".

There is no additional money involved. It is what the department thought was there, but I want to keep the department honest and put it in there to make sure. That is all the amendment does.

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

Amend Title, page 1, line 5, by inserting after ["programs.": increasing the maximum annual State grants to county institution districts or their successors for cost of child welfare programs;

Amend Bill, page 2, lines 19 through 21, by striking out all of said lines and inserting:

Section 1. Sections 346 and 354, act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," are repealed.

Section 2. Section 704 of the act, amended December 6, 1972 (P. L. 1434, No. 316), is amended to read:

Section 704. Annual Grants.—(a) The department shall make annual grants to county institution districts or their successors to defray part or all, as the case may be, of the cost of child welfare programs authorized by law and developed jointly with the department in an amount [up to sixty percent of the total of all such approved expenditures for all county institution districts or their successors:] of no more than ninety percent from January 1, 1976 to December 31, 1976.

(b) In the event that sufficient State funds to pay the full amount of the grants to which county institution districts or their successors may be entitled under the provisions of this section have not been appropriated, the department shall distribute State funds among the county institution districts or their successors by a formula reasonably designed to achieve the objectives of section 701 of this article.

Section 3. Section 704 of the act is repealed on December 31, 1976.

Amend Sec. 2, page 2, line 22, by striking out "2." and inserting: 4.

Amend Sec. 2 (Sec. 704.1), page 3, line 15, by inserting after "CHILD": placed by a county child welfare agency or a child

Amend Sec. 2 (Sec. 704.1), page 6, line 1 by inserting after "COMMISSIONERS": In lieu of payments by the county to the Commonwealth, the department may deduct the amount due the Commonwealth from the reimbursement payments by the department to the county institution districts or their successors.

Amend Sec. 3, page 7, line 11, by striking out "3." and inserting: 5.

Amend Sec. 4, page 7, line 13, by striking out "4." and inserting: 6.

Amend Sec. 5, page 8, line 18, by striking out "5." and inserting: 7.

Amend Sec. 6, page 8, line 21, by striking out "6. THIS" and inserting: 8. Clauses (1), (2), (3) and (4) of subsection (a) of section 704.1 shall take effect as follows:

(1) January 1, 1977 unless a county chooses to remain under the provisions of existing law and to receive up to 90% of child welfare reimbursement and not be liable for any youth development center costs.

(2) Effective January 1, 1978 the provisions of clauses (1), (2), (3) and (4) of subsection (a) of section 704.1 shall apply to all counties. The remainder of this

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, it is my understanding these amendments are agreed to also.

Mr. Speaker, the amendment, although agreed to, does several things: The first thing that the amendment does is to amend the title so that it is consistent with the contents of the bill. The second thing that the amendment does is to provide enabling legislation for a provision that we added in House bill No. 1333—which was the supplemental Appropriation Act—which allowed the state to pay up to 90 percent of child welfare costs. We did not pass implementing legislation. It is put in here for a temporary period.

The third thing that is done by the amendments is to provide consistent payments to counties for child welfare entrustment agreements consistent with the juvenile court commitments.

The amendment also provides a simple method by which the state will insure collection of the county payment for juvenile court commitments.

The last thing that the amendment does is to provide for 1 year an option by the counties to either take the 90 percent payment being provided in this bill or the provisions of the new act. They will, in effect, take whichever is better for their particular situation, so that any harsh treatment for several counties can be avoided in the first year.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. MANDERINO and M. P. MULLEN and were as follows:

YEAS—173

Abraham	Geisler	McClatchy	Scheaffer
Anderson, J. H.	George	McGinnis	Schmitt
Arthur	Giammarco	McIntyre	Schweder
Barber	Gillespie	McLane	Seirica
Bellomini	Gillette	Mebus	Seltzer
Bennett	Gleason	Menhorn	Shane
Beren	Gleeson	Milanovich	Shelhamer
Berlin	Goodman	Miller, M. E.	Shelton
Berson	Green	Miller, M. E., Jr.	Shuman
Bittie	Greenfield	Milliron	Shupnik
Bradley	Grieco	Miscevich	Sirlanni
Brandt	Gring	Moehlmann	Smith, E.
Brunner	Halverson	Morris	Smith, L.
Burns	Hamilton, J. H.	Mrkonic	Spencer
Butera	Haskell	Mullen, M. P.	Stahl
Caputo	Hayes, D. S.	Mullen	Stapleton
Cassar	Hayes, S. E.	Musto	Stout
Cimini	Hepford	Myers	Taddonio
Cole	Hill	Novak	Taylor
Cowell	Hopkins	Noye	Thomas
Cumberland	Hutchinson, W.	O'Brien	Toll
Davies	Irvic	O'Connell	Trello
DeMedio	Itkin	O'Donnell	Turner
Deverter	Johnson, J.	O'Keefe	Ustynoski
Dicarlo	Katz	Oliver	Wagner
Dietz	Kelly, A. P.	Pancoast	Walsh, T. P.
Dinnini	Kelly, J. B.	Parker, H. S.	Wansacz
Dombrowski	Kernick	Perrl	Wargo
Dorr	Kistler	Pievsky	Westerberg
Doyle	Klingaman	Polite	Wilson
Dreibelbis	Knepper	Pratt	Wilt, R. W.
Eckensberger	Kowalyszyn	Rappaport	Wilt, W. W.
Engelhart	Kusse	Ravenstahl	Wojdak
Fawcett	Laudadio	Reed	WorriLOW
Fee	Laughlin	Renninger	Wright
Fischer	Lederer	Renwick	Yahner
Fisher	Lehr	Rhodes	Zearfoss
Flaherty	Letterman	Richardson	Zeller
Foster, A.	Levi	Rieger	Zord
Fryer	Lincoln	Ritter	Zwilk
Gallagher	Lynch	Ross	
Gallen	Manderino	Ruggiero	Fineman,
Garzia	Manmiller	Ryan	Speaker
Geesey	McCall	Salvatore	

NAYS—6

Crawford	Pitts	Vroon	Weldner
Hasay	Pyles		

NOT VOTING—18

Bonetto	Hammock	McGraw	Saloom
Cohen	Hutchinson, A.	Perry	Valicenti
Davis, D. M.	Kolter	Petrarca	Whelan
DiDonato	LaMarca	Prendergast	Yohn
Foster, W.	McCue		

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

On the question recurring,

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

Bill as amended was agreed to.

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

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

YEAS—164

Abraham	Gillette	Mebus	Schmitt
Barber	Gleason	Menhorn	Schweder
Bellomini	Goodman	Milanovich	Scirica
Bennett	Green	Miller, M. E.	Seltzer
Beren	Greenfield	Miller, M. E., Jr.	Shelhamer
Berlin	Grieco	Milliron	Shelton
Berson	Gring	Miscevich	Shupnik
Bittle	Haskell	Moehlmann	Sirianni
Bradley	Hayes, D. S.	Morris	Smith, E.
Brandt	Hayes, S. E.	Mrkonic	Smith, L.
Brunner	Hepford	Mullen	Spencer
Burns	Hill	Mullep, M. P.	Stahl
Butera	Hopkins	Musto	Stapleton
Caputo	Hutchinson, A.	Myers	Stout
Cassar	Hutchinson, W.	Novak	Taddonio
Cimini	Irvic	Noye	Taylor
Cole	Itkin	O'Brien	Thomas
Cowell	Johnson, J.	O'Connell	Toll
Crawford	Katz	O'Donnell	Trello
Davies	Kelly, A. P.	O'Keefe	Turner
DeMedio	Kelly, J. B.	Oliver	Ustynowski
Deverter	Kernick	Pancoast	Valicenti
Dicarlo	Kistler	Parker, H. S.	Wagner
Dietz	Klingaman	Perri	Walsh, T. P.
Dininni	Knepper	Polite	Wansacz
Dombrowski	Kowalyszyn	Pratt	Wargo
Doyle	Kusse	Pyles	Westerberg
Dreibelbis	Laudadio	Rappaport	Wilson
Eckensberger	Laughlin	Ravenstahl	Wilt, R. W.
Englehart	Lederer	Reed	Wilt, W. W.
Fawcett	Letterman	Renninger	Wojdak
Fee	Levi	Renwick	Worrlow
Fischer	Lincoln	Rhodes	Wright
Fisher	Lynch	Richardson	Yahner
Flaherty	Manderino	Rieger	Zearfoss
Fryer	Manmiller	Ritter	Zeller
Gallagher	McCall	Ross	Zord
Garzia	McClatchy	Ruggiero	Zwikk
Gelsler	McCue	Ryan	
George	McGinnis	Salvatore	Fineman,
Giammarco	McIntyre	Scheaffer	Speaker
Gillespie	McLane		

NAYS—14

Anderson, J. H.	Callen	Lehr	Shuman
Cumberland	Geesey	Pitts	Vroon
Dorr	Halverson	Shane	Weidner
Foster, A.	Hasay		

NOT VOTING—19

Arthurs	Foster, W.	LaMarca	Prendergast
Bonetto	Gleason	McGraw	Saloom
Cohen	Hamilton, J. H.	Perry	Whelan
Davis, D. M.	Hammock	Petrarca	Yohn
DiDonato	Kolter	Pievsky	

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.

BILLS AND RESOLUTION NOT CALLED UP

The SPEAKER. All remaining bills and resolution on today's calendar are not called up.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. ANDERSON. Mr. Speaker, I have some remarks here that I wished to give, but at this late hour I think the best thing to do is to submit them for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman. The remarks may be submitted to the clerk.

Mr. ANDERSON presented the following remarks for the Legislative Journal:

I want today to place on the record, and to notify the Governor of this state, of the disenchantment we members of the House Finance Committee feel about the Governor's continuing neglect of state financial affairs.

He has before us a budget in excess of \$5 billion which is balanced on paper by unusually optimistic predictions of full prosperity just around the corner in Pennsylvania, plus a \$48 million tax increase which he says will come through the enactment of a \$2.30-per-carton tax on cigarettes.

It is our understanding that this regressive cigarette tax—which would only encourage bootlegging of cigarettes—has very little support among Pennsylvania taxpayers or this House. However, until we place it before the people and this legislature, no one will know for certain.

Mr. Speaker, I want the record to show that Governor Milton J. Shapp has a budget before us which he is "balancing" with a tax proposal which he doesn't even have in print. As far as I am concerned, it doesn't exist.

I now ask the majority leadership, and the Governor, to introduce the cigarette tax bill or any other tax they may have in mind so that we can get them before the public.

If the Governor can get the votes to get his cigarette tax, he can then proceed to ask us to pass his budget. However, if he cannot get a tax increase through, then he will have to advise the legislature of just how he wants his budget reduced by \$48 million.

If we continue on the course of evasion which we now seem to be following, we will be allowing ourselves to become entrapped in a maneuver which can only damage the welfare of taxpayers, jeopardize the solvency of the state budget, and submit this legislature to ridicule for abdication of our fiscal responsibility.

STATEMENT ON RESOLUTION TO BE INTRODUCED

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

Mr. ZELLER. Mr. Speaker, before the members leave the House, I have a resolution they may want to get their names on because of the closing of the post offices throughout Pennsylvania.

When the act was passed by the quasi-government and private enterprises, they stated that no post offices would be closed due to economic reasons. Now we find over some 100 post offices are being closed throughout Pennsylvania. And for the benefit of those fellows up around Cameron and Potter, McKean, Tioga and those areas, some 44 are going to be closed.

I would like to ask these folks, if they want, to get on this resolution and let the Federal Government memorialize the Congress to knock it off. Thank you.

ADDITION TO COMMITTEE MEMBERSHIP

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

Mr. ANDERSON. Mr. Speaker, please have the name of Herbert Zearfoss added to the Committee on Urban Affairs.

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

SENATE BILL SIGNED BY SPEAKER

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

SENATE BILL No. 1106

An act providing for the protection of Pennsylvania corporations, shareholders, employees and the public and to prevent fraud and deception by requiring certain persons purchasing equity securities of any corporation incorporated in Pennsylvania or having its principal office and substantial assets located in this Commonwealth to make a full and fair disclosure to offerees of all material information in regard to takeover offers.

Whereupon,

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

LEGISLATIVE CITATIONS ADOPTED

Mrs. KERNICK, chairman of Select Committee on Legislative Citations, presented citations, which were read, considered, adopted, and forwarded to the following recipients:

William E. Scanlon, 726 Gail Drive, Sharon, Pennsylvania 16146.

Detective Jerry P. Crump, 329 Peach Bottom Road, Willow Street, Pennsylvania 17584.

Officer Henry F. Soders, R. D. 6, Box 152, Lancaster, Pennsylvania 17604.

Philip Loht, 838 Edinburgh Drive, Lancaster, Pennsylvania 17601.

Harry Litwack, 1818 Oakwyn Road, Huntingdon Valley, Pennsylvania 19006.

Kenneth Gaines, 2716 Phipps Street, Willow Grove, Pennsylvania.

Michael Washington, 1723 Prospect Avenue, Willow Grove, Pennsylvania 19090.

Jeff Desman, 1110 Irvin Road, Huntingdon Valley, Pennsylvania.

Derek Harvey, 330 Tulpehocken Street, Elkins Park, Pennsylvania 19117.

Chris Moore, 1512 Edgewood Avenue, Roslyn, Pennsylvania 19001.

Tyrone Solomon, 1612 Park Avenue, Willow Grove, Pennsylvania 19090.

Martin Knell, 804 Clarendon Road, Jenkintown, Pennsylvania 19046.

Mike Gorni, 1001 Bradfield Road, Roslyn, Pennsylvania 19001.

Hal Backer, 609 Roslyn Avenue, Glenside, Pennsylvania 19038.

Robert Melvin, 2828 Susquehanna Road, Roslyn, Pennsylvania 19001.

Ray Foisy, 1164 Bradfield Avenue, Roslyn, Pennsylvania 19001.

Mark Duncan, 1251 Hall Avenue, Roslyn, Pennsylvania 19001.

David Flood, 1508 Edgewood Avenue, Roslyn, Pennsylvania 19001.

Edward Purvis, 1506 Edgewood Avenue, Roslyn, Pennsylvania 19001.

Greater Hazleton Council on Alcoholism, Inc., United Community Services Building, 67 North Church Street, Hazleton, Pennsylvania 18201.

Mr. and Mrs. James J. Evans, St. Mary's Manor, 701 Lansdale Avenue, Lansdale, Pennsylvania 19446.

The Harrisburg Area YMCA, Front and North Street, Harrisburg, Pennsylvania 17101.

Mr. and Mrs. Freeman Heffner, 554 Broad Street, Emmaus, Pennsylvania 18049.

Jeffrey Burke, 4121 Orchard Lane, Philadelphia, Pennsylvania 19154.

Mr. Carl Shoemaker, 504 South Grand Street, Lewistown, Pennsylvania 17044.

Janie Layton, 585 Sanger Street, Philadelphia, Pennsylvania 19120.

Reverend Gerald J. Bischof, Pastor, St. Mary of the Assumption Parish, Pittston, Pennsylvania 18640.

The Emmaus Rotary Club, Emmaus, Pennsylvania 18049.
Lance Baral, 317 Meadowbrook Drive, Huntingdon Valley, Pennsylvania 19006.

Richard N. Humes, 102 Davis Drive, Edinboro, Pennsylvania 16412.

Mr. Leo Simbeck, South Michael Road, St. Marys, Pennsylvania 15857.

Mr. and Mrs. Patsy Nero, 317 Phillips Street, New Castle, Pennsylvania 16101.

Gil Muhl, 1462 Doris Road, Roslyn, Pennsylvania 19001.
Dr. and Mrs. Gordon Massey, 60 North Lake Street, North East, Pennsylvania 16428.

Mr. and Mrs. Warren D. Neff, R. D. 1, Landisburg, Pennsylvania 17040.

Nancy McGinley, 6220 Hasbrook Street, Philadelphia, Pennsylvania 19120.

Peter A. Costello, 140 East Sheridan Avenue, New Castle, Pennsylvania 16101.

Frank Jarecki, 6910 West Ridge Road, Fairview, Pennsylvania 16415.

David Parker, Highland Avenue, Jenkintown, Pennsylvania 19046.

The Slatington Rotary Club, Slatington, Pennsylvania 18080.

Bryant Geating, 2134 Wayne Avenue, Abington, Pennsylvania 19001.

Scott Endy, 1409 Edgewood Avenue, Roslyn, Pennsylvania 19001.

James Robold, 2805 Mt. Vernon Avenue, Willow Grove, Pennsylvania 19090.

Michael J. Eberl, Cherry Road, Kersey, Pennsylvania 15846.

Charles F. Moore, c/o The York Dispatch, York, Pennsylvania.

The Lawncrest Cheerleading Squad.
John B. Peters, Aspers, Pennsylvania 17304.

Albert Eugene Glossner, 415 Bellefonte Avenue, Lock Haven, Pennsylvania 17745.

Sarah Shore, 5004 Griscom Street, Philadelphia, Pennsylvania 19124.

Color Guard Unit, Neshaminy High School Band, Langhorne, Pennsylvania 19047.

George William Marley, R. D. 1, Jonestown, Pennsylvania 17038.

Mrs. Elvera Fulgenzo Yerskey, 118 Myrtle Street, Girard, Pennsylvania 16417.

Lester J. Carpenter, Glen Mawr Drive, Ambler, Pennsylvania 19002.

John William Malvin, R. D. 2, Box 740, Elizabethtown, Pennsylvania 17022.

Reverend Edwin L. Koczmarek, St. Anthony's Parish, Monongahela, Pennsylvania 15063.

Mr. and Mrs. Andrew J. Huhra, 486 Seventh Street, Donora, Pennsylvania 15033.

Rabbi Harold B. Waintrup, 1404 Shoemaker Road, Abington, Pennsylvania 19001.

Derry Presbyterian Church, 301 North Chestnut Street, Derry, Pennsylvania 15627.

Mrs. William Gotthardt, 731 Saville Avenue, Eddystone, Pennsylvania 19013.

Judge Salvatore DeMeo and Anthony DeMeo, Jr., 626 Cross Street, South Philadelphia, Pennsylvania 19147.

Harold Stanley Banner, 4301 North Broad Street, Philadelphia, Pennsylvania 19140.

Dr. Fount B. Robinson, Oxford, Chester County, Pennsylvania.

William P. Hammer, 633 Logan Boulevard, Lakemont, Altoona, Pennsylvania 16602.

Mr. and Mrs. Charles Cashman, R. D. 2, New Oxford, Pennsylvania 17350.

Dr. and Mrs. Gordon Massey, 60 North Lake Street, North East, Pennsylvania 16428.

Mrs. Hertha Grausmann, 21 West Phil-Ellena Street, Philadelphia, Pennsylvania 19119.

Paul A. Gill, R. D. 7, Mercer, Pennsylvania 16137.

F. Mason Spancake, R. D. 2, Pine Grove, Pennsylvania 17963.

Mark Coffin, Seven Silver Spruce Road, Levittown, Pennsylvania 19056.

Mrs. Antoinette DiSipio, 2313 South 17th Street, Philadelphia, Pennsylvania 19145.

Mr. and Mrs. Kenneth Cross, Coal Center, Pennsylvania 15423.

Miss Christine Furstnau, 173 Hares Hill Road, Phoenixville, Pennsylvania 19460.

John E. Watkins, 820 Corbin Street, West Mifflin, Pennsylvania 15122.

Ted "Butch" Marchibroda, Falls Church, Virginia.

The Honorable G. E. Gangloff, 83 Avenue C, Schuylkill Haven, Pennsylvania 17972.

John Tanner, Savannah-Gardner Road, New Castle, Pennsylvania 16101.

Mr. and Mrs. Gary Leone Sr., 444 Second Street, Donora, Pennsylvania 15033.

Mr. F. L. Alexander, 651 Graff Avenue, Meadville, Pennsylvania 16335.

The Polish Falcons of America, New Castle, Pennsylvania.

Mr. and Mrs. Curtis Long, New Grenada, Pennsylvania.

WELCOMES

The SPEAKER pro tempore. The Chair welcomes the Honorable President Judge of Luzerne County, Bernard Brominski, as guest of the Luzerne County delegation.

The Chair also recognizes Judge Charles Margiotti from my own city of Philadelphia.

The Chair welcomes Mr. William Byham, an education

and sports announcer for Lycoming County, South Williamsport, Pennsylvania. He is the guest of Messrs. Cimini and Grieco.

Now, we would also like to welcome a group of Republican committee persons and their friends from Lancaster County. They are the guests of the Representatives from Lancaster County, Messrs. Brandt, Hill, Gring, Moehlmann, M. E. Miller and M. E. Miller, Jr.

The Chair would like to introduce some guests, the mayor of Boswell, who is accompanied by his wife and daughter and her family, Mr. and Mrs. James Woy and daughter Kathy. They are the guests of the gentleman from Somerset, Mr. Halverson.

ADJOURNMENT

Mr. GEORGE moved that this House do now adjourn until Monday, March 1, 1976, at 1 p.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 5:53 p.m., e.s.t.) the House adjourned.