

Legislative Journal

THURSDAY, APRIL 1, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 119

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.s.t.

THE SPEAKER PRO TEMPORE (Guy A. Kistler)
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:

In the springtime of this year, as the refreshing rains of heaven send forth each new bud and sprout and as each plant receives new strength to produce food and fiber for man and animals, we turn, O God, to Thee with the same realization that Thou art over all and dost give sustenance to each living thing. We pray that in this hour Thou wilt give to these stewards of Thine the strength and stamina they need to conquer those situations in life which cause them concern, the power and guidance to choose and work for that which is right, and the assurance and confidence that Thou art ever by their side. In Thy blest name, and for Thy sake, we humbly pray. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal for Wednesday, March 31, 1976, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Messrs. MEBUS, ANDERSON, A. C. FOSTER
and DORR **HOUSE BILL No. 2287**

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58, No. 32), providing for special plates for persons who care for and convey by motor vehicle any handicapped persons.

Referred to Committee on Transportation.

By Mr. O'CONNELL, Miss SIRIANNI, Messrs.
W. W. WILT, TURNER, LEVI, W. W. FOSTER,
HOPKINS, KLINGAMAN, McCLATCHY,
WESTERBERG, VROON, THOMAS, HILL, LEHR,
GEISLER, MORRIS, TRELLO, GREEN and WALSH
HOUSE BILL No. 2288

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing that the salaries of elected county officers shall be set by the local salary boards and making certain repeals.

Referred to Committee on Local Government.

By Mr. O'CONNELL, Miss SIRIANNI, Messrs.
TURNER, LEVI, KLINGAMAN, W. W. WILT,
McCLATCHY, THOMAS, HILL, VROON, HOPKINS,
W. W. FOSTER, FISHER, WESTERBERG,
CESSAR, WEIDNER, SCHEAFFER, LEHR,
GEISLER, MORRIS, TRELLO, GREEN,
SHELHAMER and WALSH **HOUSE BILL No. 2289**

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), providing that the salaries of elected county officers shall be set by the local salary boards and making certain repeals.

Referred to Committee on Local Government.

By Messrs. BRUNNER and DeMEDIO
HOUSE BILL No. 2290

An Act amending the act of September 2, 1961 (P. L. 1177, No. 525), entitled "An act fixing the salaries and compensation of members of certain boards and commissions, and repealing inconsistent acts," increasing salaries of chairman and members of the Milk Marketing Board.

Referred to Committee on Agriculture.

By Messrs. MEBUS, RENNINGER and Mrs. FAWCETT
HOUSE BILL No. 2291

An Act amending the "Public Bathing Law," approved June 23, 1931 (P. L. 899, No. 299), further defining public bathing place to exclude certain private facilities.

Referred to Committee on State Government.

By Messrs. MYERS, SHELTON, Mrs. KELLY,
Messrs. RIEGER, OLIVER, COHEN, Mrs. TOLL,
Messrs. LEDERER, McINTYRE, ROSS, BARBER
and JOHNSON **HOUSE BILL No. 2292**

An Act amending the "General Appropriations Act of 1975," approved June 30, 1975 (No. 8-A), increasing the appropriations to the Department of Public Welfare for the administration of the Mental Health and Mental Retardation Act of 1966," for mental health and mental retardation community services and for interim care.

Referred to Committee on Appropriations.

By Mrs. KELLY, Messrs. BERLIN, FINEMAN, IRVIS,
MANDERINO, Mrs. TOLL, Messrs. McLANE,
USTYNOSKI, COHEN, HAMMOCK, REED,
OLIVER, GIAMMARCO, FEE, ROSS, DiDONATO,
MILLIRON, DIETZ, BENNETT, JOHNSON,
RIEGER, McINTYRE, SHELTON, SHUPNIK and
BARBER **HOUSE BILL No. 2293**

An Act relating to health care, prescribing the powers and duties of the Department of Health, establishing and providing the powers and duties of the Statewide Health Coordinating Council; providing for licensure, certification of need of health care providers; creating a Health Advocate; providing for uniform accounting and reporting; and prescribing penalties.

Referred to Committee on Health and Welfare.

By Messrs. ECKENSBERGER, FRYER, VROON, MANMILLER, ZELLER, LEHR, MOEHLMANN, GALLEN, HILL, BRANDT, M. E. MILLER, JR., KLINGAMAN, STAHL, IRVIS, RITTER, SHELHAMER, LaMARCA, W. D. HUTCHINSON, DAVIES, MORRIS, DORR, A. C. FOSTER and SELTZER
HOUSE BILL No. 2294

An Act providing for the observance of June 28 of each year as Pennsylvania Dutch Day.

Referred to Committee on Rules.

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

HOUSE BILL No. 2295

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), establishing a minimum base for costs in county homes.

Referred to Committee on Health and Welfare.

By Messrs. SHELHAMER and WAGNER

HOUSE BILL No. 2296

An Act to provide for an additional law judge of the court of common pleas in the twenty-sixth judicial district.

Referred to Committee on Judiciary.

By Messrs. SCHMITT, HALVERSON, FINEMAN and ZEARFOSS

HOUSE BILL No. 2297

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), further providing for the cancellation or termination of certain policies.

Referred to Committee on Consumer Protection.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

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

RESOLUTION No. 237

This House of Representatives urge the Representatives from Pennsylvania in the United States Congress to support Congressman H. John Heinz III in his efforts to have the "Small Business Revitalization Act of 1976" enacted.

Referred to Committee on Rules.

By Messrs. HASAY, WEIDNER, POLITE, MCGINNIS, KUSSE, NOYE, BITTLE, KLINGAMAN, STAHL, CUMBERLAND, HALVERSON and A. C. FOSTER

(Concurrent) **RESOLUTION No. 238**

The General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to refrain from passage of any further type of gun control legislation, and to eliminate the present restrictive purchasing procedures from ammunition.

Referred to Committee on Rules.

LEAVES OF ABSENCE

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

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

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

Mr. RYAN. Mr. Speaker, I would like to request leaves

of absence for Messrs. USTYNOSKI, MCGINNIS and GRING for today's session.

The SPEAKER pro tempore. Without objection, leaves of absence are granted.

ANNOUNCEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Berlin.

Mr. BERLIN. For the information of all the members of the House and the staffs, today is the first day of the new emergency medical system. If you have a problem or if you have an emergency of any kind, I would like to remind you to remind your staffs that the emergency telephone number is now 1-911. It will stay as 1-911 for about 6 months.

I will repeat it just to assure that we have the information at hand. The new number is 1-911. About 6 months from now the prefix "1" will be dropped, but at the present time, because of the way our present telephone system is configured, if you dial "9" you dial out, so we have had to add the prefix "1." That will be changed within 6 to 8 months and we will have the standard 911 number at that time. But in the meantime, if you do have a problem of any kind—police, fire, or medical—please dial 1-911 and it will be handled at a central point in the building.

For the information of the members, there is an exhibit in room 400, which will begin at approximately 11:15 or 11:30, of the advanced medical telemetry; that is, the black boxes that will transmit the patient's condition to the hospital. If you have any interest in seeing what will be made available to you in a short time, I suggest that you stop upstairs to room 400. Thank you very much.

INTERROGATION

Mr. REED requested and obtained unanimous consent to interrogate Mr. BERLIN.

Mr. REED. Mr. Speaker, I would normally ask this of you privately but since this pertains to everybody else, perhaps it would be of interest to them.

Last year, a member of one of our committee's staff collapsed of a heart attack. I was one of the closest people there and I administered cardiopulmonary resuscitation. The gentleman died about 15 minutes after leaving this Capitol Building in an ambulance. Had we been able to get an ambulance sooner, the results may have been a little bit different. I think some of you knew Patrick Huber. Our inability to get an ambulance quickly was a decisive factor in the case of that coronary.

If that occasion presents itself again, and I dial 1-911, whom do I get?

Mr. BERLIN. If you dial 1-911, the emergency number, you dial directly to the Capitol Police then.

If you report that you have a suspected coronary attack or some medical problem, he has a special console that we designed, a telephone console. He does not have to dial the number; he merely depresses a button and he has instantaneous contact with every emergency component in this region—the fire department, the State Police, the local police, and the rescue squad.

What happens at that point is that he is capable of turning you over to whomever he is speaking. You can have a three- or a four-way telephone conversation so that there is no flaw in terms of the information, and we

estimate that we can dispatch a vehicle within 6 seconds of the time the call is made.

In addition, the way the medical system is designed, we have brought the emergency room to the patient. For example, if an individual here in the House were to sustain a cardiac arrest, the nurse would be responding with basically the same equipment that they would have in the emergency room at the hospital. In addition, the patient's condition is monitored from the time the nurse arrives on the scene back to the emergency room at the Harrisburg area hospital. So the cardiologist or the M.D. in the emergency room is talking to her by radio, and there are no flaws in the system. The patient is brought under the guidance of a physician from the time the nurse materializes on the scene until the patient is actually brought into the emergency room.

For your information, the word "ambulance" is a French word that was coined by Napoleon to mean a hospital-on-wheels. Since that time, the pendulum has gone the other way and it has become a meat wagon. What we have done is gone back to the old concept, and we have brought the emergency room to the patient again.

A river rescue system will be provided with some advance telemetry and advance equipment so that it is a complete system.

Mr. REED. I thank the gentleman.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. 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 pro tempore. The gentleman will state it.

Mr. NOYE. Mr. Speaker, this morning I came to the Capitol and I was greeted with a picture on the front page of the Patriot showing a picture of the Pennsylvania State Capitol and superimposed upon that picture was a picture of destruction of the local former Young Women's Christian Association Building. The caption of the picture shows the east end of the Capitol, or the House end of the Capitol, in complete dismemberment. This was placed in the paper as an April Fool's joke. It states that the chamber exploded because of all the hot air in a debate, supposedly by Hubert Humphrey and Governor Shapp vying for the Democratic nomination.

I think this is in very poor taste. We have all been subjected to the questions of the fire safeties of this building. We have had bomb scares in recent weeks. We have had one this week, we had one last week, and it has put a lot of people on edge.

To pick up the paper and see what looks like a very total destruction of this end of the Capitol, I think is in very poor taste. I would hope that this newspaper would print some kind of a retraction on this unethical conduct and would not follow through with any other April Fool jokes.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take today's master roll call. The members will proceed to vote, and only those in their seats will vote.

The roll was taken and was as follows:

YEAS—188

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

NOT VOTING—8

DiDonato	Gring	McGinnis	Ustynoski
Gleason	Laudadio	Petrarca	Zord

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BERSON. I would like to correct a vote, Mr. Speaker. Yesterday on the Gleason amendment to Senate bill No. 1381, I note that I was recorded in the negative. I would like to be recorded in the affirmative on that amendment.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

QUESTION OF PERSONAL PRIVILEGE

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 question of personal privilege. The SPEAKER pro tempore. The gentleman will state it.

Mr. DAVIES. I would like to make some observations relative to the heat of debate yesterday which are also possibly related to Mr. Noye's concern this morning, perhaps somewhat in a humorous vein, but yet the last observation that I make may help to explain Mr. Noye's concern.

In yesterday's heat of debate, Mr. Stahl was threatened to being cut off for using the phrase "political animal," when the Chair failed to admonish Mr. Shane for his reference to himself as a lame duck, which also has animal overtones. In addition, the Chair even extended Mr. Shane a literary license to a greater degree by allowing him to refer to the fourth estate as wordmongers.

Is not that somewhat an unequal application of the Chair's temporary power as a disciplinarian? After all, the press has no opportunity to defend itself on this floor any more than Attorney Kane does. Or would you have them take out their frustrations on the reading public? Maybe this would explain or help to explain the front page April 1 prank that Mr. Noye expressed his concerns over.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair responds by saying that by not being the Speaker yesterday, you will have to wait until that fellow gets back here to reply to your inquiry. However, Mr. Shane is on the floor. He may wish to reply.

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

Mr. SHANE. Perhaps while we are waiting, Mr. Speaker, a brief semantic excursion might be appropriate.

First of all, I consider lame duck, in some sense, a liberated status, as my remarks yesterday probably indicated. Therefore, certainly there is no criticism, I think, implied in that kind of a label which I attach to myself.

Furthermore, the word "wordmonger" really has no pejorative nuance to it except perhaps in recent views.

In olden times a fishmonger was a thoroughly honorable and acceptable occupation, and there was no criticism implied when a person was called a fishmonger. He was simply a purveyor and seller of fish. To call someone a wordmonger is probably just as accurate a title for a person whose business is purveying and writing words, although we may disagree and criticize with the sequence and selection of those words and the thoughts they attempt to communicate.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair would call to the House's attention that in earlier years we had what was known as the happy hour. It might be a good opportunity for the Speaker pro tempore to reinstate that hour, and I would suggest that if anyone has something on their mind that they would like to get off, the Chair would be happy to entertain them at this time.

I see Mrs. Kelly up there. Do you not have something you want to say about welfare?

Mrs. KELLY. No, Mr. Speaker. I hope I never have the opportunity to go to welfare.

Thank you.

The SPEAKER pro tempore. Thank you.

The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Contrary to the remarks that came from the other side of the aisle, a duck is not an animal; it is a bird. And I think if Mr. Shane wants to align himself with our feathered friends, he is entitled to.

Thank you.

The SPEAKER pro tempore. Well, that is one point of view.

INFORMATION ON CALENDAR

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

Mr. IRVIS. Mr. Speaker, for the information of the members, the thin calendar that you have on your desks does not constitute the entire calendar. Those of you who had bills on yesterday's calendar still have them on yesterday's calendar.

We decided not to reprint the entire thick calendar because we knew we would not get to it today. The bills you see printed on this calendar are really the bills we had hoped to deal with today and bills which have to be moved forward, so nobody's bill is threatened because it does not here appear.

Secondly, Mr. Speaker, while we are waiting, obviously trying to gather votes for the major bill which will be before us today, there are two bills that we can call up. I think they will not be seriously debated—House bill No. 2188 on page 2 and House bill No. 2154 on page 2.

I would appreciate, Mr. Speaker, now being recognized to call up House bill No. 2188, printer's No. 3027, for final passage.

CALENDAR

TRANSPORTATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 2188, printer's No. 3027**, entitled:

A Supplement to the act of (No.), entitled "An act providing for the capital budget for the fiscal year 1975-1976," itemizing a transportation assistance project to be acquired or constructed by The Pennsylvania Transportation Assistance Authority together with its estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the project, stating the estimated useful life of the project and making an appropriation.

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?

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

Mr. BEREN. Thank you, Mr. Speaker.

A brief remark of explanation on the bill, because I am not convinced that we have caucused on it on our side yet.

Mr. Speaker, House bill No. 2188 is a needed piece of

legislation that provides some funds to the Pennsylvania Department of Transportation to enable the department to assist in the acquisition of some of the rail lines in the Commonwealth pursuant to Federal legislation that is known as ConRail.

Now the problem as I understand it is this: Unless we pass this legislation now and provide some funds for the department to pick up these lines in order to comply with ConRail legislation, the purchasers of these lines would then have to go through bankruptcy proceedings. The cost would be presumably then much greater to the Commonwealth than it is now.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has just granted permission to Mr. Starobin of KYW to shoot silent footage of film on the floor. This may be important to your election, so I would suggest that you pay attention.

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

Mr. RITTER. Mr. Speaker, I do not like to prolong the proceedings of this House, but I do not have a copy of the bill. The majority leader indicated yesterday that we would have a copy today, and I cannot find any on my desk. I would like to know what projects we are talking about and what the total cost is.

The SPEAKER pro tempore. Will the gentleman yield for just a moment?

Is the gentleman, Mr. Ritter, satisfied now that you have a copy?

HOUSE BILL No. 2188 PASSED OVER TEMPORARILY

Mr. RITTER. Mr. Speaker, I have a copy, but I have not even had the chance to look at it. I would respectfully ask that you pass this bill over at least temporarily.

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

Mr. IRVIS. Mr. Speaker, there is no problem with that if the gentleman wants to look at the bill. I thought Mr. Westerberg's and Mr. Beren's explanation would suffice, but if that is not so, we can pass the bill over temporarily and go to House bill No. 2154, on page 2, and return to House bill No. 2188 later.

The SPEAKER pro tempore. Without objection, this bill is passed over temporarily.

PARLIAMENTARY INQUIRY

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

Mr. McCUE. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McCUE. On the calendar on page 2 is listed House bill No. 2188. At the end of the description on the calendar appear the words "Appropriations, April 1, 1976." What does that wording mean, Mr. Speaker?

The SPEAKER pro tempore. That indicates the first day that the bill appears on the calendar.

Mr. McCUE. Not number 1; the words "Appropriations, April 1, 1976"?

The SPEAKER pro tempore. That indicates the very same thing.

Mr. McCUE. What does that date mean?

Mr. IRVIS. Mr. Speaker, I think I understand the gentleman's question.

The words "Appropriations, April 1, 1976" indicate the time when the bill was reported from the Appropriations Committee.

Mr. McCUE. Mr. Speaker, what day is today?

Mr. IRVIS. April 1, 1976, I believe, although I am not certain.

Mr. McCUE. Well, Mr. Speaker, how could the calendar be printed showing that this bill was reported from the Appropriations Committee today, April 1, 1976, when the hour is 11:20 a.m. and this House has been in session for approximately 1 hour and 20 minutes?

Mr. IRVIS. Mr. Speaker, the reason for that is, if the gentleman will recall, that I moved to suspend the rules on this particular bill yesterday because the bill did not appear in print on the calendar, but the bill was actually reported out 2 days prior by the Appropriations Committee. Then we suspended the rules yesterday because the bill was not in time to be printed on the calendar, so it appears for the first time today in print on the calendar. That is the reason why the magic seems to have occurred, but there is no magic involved in it, Mr. Speaker.

Mr. McCUE. What day did the Appropriations Committee report this bill to the House?

Mr. IRVIS. I believe, from the information given to me, Mr. Speaker, on the 30th day of March.

Mr. McCUE. Then should not the calendar properly read "March 30, 1976"?

Mr. IRVIS. I cannot answer that question. We will rely on the calendar clerk. I will get an answer for you in just a second.

Mr. Speaker, I think I have the answer. The calendar clerk has informed me that the bill was given first consideration and tabled on the 24th day of March; on the 29th day of March, it was recommitted to the Committee on Appropriations; on the 30th day of March, it was rereported from the Committee on Appropriations; on the 31st day of March, it was given second consideration. That is the day that I moved to suspend the rules so it could be moved forward. The date of April 1, I am informed by the calendar clerk, is the first day that that bill appears on the calendar in print.

Mr. McCUE. I thank the gentleman.

Now I would like to ask the Speaker pro tempore if he would direct the clerks to distribute copies of this bill to the members of the House, particularly me.

The SPEAKER pro tempore. The clerks are so instructed.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, so that we do not have any more confusion than is absolutely necessary, as long as we have called up House bill No. 2154 and we have it on the board, I would suggest that we go to that and then return to House bill No. 2188.

STATE GOVERNMENT BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 2154, printer's No. 3007, entitled:

An Act amending the act of January 10, 1967 (P. L. 925, No. 417), entitled "An act relating to officers and employes of the General Assembly; fixing the number, qualifications, compensation, mileage and duties of the officers and employes of the Senate and of the House of Representatives; providing for their election or appointment, term of office or of service, removal, and manner of filling vacancies; fixing the salary of the Director of the Legislative Reference Bureau; providing for compilation of lists of employes," further providing for a cost of living increase.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, line 9, by inserting after "employes,"": changing the dates for paying compensation and

Amend Sec. 1, page 1, line 14, by striking out "THE" and inserting: Subsection (e) of section 41,

Amend Sec. 1, page 2, line 1, by striking out "BY ADDING A SECTION"

Amend Bill, page 2, by inserting between lines 1 and 2: Section 41. ***

(e) All compensation payable to officers and employes under the provisions of this act shall be payable [semi-monthly on the fifteenth day and the last day of each month] on Thursday of every other week, or if Thursday is a holiday on the preceding day, on requisition of the Chief Clerk of the Senate or of the House of Representatives, as the case may be, pursuant to certification of the officer under whose direction and control the officer or employe shall be.

Section 2. The act is amended by adding a section to read:

Amend Sec. 2, page 2, line 21, by striking out "2." and inserting: 3.

On the question,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

The SPEAKER. 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—179

Abraham	Geisler	McLane	Scheaffer
Anderson, J. H.	George	Mebus	Schmitt
Arthurs	Giammarco	Menhorn	Schweder
Bellomini	Gillespie	Milanovich	Scrics
Bennett	Gillette	Miller, M. E.	Seltzer
Beren	Gleeson	Miller, M. E., Jr	Shane
Berlin	Goodman	Milliron	Shelhamer
Berson	Green	Miscevich	Shelton
Bittle	Greenfield	Moehlmann	Shupnik
Bonetto	Grieco	Morris	Sirianni
Bradley	Halverson	Mrkonic	Smith, E.
Brandt	Hamilton, J. H.	Mullen, M. P.	Smith, L.
Brunner	Hammock	Mullen	Spencer
Burns	Haskell	Musto	Stahl
Butera	Hayes, D. S.	Novak	Stapleton
Caputo	Hayes, S. E.	Noye	Stout
Cessar	Hepford	O'Brien	Taddonio
Cimini	Hill	O'Connell	Taylor
Cohen	Hopkins	O'Donnell	Thomas
Cole	Hutchinson, A.	O'Keefe	Toll
Cowell	Irvis	Oliver	Trello
Crawford	Itkin	Pancoast	Turner

Davies	Johnson, J.	Parker, H. S.	Vallcenti
DeMedio	Katz	Perri	Vroom
Deverter	Kelly, A. P.	Perry	Wagner
Dicarlo	Kernick	Petrarca	Walsh, T. P.
Dietz	Kistler	Plevsky	Wansacz
Dininni	Klingaman	Pitts	Wargo
Dombrowski	Knepper	Polite	Weidner
Dorr	Kolter	Prendergast	Westerberg
Doyle	Kowalyszyn	Pratt	Whelan
Dreibelbis	Kusse	Pyles	Wilson
Eckensberger	LaMarca	Rappaport	Wilt, R. W.
Engelhart	Laughlin	Ravenstahl	Wilt, W. W.
Fawcett	Lederer	Reed	Wojdak
Fee	Lehr	Renninger	Worrlow
Fischer	Levi	Renwick	Wright
Fisher	Lincoln	Richardson	Yahner
Flaherty	Lynch	Rieger	Yohn
Foster, A.	Manderino	Ritter	Zearfoss
Foster, W.	Manmiller	Ross	Zeller
Fryer	McCall	Ruggiero	Zwilk
Gallagher	McClatchy	Ryan	
Gallen	McCue	Saloom	Fineman,
Garzia	McIntyre	Salvatore	Speaker
Geesey			

NAYS—1

Hasay

NOT VOTING—16

Barber	Gring	Letterman	Rhodes
Cumberland	Hutchinson, W.	McGinnis	Shuman
DiDonato	Kelly, J. B.	McGraw	Ustynoski
Gleason	Laudadio	Myers	Zord

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.

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

Mr. GEISLER. Mr. Speaker, on behalf of the staff, I would like to express a word of thanks to the membership for voting for that bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CONSIDERATION OF HOUSE BILL No. 2188 RESUMED

The SPEAKER pro tempore. The Chair is about to take up, without objection, House bill No. 2188.

Has the gentleman from Lehigh, Mr. Ritter, had time to read the bill?

Mr. RITTER. Yes, Mr. Speaker. I thank you and I am prepared to vote for the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. I wish to interrogate Mr. Beren.

The SPEAKER pro tempore. Will the gentleman, Mr. Beren, agree to be interrogated?

Mr. BEREN. I certainly will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. FRYER. Mr. Speaker, in the area of rail reorganization, Berks County is vitally concerned with this bill. My question, Mr. Speaker, would be, what relationship is this bill to the number of lines in Berks County that are being terminated?

Mr. BEREN. Mr. Speaker, House bill No. 2188 does not address itself at all to any lines in Berks County. This simply addresses itself to two very pressing problems dealing with ConRail—one involving the Southeastern Pennsylvania Transportation Authority and the other in-

volving a line from Warren to Kane. However, we are aware that there are many other areas in the Commonwealth that are going to need assistance, and House bill No. 2188 is by no means the only bill that will address itself to this. It is my understanding that there will be other legislation and I would certainly support any other legislation that is needed to accomplish this type of purpose in Berks County or indeed in any other county.

Mr. FRYER. Mr. Speaker, I note the appropriation for \$300,000, which was an amendment for the line from Warren to Kane. What produced this situation that this became necessary to be placed into the bill, and how does this relate to the lines in Berks County and other parts of the state?

Mr. BEREN. Mr. Speaker, I am sure that the Representative from Kane can address himself to that and I would ask Mr. Westerberg to answer your question.

Mr. FRYER. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Westerberg.

Mr. WESTERBERG. Mr. Speaker, I had a call last week from PennDOT regarding this line from Warren to Kane. They said that this was a special case and actually the only one in the state that actually fit in with this other bill, the reason being that this is not a spur line.

In the Penn Central track that runs from Erie to Harrisburg and runs through these towns, for some reason ConRail left a 28-mile section between Warren and Kane out of this main line. So it not only affects these two towns, but it actually affects all of the towns along this about 250-mile stretch because of that part being left out.

Now Pennsylvania has already contracted with ConRail to buy this section of track. They say that it may not take quite the \$300,000 but it will be close to that. However, if they do not pay for it—they have contracted, but if they do not pay for it—before April 30, then they will not attain it, and then the only way they can get it back is to deal with a bankrupt railroad, which would be Penn Central, and they have said that the cost would probably be about 10 times as high as buying it in this way.

They informed me of the importance of this. I did not even know it. PennDOT started this with me rather than me starting it with them, and asked for my help in trying to do this so that they can keep this 250-mile line intact, because they are figuring and have the plans laid to run passenger service from Harrisburg to Erie, and if they do not gain this 30 miles, then that plan will be out the window, too. So they tell me it is a very special case.

The SPEAKER pro tempore. The gentleman, Mr. Fryer, has the floor.

Mr. FRYER. Mr. Speaker, I thank the gentleman for his remarks. Berks County, as with other areas of the state, is vitally concerned with rail transportation, and I did not know in looking at the bill that this was a special case, as Mr. Westerberg stated. I merely wanted it on the record that there are many areas of the state that are concerned with this problem so that they would not be overlooked. That was the reason for my questions. I thank the gentleman.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. HASKELL. Mr. Speaker, will the gentleman, Mr. Westerberg, stand for interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Westerberg, stand for interrogation?

Mr. WESTERBERG. I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. HASKELL. Mr. Speaker, what is the length of the line from Warren to Kane?

Mr. WESTERBERG. Well, we say roughly 30 miles, but I think to be accurate it is 28.

Mr. HASKELL. It is my understanding that the \$300,000 will be to purchase the right-of-way and tracks for this 30 miles. It is also my understanding that once we purchase it, a substantial amount of money is going to be needed to repair and upgrade that particular route along the Pennsylvania track. Is that true?

Mr. WESTERBERG. That is true.

Mr. HASKELL. Do you have any estimate as to what it is going to cost us to get that 30 miles in good repair to use it?

Mr. WESTERBERG. Well, it is not only that 30 miles that will be repaired. You see, this line has been used for years and is in use right now, so I would say it is in exactly the same condition as the rest of the line from Erie to Harrisburg. So it will take repairs. But I have been told by PennDOT that that entire line, before they run passenger service from Erie to Harrisburg, will take repairs, and they say that after they have the entire line, then they can go back and the Feds will pay 70 percent of the repairs to the entire line. Then the state and either local governments or local participation will have to pick up the other 30 percent, but not just for this but for the whole 250 miles.

Mr. HASKELL. Does that mean that the state will pay 30 percent of the cost for upgrading the line whether or not the state purchases that line?

Mr. WESTERBERG. Well, if the state cannot purchase the line, of course, then there will be no line there and there will not be anything done; it will be abandoned.

Mr. HASKELL. In other words, there is a possibility we could be out \$300,000?

Mr. WESTERBERG. No; it would be impossible, because I have been informed by PennDOT that the salvage value of the rails is well above the purchase price and there is no way for the state to lose.

Mr. HASKELL. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Mr. Speaker, would the gentleman, Mr. Beren, stand for interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Beren, consent to interrogation?

Mr. BEREN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will, and the interrogation will proceed.

Mr. MILLIRON. Mr. Speaker, do you have any estimate of what kind of moneys we are talking about after the purchase and after the remodeling, so to speak, or the replacement of the track, what kind of money we are talking about for the actual maintenance and upkeep?

Mr. BEREN. Mr. Speaker, I do not have the answer to that question dealing with section II, starting on line 22

of page 2, which is where I take it your question is directed.

But I think Mr. Westerberg put his finger on just what the problem here is with regard to the line from Warren to Kane and with regard to the other spur lines that exist throughout the state. The question ultimately is whether or not there is going to be some train transportation in Pennsylvania, whether it be mass transit in southeastern Pennsylvania that the earlier part of the bill refers to or whether it is these spur lines. The answer to that is that if there is going to be some train transportation and if we deem it important, then we are going to have to pick it up in legislation such as this.

I do not have the answer to that question, but I would like to go one step further, if I might, Mr. Speaker, which is not in response to your question at all but I think deals with the urgency of this bill; and that is, if you look to the upper part of page 2, you will see that the cost of acquisition for SEPTA—Southeastern Pennsylvania Transportation Authority—of \$1,346,000 includes such items as Reading Terminal and a portion of Suburban Station. Now I know that the speaker is not from the Philadelphia area and therefore has no idea of the value of that real estate. I can tell you that the value is way, way, way in excess of the price that we are paying for it. The problem is that we either do it by this bill or mass transit completely ceases as train service in the area.

Mr. MILLIRON. I thank the gentleman.

Mr. Speaker, may I make a few remarks?

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

Mr. MILLIRON. Mr. Speaker, approximately 5 to 6 months ago in both the Democratic and Republican caucus, the then Secretary of Transportation, Jake Kassab, and the Acting Secretary, George Pulakos, came to both caucuses and tried and were very successful in painting the very true picture of the financial plight of PennDOT; and that is, that it has very, very serious financial problems. The big point that they continually made was that we pay out a tremendous amount of money every year in our bond indebtedness. I notice from looking at this bill that the money is coming from more bonds.

I am in no way questioning Mr. Westerberg's or Mr. Beren's figures as far as the value. I am sure with the cost of steel and rails and whatever, it is a bargain at the price they are talking about for purchasing, but we are being asked to make decisions on new construction and maintenance when every member of this House has many, many complaints about the upkeep and the current status of his highways. We are now being asked to get into a field of providing passenger service.

I would love to be able to take the train from Altoona to Harrisburg or to Philadelphia or to Pittsburgh because of the convenience and because of the savings in fuel and everything else. But when PennDOT does not have the money to repair a pothole in my district and we are asked for this money, it scares me. And it is not the money in this bill that scares me; it is the fact that every other legislator has lines in his district that he is going to want us to buy. It is the fact that then we are going to have to pay 30 percent, even though the Feds are spending 70 percent, to make sure the lines are in safe condition, and then we are going to have to subsidize it. That is why the Federal Government got out of it.

If we had the money, if PennDOT was in good shape

financially, I would be more than happy to support this. But when I have got to go back home to my people, after voting down here to increase their fees and to this day they have not seen one white line for the \$86 million that I voted for, I will be damned if I am going to give more money to mass transit.

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

Mr. BEREN. Mr. Speaker, I would like to set the record straight on a misstatement I made a couple of minutes ago. I referred, I think, perhaps, to the purchase of real estate under this bill. It does not do that. It purchases the rolling stock and the equipment; that is, the beds. I still think it is a bargain.

I would say, partially in response to Mr. Milliron's questions, that this is not a bill that deals solely with mass transit. It is a bill that deals with a line from Warren to Kane as well.

I think it serves no purpose whatsoever to get into questions of highways versus mass transit. We have transportation problems in the Commonwealth. They are different in different areas. We are now reaching a point in this state where mass transit will undoubtedly affect even matters in Blair County from time to time. We either tackle our problems together in this state as a whole and try to solve them or we piecemeal ourselves to death.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Mr. Speaker, since I am from what is considered more of a rural area with very little mass transit, it is not a matter of me not supporting mass transit in our large areas at either end of the state, in Philadelphia and Allegheny Counties. I lived in Allegheny County for 6½ years and took advantage of the mass transit there and I realize it is a necessity.

What I am saying is that we are to the point now—and I imagine we will be getting the motor vehicle fund bill or budget or whatever for disbursement of these funds in the near future—where we are already making a very critical decision between maintenance and resurfacing and new construction, or we are already making very difficult decisions between highway construction and mass transit. PennDOT is in dire financial condition, and I think it is difficult enough as it is now to make these decisions without increasing the problems financially.

I think it is a great thing that we have got to try to do with the rail service and with the passenger service. But I am just looking at it realistically that the money is not there, and by committing \$1.6 million now, we are going to be coming back to Berks County, as the gentleman, Mr. Fryer, had spoken about. In my county and all over, we are going to be wanting to buy these lines. We are committing ourselves to more money, and I just do not see where it is coming from. And until more questions and more figures are brought up as far as the actual maintenance and the upkeep, I just cannot in good conscience vote for the bill.

Mr. BEREN. Mr. Speaker, if I can reply to the gentleman, I think he is under the impression that these funds that are subject to this bill are coming out of PennDOT funds. They are not. This will be debt authorization funds as provided in sections 3 and 4 of the bill, and they

will not in any way affect the maintenance program under PennDOT funds.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Hasay.

Mr. HASAY. Mr. Speaker, I would like to interrogate Mr. Beren, please.

The SPEAKER pro tempore. Will the gentleman, Mr. Beren, consent to be interrogated by Mr. Hasay?

Mr. BEREN. Certainly, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HASAY. Mr. Speaker, this bill right here costs \$1,646,000. As far as my reasoning goes and my being here almost 4 years, it was always my understanding that PennDOT was always looking for money and almost out of money. I cannot get potholes filled in my district back home. I cannot get lines striped in my district back home. I have had guardrails you can pick up with your hands and hold with the cable. I cannot get them fixed, and we are spending \$1,646,000 to buy a railroad. I suggest that we had best take care of our potholes and our line painting first before we go into a venture like this.

Mr. BEREN. Mr. Speaker, I am not sure that the gentleman heard my response before. These are not PennDOT funds. These are not maintenance funds. If you will look on page 3, sections 3 and 4, we talk about debt authorization. So it does not in any way take money away from your maintenance programs in your districts.

What this does, Mr. Speaker, it has a very, very direct bearing on a lot of the matters that we have been discussing in this House in the last couple of weeks. Right now, unless these rolling stock lines are purchased from the Reading Railroad or the Pennsylvania Railroad, the commuter lines that service Philadelphia will cease operation, because no one will own them. If the commuter lines cease to function, imagine what that will do to the economy of Philadelphia. And guess who will be back here seeking more funds. And guess what will happen if we do not purchase these funds now under this authorization as a result of ConRail. What will happen will be this: The Reading and the Penn Central are in bankruptcy, and unless we purchase these lines now under this type of legislation and indeed under the Federal legislation of ConRail, if we then want to get back into the idea of having some mass transit commuter line serving the Philadelphia area, we are going to have to go into bankruptcy court and pay the price, and the price is going to be considerably higher. And I know where the funds are going to come from; they are going to come from here.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I believe that sufficient questions have been raised with regard to this bill. I know that I personally want to check with people back home. Today is Thursday. I see no reason why this could not be acted on Monday or Tuesday of next week. It would enable us to find some of the answers to the questions that have been raised, and I am more interested in an intelligent vote than a mere "yes" vote. And I do not see the difference between voting on the bill today, Thursday, or Monday or Tuesday of next week.

MOTION TO TABLE

Mr. FRYER. Mr. Speaker, I move that this bill be now tabled until Monday or Tuesday of next week.

The SPEAKER pro tempore. The motion is in order and is not debatable.

The Chair recognizes the gentleman from Bucks, Mr. Gallagher. For what purpose does the gentleman rise?

Mr. GALLAGHER. Mr. Speaker, I am acting in place of Mr. Irvis. Unfortunately, I did not have an opportunity to give Mr. Fryer the information he was looking for.

The urgency for passage of this bill now—and I am not trying to debate the motion, but it is important that he understand—is that it has to be consummated into law by April 30. If we waited until next week—it is a House bill and it has to pass the Senate also. So for us to consummate it into law and to consummate the agreement with the Federal Government, it has to be done before April 30. That is the urgency. So I would suggest that Mr. Fryer consider that and consider possibly withdrawing his motion to table.

The SPEAKER pro tempore. In view of the statement by Mr. Gallagher, the majority leader pro tempore, does the gentleman wish to withdraw his motion to lay on the table?

Mr. FRYER. Mr. Speaker, we have many pieces of legislation in this House that have an urgent label attached to them. I have come to the point that I want to know the facts on bills, and I therefore do not remove my motion to table.

The SPEAKER pro tempore. The motion is therefore in order and is not debatable. Those voting "aye" will vote in favor of tabling the bill; those voting "no" will vote against tabling the bill.

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

Mr. FRYER. Mr. Speaker, is a "yes" vote to table?
The SPEAKER pro tempore. There is nothing in order but the roll call. Does the gentleman have a question?

Mr. FRYER. Will you clarify what the vote is? A "yes" vote is to table, sir?

The SPEAKER pro tempore. I thought I did, but for those who are still in doubt, those voting "aye" will vote to table the bill; those voting "nay" will vote not to table the bill.

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

The yeas and nays were required by Messrs. FRYER and GALLAGHER and were as follows:

YEAS—45

Bradley	Hepford	Milliron	Stahl
Brandt	Hopkins	Moehmann	Taylor
Davis	Kernick	Noye	Thomas
Dietz	Klingaman	O'Keefe	Vroon
Dreibelbis	Kowalyszyn	Pitts	Walsh, T. P.
Eckensberger	LaMarca	Prendergast	Wansacz
Fryer	Lincoln	Richardson	Wargo
Gallen	McCall	Ruggiero	Weidner
Gillette	McCue	Schweder	Wilt, W. W.
Green	McLane	Shelhamer	Zeller
Hammock	Milanovich	Smith, E.	Zwikel
Hasay			

NAYS—131

Abraham	Gallagher	Manmiller	Saloom
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Anderson, J. H.	Garzia	McClatchy	Salvatore
Arthurs	Geesey	McIntyre	Scheaffer
Barber	Geisler	Mebus	Schmitt
Bellomini	George	Menhorn	Scirica
Bennett	Giammarco	Miller, M. E.	Seltzer
Beren	Gillespie	Miller, M. E., Jr.	Shane
Berlin	Gleeson	Miscevich	Shelton
Berson	Goodman	Morris	Shuman
Bittle	Greenfield	Mrkonic	Shupnik
Bonetto	Grieco	Mullen, M. P.	Sirianni
Brunner	Halverson	Mullen	Smith, L.
Burns	Hamilton, J. H.	Musto	Spencer
Butera	Haskell	Novak	Stapleton
Caputo	Hayes, D. S.	O'Brien	Stout
Cessar	Hayes, S. E.	O'Connell	Taddonio
Cimini	Hill	Oliver	Toll
Cohen	Hutchinson, A.	Pancoast	Trello
Cole	Irviss	Parker, H. S.	Turner
Cowell	Itkin	Perry	Valicenti
DeMedio	Johnson, J.	Petrarca	Wagner
Deverter	Kelly, A. P.	Pievsky	Westerberg
Dininni	Kistler	Pollite	Wilson
Dombrowski	Knepper	Pratt	Wilt, R. W.
Dorr	Kolter	Pyles	Wojdak
Doyle	Kusse	Rappaport	Worrilow
Engelhart	Laughlin	Ravenstahl	Wright
Fawcett	Lederer	Reed	Yahner
Fee	Lehr	Renninger	Yohn
Fischer	Letterman	Renwick	Zearfoss
Fisher	Levi	Rieger	
Flaherty	Lynch	Ritter	Fineman,
Foster, A.	Manderino	Ross	Speaker
Foster, W.			

NOT VOTING—20

Crawford	Gring	McGinnis	Rhodes
Cumberland	Hutchinson, W.	McGraw	Ryan
Dicarlo	Katz	Myers	Ustynoski
DiDonato	Kelly, J. B.	O'Donnell	Whelan
Gleason	Laudadio	Perri	Zord

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 pro tempore. The Chair recognizes the gentleman from Centre, Mr. Dreibelbis.

Mr. DREIBELBIS. May I ask Mr. Beren a couple questions?

The SPEAKER pro tempore. Will the gentleman, Mr. Beren, consent to interrogation?

Mr. BEREN. Most certainly, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DREIBELBIS. Mr. Speaker, I am somewhat confused by this. As I understand it, this would also turn over the right-of-way of the Consolidated Rail Corporation to the Commonwealth. Is that correct?

Mr. BEREN. Well, that is what we are doing, Mr. Speaker. We are purchasing here—I am not sure that it will go exactly to the Commonwealth—the rolling stock and equipment of two different lines.

Mr. DREIBELBIS. Well, furthering my question, what happens to the right-of-way that is presently in the possession of the railroad?

Mr. BEREN. Mr. Speaker, it seems to me that that is included in the purchase.

Mr. DREIBELBIS. That is one of my problems that I have. Can we be assured that all this right-of-way is right-of-way and does not have reversionary clauses where this chain would be broken at periodic sections? A lot of the railroad rights-of-way that were acquired were acquired with reversionary clauses that did not allow for their transfer, and we might have a railroad that has links in it that are not connected.

Mr. BEREN. Mr. Speaker, to answer you to the best

of my knowledge, I cannot give you the assurance that there are no reversionary rights-of-way. I have not checked the deed descriptions and I just do not have that, nor do I have at this one moment before me that information.

Mr. DREIBELBIS. Well, I might tell the gentleman that in my pursuing of a railroad right-of-way abandonment bill in prior years, I found many, many small sections where, in order for the railroad to acquire these rights-of-way, the present landowner would only allow them to have them with reversionary clauses. And I might ask at this point that if these railroads cannot guarantee the transfer of the right-of-way, what good is the right-of-way to us if it is only in sections?

Mr. BEREN. I am sorry, I am not sure I fully understood the speaker's question before. I have been informed that there have been contracts that are in existence—of course, contingent upon this legislation passing—and that the rights-of-way will be sold either to the state or to the current existing rail situation.

I am sure that they can only give the title which they currently have, and, you know, I cannot give you the ultimate, bottom-line, technical answer, but the contracts are drawn up, have been executed for the sale of these rights-of-way and rolling stock and equipment to the agencies that are making the purchase.

Mr. DREIBELBIS. Yes—and I do not want to belabor this—but if this goes through farm sections and that particular farmer says, well, you have transferred that illegally because of my reversionary clause, that land comes back to the adjacent landowner, where do we stand with such a thing? We will have to build aerial situations to get over those pieces of land, which is totally impossible, of course. And I just do not understand how we can have a right-of-way without guarantee of non-breaking of the chain.

Also, what assurance do we have that the state in the future—it is pretty well known that this would be a losing proposition, and when the Federal funds are depleted and we do not get any more Federal funds and the state has to pick it up, how are we to know that these rights-of-way would not be sold to hikers and bikers or horseback riders or for snowmobile trails or something like that through our prime farmland areas, causing much duress on our agricultural community?

Mr. WESTERBERG. Mr. Speaker, I am probably not equipped to answer you fully either.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. WESTERBERG. I am sorry, Mr. Speaker. Could I try to—

The SPEAKER pro tempore. Do you want to be recognized?

Mr. DREIBELBIS. I would be happy to have Mr. Westerberg consent to the interrogation.

The SPEAKER pro tempore. Do I understand that the gentleman yields to Mr. Westerberg?

Mr. DREIBELBIS. Yes, for the purpose of answering the questions, if he can clarify them.

The SPEAKER pro tempore. Does the gentleman, Mr. Beren, yield?

Mr. BEREN. Certainly, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Westerberg, will proceed.

Mr. WESTERBERG. Thank you, Mr. Speaker.

I am not sure that I can answer your question fully or to your full satisfaction and maybe not even to my full satisfaction, but really the question, it seems to me here today, is not what the state is going to buy but how much they are going to pay for it, because the state has a priority list on these tracks that they want to keep running and that they feel it is necessary to keep running for the economy, and this is not the last we will see of these. But these are special cases that PennDOT has already made contracts for. What they want to do is buy it through ConRail, and they have a limited time. If they do not buy it that way, then they will have to deal with bankrupt railroads and pay probably 10 times as much. So the question is not what the state is going to do but, really, how much they are going to pay.

As I said before, this is not a spur line up in northwestern Pennsylvania. It is 28 or 30 miles out of the middle of a track, and if they do not buy this and maintain service, it will mean that about eight large manufacturers up there will have to ship their goods somewhere between 100 and 150 miles farther every time and not be able to maintain service.

So the contracts have been made for this. I am sure that they have looked into this and that they are not going to let them go back on reversionary clauses, but it is really a matter of consummating this deal by April 30, which the Federal Government has given as a deadline. That seems to be what the question is, Mr. Speaker.

Mr. DREIBELBIS. Mr. Speaker, the question to some might be the money, but the question to me is the usefulness of it after it is purchased. I know that in the past there have been abandoned railroad beds sold by the railroads, only to find out they did not have the privilege of selling them. I am very concerned about that, and if we cannot be assured of this, I think we ought to vote against the bill, because it would be a totally useless situation if there were certain situations of reversionary clauses in these railroad rights-of-way.

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

Mr. BEREN. Mr. Speaker, I can only draw your attention to section 5, page 3 of the bill, which speaks to the useful life of the item subject to purchase as being 30 years, dealing with acquisition of rights-of-way and track and so forth. So on the basis of that language that was drafted by the department, it would appear as though your problem does not in fact exist.

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

Mr. GALLAGHER. Mr. Speaker, Mr. Beren answered that question that was brought to our attention, that the bill provides that we will have PennDOT take the responsibility for the operation of these lines through a bond issue, not through maintenance money, and they will have access for that right-of-way and the rail lines and rolling stock for at least 30 years. So that would probably satisfy some of the gentlemen; not all of them, I am sure. That is all I have to say.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Pittsburgh, Mrs. Kernick.

Mrs. KERNICK. From Penn Hills, Allegheny County, Mr. Speaker.

The SPEAKER pro tempore. I beg your pardon?

Mrs. KERNICK. Not from Pittsburgh; from Penn Hills in Allegheny County.

The SPEAKER pro tempore. Is there a difference?

Mrs. KERNICK. Yes, there is.

The SPEAKER pro tempore. The lady will state the purpose of her—

Mrs. KERNICK. Thank you, Mr. Speaker.

I keep all my fiscal notes in numerical order and I do not seem to have received the one on this House bill. I wonder if Mr. Westerberg would read the fiscal note.

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Westerberg.

Mr. WESTERBERG. Mr. Speaker, this is a bill that came out of the Appropriations Committee with the actual figure on it, so I think the fiscal note is right in the bill. It is an authorization for an appropriation.

Mrs. KERNICK. Do not the rules require that we have a fiscal note covering a 5-year period?

Mr. WESTERBERG. I do not believe that there is a fiscal note with the general appropriation budget.

Mrs. KERNICK. This is not the general appropriation budget.

Mr. WESTERBERG. No, but it is an appropriation bill. You do not need a fiscal note with an appropriation bill. It is right in there.

The SPEAKER pro tempore. The gentleman will suspend. The House will be in order.

Mrs. Kernick, I think the gentleman's point is well taken.

Mrs. KERNICK. Are you saying or is the Chair ruling that rule 19(a) does not apply in this case?

The SPEAKER pro tempore. The Chair has made no ruling.

Mrs. KERNICK. Would the Chair rule on whether rule 19(a) is applicable?

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

Mr. PANCOAST. To read the relative section of rule 19(a). It does not apply to appropriation bills. It says: "No bill, except a General Appropriation bill or any amendments thereto"—and this is an amendment to, of course, the general appropriation bill—"which may require an expenditure of Commonwealth funds . . ." So this bill does not need a fiscal note.

Mrs. KERNICK. Why does it state on the calendar then that there is a fiscal note attached?

The SPEAKER pro tempore. Does the lady wish to interrogate someone?

Mrs. KERNICK. Mr. Beren.

The SPEAKER pro tempore. Will the gentleman, Mr. Beren, agree to be interrogated?

Mr. BEREN. I will, Mr. Speaker.

I have no reason why the calendar says there is a fiscal note attached. I have no knowledge of why that was put on there.

I do agree with the comments of Mr. Pancoast and Mr. Westerberg that the costs are spelled out in the bill. It is not necessary under the House rules, and we have a very clear picture of what the cost of this bill will be.

Mrs. KERNICK. Mr. Speaker, the rules, as I understand

them, apply to general appropriation bills in the context that Mr. Pancoast is talking. This bill reads, "An act providing for the capital budget for the fiscal year 1975-1976 . . ." It does not say it is a general appropriation bill.

The SPEAKER pro tempore. The fiscal note comes within the intendment of the bill, and, therefore, no fiscal note is required. That is the ruling of the Chair.

The lady will proceed.

Mrs. KERNICK. Mr. Speaker, rule 19(a) requires a 5-year—

The SPEAKER pro tempore. The Chair has ruled on that point.

Mrs. KERNICK. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Weidner.

Mr. WEIDNER. Mr. Speaker, will Mr. Beren consent to further brief interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Beren, consent to interrogation?

Mr. BEREN. Yes, I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. WEIDNER. Mr. Speaker, I am disturbed with line 3 on page 2—"I. Southeastern Pennsylvania Transportation Authority." I would like to develop what labor relations, if these lines are turned over to SEPTA—and, of course, I realize that if they go out of operation, there still will not be any commuter service, but you will also realize that there are threatened strikes in Philadelphia and SEPTA.

The two lines that are being acquired here are geared up for additional facilities to take care of the traffic into Philadelphia. Would the threatened strikes of SEPTA and Philadelphia include the labor and discontinue service on the two lines that are being acquired?

Mr. BEREN. Mr. Speaker, if there were a strike of SEPTA employes, I certainly think that would affect the commuter lines that are subject to this bill. There is no question about it.

Mr. WEIDNER. In other words, the labor would no doubt come under the SEPTA union. Is that correct?

Mr. BEREN. Certainly. That is the condition that exists at the present time now.

All we are talking about is the question of the ownership of the roadbeds and the rolling stock and some other items. I do not think that would affect the labor situation at all. I think that would continue to exist as it is now.

Mr. WEIDNER. Do you mean that, Mr. Speaker, as they exist at the present time, they would come under the trainmen's union and rail union rather than—

Mr. BEREN. Yes. Mr. Speaker, I do not know how this bill would affect existing labor situations. This bill does not address itself to that at all. This bill solely addresses itself to the question of the purchase of some rolling stock, some rights-of-way, some railroad beds, and some other items. The question of labor jurisdiction of different unions, of strikes, it would seem to me, would continue regardless of where the ownership of these lines is.

Mr. WEIDNER. Well, my thought in this respect would be if a separate corporation, the Governor, Auditor General, State Treasurer, if another corporation would have them under control under this bond issue rather than

SEPTA, it might not paralyze the entire southeast district with threatened strikes and no transportation.

Mr. BEREN. Mr. Speaker, I think that condition exists today. I do not see how this legislation changes that at all.

The plain fact of the matter is that if the differing agencies that fund SEPTA—and SEPTA is a creation of this General Assembly; it was created by legislation in this body some 12 or 14 years ago—that if the counties involved, if the state involved, if the Federal Government involved, together with the fares, do not adequately fund SEPTA so that they can pay their workers, there is going to be a strike, and that situation exists regardless of what we do in this bill.

But I will tell you what will happen: If we do not pass this bill and SEPTA cannot acquire these commuter lines, those people will be out of work regardless of a strike, because the thing will shut down.

Mr. WEIDNER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Warren, Mr. Kusse.

Mr. KUSSE. Thank you, Mr. Speaker.

The SPEAKER pro tempore. To what point does the gentleman rise?

Mr. KUSSE. I would like to make comments on the bill.

The SPEAKER pro tempore. The gentleman is in order and will proceed.

Mr. KUSSE. Thank you.

I have a particular interest in this legislation because it is proposed on page 2 that we will include an appropriation to acquire the line between Warren and Kane. Warren is within my district.

You have heard comments here regarding the fact that the state maybe is getting into the railroad business. But I would remind the members that back in December this House passed Senate bill No. 1154, and the Governor signed it into law. The intent of that bill was to create an act authorizing development of rural and intercity common carrier surface transportation.

So to reiterate what Mr. Westerberg said, we are already authorized to get into the railroad business, and it is now a question of how much we are going to pay to get into that business. If we can successfully complete this piece of legislation, it is going to make it possible to acquire, for example, this portion of line between Warren and Kane at a very reasonable figure. If this legislation does not pass, then we are going to be forced into the other route of going through the bankruptcy courts and paying a much greater sum of money for it. So it is really just a case of how much we are going to pay for it, not are we going to buy it or are we not, but rather how much are we going to have to pay for it. So from a standpoint of economics, it makes good sense to vote in favor of this bill.

Mr. Milliron raised the point of road transportation versus rail transportation and the fact that he has potholes and so on that had not been taken care of. Mr. Speaker, if you think you have potholes now, let me give you an example of what could happen.

In the borough of Warren lies United Refining Company, a company which hires approximately 1,000 people. It is a very large refinery and it is dependent upon this particular section of rail line to transport its products. If you force them to transport their products on the high-

ways, then I can assure, for example, Mr. Letterman that he would be really unhappy when he gets behind those trucks when we are driving between Pleasant Gap and Centre Hall. And believe me, those trucks would sure create a few more potholes.

I have another industry in my town, Struthers Wells Corporation, which makes large pressure vessels. If we are going to force them to go to the highways for transporting their product, we are going to have to see the issuance of a lot of special hauling permits, overwidth permits and so on. Again, we are really creating a traffic problem.

I have heard comments on other pieces of legislation here with respect to trucks versus cars and so on, the fact that trucks take up space on our highway; that they do not pay their share and so on. The passage of this particular piece in this bill as it affects my community certainly would help the highway situation. It is going to take trucks off the road. I would also point out that without this most important segment of this main line—and again we emphasize, it is the main line from Erie to Harrisburg to Philadelphia—we would force routing of freight traffic to go many hundreds of miles out of its way. For example, a shipment to the east, out of Warren, would have to go back to the west to Erie, up to Buffalo, down to Lock Haven, down to Harrisburg—a ridiculous routing when the passage of this legislation would make it possible to include this 26-mile stretch and complete that whole segment. I urge you to support this legislation.

A lot of people have also asked, how come this particular segment is being considered and why was not yours or why was not yours, and so on. But PennDOT has established priorities for these various segments of rail that they intend to purchase, and it just happens that this segment is number one in priority. That is why it is included at this time. And time is of the essence. The transaction must be completed by April 30. The Senate will only be in next week. We have a real problem in that area.

I urge you, I plead with you, to support this legislation.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lackawanna, Mr. McLane. For what purpose does the gentleman rise?

Mr. McLane. Mr. Speaker, I would like to know if Mr. Beren would consent to brief interrogation.

The SPEAKER pro tempore. Will the gentleman consent?

Mr. BEREN. Yes, I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. McLANE. Mr. Speaker, on page 2, lines 16 and 17, the bill states that we will acquire portions of two stations. Could you tell me what kind of an arrangement would be entered into after we had acquired a portion of a station?

Mr. BEREN. Mr. Speaker, I am trying to frame my words in the best possible way to answer your question and I can only say the language speaks for itself.

Mr. McLANE. Mr. Speaker, let me be a little bit more specific. Who would be responsible for the maintenance of the facility, who would be responsible for the liability on the facility, and areas such as those?

Mr. BEREN. Well, Mr. Speaker, what we have here

are two stations, Suburban Station and 30th Street Station. Part of the lines in each of those stations deal with commuter traffic. Part of the lines in each of those stations deal with the main lines of ConRail—The New York-to-Washington or the Boston-to-Miami, or whatever it is, operation of lines. So I would imagine that to the degree that it is necessary to purchase liability insurance and do maintenance and what have you that relates to ConRail, ConRail will bear that responsibility. To the degree that these problems exist with regard to the commuter lines, why, the commuter lines will bear that responsibility.

Mr. McLANE. Mr. Speaker, I have a great question in this area, and my reason is that if the Commonwealth assumes the responsibility, I believe under the doctrine of immunity they would be immune from any type of suit should someone be injured, whereas I do not believe ConRail would be. I question as to who would be liable.

Mr. BEREN. Well, Mr. Speaker, the Commonwealth is in fact not going to have the title here, as I see this. SEPTA will have the title with regard to the lines which you mentioned, and they will bear the responsibility. You are correct, ConRail will have liability, and I would suppose that they would respond under the existing Federal legislation dealing with the liabilities of railroads, and SEPTA would respond under existing common law and statutes that exist in the Commonwealth today.

Mr. McLANE. Mr. Speaker, earlier, in response to Mr. Milliron, you distinguished between the maintenance of our highways as opposed to this acquisition with regard to rail. Is it not true though, Mr. Speaker, that authorizing further indebtedness for PennDOT, regardless of which area it is in, is simply increasing the current indebtedness of the department; and Mr. Milliron was perfectly correct when he said that 6 to 8 months ago this was a big issue, and we were complaining about the bonds we presently have, the retiring of those bonds, the interest on those bonds; and whether we color it in railroads or whether we color it in highways, we are today increasing that indebtedness further?

Mr. BEREN. Mr. Speaker, you are absolutely correct. This is an increase in indebtedness and, as such, will bear some additional payments out of the Commonwealth's expenditures. There is no other way to avoid that conclusion. But we, as elected representatives of the people, have to make decisions from time to time as to what are matters of priority.

Mr. Kusse spoke extremely well in describing the urgency of the priority that existed with regard to the line between Warren and Kane. I would hope that I have expressed, perhaps not as eloquently, the urgent need for moving into this area now so that we do not have greater expenditures and greater indebtedness later, not only from bonds, because, if you will remember, I pointed out to you that not only do we have the problem of how we face this cost if we do not purchase this now, but imagine, if you will, if the thousands upon thousands of commuters are not able to get to jobs in Philadelphia, what that would do to Philadelphia in terms of its existing wage-tax situation, in terms of the jobs, in terms of driving, indeed, employers out of the city to the suburbs.

This will cost money, but I think it is a very, very intelligent purchase.

MOTION TO RECOMMIT HOUSE BILL No. 2188

Mr. McLANE. Mr. Speaker, I am not necessarily op-

posed to this legislation. However, I do believe that there are a number of questions which have been raised. I raised a couple; other Representatives on this floor raised a couple this morning. I believe that these questions have to be answered in order for anyone in this House to vote on this piece of legislation intelligently. There are a number of questions of rights, contracts, right-of-way, and I believe the appropriate place to get these answers is in the Appropriations Committee.

I sympathize with the time element. However, since I have been here, a given number of times this element has been brought up and I have yet to see any piece of legislation that arrangements were not made to get it through. Therefore, I move at this time that this bill be recommitted to the Appropriations Committee until those questions which were asked this morning can be answered.

Mr. BEREN. Mr. Speaker, if I may speak to that in the most direct way possible, this did come from the Appropriations Committee, and so there is no reason for it to go back.

The SPEAKER pro tempore. The gentleman's motion, made by Mr. McLane, that this bill be rereferred to the Appropriations Committee is in order, and the question that is before the House is, Will the House return the bill to the Appropriations Committee?

The bill is not debatable on the merits but only as to the reason that it ought to be returned to the Appropriations Committee. Does anyone wish to speak to this point?

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

Mr. GALLAGHER. Mr. Speaker, I oppose the motion to refer the bill back to the Appropriations Committee. It was reported out this week from the Appropriations Committee. It had been before the Transportation Committee since March 8. They had ample time to discuss it and to frame it, and the same thing applies to the Appropriations Committee. The Appropriations Committee did what they were supposed to do with the bill—go over the fiscal impact—and it had their approval. So I would oppose the motion to refer it back to the Appropriations Committee.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Milliron. To what point does the gentleman rise?

Mr. MILLIRON. To the fiscal matters and the recommittal motion.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. MILLIRON. Mr. Speaker, I had raised a point concerning the impact of this bill, as to what in actual dollars would our 30-percent share amount to. There were no figures available. I had asked what would be the state's cost insomuch as subsidizing the lines, which would definitely occur after their takeover. These figures were not available.

The SPEAKER pro tempore. The gentleman will suspend.

You are addressing yourself to the substance of the bill.

Mr. MILLIRON. I am trying to refer to the fact that the Appropriations Committee, Mr. Speaker, would be the place that could give us these figures.

The SPEAKER pro tempore. Please confine your remarks to the motion and not to the substance of the bill.

Mr. MILLIRON. I apologize, Mr. Speaker.

On the motion to recommit to the Appropriations Committee, this is the committee that has the expertise to give us financial data, which I feel is still lacking in the bill, and I urge a "yes" vote on the motion to recommit.

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

Mr. WILSON. To speak on the motion to recommit the bill to the Appropriations Committee, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order and may proceed, but please do not speak on the substance.

Mr. WILSON. All I would suggest, Mr. Speaker, is that those who have the copy of the bill in their possession, read it. There is no sense that this bill has to go to any committee. The dollars are so specified in the bill as to how much money shall be in there and where it shall go. I think that it is ridiculous if we vote against this thing.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Warren, Mr. Kusse. To what point does the gentleman rise?

Mr. KUSSE. To speak on the recommittal.

The SPEAKER pro tempore. The gentleman is in order and will proceed.

Mr. KUSSE. Mr. Speaker, I oppose the motion to recommit and I would like to state my reason.

We have spoken about the urgency. One of the reasons that it should not go back to the Appropriations Committee is the fact that the amounts are specified.

But another reason: When we speak of urgencies, I would point out that when the House disposes of the bill, and hopefully passes it, it goes to the Senate where it must be considered on three separate days. That would be Monday, Tuesday, and Wednesday, hopefully, of next week.

If we then go into adjournment until May, we will go past that April 30 deadline date for the carrying out of the provisions of this bill. For that reason I oppose the motion to recommit.

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

Mr. BEREN. I wish to oppose the motion, not in substance but just to refer to the fact that it has been in the Appropriations Committee. Let us oppose the motion and pass the bill.

On the question,

Will the House agree to the motion?

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

YEAS—28

Bradley	Hasay	Milliron	Thomas
Dietz	Kernick	Musto	Walsh, T. P.
Dreibelbis	LaMarca	Prendergast	Wansacz
Eckensberger	Laughlin	Schweder	Wargo
Fryer	McCall	Shelhamer	Weidner
Gallen	McCue	Shuman	Wilt, W. W.
Hammock	McLane	Taylor	Zeller

NAYS—154

Abraham	Garzia	Manderino	Ross
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Anderson, J. H.	Geesey	Manmiller	Ruggiero
Arthurs	Geisler	McClatchy	Saloom
Barber	George	McIntyre	Salvatore
Bellomini	Giammareo	Mebus	Scheaffer
Bennett	Gillespie	Menhorn	Schmitt
Beren	Gillette	Milanovich	Seitra
Berlin	Gleason	Miller, M. E.	Seltzer
Berson	Gleason	Miller, M. E., Jr.	Shane
Bittle	Goodman	Miscevich	Shelton
Bonetto	Green	Moehlmann	Shupnik
Brandt	Greenfield	Morris	Sirianni
Brunner	Grieco	Mrkonic	Smith, E.
Burns	Halverson	Mullen, M. P.	Smith, L.
Butera	Hamilton, J. H.	Mullen	Spencer
Caputo	Haskell	Myers	Stahl
Cassar	Hayes, D. S.	Novak	Stapieton
Cimini	Hayes, S. E.	Noye	Stout
Cohen	Hepford	O'Brien	Taddonio
Cole	Hill	O'Connell	Toll
Cowell	Hopkins	O'Donnell	Trello
Cumberland	Hutchinson, A.	O'Keefe	Turner
Davies	Hutchinson, W.	Oliver	Valicenti
DeMedio	Irvia	Pancoast	Vroon
Deverter	Itdin	Parker, H. S.	Wagner
DiDonato	Johnson, J.	Petrarca	Westerberg
Dininni	Kelly, A. P.	Pievsky	Whelan
Dombrowski	Kistler	Pitts	Wilson
Dorr	Klingaman	Polite	Wilt, R. W.
Doyle	Knepper	Pratt	Wojdak
Engelhart	Kolter	Pyles	Worrilow
Fawcett	Kowalshyn	Rappaport	Wright
Fee	Kusse	Ravenstahl	Yahner
Fischer	Lederer	Reed	Yohn
Fisher	Lehr	Renninger	Zearfoss
Flaherty	Letterman	Renwick	Zwikel
Foster, A.	Levi	Richardson	
Foster, W.	Lincoln	Rieger	Fineman, Speaker
Gallagher	Lynch	Ritter	

NOT VOTING—14

Crawford	Kelly, J. B.	Perri	Ryan
Dicarlo	Laudadio	Perry	Ustynoski
Gring	McGinnis	Rhodes	Zord
Katz	McGraw		

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

On the question recurring,
Shall the bill pass finally?

Mrs. KERNICK. Mr. Speaker, I want to speak to the question.

The SPEAKER pro tempore. All right. The lady will be recognized in order. You will be number 5.

The Chair recognizes Mr. Hutchinson.

**THE SPEAKER (Herbert Fineman)
IN THE CHAIR**

The SPEAKER. The Chair thanks the gentleman from Cumberland, Mr. Kistler, for temporarily presiding.

Does the lady from Allegheny, Mrs. Kernick, desire to speak to the question? Speak quickly.

Mrs. KERNICK. I thought I just heard that I was fifth on the list.

The SPEAKER. I just moved you up to first.

Mrs. KERNICK. I want to explain, Mr. Speaker, that this could be a good bill; it could be a bad bill. We are talking about \$1,600,000, but we are not saying what it will cost the taxpayers next year, the following year, 5 years from now.

I think, despite the ruling by the Chair, that it did require a fiscal note. It is not a general appropriations bill; it is a continuing appropriation. I would like to have more information to vote "yes." But I am not going to saddle my taxpayers with a bill that could cost 10 times this much or 20 times this much in 5 years.

Thank you.

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

Mr. DIETZ. Mr. Speaker, thank you.

I would like to interrogate Mr. Beren, if I may please, and then make a statement.

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

Mr. BEREN. I will, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. DIETZ. Mr. Speaker, do you realize that there are many sections of abandoned railroad in the State of Pennsylvania that actually should be placed on a critical list?

Mr. BEREN. There are a considerable number, Mr. Speaker.

Mr. DIETZ. Thank you.

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

Mr. DIETZ. When I stand up, it is unusual, and I stand up because I feel that this is a very, very critical bill that we are voting on here today. The reason I say that is because we have to decide today, in voting on this bill, whether we are going into the railroad business or whether we are not in the State of Pennsylvania. It is just that simple.

There are other rail lines in the State of Pennsylvania, and I want to point one out for you in my own area.

I come from an area where there is now an 18-percent unemployment rate. We have a rail line running from Altoona to Cumberland, Maryland, connecting the Pennsylvania Railroad and the Ohio Railroad. In this case, with this high unemployment, I feel that this is just as critical to this area of Pennsylvania as this area or line covered under this bill. So we have to decide here today whether we are going to continue to subsidize, to purchase, to operate railroad lines, not only this one but all over the State of Pennsylvania. I am asking all of my colleagues here today, before you vote, to give careful consideration to these other lines.

I would urge you, in this particular case, to cast a "no" vote on this bill. Let the Department of Transportation come in and give us a complete list of all the rail lines in Pennsylvania that need to come under this particular type of legislation and then let us act from that point on. Then, if the Department of Transportation wants to establish a priority list, let them establish it. But I would urge you at this point to vote "no" on this particular piece of legislation because there are other areas in the State of Pennsylvania where a rail line is just as critical.

Thank you, Mr. Speaker.

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

Mr. BEREN. I think on the question of whether or not the General Assembly is going to address itself to this problem, we already decided that when we passed Senate bill No. 1154 earlier this year, which is an act authorizing the development of rural and intercity common carrier rail surface transportation. That bill passed the House 164 to 6. It was concurred in by the Senate 46 to 4, so that basic policy decision has been made and I would, at this moment, urge approval of this bill.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise in sup-

port of this bill. Questions have been raised, and Mr. Beren has answered the question with respect to the decision as to whether the Commonwealth will get in the rail business or not.

I think this is perhaps the first step and I approach this in the spirit of cooperation. My own county has approximately 35 miles of rail line that were slated and not included in the ConRail system. What my county has done has been to go to PennDOT and to ask them to approach ConRail with leases to secure the Federal subsidies.

Now I approach the southeast and the railroad line out in the central part of the state in Mr. Kusse's district as important to this transportation system in the Commonwealth, and in that spirit of cooperation, I intend to cast a vote for this.

Next year, many of us from the other upstate counties will be needing funds to pick up the subsidy for the lines we have, because the Federal subsidy will drop to 90 percent and over a period of 5 years will gradually phase out.

I would trust and hope at that time that those members who are here now and who are back and any new members would approach our problems with the same spirit of cooperation.

Thank you, Mr. Speaker.

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

Mr. BEREN. Mr. Speaker, I could not, first, thank the gentleman more, and, secondly, agree with his basic philosophical approach, and that is, that we have a transportation system that applies not to SEPTA, nor to PAT—Port Authority Transit—nor to the Kane-Warren line but to the Commonwealth. It is absolutely essential that all of us understand that our problems in transportation in Pennsylvania do not relate to roads alone, do not relate to mass transit alone, do not relate to ConRail alone, but are a common problem to be addressed by all of us.

I appreciate his support, but would certainly look forward to the fact that members from the southeast would approach his very needy problems when they come up.

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—163

Abraham	Geesey	McClatchy	Saloom
Anderson, J. H.	Geisler	McCue	Salvatore
Arthurs	George	McIntyre	Scheaffer
Barber	Giammarco	McLane	Schmitt
Bellomini	Gillespie	Mebus	Schweder
Bennett	Gillette	Menhorn	Scirica
Beren	Gleason	Miller, M. E.	Seltzer
Berlin	Gleeson	Miller, M. E., Jr.	Shane
Berson	Goodman	Miscevich	Shelhamer
Bittle	Green	Moehlmann	Shelton
Bonetto	Greenfield	Morris	Shupnik
Bradley	Grieco	Mullen, M. P.	Sirianni
Brandt	Halverson	Mullen	Smith, E.
Brunner	Hamilton, J. H.	Musto	Smith, L.
Burns	Haskell	Myers	Spencer
Butera	Hayes, D. S.	Novak	Stapleton
Caputo	Hepford	Noye	Stout
Cessar	Hill	O'Brien	Taddonio
Cimini	Hopkins	O'Connell	Taylor
Cohen	Hutchinson, A.	O'Donnell	Thomas
Cole	Hutchinson, W.	O'Keefe	Toll
Cowell	Irvis	Oliver	Trello
Cumberland	Itkin	Pancoast	Turner
Davies	Johnson, J.	Parker, H. S.	Valicenti
DeMedio	Kelly, A. F.	Perri	Vroon
Deverter	Kistler	Petrarca	Wagner
Dicarlo	Klingaman	Plevsky	Wansacz

DiDonato	Knepper	Pitts	Westerberg
Dinianni	Kowalshyn	Polite	Whelan
Dombrowaki	Kusse	Pratt	Wilson
Dorr	LaMarca	Pyles	Wilt, R. W.
Doyle	Laughlin	Rappaport	Wojdak
Eckensberger	Lederer	Ravenstahl	Worrilow
Englehart	Lehr	Reed	Wright
Fawcett	Letterman	Renninger	Yahner
Fee	Levi	Renwick	Yohn
Fisher	Lincoln	Rieger	Zearfoss
Flaherty	Lynch	Ritter	Zwickl
Foster, A.	Manderino	Ross	
Foster, W.	Manmiller	Ruggiero	Fineman,
Gallagher	McCall	Ryan	Speaker
Garzia			

NAYS—19

Dietz	Hasay	Milliron	Wargo
Dreibelbis	Hayes, S. E.	Mrkonic	Weidner
Fischer	Kernick	Shuman	Wilt, W. W.
Fryer	Kolter	Stahl	Zeller
Gallen	Milanovitch	Walsh, T. P.	

NOT VOTING—14

Crawford	Kelly, J. B.	Perry	Richardson
Gring	Laudadio	Prendergast	Ustynoski
Hammock	McGinnis	Rhodes	Zord
Katz	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.

BUSINESS AND COMMERCE COMMITTEE MEETING

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

Mr. BENNETT. Mr. Speaker, upon the declaration of the recess, I want to announce that there will be an emergency meeting of the Business and Commerce Committee in room 401. I would ask all of the members, upon the declaration of the recess, to report to room 401 for the meeting where lunch will be served.

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, first of all, I should like to thank the majority leader pro tempore for a splendid job. He asked me not to give him that job again. Now he knows what it is like.

Mr. Speaker, I would ask you to declare this House in recess until 2:30.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, for the Republican members, I would appreciate their proceeding to the caucus room immediately for a very brief 10-minute caucus so that we can advise them as to what we know will be the further events of the day.

The SPEAKER. Any further announcements from the majority side? Does the majority leader have any further announcements?

Mr. IRVIS. Mr. Speaker, there is a motion to remove a bill from the table which I did not know was necessary. Will you recognize Mr. O'Brien for that motion? I do not have the need to call a caucus at this moment.

BILL TAKEN FROM TABLE

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

Mr. O'BRIEN. Mr. Speaker, I make a motion to remove House bill No. 2122, printer's No. 3026, from the table to move it up to third reading.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2122, printer's No. 3066**, entitled:

An Act amending the act of July 9, 1975 (No. 9-A), entitled "Motor License Fund Supplement to the General Appropriation Act of 1975," adding one appropriation and increasing two appropriations made to the Department of Transportation and providing for two additional appropriations to the Treasury Department.

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

Ordered, to be transcribed for third consideration.

RECESS

The SPEAKER. The Chair now declares the House in 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****HOUSE BILLS INTRODUCED AND REFERRED
TO COMMITTEES**

By Messrs. VALICENTI, ENGLEHART, NOVAK, FLAHERTY, MRKONIC, MUSTO, GILLESPIE, MISCEVICH, ABRAHAM, TRELLO, M. M. MULLEN, Mrs. GILLETTE, Messrs. COWELL, PERRY, CAPUTO, A. K. HUTCHINSON and GARZIA

HOUSE BILL No. 2298

An Act amending the "Public Works Contractors' Bond Law of 1967," approved December 20, 1967 (P. L. 869, No. 385), adding the definition of "payment for labor."

Referred to Committee on Labor Relations.

By Messrs. PRENDERGAST, KOWALYSHYN, SCHWEDER, RUGGIERO, FEE and DOMBROWSKI

HOUSE BILL No. 2299

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for mileage fees.

Referred to Committee on Urban Affairs.

By Messrs. PRENDERGAST, RUGGIERO, KOWALYSHYN and SCHWEDER

HOUSE BILL No. 2300

An Act amending the "Second Class County Code," ap-

proved July 28, 1953 (P. L. 723, No. 230), establishing a mileage rate for county officials and employees.

Referred to Committee on Urban Affairs.

By Messrs. ZWIKL, LEDERER and GREENFIELD

HOUSE BILL No. 2301

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), requiring expenditures for artwork in new construction of public school buildings.

Referred to Committee on Education.

CALENDAR**BILL ON SECOND CONSIDERATION**

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1280, printer's No. 1729**, entitled:

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), entitled, as amended, "Housing Finance Agency Law," changing the membership of the agency, granting additional powers to the agency, limiting the powers of the agency to issue bond anticipation notes and make rental housing program mortgage loans, requiring approval of the Governor for the issuance of bonds and notes, requiring notices to the Governor and to the General Assembly in additional instances, and empowering the agency to establish separate capital reserve funds and accounts.

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

Ordered, to be transcribed for third consideration.

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. 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.

Whereupon,

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

LEGISLATION TO BE INTRODUCED

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

Mr. PYLES. Mr. Speaker, yesterday the Superior Court of New Jersey made a very vital ruling in regards to the life or death of an individual. This individual is being sustained to live by machines. The court in its ruling determined that the medical profession, if it is done as a panel, could make a decision whether or not to remove life-sustaining machinery from a human being. They further in their ruling determined that the medical profession and the hospital should be held harmless from any civil or criminal acts. The basis for their decision is death with dignity.

I am proposing here today in these chambers an act to be known as the living will act. This living will act will grant to any person in the State of Pennsylvania, voluntarily at their choosing, the drawing up of a legal docu-

ment in the same fashion that a will and testament is drawn up, which will grant permission to the medical profession the opportunity to withdraw life-sustaining machinery if a panel of doctors determines that this person is indeed in a terminal illness state.

My bill also immunizes the medical profession and the hospital-care facilities from any civil or criminal actions. It allows the person during his lifetime to revoke this living will, as in the case of any will and testament. It further guarantees that any life insurance policies in effect on that individual are not impaired.

No state in this Union has yet passed such a provision which became law. There are 10 states since the first of January that have introduced a proposal similar to mine.

The complications of life today, with the scientific advances in the medical profession and the fear of the medical profession because of possible malpractice, seem to me to make the provisions for a living will extremely important to the people of our state.

I urge all my colleagues who would like to see people in our state die with dignity to sign my proposal.

Thank you, Mr. Speaker.

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

Mr. McCUE. Mr. Speaker, I seldom feel called upon to make response to comments on the floor, but the lack of morality of the words of the gentleman, Mr. Pyles, compels me to do so.

I have to be reminded of the experiments of Nazi Germany and the various other cultures who have solved their problems with the aged and the infirm by disposing of them. I was shocked several years ago on the abortion matter, and at that time I took the microphone and said that the next step would be the elimination of the aged because they are a burden. I regret that we have now reached that stage. And even though it would be a person who would execute this document, I feel that such a principle would be the beginning of so-called mercy killing or it would be the beginning of eliminating those persons who may be a burden on their friends, families, and on the community.

I am emotionally upset at hearing these words and I am in such a state of shock that I have seldom ever been in my entire lifetime. I would hope that the House would quietly dispose of this matter and that we would not take it seriously. I feel that life is an important thing and that a person should not be put in a position where it could be suicide or where a board of persons, be they doctors or be they anyone, can determine when a person's life should be terminated.

I thank you.

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

Mr. GARZIA. Mr. Speaker, may I interrogate Mr. Pyles, please?

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

Mr. PYLES. I will.

The SPEAKER. The gentleman may proceed.

Mr. GARZIA. Did I hear you right to say that if a person wants to lay down and die, he would sign some kind of paper like a will to say that if he gets sick or something, he could be put out of his misery? Is this what your bill does?

Mr. PYLES. My bill does not say that anybody can lay down and die. My bill allows anyone to enter into a living will—

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. GALLEN. We are debating a bill that has not even been introduced, Mr. Speaker. Let us get on with the business of the day.

The SPEAKER. Under the order of unanimous consent to address the House, the Chair has permitted the gentleman to address himself to the matter. The gentleman may proceed.

Mr. PYLES. My proposal, as I was saying, Mr. Speaker, is for a person of sound mind, 18 years of age or older, to voluntarily enter into a living will agreement just like anyone today may voluntarily enter into a will and testament.

Mr. GARZIA. Mr. Speaker, I cannot hear the gentleman.

Mr. PYLES. Mr. Speaker, maybe I could answer his questions in private and not take up the time of the House.

The SPEAKER. I think in view of the objection raised by the gentleman, Mr. Gallen, that perhaps if the two gentlemen sat down and discussed the philosophical approaches to the bill, it might be better.

RECONSIDERATION OF VOTE ON SENATE BILL No. 1381

Mr. IRVIS moved that the vote by which SENATE BILL No. 1381, printer's No. 1776, entitled:

An Act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1976 to June 30, 1977, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1976.

was defeated on final passage on Wednesday, March 31, 1976, be reconsidered.

Mr. GEORGE 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?

Mr. IRVIS moved that the vote by which SENATE BILL No. 1381, printer's No. 1776, as amended was agreed to on Wednesday, March 31, 1976, be reconsidered.

Mr. GEORGE seconded the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

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

RECONSIDERATION OF VOTE ON GEORGE AMENDMENTS TO SENATE BILL No. 1381

Mr. GEORGE moved that the vote by which his amendments were defeated on Wednesday, March 31, 1976, be reconsidered.

Mr. MANDERINO seconded the motion.

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

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

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

Amend Sec. 2, page 11, line 3, by striking out "1,500,000" and inserting: 2,000,000
Amend Sec. 2, page 32, line 26, by striking out all of said line and inserting: 28,000,000
Amend Sec. 2, page 35, line 13, by striking out "7,243,000" and inserting: 8,243,000

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

AMENDMENTS DIVIDED

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, could I request that this amendment be divided?

The SPEAKER. How does the gentleman desire to divide the amendment?

Mr. GEORGE. The last part of the amendment, "Amend Sec. 2, page 35, line 13 . . ."

The SPEAKER. The Chair understands that the gentleman only wants to offer that portion of the amendment dealing with the appropriation to the general hospitals. Is that correct?

Mr. GEORGE. Yes. The reasoning for this request, Mr. Speaker, is that I talked to many people last evening and today who feel as I do that the entire amendment could not be acceptable but that they might, in fact, agree and endorse the proposal on the third line.

The SPEAKER. The Chair thanks the gentleman, and the question is divided.

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

Mr. POLITE. Mr. Speaker, I do not have a copy of his amendment.

The SPEAKER. Copies of the amendments were distributed this morning, Mr. Polite. I am sure if you ask one of your neighbors, you will be able to find a copy.

Mr. POLITE. If it is yesterday's amendment, it has a different printer's number, Mr. Speaker. I do not have a copy of today's printer's number.

The SPEAKER. The only change in the amendment would be the printer's number. It is the same amendment as was offered yesterday.

Mr. POLITE. Mine was destroyed yesterday, and I do not have a copy. I would like to have a copy of it.

The SPEAKER. We will furnish the gentleman with a copy of the amendment.

Mr. POLITE. Thank you, sir.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, this is an agreed-to amendment as far as I am concerned. Now that the amendment has been divided, as we said at this microphone yesterday, we can accept that part of the amendment now offered.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, apparently the Republican side does not have a copy of yesterday's amendment. Mr. George, would you—

Mr. BUTERA. No; I am sure we have a copy, but I am not exactly certain as to what the amendment does.

Mr. IRVIS. Well, all right. I will ask Mr. George to explain it. It is part of yesterday's amendment which was tripartite yesterday and now is in a single part. He struck two of the parts, leaving a third.

If you would explain it, Mr. George, we would appreciate it.

The SPEAKER. Will the gentleman from Clearfield, Mr. George, explain the single portion of yesterday's amendment which he is offering today?

Mr. GEORGE. Yes, Mr. Speaker.

It is the opinion of myself and many like me who come from the rural areas that there is a severe move toward eliminating the state general hospitals in Pennsylvania. It is apparent by the amount of moneys that were appropriated toward this line item that this move is not only in progress but, in effect, will put the Pennsylvania state general hospitals out of business within the next couple of years.

With the budget 2 years ago being cut by over \$3 million and a prior request to cut it down to \$1.6 million and with the benevolence of the Appropriations Committee to bring it up to an amount of \$7 million, I feel that if we do not do something to bring this budget into perspective, then we in the rural areas will be facing a situation that nobody, but nobody, will want to be blamed for.

In the rural areas where we have a doctor for every 1,657 human beings, we are in severe need of this type of facility. We need it not only for that, but with the severe moves of medical centers and the fact that everybody feels that now we can move into the private sector. I happen to disagree with them, because it is my opinion that no matter who you are or what you are, no matter how rich you are or how poor you are, and as we argue over what is important in this budget, I submit to all of you in this Assembly that everyone in Pennsylvania deserves medical treatment when he is sick. And I submit to you also that I do not believe that any human being who hears my voice at this moment can disagree that in many instances the health care in Pennsylvania is not what it should be.

Therefore, I ask that you consider my amendment to give the best possible health care to every decent human being who cannot get it anyplace else. Thank you.

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

DECISION OF CHAIR RECONSIDERED

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

Mr. ITKIN. Could we undo the "agreed to"?

The SPEAKER. The Chair reconsiders its decision as to the amendment having been agreed to.

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

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

Mr. ITKIN. Mr. Speaker, would Mr. George consent to brief interrogation?

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

Mr. GEORGE. I would.

The SPEAKER. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, could you tell this House what the appropriation was for the state general hospitals in 1974?

Mr. GEORGE. The same as it is at this time.

Mr. ITKIN. What do you mean by "the same"? What is it?

Mr. GEORGE. I think it is \$7,643,000.

Mr. ITKIN. That is not correct, Mr. Speaker. In 1974-75, \$39,788,000 was appropriated in total to state general hospitals. In 1975-76, the appropriation was increased to \$42,333,000. That is the total from state and Federal funds and third-party payments. With the Governor's original recommendation, which was in the original version of Senate bill No. 1381, the total appropriation would have risen to \$46,781,000 with anticipated third-party payments.

Mr. Speaker, what would that bring the total to? What have you added now to the \$1.697 million that was in the original budget?

Mr. GEORGE. Mr. Speaker, your figures might be correct in the fact that you are expressing the charges and not the actual money that comes into these hospitals. We are asking for \$1 million, and it is not for my hospital; it is for the hospitals in all of Pennsylvania. The hospital that I am fighting for is not even in my district but happens to be in the district of a colleague of mine on the other side of the aisle. I am only fighting for his people and your people and my people.

Now you go ahead and quote figures, and that is fine because I always felt that talk is cheap and it takes money to buy whiskey, and I do not agree with you. I am saying to you that third-party payments today in Pennsylvania might sound good, but the fact remains that if an individual is in a state general hospital under Medicaid or Medicare and a doctor submits daily on a call from Harrisburg that the individual is terminal and the condition is progressive, then he is told that he has to get out of there in 5 days or there will be no longer any Medicare or Medicaid, and I say this is wrong.

Now you can take all the figures you want, and if you can make the people in my area better with your figures and without medicine, then I will withdraw my amendment.

Mr. ITKIN. Mr. Speaker, in October of 1975 there were 788 total patients in state general hospitals. The total appropriation for 1975-76 was \$42 million—this is on

page 543 of the Governor's budget document. Now that is about \$50,000 a year per patient. If you divide that by 365, you are talking about over \$150 per patient per day. That seems to me kind of excessive, Mr. Speaker, in view of the fact of the desperate treatment that you say these people are receiving.

What I would like to suggest, Mr. Speaker, is that if the conditions are as you say, obviously our throwing millions of dollars of additional moneys into these hospitals has not changed the situation. Consequently, it is my feeling, Mr. Speaker, that spending an additional \$2 million here is not going to change the general situation that exists at these hospitals. There is something wrong with the administration of these hospitals and not the money appropriated by this legislature.

Mr. GEORGE. If Mr. Itkin will align himself with line 315, which applies directly to the indigent—and this is the reason that these hospitals were put in Pennsylvania, not for just those who could afford it but basically for those who need it—my basic argument is then when it comes to applying figures, that does not always take care of people. I came down from Clearfield County not with all the vast knowledge of some of those here but with some heart and compassion and the ability to recognize when we are being shortchanged.

Mr. ITKIN. Mr. Speaker, I do not think that the members of this House lack compassion. I do think, however, we do have a responsibility to see that the moneys are appropriated in the best possible way and that these moneys be used in the best possible fashion.

I think Mr. George is correct. The question is not whether the moneys that we appropriate are sufficient but whether the moneys that we do appropriate are used in the best possible manner.

I would suggest, Mr. Speaker, that we have overfinanced the state general hospitals.

Mr. GEORGE. Mr. Speaker, I say that the people in this House do have compassion and it is sincere. And I believe they will prove this on this vote.

Thank you.

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

Mr. DiCARLO. Mr. Speaker, I reluctantly rise at this time to urge opposition to this amendment against my colleague, Mr. George. For one time, I do agree with Mr. Itkin.

PARLIAMENTARY INQUIRY

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

Mr. CAPUTO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAPUTO. Mr. Speaker, did I understand that the Chair already indicated that this amendment was agreed to?

The SPEAKER. The Chair withdrew its consideration to that effect.

Mr. CAPUTO. Oh, I am sorry.

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

Mr. DiCARLO. I just want to reemphasize to the members of this House that it is not that Mr. George is asking for an additional appropriation which may make the dif-

ference between the quality of care and the kind of care given.

The problem that we face year after year after year in the operations of these general hospitals has been an accounting system which has said to this legislature that the moneys used are indeed used to deliver that quality of care, and we are finding that most of the money that has been given to these institutions really has not been used for that at all but has been wasted and has been squandered.

I think the Appropriations Committee was right in its original language in the appropriation bill. I think that the original appropriation ought to stay and I urge this House to vote "no" on this amendment.

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

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

YEAS—107

Table listing names of members who voted 'Yeas' (107 total). Includes names like Abraham, Arthurs, Barber, Bellomini, Bennett, Berlin, Berson, Bonetto, Bradley, Brunner, Caputo, Cohen, Cole, Cowell, DeMedio, Dombrowski, Dreibelbis, Eckensberger, Englehart, Fee, Fischer, Flaherty, Fryer, Gallagher, Garza, Geisler, George, Giammarco, Gillespie, Gleeson, Goodman, Green, Greenfield, Hasay, Hayes, D. S., Hayes, S. E., Hepford, Hopkins, Hutchinson, A., Hutchinson, W., Irvia, Johnson, J., Kelly, A. P., Kernick, Kistler, Klingaman, Kolter, Kowalshyn, LaMarca, Laughlin, Lederer, Letterman, Lincoln, Manderino, McCall, McGraw, McIntyre, McLane, Menhorn, Milanovich, Milliron, Miscewich, Morris, Mrkonje, Mullen, Mullen, M. P., Musto, Myers, Novak, Noye, O'Brien, O'Donnell, O'Keefe, Oliver, Perry, Pievsky, Pratt, Prendergast, Ravenstahl, Reed, Renwick, Richardson, Rieger, Ritter, Ross, Ruggiero, Saloom, Schmitt, Schweder, Shane, Shelhamer, Shelton, Shupnik, Stapleton, Stout, Taylor, Toll, Trello, Valcenti, Walsh, T. P., Wansacz, Wargo, Wojdak, Yahner, Zeller, Zwickl, Fineman, Speaker.

NAYS—64

Table listing names of members who voted 'Nays' (64 total). Includes names like Anderson, J. H., Beren, Bittle, Brandt, Burns, Butera, Cessar, Cimini, Cumberland, Davies, Deverter, Dicarolo, Dietz, Dininni, Fawcett, Fisher, Foster, W., Gallen, Geesey, Grteco, Haskell, Hill, Itkin, Knepper, Kusse, Lehr, Levi, Lynch, Manmiller, McClatchy, McCue, Mebus, Miller, M. E., Miller, M. E., Jr., Moehlmann, O'Connell, Pancoast, Parker, H. S., Pitts, Polite, Pyles, Renninger, Scheaffer, Scirica, Seltzer, Sirianni, Smith, E., Smith, L., Spencer, Taddonio, Thomas, Turner, Vroon, Wagner, Weidner, Westerberg, Whelan, Wilson, Wilt, R. W., Wilt, W. W., Worrlow, Wright, Yohn, Zearfoss.

NOT VOTING—25

Table listing names of members who did not vote (25 total). Includes names like Crawford, DiDonato, Dorr, Gring, Halverson, Hamilton, J. H., Laudadio, McGinnis, Perri, Ryan, Salvatore, Shuman.

Table listing names of members: Doyle, Foster, A., Gillette, Gleason, Hammock, Katz, Kelly, J. B., Petrarca, Rappaport, Rhodes, Stahl, Ustynoski, Zord.

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

QUESTIONS 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, I was in attendance at a committee meeting and missed the vote on the George amendment to Senate bill No. 1381. Had I been in my seat, I would have voted in the negative.

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

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

Mr. A. C. FOSTER. I, likewise, was not in my seat when the George amendment was voted. I would have voted in the negative had I been in my seat.

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

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

Mr. DeVERTER. Mr. Speaker, ditto for me. I also would have voted in the negative on the George amendment.

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

The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, I would like to be recorded in the affirmative on the George amendment.

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

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

Mr. WAGNER. Mr. Speaker, on the George amendment, I, in error, voted "nay." I would like the record to show that I would have voted "aye."

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

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

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

Amend Sec. 2, page 33, by inserting between lines 24 and 25: Operation and maintenance of the Veterans Hospital at Valley Forge 1,200,000

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

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

Mr. ZELLER. Mr. Speaker, as I noted yesterday, I felt a very unfair situation had developed in that House bills Nos. 1513, 1514, and 1515, pertaining to Valley Forge

General Hospital being developed into a nursing home for veterans, were passed by this General Assembly last fall and sent to the Senate.

Now those three bills will total some \$1.2 million, but I notice that it is not in the budget. However, the judges' bill, which passed this General Assembly as far as the House division is concerned about a month ago, totals some \$1.432 million for a \$5,000 increase for the judges. That is in the budget.

To keep the procedure proper and to let the Senate know our intent, we felt that it should be placed into this budget. What they do with it is another question, but at least we should be consistent and show our intent.

For that reason, I am offering the amendment and I would appreciate a "yes" vote.

Thank you.

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

Mr. WOJDAK. Mr. Speaker, when that amendment was offered yesterday, I opposed it, indicating that \$1.2 million for the Veterans' Hospital should not be included in this budget until the bill in the Senate was passed.

In talking to members of the Senate this morning, they have indicated that they will not pass the Senate bill until the money is in the budget.

Now Mr. Zeller and those interested in putting the money in this budget are really getting it both ways and getting caught in the center. Someone has to break the circle, and I would urge this House to break that circle, vote for this amendment, insert the \$1.2 million in the budget so that the Senate can, in fact, pass this bill. If, in fact, the Senate does not, you are looking at a surplus of \$1.2 million in the budget. I would urge an affirmative vote on the amendment.

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

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

YEAS—168

Abraham	Geisler	Mebus	Scitica
Arthur	George	Menhorn	Seltzer
Barber	Giammarco	Milanovich	Shane
Bellomini	Gillespie	Miller, M. E.	Shelhamer
Bennett	Gillette	Miller, M. E., Jr.	Shelton
Beren	Gleeson	Milliron	Shuman
Berlin	Goodman	Miscevich	Shupnik
Berson	Green	Moehlmann	Sirianni
Bittle	Greenfield	Morris	Smith, E.
Bonetto	Grieco	Mrkonje	Smith, L.
Bradley	Hasay	Mullen, M. P.	Spencer
Brandt	Hayes, D. S.	Mullen	Stahl
Brunner	Hayes, S. E.	Musto	Stapleton
Burns	Hepford	Myers	Stout
Butera	Hill	Novak	Taddonio
Caputo	Hopkins	Nove	Taylor
Cessar	Hutchinson, A.	O'Brien	Thomas
Cimino	Hutchinson, W.	O'Connell	Toll
Cohen	Irvia	O'Donnell	Trello
Cole	Itkin	O'Keefe	Turner
Cowell	Johnson, J.	Oliver	Valicenti
Davies	Kelly, A. P.	Pancoast	Vroon
DeMedio	Kernick	Parker, H. S.	Wagner
Deverter	Kistler	Perry	Walsh, T. P.
Dicarlo	Klingaman	Plevsky	Wansacz
Dietz	Knopper	Pitts	Wargo
Dininni	Kolter	Polite	Weldner
Dombrowski	Kowalyszyn	Pratt	Westerberg
Doyle	Kusse	Prendergast	Whelan
Dreibelbis	LaMarca	Pyles	Wilson
Eckensberger	Laughlin	Ravenstahl	Wilt, W. W.
Engelhart	Lederer	Reed	Wojdak
Fee	Lehr	Renninger	Worrlow

Fischer	Levi	Renwick	Wright
Fisher	Lincoln	Richardson	Yahner
Flaherty	Lynch	Rieger	Yohn
Foster, A.	Manderino	Ritter	Zearfoss
Foster, W.	Manmiller	Ross	Zeller
Fryer	McCall	Ruggiero	Zwickl
Gallagher	McCue	Scheaffer	
Gallen	McGraw	Schmitt	Fineman, Speaker
Garzia	McIntyre	Schweder	
Geesey	McLane		

NAYS—4

Anderson, J. H.	Fawcett	Haskell	Wilt, R. W.
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NOT VOTING—24

Crawford	Halverson	Letterman	Rhodes
Cumberland	Hamilton, J. H.	McClatchy	Ryan
DiDonato	Hammock	McGinnis	Saloom
Dorr	Katz	Perri	Salvatore
Gleason	Kelly, J. B.	Petrarca	Ustynoski
Gring	Laudadio	Rappaport	Zord

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

QUESTIONS 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, I was in attendance at a committee meeting and missed the vote on the Zeller amendment to Senate bill No. 1381. Had I been in my seat, I would have voted in the affirmative.

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

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

Mr. DeVERTER. Mr. Speaker, ditto for me. I also would have voted in the affirmative on the Zeller amendment.

The SPEAKER. The remarks of the gentleman will be noted for the record.

The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, I would like to be recorded in the affirmative on the Zeller amendment.

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

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

Mr. ZELLER. Mr. Speaker, I had intended to introduce another amendment which I will withdraw for this reason: I must comment that I had intended to introduce an amendment to withdraw the judges' money. However, I voted against it when it went through the House. You know, you cannot have everything in this world, and I believe that what we have done here is right. By the same token, we have got the Senate on the spot in regard to the judges' bill as well. I think you have done well here and I appreciate it. For that reason, I am going to withdraw that amendment. I would not be fair because I would not be consistent.

The House did pass the judges' bill, although I did not vote against it. Who am I to go against the majority?

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

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

Mr. WOJDAK. Mr. Speaker, I believe Mr. Bennett is having a committee meeting at this moment and for those members who are in that committee meeting, I would ask someone to indicate—

The SPEAKER. The House will be at ease for 5 minutes.

BILL REPORTED FROM COMMITTEE

SENATE BILL No. 1429

By Mr. BENNETT

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), entitled, as amended, "Industrial and Commercial Development Authority Law," further providing for certain exemptions from taxation.

Reported from Committee on Business and Commerce.

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

Mr. BENNETT. Thank you, Mr. Speaker.

Mr. Speaker, I would like to bring to the attention of the members of the House the importance of the legislation that was just reported from the Committee on Business and Commerce.

It is my feeling, Mr. Speaker, that it is very important legislation dealing with a wide range of subjects concerning the residents of this Commonwealth. It is my understanding, further, Mr. Speaker, that the bill will be given consideration today and probably will be called up for a vote next week.

I would ask all the members of the House of Representatives to get a copy of the bill and to study it very carefully. At a proper time, Mr. Speaker, I will rise to further debate the bill.

In essence—and hopefully, very briefly—the main thrust of the bill will be to prevent a revenue loss to the Commonwealth. If this revenue loss is not stopped at this time, it may lead to some rather serious consequences.

That is all I have to say on the bill at the present time, Mr. Speaker. I would again urge the members to get a copy of it and study it very carefully in order to be prepared to debate it at a later date. Thank you.

DECISION RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hammock. The Chair reconsiders its decision as to this bill having been agreed to.

Mr. HAMMOCK. Mr. Speaker, I have an amendment that I would like to offer, and my colleague and chairman of the committee, Mr. Bennett, is here also to speak very briefly to this amendment.

Over the past several months, Mr. Speaker, we have been conducting a status investigation of the Bureau of Minority Business Development under the Department of Commerce. It is our conclusion that some additional moneys ought to be put into the Department of Commerce.

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

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

Amend Sec. 2, page 11, line 2, by striking out "2,000,000" and inserting: 3,000,000

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

The SPEAKER. Will the gentleman, Mr. Hammock, please explain the amendment so the membership will understand what you are doing?

Mr. HAMMOCK. Thank you, Mr. Speaker.

Let me apologize to the members of the House. The copies are now being distributed.

It is the conclusion of the Business and Commerce Committee that some additional moneys ought to be offered into the Department of Commerce's Bureau of Minority Business Development. If I had my choice, it would no longer be called Minority Business Development but rather Small Business Development, because I think the work of this agency or this department affects all of the small businesses in the state.

But we have discovered that what is really necessary in order to keep literally thousands—let me say it again, Mr. Speaker, literally thousands—of businesses, small businesses, in this state continuing through the next year or year and a half, hopefully when the economy will spiral upward, we have got to do something in order to keep that going, especially in the area of providing training, in the area of technical help, and what have you. There currently is just not enough money in the bureau to do that. We only have \$2 million for literally hundreds of thousands of small businesses across this state.

My amendment seeks to add an additional very small price tag of \$1 million, which would bring that up to \$3 million in the minority business development fund, and that is the import of the amendment.

I would like to call upon the chairman of the committee, Mr. Bennett, at this time for a few remarks.

Thank you.

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

Mr. BENNETT. Mr. Speaker, I rise in total support of the amendment offered by my colleague, Mr. Hammock, to add \$1 million to the minority business development fund within the Department of Commerce. I agree wholeheartedly with my colleague that it should not be called the Bureau of Minority Business Development, for the obvious reasons that he has spoken to.

Further than that, Mr. Speaker, I would tell the members of this body that our committee has already conducted two public hearings relative to minority businesses and will follow those two by at least one further hearing here in the Capitol.

In our two previous hearings, Mr. Speaker, we discovered that we could probably appropriate upwards of \$10 million to \$15 million and still really not scratch the surface of the problems of the minority businesses here in this Commonwealth.

Mr. Speaker, I rise to urge support of the amendment offered by my colleague, Mr. Hammock.

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

Mr. LAUGHLIN. Mr. Speaker, I would like to join Mr.

Bennett and Mr. Hammock in support of this amendment. I have had numerous requests from my constituents out in the west for such a program as Mr. Hammock has suggested.

I urge all the members to vote in the affirmative. Thank you.

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

The yeas and nays were required by Messrs. HAMMOCK and BENNETT and were as follows:

YEAS—97

Abraham	George	McIntyre	Rieger
Arthurs	Giammarco	McLane	Ritter
Barber	Gillette	Menhorn	Ross
Bellomini	Gleeson	Milanovich	Ruggiero
Bennett	Goodman	Miller, M. E., Jr.	Saloom
Berlin	Green	Milliron	Schmitt
Berson	Greenfield	Miscevich	Schweder
Bonetto	Hammock	Morris	Shelton
Bradley	Hutchinson, A.	Mrkonic	Smith, L.
Caputo	Irviss	Mullen, M. P.	Stout
Cohen	Itkin	Mullen	Taylor
Cole	Johnson, J.	Musto	Toll
Cowell	Kelly, A. P.	Myers	Trello
DeMedio	Kernick	Novak	Valicenti
DiDonato	Kolter	O'Brien	Walsh, T. P.
Dombrowski	Kowalshyn	O'Donnell	Wansacz
Doyle	LaMarca	Oliver	Wargo
Dreibelbis	Laughlin	Perry	Wojdak
Eckensberger	Lederer	Pievsky	Worrlow
Englehart	Letterman	Pratt	Zeller
Fee	Lincoln	Prendergast	Zwick
Flaherty	Manderno	Rappaport	
Gallagher	McCall	Ravenstahl	Fineman,
Garzia	McCue	Reed	Speaker
Geisler	McGraw	Richardson	

NAYS—78

Anderson, J. H.	Gallen	McClatchy	Shuman
Beren	Geesey	Mebus	Sirianni
Bittle	Gillespie	Miller, M. E.	Smith, E.
Brandt	Grieco	Moehlmann	Spencer
Brunner	Halverson	Noye	Stahl
Burns	Hassy	O'Connell	Stapleton
Butera	Haskell	O'Keefe	Taddonio
Cessar	Hayes, D. S.	Pancoast	Thomas
Cimint	Hayes, S. E.	Parker, H. S.	Turner
Davies	Hepford	Pitts	Vroon
Deverter	Hill	Pollte	Wagner
Dietz	Hopkins	Pyles	Weidner
Dintzani	Hutchinson, W.	Renninger	Westerberg
Dorr	Kistler	Renwick	Wilson
Fawcett	Klingaman	Ryan	Wilt, R. W.
Fischer	Knepper	Scheaffer	Wilt, W. W.
Fisher	Kusse	Scirica	Wright
Foster, A.	Lehr	Seltzer	Yahner
Foster, W.	Levi	Shane	Yohn
Fryer	Manmiller		

NOT VOTING—21

Crawford	Katz	Perri	Shupnik
Cumberland	Kelly, J. B.	Petrarca	Ustynoski
Dicarlo	Laudadio	Rhodes	Whelan
Gleason	Lynch	Salvatore	Zearfoss
Gring	McGinnis	Shelhamer	Zord
Hamilton, J. H.			

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. BRUNNER. Mr. Speaker, on Mr. Hammock's

amendment to Senate bill No. 1381, I would like to correct my vote. The record indicates a "no" vote. I would like to be recorded in the affirmative.

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

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?
(Members proceeded to vote.)

VOTE CHALLENGED

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

Mr. ITKIN. Is Mr. Petrarca in the hall of the House?

The SPEAKER. Is the gentleman, Mr. Petrarca, in the hall of the House?

They tell me his ice cream is here.

Mr. ITKIN. Would you have his vote removed, please?

Mr. Speaker, would you have his vote removed, please?

The SPEAKER. If Mr. Petrarca is not in the hall of the House, will someone remove his name from the board, please?

Under the rules of the House, every member who is present in the hall of the House is required to vote. The members who are present will get their votes on the board.

Mr. McCLATCHY. Mr. Speaker, could we have the members sit in their seats, please?

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, may we have the members sit in their seats and those who are not members off the floor? Is that not a rule of the House?

The SPEAKER. The staff is entitled to—

Miss SIRIANNI. To roam the hall?

The SPEAKER. They are not roaming the hall.

The members will please be seated. It is important that the lady have an opportunity to check to see who is here and who is not here.

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. The lady will state it.

Miss SIRIANNI. I have before me a clock, which I set for 15 minutes, and I have before me the rules of the House which state, in rule 66, on page 37:

When, in the judgment of the Speaker, reasonable time has been allowed all members present in the House to vote (in no event shall such time exceed ten minutes)

Mr. Speaker, may I ask that you apply this rule in voting in this House?

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

Mr. RAPPAPORT. Mr. Speaker, will the lady from Sullivan consent to interrogation?

The SPEAKER. Will the lady, Miss Sirianni, consent to interrogation?

Miss SIRIANNI. The lady from Susquehanna will be happy to.

Mr. RAPPAPORT. I apologize.

Mr. CAPUTO. Mr. Speaker, I move that the roll call be removed while this goes on, and we will start over.

The SPEAKER. The gentleman will proceed.

Mr. RAPPAPORT. Mr. Speaker, when a policeman stops a speeder on the Turnpike and uses radar or his speedometer, he must prove at the hearing that the speedometer was calibrated within 30 days. Mr. Speaker, I wonder if the lady could give us information as to the last time her clock was checked by a certified watchmaker, so that we can be sure that the time element is accurate.

Miss SIRIANNI. Is the clock in the back of the House correct, Mr. Speaker?

Mr. RAPPAPORT. Mr. Speaker, I am very sorry, but I am not an expert on clocks nor on watches, and I really am unable to answer the lady's inquiry.

Miss SIRIANNI. Mr. Speaker, I am only trying to point out to the press that this House is making a mockery of the rules which it made.

I really do not care how long you keep it open as long as you are doing it.

The SPEAKER. The Chair thanks the lady.

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

Mr. POLITE. Mr. Speaker, may I have attention, because I have something very important to say? It will only take me 5 seconds.

Mr. Speaker, I would like, with the Chair's permission, to change the name of my television program from "To Tell the Truth," when this group comes back from the office over there and those red lights change, to "Let's Make a Deal."

Thank you.

The SPEAKER. I would rather call it "To Make An Accommodation."

PARLIAMENTARY INQUIRY

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

Mr. HEPFORD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPFORD. Mr. Speaker, would the provisions of the "Sunshine" law entitle members of the press and television media to appear at the meeting that is now taking place between the members who have been removed from the floor to the Governor's office?

The SPEAKER. I understand that they went to the men's room.

Mr. HEPFORD. Well, we understand that they may be in the anteroom meeting with the Governor. I saw the Governor in members' offices today with his shirt sleeves rolled up, not in the Governor's office.

The question is whether or not this meeting would be open to other members or whether it would be open to members of the press.

The SPEAKER. I do not know, but I would think the

answer would be very interesting. I do not really know the answer to that offhand.

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

Mr. ITKIN. Mr. Speaker, I agree with what you said, Mr. Speaker. In fact, when I saw the Governor this morning, I said that I get my news in the hallways, and he said that he gets his in the men's room.

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

Mr. ARTHURS. Mr. Speaker, I think we can just be fortunate that we live in a land of democracy where we have some people who are willing to sit down and work out their problems rather than be in a land of dictatorship where we see all red on one side.

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

Mr. W. D. HUTCHINSON. I suppose, Mr. Speaker, we will really have to wait and abide the event of their return to determine what television program we are on, but one other possibility that suggests itself is "The Price Is Right."

The SPEAKER. How many of the current crop of Republicans were in the House under the days of Governor Scranton when we debated the unemployment compensation ripper bill? There was a constant parade from the floor to the front office. I guess it is a practice that has been engaged in by administrations on both sides.

The Chair recognizes the minority leader.

Mr. BUTERA. I will give you another 3 minutes before I say it.

The SPEAKER. The Chair recognizes the lady, Miss Sirianni.

Miss SIRIANNI. I only wanted to remind you that 40 minutes have gone by and the rules say 10 minutes. That is all.

The SPEAKER. The Chair appreciates the forbearance of the minority leader in calling for the vote to be finally recorded. It is indeed time to have the vote finally recorded. The Chair would ask those members who have been switching their lights back and forth to finally get into a final definitive position on the board. The board will shortly be closed.

Does the gentleman, Mr. Greenfield, desire to be recorded in the negative? Where is the gentleman, Mr. Greenfield?

Does the gentleman, Mr. Mrkonic, desire to be recorded in the negative?

Have all the members voted?

The gentleman, Mr. Petrarca's vote will be stricken.

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—99

Abraham	Giammarco	Milanovich	Ritter
Arthurs	Gillette	Milliron	Ross
Barber	Gleeson	Miscevich	Ruggiero
Bellomini	Goodman	Morris	Saloom
Bennett	Green	Mrkonic	Schmitt
Berlin	Greenfield	Mullen, M. P.	Schweder
Berson	Hammock	Mullen	Shane

Bonetto	Hutchinson, A.	Musto	Shelhamer
Bradley	Irvis	Myers	Shelton
Brunner	Johnson, J.	Novak	Shupnik
Caputo	Kelly, A. P.	O'Brien	Stout
Cohen	Kernick	O'Donnell	Taylor
Cole	Koiter	Oliver	Toll
Cowell	Kowalyshyn	Perry	Trello
DeMedio	LaMarca	Petrarca	Valicenti
Dicarlo	Laughlin	Plevsky	Walsh, T. P.
Dombrowski	Lederer	Pratt	Wansacz
Dreibelbis	Letterman	Prendergast	Wargo
Eckensberger	Lincoln	Rappaport	Wojdak
Englehart	Manderino	Ravenstahl	Yahner
Fee	McCall	Reed	Zeller
Flaherty	McGraw	Renwick	Zwikel
Fryer	McIntyre	Rhodes	
Gallagher	McLane	Richardson	Fineman,
Geisler	Menhorn	Rieger	Speaker
George			

NAYS—74

Anderson, J. H.	Garzia	Manmiller	Seltzer
Beren	Geesey	McClatchy	Sirianni
Bittle	Gillespie	McCue	Smith, E.
Brandt	Grieco	Mebus	Smith, L.
Burns	Halverson	Miller, M. E.	Spencer
Butera	Hasay	Miller, M. E., Jr.	Stapleton
Cessar	Haskell	Moehlmann	Taddonio
Cimini	Hayes, D. S.	Noye	Thomas
Davies	Hayes, S. E.	O'Connell	Turner
Deverter	Hepford	O'Keefe	Wagner
Dietz	Hill	Pancoast	Weidner
Dorr	Hopkins	Parker, H. S.	Westerberg
Doyle	Hutchinson, W.	Pitts	Wilson
Fawcett	Itkin	Polite	Wilt, R. W.
Fischer	Kistler	Pyles	Wilt, W. W.
Fisher	Klingaman	Renninger	Worrlow
Foster, A.	Kusse	Scheaffer	Wright
Foster, W.	Lehr	Scirica	Yohn
Gallen	Levi		

NOT VOTING—23

Crawford	Hamilton, J. H.	McGinnis	Ustynoski
Cumderland	Katz	Perri	Vroon
DiDonato	Kelly, J. B.	Ryan	Whelan
Dininni	Knepper	Salvatore	Zearfos
Gleason	Laudadio	Shuman	Zord
Gring	Lynch	Stahl	

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. O'CONNELL. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. O'CONNELL. Mr. Speaker, I was not paying attention. Please change my "nay" vote to "aye" on Senate bill No. 1381.

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

BILLS NOT CALLED UP

The SPEAKER. Remaining bills on today's calendar are not called up.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Messrs. COHEN and LEDERER

HOUSE BILL No. 2302

An Act requiring banking institutions and others to disclose certain information relative to mortgages and providing penalties.

Referred to Committee on Business and Commerce.

By Messrs. BEREN and BONETTO

HOUSE BILL No. 2303

An Act providing for the continuance and use of tolls on the Pennsylvania Turnpike system.

Referred to Committee on Transportation.

By Messrs. DeMEDIO, PRENDERGAST, SHUMAN, RUGGIERO, HOPKINS, M. M. MULLEN, PYLES, GREENFIELD, A. K. HUTCHINSON, HALVERSON, and BUTERA

HOUSE BILL No. 2304

An Act amending the "County Pension Law," approved August 31, 1971 (P. L. 398, No. 96), further providing credits for military service.

Referred to Committee on Urban Affairs.

By Messrs. DeMEDIO, SHUMAN, LYNCH, HOPKINS, RUGGIERO, M. M. MULLEN, PYLES, GREENFIELD, A. K. HUTCHINSON, HALVERSON and BUTERA

HOUSE BILL No. 2305

An Act amending the Second Class City Employee Pension Law approved May 28, 1915 (P. L. 596, No. 259), further providing for military service.

Referred to Committee on Urban Affairs.

By Messrs. DeMEDIO, SHUMAN, RUGGIERO, HOPKINS, M. M. MULLEN, PYLES, GREENFIELD, A. K. HUTCHINSON, HALVERSON and BUTERA

HOUSE BILL No. 2306

An Act amending the "Pennsylvania Municipal Retirement Law," approved February 1, 1974 (P. L. 34, No. 15), changing the length of service in the municipality in order to secure certain military service credits for retirement.

Referred to Committee on Urban Affairs.

By Messrs. DeMEDIO, SHUMAN, RUGGIERO, HOPKINS, M. M. MULLEN, PYLES, GREENFIELD, A. K. HUTCHINSON, HALVERSON and BUTERA

HOUSE BILL No. 2307

An Act amending the act of September 23, 1959 (P. L. 970, No. 400), entitled "An act providing for the creation, maintenance and operation of an employees' retirement system in cities of the second class A, and imposing certain charges on cities of the second class A and school districts in cities of the second class A," further providing for certain military credits.

Referred to Committee on Urban Affairs.

By Messrs. DeMEDIO, SHUMAN, RUGGIERO, HOPKINS, M. M. MULLEN, PYLES, GREENFIELD, A. K. HUTCHINSON, HALVERSON and BUTERA

HOUSE BILL No. 2308

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), providing for certain military service credit for employe retirement other than city-paid firemen and police.

Referred to Committee on Urban Affairs.

By Messrs. DeMEDIO, PRENDERGAST, SHUMAN, RUGGIERO, HOPKINS, M. M. MULLEN, PYLES, GREENFIELD, A. K. HUTCHINSON, HALVERSON and BUTERA

HOUSE BILL No. 2309

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems

existing in such cities," providing for certain military service credit for employe retirement other than city-paid firemen and police.

Referred to Committee on Urban Affairs.

By Mr. PYLES

HOUSE BILL No. 2310

An Act authorizing an adult individual to execute a document directing discontinuance of maintenance medical treatment in the event of terminal illness; granting certain powers and duties to physicians and providing immunity from liability for certain actions.

Referred to Committee on Judiciary.

COMMUNICATION FROM GOVERNOR

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

APPROVAL OF HOUSE BILL No. 1153

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

April 1, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 1153, printer's No. 2342, entitled "An Act amending the act of June 13, 1967

(P. L. 31, No. 21), entitled 'Public Welfare Code,' further providing for eligibility for assistance."

MILTON J. SHAPP
GOVERNOR

WELCOMES

The SPEAKER. The Chair wants to welcome some Girl Scouts to this show—19 Girl Scouts from Troop 873 from Saint Margaret Mary School, Penbrook, Dauphin County.

The Girl Scouts are here today with their leaders, Judy Surak and Nancy Hoffman, and they are the guests of the gentleman from Dauphin, Mr. Hepford.

The Chair would like to welcome to the hall of the House George Clapper, superintendent of the Tussey Mountain School District, and William Pettigrew, elementary supervisor at Saxton, Pennsylvania, who are the guests of Mr. Clarence Dietz.

ADJOURNMENT

Mr. PIEVSKY moved that this House do now adjourn until Monday, April 5, 1976, at 1 p.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 4:58 p.m., e.s.t.) the House adjourned.