

Legislative Journal

WEDNESDAY, MAY 12, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 128

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

PRAYER

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

Heavenly Father, Thou art the Creator and Ruler over all; and as Thou hast made our world and all that is therein, Thou hast also made man in Thine own image and placed him in the world to enjoy all of the blessings thereof. We come before Thee to offer our adoration and praise to Thy Holy and Most Righteous Name. We beseech Thee of Thy great mercy to bless us as a nation and be pleased to grant to these stewards of Thine the assurance of Thy continued blessing. O God, be pleased to teach them Thy will, so that they may obey Thy divine laws, and set in motion laws which will aid in the betterment of all men. This we ask with the understanding that we are accountable unto Thee, the only wise God, blessed forevermore. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, May 11, 1976, will be postponed until printed.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. Without objection, leave is granted.

The Chair recognizes the minority whip.

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

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll. Members will proceed to vote.

The roll was taken and was as follows:

YEAS—196

Abraham	Gallen	McCue	Salvatore
Anderson, J. H.	Garzia	McGinnis	Scheaffer
Arthurs	Geesey	McIntyre	Schmitt
Barber	Geisler	McLane	Schweder
Bellomini	George	Mebus	Setrica

Bennett	Giammarco	Menhorn	Seltzer
Beren	Gillespie	Milanovich	Shane
Berlin	Gillette	Miller, M. E.	Shelhamer
Berson	Gleeson	Miller, M. E., Jr.	Shelton
Buttle	Goodman	Milliron	Shuman
Bonetto	Green	Miscevich	Shupnik
Bradley	Greenfield	Moehlmann	Sirianni
Brandt	Grieco	Morris	Smith, E.
Brunner	Gring	Mrkonje	Smith, L.
Burns	Halverson	Mullen, M. P.	Spencer
Butera	Hamilton, J. H.	Mullen	Stahl
Caputo	Hasay	Musto	Stapleton
Cassar	Haskell	Myers	Stout
Cianciulli	Hayes, D. S.	Novak	Taddonio
Cimini	Hayes, S. E.	Noye	Taylor
Cohen	Hepford	O'Brien	Thomas
Cole	Hill	O'Connell	Toll
Cowell	Hopkins	O'Donnell	Trello
Crawford	Hutchinson, A.	O'Keefe	Turner
Cumberland	Hutchinson, W.	Oliver	Ustynoski
Davies	Irvig	Pancoast	Valicenti
DeMedio	Itkin	Parker, H. S.	Vroon
Deverter	Johnson, J.	Perri	Wagner
DiCarlo	Katz	Perry	Wansacz
DiDonato	Kelly, A. P.	Petrarca	Wargo
DeWeese	Kernick	Pievsky	Weldner
Dietsch	Kistler	Pitts	Westerberg
Diminni	Klingaman	Polite	Whelan
Dombrowski	Kolter	Pratt	Wiggins
Dorr	Kowalshyn	Prendergast	Williams
Doyle	Kusse	Pyles	Wilson
Dreibelbis	LaMarca	Rappaport	Wilt, R. W.
Dumas	Laudadio	Reed	Wilt, W. W.
Eckensberger	Laughlin	Reed	Wojdak
Engelhart	Lederer	Renninger	Worriow
Fawcett	Lehr	Renwick	Wright
Fee	Letterman	Rhodes	Yohn
Fischer	Levi	Richardson	Zearfoss
Fisher	Lincoln	Rieger	Zeller
Flaherty	Logue	Ritter	Zord
Foster, A.	Lynch	Ross	Zwikl
Foster, W.	Manderino	Ruggiero	
Freind	Manmiller	Ryan	Fineman,
Fryer	McCall	Saloom	Speaker
Gallagher	McClatchy		

NAYS—0

NOT VOTING—7

Gleason	Kelly, J. B.	McGraw	Yahner
Hammock	Knepper	Walsh, T. P.	

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. DOYLE. Mr. Speaker, yesterday I erroneously voted for House bill No. 1764. I voted in the negative. I was confused on the bill; I should have voted in the affirmative. I wish the record to show that.

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

The Chair recognizes the gentleman from Lycoming, Mr. CIMINI. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. CIMINI. Mr. Speaker, I would like to be recorded in the negative on House bill No. 1764.

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

CALENDAR

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 796

Mr. LAUDADIO called up the following report of the Committee of Conference on House bill No. 796, which was read:

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 796, entitled:

"An act amending the act of January 19, 1968 (1967 P. L. 996, No. 443), entitled 'An act authorizing the creation of indebtedness of five hundred million dollars for the conservation and reclamation of land and water resources; defining the powers and duties of certain offices, agencies and political subdivisions; providing for the allotment of proceeds hereunder including Commonwealth grants; prescribing standards and making appropriations,' granting the Secretary of Environmental Resources the right to enter certain premises for the purpose of conserving and reclaiming land and water resources; providing for liens upon such land; PROVIDING FOR THE PROMULGATION OF RULES AND REGULATIONS and providing for rights of recovery for abatement of emergency conditions."

respectfully submit the following bill as our report:

JOHN F. LAUDADIO
A. JOSEPH VALICENTI
H. HARRISON HASKELL

(Committee on the part of the House of Representatives.)

JAMES E. ROSS
ROBERT J. MELLOW
EDWIN G. HOLL

(Committee on the part of the Senate.)

An Act amending the act of January 19, 1968 (1967 P. L. 996, No. 443), entitled "An act authorizing the creation of indebtedness of five hundred million dollars for the conservation and reclamation of land and water resources; defining the powers and duties of certain offices, agencies and political subdivisions; providing for the allotment of proceeds hereunder including Commonwealth grants; prescribing standards and making appropriations," granting the Secretary of Environmental Resources the right to enter certain premises for the purpose of conserving and reclaiming land and water resources; providing for liens upon such land; providing for the promulgation of rules and regulations and providing for rights of recovery for abatement of emergency conditions.

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

Section 1. Clause (1) of subsection (a) of section 16, act of January 19, 1968 (1967 P. L. 996, No. 443), known as "The Land and Water Conservation and Reclamation Act," amended July 12, 1972 (P. L. 857, No. 193), is amended to read:

Section 16. Allotment of Moneys.—(a) The moneys received by the Commonwealth from the issuance and sale of bonds and notes pursuant to this act when appropriated by the General Assembly from the development fund shall be allotted for the following specific purposes:

(1) To the Department of Environmental Resources the sum of two hundred million dollars (\$200,000,000) for the elimination of land and water scars created by past [coal] mining practices, one hundred fifty million dollars (\$150,000,000) of which shall be used for the prevention, control and elimination of stream pollution from mine drainage and may include the restoration of abandoned strip mine areas, twenty million dollars (\$20,000,000) of which shall be used for the prevention, control and elimination of air pollution from abandoned burning coal refuse banks provided such land and bank material is publicly owned, and thirty million dollars (\$30,000,000) of which shall be used for the prevention of surface subsidence above abandoned mine operations, for the control and extinguishment of surface and underground fires from abandoned mines and for administration expenses attendant thereto.

[Pending the acquisition by the Commonwealth, a county or a municipality, when necessary, of any land or other property interest required to combat stream pollution, air pollution, subsidence or mine fires, whenever] If the Secretary of Environmental Resources makes a finding of fact that: (i) a mine fire, refuse bank fire, stream pollution resulting from [an abandoned strip mine area] mine drainage or subsidence resulting from mining is at a stage where in the public interest immediate action should be taken; and (ii) [in the cases of mine fires, refuse bank fires or subsidence, an emergency exists and no other person or agency will act to combat the condition; and (iii)] the owners of the property upon which entry must be made to combat the mine fire, refuse bank fire, stream pollution resulting from [an abandoned strip mine area] mine drainage or subsidence resulting from mining are not known, are not readily available or will not give permission for the Secretary of Environmental Resources, political subdivisions of the Commonwealth or municipalities, their agents, employees or contractors to enter upon such premises [, or the delay entailed in reaching said owners and in securing from them the right to enter upon the premises in the case of mine fires, refuse bank fires and subsidence constitutes a clear and immediate danger to the life or property of others].

Then, upon giving notice by mail to the owners if known or if not known by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipality in which the land lies, [and filing with the prothonotary of the court of common pleas of the county in which said premises lie of such intention of entry or taking, in conformity with the provisions of the "Eminent Domain Code,"] the Secretary of Environmental Resources, political subdivisions of the Commonwealth or municipalities, their agents, employees or contractors, shall have the right to enter upon the premises and any other land in order to have access to the premises to combat the mine fire, refuse bank fire, stream pollution resulting from [an abandoned strip mine area,] mine drainage or subsidence resulting from mining and to do all things necessary or expedient to do so. Such entry shall not be construed as an act of condemnation of property or of trespass thereon. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall [immediately become a charge] be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry. Provided however, that this provision is not intended to create new rights of action or eliminate existing immunities.

The Secretary of the Department of Environmental Resources, political subdivisions of the Commonwealth or municipalities, their agents, employees or contractors, shall have the right to enter upon any lands for the purpose of conducting a study or exploratory work to determine if stream pollution from mine drainage, air pollution from abandoned burning coal refuse banks, subsurface subsidence or surface and underground fires exists and to determine the feasibility of correcting such conditions.

Such entry shall not be construed as an act of condemnation of property or of trespass thereon.

Within six months after the completion of any of the work to abate non-emergency pollution conditions from past mining practices herein contemplated on any privately owned property, the Secretary of Environmental Resources shall itemize the moneys so expended and [shall] may file a statement thereof in the office of the prothonotary of the county in which the land lies together with a notarized appraisal by an independent appraiser of the value of the land before and after the abatement of the pollution conditions herein contemplated, if the moneys so expended shall result in a significant increase in property value. Such statement shall constitute a lien upon the said land as of the date of the expenditure of the moneys and shall have priority as a lien second only to the lien of real estate taxes imposed upon said land. The lien shall not exceed [an] the amount determined by [a board of viewers, appointed as provided in the "Eminent Domain Code,"] the appraisal to be the increase in the market value of the land as a result of the abatement of the pollution immediately after the Department of Environmental Resources has completed its work, and the lien shall extend only to that portion of the premises directly involved in the work of the Department of Environmental Resources under this act. The landowner may proceed as provided by the "Eminent Domain Code" to petition for a board of view within sixty days of the filing of the lien, to determine the increase in the market value of that portion of the premises directly involved in the work herein contemplated as a result of the abatement of the pollution conditions. The amount reported by the board of viewers to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement herein provided. Any party aggrieved by the decision of the viewers may appeal as provided in the "Eminent Domain Code."

The lien provided herein shall be entered in the judgment index and shall be given the effect of a judgment against the said land. The lien shall be enforced by the direct issuance of a writ of execution without prosecution to judgment of a writ of scire facias in the manner provided by law for the enforcement, collection and revival of municipal liens.

The Department of Environmental Resources is authorized to expend funds, as appropriated in this section for the emergency abatement of a mine fire, refuse bank fire, stream pollution resulting from mine drainage or subsidence resulting from mining whenever created if the Secretary of Environmental Resources makes a finding of fact that: (i) an emergency exists constituting an extreme danger to the public; and (ii) no other person or agency will act to combat the condition. The department, political subdivisions of the Commonwealth or municipalities, their agents, employees or contractors shall have the right to enter upon the premises where the emergency exists and any other land to have access to the premises to combat the mine fire, refuse bank fire, stream pollution resulting from mine drainage or subsidence resulting from mining and to do all things necessary or expedient to do so. Such entry shall not be construed as an act of condemnation of property or of trespass thereon. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and refuse piles located thereon and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry: Provided, however, That this provision is not intended to create new rights of action or eliminate existing immunities.

All moneys expended under this act for the emergency abatement of mine fires, refuse bank fires, stream pollution from mine drainage or subsidence may be recovered in full from the landowner, or any other person if they were liable under law for abating the conditions resulting in the emergency. The moneys expended for the emergency abatement of these conditions is hereby declared to constitute a debt which may be recovered in any action at law to compel payment of debts. If the landowner of the premises, or any other person is not liable

under any law to abate the aforesaid emergency conditions then, within either six months after the completion of any of the work herein contemplated or within six months after a final court determination of the absence of liability, the Secretary of Environmental Resources may file a lien upon the terms and conditions provided herein.

(I) The Department of Environmental Resources shall have the power and authority, if not granted it otherwise, to engage in the work aforesaid and to do all things necessary and expedient to effect such programs. The Department of Environmental Resources shall have the power and authority to enter into co-operative abatement projects under this act with the United States of America and its agencies and other states and their agencies. In addition to any other remedies provided for in this act, the Attorney General, at the request of the department, may initiate, in the Commonwealth Court or the court of common pleas of the county in which the land lies, an action in equity for an injunction to restrain any interference with the exercise of the rights of entry provided herein or the conduct of any project contemplated herein.

(II) The Department of Environmental Resources shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water: Provided, That the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the act of June 22, 1937 (P. L. 1937, No. 394), as amended, known as "The Clean Streams Law," and no control or treatment hereunder shall be in any way less than that required under the act of June 22, 1937 (P. L. 1937, No. 394), as amended, known as "The Clean Streams Law." The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant. In the operation of such plant or plants the Department of Environmental Resources shall have the power to permit coal mine operators or owners to discharge their mine drainage to such plant or plants and the Secretary of Environmental Resources shall have the authority to charge coal mine operators or owners for the treatment of such mine drainage. The charge to the coal mine operators or owners for the treatment of such mine drainage shall be based upon their proportional share of the capital and operating cost and the quantity and quality of the pollutant. Further, the Secretary of Environmental Resources shall have the authority to sell any by-product or products resulting from the operation of such plants. Any such moneys so received shall be placed in the General Fund and are hereby appropriated to the Department of Environmental Resources.

(III) The Secretary of Environmental Resources shall have the power and authority to establish rules and regulations and establish rates to implement the foregoing paragraph. Such rules and regulations may provide for the escrowing of payments made prior to the construction or operation of the plant or plants.

Section 2. Section 21 of the act is amended to read:

Section 21. [Effective Date.—This act shall take effect immediately.] Severability.—If any provisions of this act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 3. This act shall take effect immediately.

On the question,

Will the House adopt the report of the Committee of Conference?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that the House do adopt the Conference Committee Report on House bill No. 796, printer's No. 2795.

On the question recurring,
Will the House adopt the Report of the Committee of Conference?

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

YEAS—174

Abraham	Geesey	McCue	Schmitt
Arthurs	Geisler	McGinnis	Schweder
Bellomini	George	McIntyre	Scirica
Bennett	Giammarco	McLane	Seltzer
Beren	Gillespie	Mebus	Sname
Berlin	Gillette	Menhorn	Shelhamer
Berson	Gleeson	Miller, M. E.	Shelton
Bittle	Goodman	Miller, M. E., Jr.	Shupnik
Bonetto	Green	Milliron	Sirianni
Bradley	Grieco	Miscevich	Smith, E.
Brandt	Gring	Moehlmann	Smith, L.
Brunner	Halverson	Morris	Spencer
Burns	Hamilton, J. H.	Mrkonjc	Stapleton
Butera	Hasay	Mullen, M. P.	Stout
Caputo	Haskell	Mullen	Taddonto
Cessar	Hayes, D. S.	Musto	Taylor
Cianciulli	Hayes, S. E.	Novak	Thomas
Cimini	Hepford	Noye	Toll
Cole	Hopkins	O'Brien	Trello
Cowell	Hutchinson, W.	O'Connell	Turner
Crawford	Irvis	O'Donnell	Ustynoski
Cumberland	Itkin	O'Keefe	Valicenti
Davies	Johnson, J.	Oliver	Vroon
Deverter	Katz	Pancoast	Wagner
DeWeese	Kelly, A. P.	Parker, H. S.	Wansacz
DiDonato	Kernick	Perri	Wargo
Dietz	Klingaman	Perry	Weidner
Dininni	Kolter	Petrarca	Westerberg
Dombrowski	Kowalshyn	Pievsky	Whelan
Dorr	Kusse	Pitts	Wiggins
Doyle	LaMarca	Polite	Williams
Dreibelbis	Laudadio	Pyles	Wilt, R. W.
Dumas	Laughlin	Rappaport	Wilt, W. W.
Eckensberger	Lederer	Ravenstahl	Wojdak
Fawcett	Lehr	Reed	Worrlow
Fee	Letterman	Renninger	Wright
Fischer	Levi	Renwick	Yohn
Fisher	Lincoln	Richardson	Zearfoss
Flaherty	Logue	Ritter	Zeller
Foster, W.	Lynch	Ruggiero	Zord
Freind	Manderino	Ryan	Zwikel
Gallagher	Manmiller	Saloom	
Gallen	McCauley	Salvatore	Fineman, Speaker
Garzia	McClatchy	Scheaffer	

NAYS—3

Dicarlo Fryer Shuman

NOT VOTING—26

Anderson, J. H.	Greenfield	McGraw	Rieger
Barber	Hammock	Milanovich	Ross
Cohen	Hill	Myers	Stahl
DeMedio	Hutchinson, A.	Pratt	Walsh, T. P.
Engelhart	Kelly, J. B.	Prendergast	Wilson
Foster, A.	Kistler	Rhodes	Yahner
Gleason	Knepper		

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. DeMEDIO. Mr. Speaker, would the record please note that had I been here for the vote on House bill No. 796, printer's No. 2795, that I would have voted in the affirmative.

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

The Chair recognizes the gentleman from Beaver, Mr. Milanovich.

Mr. MILANOVICH. Mr. Speaker, I wish to be recorded in the affirmative on House bill No. 796.

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

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

The SPEAKER. The gentleman will state it.

Mr. STAHL. Mr. Speaker, I was not recorded on House bill No. 796, the conference report. Could I be recorded in the affirmative, please?

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

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

Mr. WILSON. Mr. Speaker, I was in the same elevator with Mr. Stahl. I would like to vote in the affirmative on the Conference Report to House bill No. 796, printer's No. 2795.

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

The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

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

The SPEAKER. The gentleman will state it.

Mr. PRATT. Mr. Speaker, I was out of my seat on the vote on the Conference Report on House bill No. 796, printer's No. 2795. I would like to have my vote recorded in the affirmative.

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

INTERROGATION

Mr. DOMBROWSKI requested and obtained unanimous consent to interrogate Mr. Irvis.

Mr. DOMBROWSKI. Mr. Speaker, on a point of information, can the majority leader answer a question for me, please? Mr. Speaker, on today's calendar there is House bill No. 878, on concurrence in the Senate amendments. Can you advise the House if they will vote this bill today?

Mr. IRVIS. Mr. Speaker, may I interrupt the gentleman?

Mr. Dombrowski, Mr. Speaker, has asked a question the answer to which I think all members will be interested in.

Mr. Dombrowski has asked why it is that I have not scheduled House bill No. 878, printer's No. 3069, which is on page 17, bills on concurrence in Senate amendments, for a vote this week. This is the bill which contains \$31 million in a deficiency appropriation for the Welfare Department for medical assistance payments.

You have been reading publicity releases saying that unless the money is delivered as of the day before yesterday, everything is going to close down. That is not factual. I checked with the department, and the department, of course, is unwilling to make that statement and you can well imagine why. And I also checked with our experts on the Appropriations Committee, and they told

me that if we act on this bill during the week of May 24, we will have acted in time.

The reason we are not acting this week is because the Senate took one of our bills which the House passed with language in it inserted by Mr. Milliron, which would have granted \$20,000 for a toll-free telephone line for runaway adolescents. They took that bill and gutted it. They took all the substance out and reinserted the \$31-million deficiency appropriation. That bill is important to the House and it is important to Mr. Milliron. We are attempting to work out with the Senate a method whereby that substantive language can be reinserted in that bill.

Mr. Milliron has advised me that although that is important to him, he will not see the medically deprived people of the Commonwealth delayed solely for his language.

Because we know that we will not be depriving anyone of anything by delaying the vote until the week of May 24, it was my decision to delay the vote until the week of May 24 when I am sure the House will then pass the bill, either changed the way we wish it changed or in its present state. That is the reason, Mr. Speaker, it is scheduled for a vote this week.

Thank you, Mr. Speaker.

LOCAL GOVERNMENT BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 2164, printer's No. 2820**, entitled:

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

On the question,

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

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

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

YEAS—182

Anderson, J. H.	Fryer	McGinnis	Schmitt
Arthurs	Gallagher	McIntyre	Schweder
Barber	Garzia	McLane	Scirica
Beilomini	Geesey	Mebus	Seltzer
Bennett	Gelsler	Menhorn	Shane
Beren	George	Milanovich	Shelhamer
Berlin	Giammarco	Miller, M. E.	Shelton
Berson	Gillespie	Miller, M. E., Jr.	Shuman
Bittle	Gillette	Milliron	Shupnik
Bonetto	Gleeson	Miscevich	Sirianni
Bradley	Goodman	Moehlmann	Smith, E.
Brandt	Green	Morris	Smith, L.
Brunner	Grieco	Mullen, M. P.	Spencer
Burns	Gring	Mullen	Stahl
Butera	Halverson	Musto	Stapleton
Caputo	Hamilton, J. H.	Myers	Stout
Cassar	Hasay	Novak	Taddonio
Cianciulli	Haskell	Noye	Taylor
Cimini	Hayes, D. S.	O'Brien	Thomas
Cohen	Hayes, S. E.	O'Connell	Toll
Cole	Hepford	O'Donnell	Trello
Cowell	Hill	O'Keefe	Turner
Crawford	Hopkins	Oliver	Ustynoski
Cumberland	Hutchinson, A.	Pancoast	Valcenti
DeMedio	Hutchinson, W.	Parker, H. S.	Vroon
Deverter	Irvig	Perri	Wansacz
DeWeese	Katz	Petrarca	Wargo
Dicarlo	Kelly, A. P.	Pievsky	Weidner
DiDonato	Kernick	Pitts	Westenberg
Dietz	Kistler	Polite	Whelan

Dininni	Klingaman	Pyles	Wiggins
Dombrowski	Kowalyshyn	Pratt	Williams
Dorr	Kusse	Prendergast	Wilson
Doyle	LaMarca	Rappaport	Wilt, R. W.
Dreibelbis	Laudadio	Ravenstahl	Wilt, W. W.
Dumas	Laughlin	Reed	Wojdak
Eckensberger	Lehr	Renninger	Worrlow
Englehart	Letterman	Renwick	Wright
Fawcett	Levi	Richardson	Yohn
Fee	Lincoln	Rieger	Zearfoss
Fischer	Logue	Ritter	Zeller
Fisher	Lynch	Ruggiero	Zord
Flaherty	Manderino	Ryan	Zwikel
Foster, A.	Manmiller	Saloom	
Foster, W.	McCall	Salvatore	Fineman,
Freind	McClatchy	Scheaffer	Speaker

NAYS—4

Abraham	Itkin	McCue	Mrkoncic
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NOT VOTING—17

Davies	Johnson, J.	Lederer	Ross
Gallen	Kelly, J. B.	McGraw	Wagner
Gleason	Knepper	Perry	Walsh, T. P.
Greenfield	Kolter	Rhodes	Yahrer
Hammock			

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. GALLEN. I was out of my seat for a little while. I would like to be recorded in the affirmative on House bill No. 2164, printer's No. 2820.

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

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 675, printer's No. 1693**, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further defining regular interest.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, line 5, by removing the period after "interest" and inserting: and providing for subsequent admissions to the system.

Amend Sec. 1, page 1, line 8, by striking out "section 6," and inserting: sections 6 and 25

Amend Bill, page 2, by inserting after line 14:

Section 25. Subsequent Admissions to Retirement System.—Any county officer whose term of office began after the establishment of the retirement system and who did not become a member of the retirement system when his term of office began, shall be permitted to become a member of the retirement system at any time and shall receive a retirement allowance based upon service as a county employee rendered after such date of membership; however, if membership is consummated [within one year from the beginning of such] during any term of office and such sums as would have been deducted from his salary had he become a member at the time of the commencement of such term of office shall have been paid

into the retirement system, he shall thereupon become entitled to all the rights and privileges in the retirement system as would have been vested in him had he become a member and contributor at the time his term of office began.

Any county officer who has not become a member of the retirement system but who was employed as an elected officer prior to January first of the year that the retirement system was established and who held such office at the time that the retirement system was established and has continuously held such office, shall be permitted to become a member of the retirement system, shall be known as an original member, and shall receive full credit for each year of service rendered by him prior to January first of the year the retirement system was established and for each year of service rendered by him thereafter, if such county officer shall contribute to the fund the amount which he would have contributed if he had become a member of the retirement system when it was established; in which event, the county shall contribute to his credit in the fund the amount it would have contributed if he had become a member of the retirement system when it was established; and, he shall thereupon become entitled to all the rights and privileges in the retirement system as would have vested in him had he become a member and contributor at the time the retirement system was established.

On the question,

Will the House agree to the amendments?

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

Mr. O'CONNELL. Mr. Speaker, this is a change in the county pension system allowing commissioners who have not in their first term entered the program some time in their term, if they are continuing in office, to elect the option to enter into the pension system.

I have a fiscal note, and there is no fiscal impact of any consequence. I would respectfully request an affirmative vote.

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

Mr. FRYER. Would the gentleman, Mr. O'Connell, consent to interrogation?

The SPEAKER. Will the gentleman, Mr. O'Connell, consent to interrogation?

Mr. O'CONNELL. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. FRYER. Mr. Speaker, the gentleman states that there will be no fiscal impact. Would he explain that remark?

Mr. O'CONNELL. Well, I have a fiscal note before me. You should have one on your desk, and it indicates here the fiscal impact:

There would be minimal, if any, fiscal impact from the adoption of these amendments. A fiscal impact would materialize only to the extent that; (1) a larger proportion of elected officials would join their pension system because of this lengthened "decision time" and, (2) this greater number of pension members augments the pension systems unfunded liability.

To date, however, the vast majority of county officials have decided to join their pension system within the current one year decision period.

So, therefore, there would be a minimal, if any, fiscal impact on these amendments, and this was developed by the Pennsylvania State Association of County Commissioners.

Mr. FRYER. Could that not be interpreted somewhat similar to buying back service?

Mr. O'CONNELL. I think that is precisely what it is. It is a buy-in. They would have to pay their proportionate share into the system at the time they entered it.

Mr. FRYER. But then there would be another sum, Mr. Speaker, that would have to be put up by the fund?

Mr. O'CONNELL. I am sorry, I did not understand. I cannot hear you, Mr. Speaker.

Mr. FRYER. What I am saying is that when that person buys back that length of service, there is also an amount of money to be put up by the fund to match that amount that the participant puts in?

Mr. O'CONNELL. I think that that is correct, but there is an assumption there that he could have done that in his first year of office. This only extends the option to him in his term of office or in his tenure in that particular elected position.

Mr. FRYER. True, Mr. Speaker, but he chose not to do so.

Mr. O'CONNELL. That is probably true as there are many in this House who elected to do it, and it could have been for any number of reasons, basically financial reasons, their inability to participate in the pension plan at the time.

Mr. FRYER. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

FISCAL NOTE SUBMITTED FOR RECORD

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

Mr. O'CONNELL. Mr. Speaker, I would like to submit the fiscal note to Senate bill No. 675 for the record.

The SPEAKER. The gentleman will send it to the desk.

Mr. O'CONNELL presented the following fiscal note for the Legislative Journal:

Rep. O'Connell Amendments

FISCAL NOTE

Senate Bill 675, Printer's No. 1693 (As Amended)

These amendments to Senate Bill 675, if enacted, would amend the act of 1971 (P. L. 398, No. 96), entitled the "County Pension Law." Under the current law, elected officials in counties of the second class A through eighth classes have one year in which to decide whether to become a member of their county's pension system. If the decision to join is made, the elected official becomes instated as a pension member after payment of the amount of member contributions he (or she) would have made had he (or she) been a member from the first day of office.

These amendments would lengthen this decision period from one year to the full term of the elected official's office, which is 4 years for all county elective offices.

Fiscal Impact

There would be minimal, if any, fiscal impact from the adoption of these amendments. A fiscal impact would materialize only to the extent that; (1) a larger proportion of elected officials would join their pension system because of this length-

ened "decision time" and, (2) this greater number of pension members augments the pension systems unfunded liability.

To date, however, the vast majority of county officials have decided to join their pension system within the current one year decision period.

Source

Pennsylvania State Association of County Commissioners

Prepared by:

Thomas J. Diana

House Appropriations Committee

May 7, 1976

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

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

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

Does the gentleman have amendments to offer?

Mr. DAVIES. Yes, Mr. Speaker.

DECISION OF THE CHAIR RECONSIDERED

The SPEAKER. The Chair reconsiders its decision as to the House agreeing to the bill in its amended form.

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

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

Amend Title, page 1, line 5, by removing the period after "interest" and inserting: and further providing for simultaneous payments of salary and retirement benefits.

Amend Sec. 1, page 1, line 8, by striking out "and section 6" and inserting: sections 6 and 24

Amend Bill, page 2, by inserting after line 14:

Section 24. Simultaneous Payments of Salary and Retirement Allowance.—Should a retiree receiving a retirement allowance be reemployed by the county as a salaried employe or as an elected official, the retirement allowance of such person shall immediately cease. Such person shall thereupon be reinstated as a contributor; and, there shall be restored to his credit as accumulated deductions the actuarial value of his member's annuity computed as of the date of his reemployment. Should he refuse to surrender his right to retirement allowance as of the date of his reemployment, it shall be unlawful for the county to reemploy him. For the purposes of this section if a person serves as a juror, master, or arbitrator or is employed on a per diem basis for [thirty] ninety days or less per year he shall not be deemed reemployed, but if employed on a per diem basis for more than [thirty] ninety days a year the retirement allowance shall cease during the additional service.

Section 2. This act shall take effect in 60 days.

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

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

Mr. DAVIES. This amendment would merely change on page 2, line 14, the number of days that a retired

employe could be brought back to work by a county. In other words, the current act actually provides for 30 days. This would allow a former employe to be brought back for employment for a 90-day period on retirement.

This was made by a request of certain employes in our county, Berks County. I spoke to the head of our county commissioners, Mr. Bagenstose. He said he had no objection to this; that actually this kind of provision could be somewhat of a savings to the county because it would be the reemployment of former employes. I do not think it would have any fiscal impact whatsoever other than the fact that this would be reemployment of some experienced personnel.

Many times with absentees and people missing, they do need to bring back these former employes who have had previous experience working in certain capacities.

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

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—182

Abraham	Fryer	Manmiller	Salvatore
Anderson, J. H.	Gallagher	McCall	Scheaffer
Arthurs	Gallen	McClatchy	Schmitt
Barber	Garzia	McCue	Schweder
Bellomini	Geesey	McIntyre	Scirica
Bennett	Geisler	McLane	Seltzer
Berlin	George	Mebus	Shane
Berson	Giammarco	Milanovich	Shelhamer
Bittle	Gillespie	Miller, M. E.	Shelton
Bonetto	Gillette	Miller, M. E., Jr.	Shupnik
Bradley	Gleeson	Milliron	Sirjanni
Brandt	Goodman	Miscevich	Smith, E.
Brunner	Green	Moehlmann	Smith, L.
Burns	Greenfield	Morris	Spencer
Butera	Grieco	Mullen	Stahl
Caputo	Gring	Mullen, M. P.	Stapleton
Cassar	Halverson	Musto	Stout
Cianciulli	Hamilton, J. H.	Myers	Taddonio
Cimini	Hasay	Novak	Taylor
Cohen	Haskell	Noye	Thomas
Cole	Hayes, D. S.	O'Brien	Toll
Cowell	Hayes, S. E.	O'Connell	Turner
Crawford	Hepford	O'Donnell	Ustynoski
Cumberland	Hill	O'Keefe	Valicenti
Davies	Hopkins	Oliver	Vroon
DeMedio	Hutchinson, A.	Pancoast	Wansacz
Deverter	Hutchinson, W.	Parker, H. S.	Wargo
DeWeese	Irviss	Perri	Weidner
Dicarlo	Itkin	Petrarca	Westerberg
DiDonato	Katz	Pievsky	Whelan
Dietz	Kelly, A. P.	Pitts	Wiggins
Dininni	Kistler	Polite	Williams
Dombrowski	Klingaman	Pratt	Wilson
Dreibelbis	Kowalshyn	Prendergast	Wilt, R. W.
Dorr	Kusse	Pyles	Wilt, W. W.
Doyle	LaMarca	Rappaport	Wojdak
Dumas	Laudadio	Ravenstahl	WorriLOW
Eckensberger	Laughlin	Reed	Wright
Englehart	Lederer	Renninger	Yohn
Fawcett	Lehr	Renwick	Zearfoss
Fee	Letterman	Richardson	Zeller
Fischer	Levi	Rieger	Zord
Fisher	Lincoln	Ritter	Zwikl
Foster, A.	Logue	Ruggiero	
Foster, W.	Lynch	Ryan	Fineman,
Freind	Manderno	Saloom	Speaker

NAYS—6

Kernick	Menhorn	Shuman	Trello
McGinnis	Mrkonie		

NOT VOTING—15

Beren	Johnson, J.	McGraw	Wagner
Flaherty	Kelly, J. B.	Perry	Walsh, T. P.
Gleason	Knepper	Rhodes	Yahner
Hammock	Kolter	Ross	

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 1059, printer's No. 1256, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled, as amended, "The Second Class Township Code," further providing for delegates to the annual meeting of the State Association.

On the question,

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

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

The question is, shall the bill pass finally?

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

YEAS—181

Abraham	Fryer	McCall	Salvatore
Anderson, J. H.	Gallagher	McClatchy	Scheaffer
Arthurs	Gallen	McCue	Schmitt
Barber	Garzia	McLane	Schweder
Bellomini	Geesey	Mebus	Seltzer
Bennett	Geisler	Menhorn	Shane
Berlin	George	Milanovich	Shelhamer
Berson	Giammarco	Miller, M. E.	Shuman
Bittle	Gillespie	Miller, M. E., Jr.	Shupnik
Bonetto	Gillette	Milliron	Sirianni
Bradley	Gleeson	Miscevich	Smith, E.
Brandt	Goodman	Moehlmann	Smith, L.
Brunner	Green	Morris	Spencer
Burns	Greenfield	Mrkonie	Stahl
Butera	Grieco	Mullen, M. P.	Stapleton
Caputo	Halverson	Mullen	Stout
Cassar	Hamilton, J. H.	Musto	Taylor
Cianciulli	Hasay	Myers	Thomas
Cimini	Haskell	Novak	Toll
Cohen	Hayes, D. S.	Noye	Trello
Cole	Hayes, S. E.	O'Brien	Turner
Cowell	Hepford	O'Connell	Ustynoski
Crawford	Hill	O'Donnell	Valicenti
Cumberland	Hopkins	O'Keefe	Vroon
Davies	Hutchinson, A.	Oliver	Wansacz
DeMedio	Hutchinson, W.	Pancoast	Wargo
Deverter	Irvia	Parker, H. S.	Weidner
DeWeese	Itkin	Perril	Westerberg
DiCarlo	Katz	Petrarca	Whelan
DiDonato	Kelly, A. P.	Pievsky	Wiggins
Dietz	Kernick	Pitts	Williams
Dininni	Kistler	Polite	Willson
Dombrowski	Klingaman	Pratt	Wilt, R. W.
Dorr	Kowalshyn	Prendergast	Wilt, W. W.
Doyle	Kusse	Pyles	Wojdak
Dreifelbis	Laudadio	Rappaport	Worrlow
Dumas	Laughlin	Ravenstahl	Wright
Eckensberger	Lederer	Reed	Yohn
Engelhart	Lehr	Renninger	Zearfoss
Fawcett	Letterman	Renwick	Zeller
Fee	Levi	Richardson	Zord
Fischer	Lincoln	Rieger	Zwinkl
Fisher	Logue	Ritter	
Flaherty	Lynch	Ruggiero	Fineman,
Foster, W.	Manderino	Ryan	Speaker
Freind	Manmiller	Saloom	

NAYS—3

Foster, A.	McGinnis	Taddonio
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NOT VOTING—19

Beren	Kelly, J. B.	McIntyre	Shelton
Gleason	Knepper	Perry	Wagner
Gring	Kolter	Rhodes	Walsh, T. P.
Hammock	LaMarca	Ross	Yahner
Johnson, J.	McGraw	Scirica	

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

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

QUESTION OF PERSONAL PRIVILEGE

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

Mr. A. C. FOSTER. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. A. C. FOSTER. Mr. Speaker, on Senate bill No. 1059, printer's No. 1256, I pulled my switch the wrong way; I would like to be recorded in the affirmative. And on the Conference Report on House bill No. 796, printer's No. 2795, I would like to be recorded in the negative.

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

JUDICIARY BILLS ON
THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1382, printer's No. 2952, entitled:

An Act providing for the right of persons arrested to communicate by telephone while in custody.

On the question,

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

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

The question is, shall the bill pass finally?

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

YEAS—182

Abraham	Gallagher	McClatchy	Salvatore
Anderson, J. H.	Gallen	McCue	Scheaffer
Arthurs	Garzia	McGinnis	Schmitt
Barber	Geesey	McIntyre	Schweder
Bellomini	Geisler	McLane	Seltzer
Bennett	George	Mebus	Shane
Berlin	Giammarco	Menhorn	Shelhamer
Berson	Gillespie	Milanovich	Shuman
Bittle	Gillette	Miller, M. E.	Shupnik
Bonetto	Gleeson	Miller, M. E., Jr.	Sirianni
Bradley	Goodman	Milliron	Smith, E.
Brandt	Green	Moehlmann	Smith, L.
Brunner	Greenfield	Morris	Spencer
Burns	Grieco	Mrkonie	Stahl
Butera	Gring	Mullen, M. P.	Stapleton
Caputo	Halverson	Mullen	Stout
Cassar	Hamilton, J. H.	Musto	Taddonio
Cianciulli	Haskell	Myers	Taylor
Cimini	Hayes, D. S.	Novak	Thomas
Cohen	Hayes, S. E.	Noye	Toll
Cole	Hepford	O'Brien	Trello
Cowell	Hill	O'Connell	Turner

Crawford	Hopkins	O'Donnell	Ustynoski
Davies	Hutchinson, A.	O'Keefe	Valicenti
DeMedio	Hutchinson, W.	Oliver	Vroon
Deverter	Irviss	Pancoast	Wansacz
DeWeese	Itkin	Parker, H. S.	Wargo
DiCarlo	Katz	Perri	Weidner
DiDonato	Kelly, A. P.	Petrarca	Westerberg
Dininni	Kernick	Pievsky	Whelan
Dombrowski	Kistler	Pitts	Wiggins
Dorr	Klingaman	Polite	Williams
Doyle	Kolter	Pratt	Wilson
Dreibelbis	Kowalshyn	Prendergast	Wilt, R. W.
Dumas	Kusse	Pyles	Wilt, W. W.
Eckensberger	LaMarca	Rappaport	Wojdak
Engelhart	Laudadio	Ravenstahl	Worrlow
Fee	Loughlin	Reed	Wright
Fawcett	Lederer	Renninger	Yohn
Fischer	Lehr	Renwick	Zearfoss
Fisher	Levi	Richardson	Zeller
Flaherty	Lincoln	Rieger	Zord
Foster, A.	Logue	Ritter	Zwikel
Foster, W.	Lynch	Ruggiero	
Freind	Manmiller	Ryan	Fineman,
Fryer	McCall	Saloom	Speaker

NAYS—5

Cumberland	Hasay	Letterman	Miscevich
Dietz			

NOT VOTING—16

Beren	Kelly, J. B.	Perry	Shelton
Gleason	Knepper	Rhodes	Wagner
Hammock	Manderino	Ross	Walsh, T. P.
Johnson, J.	McGraw	Scirica	Yahner

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

Mr. LETTERMAN. I would like to ask a question on the previous bill, House bill No. 1382. On House bill No. 1382, I would like to know if there was a fiscal note, and, if not, do I have to ask for a reconsideration of the vote until I get one?

The SPEAKER. The gentleman's remarks are not appropriately raised. The bill has been voted upon.

Mr. LETTERMAN. Then I ask for a reconsideration until I ask the question.

The SPEAKER. The gentleman will submit a motion in writing to the desk.

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 1137, printer's No. 1357**, entitled:

An Act regulating the payments of the costs of certain panels of arbitrators and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 14, by removing the period after "Board" and inserting: in accordance with the rules and regulations established by the board.

Amend Bill, page 1, lines 15 through 18; page 2, line 1, by striking out all of said lines and inserting:

Section 2. Sections 807 and 1003, and all other provisions of the act of July 23, 1970 (P. L. 563, No. 195), known as the "Public Employee Relations Act," which do not prohibit strikes by public employees are hereby repealed and whenever the representatives of the public employer and the public employees have reached an impasse in collective bargaining, and mediation as required in section 801 of the act has not resolved the dispute, the

impasse shall be submitted to binding arbitration in accordance with the provisions of sections 805 and 806 of the act.

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

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. DiCarlo, submits an amendment to Senate bill No. 1137, which the Chair is constrained to rule is an improper amendment to the bill in question.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. I am asking, with the courtesy of the Chair before you rule on my amendment, could I indeed at least have the courtesy to inform the members what the amendment does before the Chair makes such a ruling?

The SPEAKER. The gentleman may proceed.

Mr. DiCARLO. Mr. Speaker, Senate bill No. 1137 in front of us repeals section 807 of the act of July 23, 1970 known as Act 195. Now the purpose of Senate bill No. 1137 is simply to change the fees granted to arbitrators.

What I am attempting to do, because Senate bill No. 1137 is amending Act 195, is to offer an amendment to this House for its consideration to prohibit the right to strike of public employees covered under Act 195 and put them in the same procedure as now outlined under Act 195 for officers and employees of the courts and also for security guards of mental hospitals and for other security institutions in the Commonwealth.

Mr. Speaker, to go on, am I anticipating or am I understanding right that you have now ruled that my amendment is not germane?

The SPEAKER. The amendment is violative of rule 27 of the House rules and article 3, section 1, of the constitution, which says that 'no bill shall be so altered or amended on its passage through either house as to changes its original purpose.'

The amendment that you have is designed for Act 195, but Senate bill No. 1137 does not deal with Act 195. Senate bill No. 1137 deals with a special public employees act which is not Act 195.

Mr. DiCARLO. Yes, Mr. Speaker, I would like to appeal the ruling of the Chair. I would like to have the House know that the effect of Senate bill No. 1137 is indeed amending Act 195 and I would like to also offer point No. 1 for the consideration of the House, Mason's Manual, section 402, section 3, defines "germane" as follows:

To be germane, the amendment is required only to relate to the same subject; it may entirely change the effect of the measure and still be germane to that subject.

What I am saying is that Senate bill No. 1137 does indeed amend Act 195 and my amendment does indeed relate to Act 195, that subject matter, and I believe that is germane.

I would also like to state for the consideration of the

House, Mr. Speaker, point No. 2, an opinion written by Deputy Attorney General Harrington Adams on the question of germaneness. He goes on to state: In 82 Corpus Juris Secundum Statutes, section 30, it is said: A constitution provision—

MR. ENGLEHART REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman, Mr. Englehart, come to the desk for the purpose of temporarily presiding during the taking of the appeal?

The question before the House, at the suggestion of the minority leader, let me pose the issue once again to the House. The gentleman, Mr. DiCarlo, has offered an amendment to Senate bill No. 1137. The Chair has ruled that the amendment is improperly offered to the bill. The gentleman, Mr. DiCarlo, has taken an appeal from the decision of the Chair. During the course of the appeal, the presiding officer will vacate the Chair and turn the gavel over to the gentleman, Mr. Englehart.

When the vote is taken, those persons voting in the affirmative will be voting to sustain the decision of the Chair; those persons voting in the negative will be voting to sustain the appeal of the gentleman, Mr. DiCarlo.

The Chair turns the Chair over to the gentleman, Mr. Englehart.

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

Mr. DiCARLO. Mr. Speaker, I would like to continue. As I pointed out before, the Senate bill in front of us does amend Act 195. I quoted the comment from Mason's Manual, section 402, in which the issue of germaneness was outlined.

I am now bringing also before the House a precedent set in a decision by Attorney General Harrington wherein he states with emphasis:

A constitutional provision that a bill shall not be so altered or amended, in the course of its enactment, as to change its original purpose is not to be so construed as to prevent the introduction of matter merely extending the purpose or scope of operation of the bill,—

And he goes on:

but embracing no matter not germane to the original purpose or the subject of legislation as expressed in the title of the act which it purports to amend, may become a valid law.

Again what the Attorney General is saying is that it is indeed proper and legal and it is constitutional to extend those guidelines.

The last bit of information I would like to bring in front of the House, and this was in July 10, 1961, and this can be found on pages 242, 243 of the 1974-75 Pennsylvania Manual. It is under the title of "AMENDMENTS, GERMANE" Section 2 (a) reads, and this is a case that was in front of the House and this was the ruling issued by the Speaker of the House at that time.

Mr. Speaker, under the ruling of the Chair on July 10, 1971, a point of order was raised as to germaneness of amendments, and the Speaker at that time ruled that in keeping with a long line of precedents on the part of the House and in conformity with an expressed decision

made by the Attorney General's office in times passed.

To continue on the ruling of the Chair, Mr. Speaker, the Speaker of the House at that time said that the Chair will be compelled to hold that these amendments are germane and the subject of the bill, and he continues, "the subject is not a particular amendment but it is a subject that relates to the particular amendment." And at that time it was the Vehicle Code that was the issue. And he goes through and cites previous precedents in the House.

What I am saying, Mr. Speaker, is that I believe that the bill is germane. I do not have to tell you about the problems that Act 195 and the right to strike has caused us in our schools, in our nursing homes and our hospitals, and I want to remind the House that even though we are on schedule to adjourn here on June 30, we must also realize that the state fiscal year starts July 1, and you know and I know that this Commonwealth—

The SPEAKER pro tempore. The gentleman will contain his argument to the question of the appeal, not to the merits of the amendment.

Mr. DiCARLO. Mr. Speaker, I believe the comments are related to the merits of the amendment because I believe the issue has to be brought out fully, and I would like to challenge that appeal, or at least ask—

The SPEAKER pro tempore. The issue is whether or not the amendment is germane to the bill. There has been an appeal from the ruling of the Chair that it is not germane.

Mr. DiCARLO. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The only debate permitted is the question of the appeal from the ruling.

Mr. DiCARLO. I thank you, Mr. Speaker. I believe that precedents set by the past actions of this House do rule that my amendment is germane. I would ask the House to not sustain the Speaker but to vote with me. I would also like to cite to this House, like yesterday on this floor when Senate bill No. 153 was in front of us, which has the Crime Victims Compensation Act, and at that time the majority leader did offer an amendment which perhaps could have been challenged on the same issue but was not, and the House at that time did let the majority leader insert that amendment into the bill.

Mr. Speaker, that concludes my comment. And if you would again brief the House on what the vote should be and clarification of the vote, I believe a negative vote would rule the Speaker is ruling out of order, is that right?

The SPEAKER pro tempore. What is the gentleman's question?

Mr. DiCARLO. Are the people supposed to vote "no" if they are going to support me?

The SPEAKER pro tempore. I will explain that before the vote occurs.

Mr. DiCARLO. Thank you, Mr. Speaker.

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

Mr. VALICENTI. Mr. Speaker, I am asking the members to sustain the speaker's ruling for the simple reason that in the Labor Relations Committee we have a subcommittee that is looking into this situation.

POINT OF ORDER

The SPEAKER pro tempore. I believe that the gentleman's point of order is going to be correct,

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. DiCARLO. Mr. Speaker, I would like to rule that I would like to ask the Speaker if he would keep his remarks simply to the germaneness of the amendment and not with what the Labor Relations Committee is doing.

The SPEAKER pro tempore. I believe the gentleman is correct. The only issue is whether or not the Chair's ruling is correct.

Mr. VALICENTI. Let us vote to sustain the speaker because we will take care of it in the Labor Relations Committee.

Thank you, Mr. Speaker.

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

Mr. DiCARLO. Mr. Speaker, I would indulge the House for one second and ask you for perhaps a little bit of latitude just to say that for years I have been waiting to see something done and there has been nothing done, and after the Pittsburgh school strike, we were assured that the Labor Relations Committee would act and they have not acted.

Thank you, Mr. Speaker.

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

Mr. MEBUS. Mr. Speaker, I am in philosophical sympathy with Mr. DiCarlo, but I think that we must not let our decision in this matter be governed by our feelings toward the proposition he wants to place before us. Therefore, I do believe that the Chair is correct and I think we ought to sustain the Chair and, hopefully, find some other means to deal with what Mr. DiCarlo wishes to place before us, because I agree with him in toto. It is a most serious matter.

The SPEAKER pro tempore. The question recurs, Shall the House uphold the ruling of the Chair? Those voting in the affirmative vote to uphold the ruling of the Chair; those voting in the negative are voting not to uphold it and to defeat the ruling of the Chair.

On the question,

Will the House sustain the ruling of the Chair?

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

YEAS—167

Anderson, J. H.	Garzia	McGinnis	Schmitt
Arthurs	Geesey	McIntyre	Scirica
Barber	Geisler	McLane	Seltzer
Bellomini	George	Mebus	Sirianni
Bennett	Giammarco	Menhorn	Shane
Beren	Gillespie	Milanovich	Shelhamer
Berlin	Gillette	Miller, M. E.	Shelton
Berson	Gleeson	Milliron	Shupnik
Bittie	Goodman	Miscevich	Smith, E.
Bonetto	Green	Morris	Smith, L.
Bradley	Greenfield	Mullen, M. P.	Spencer
Brandt	Grieco	Mullen	Stahl
Brunner	Halverson	Musto	Stapleton
Burns	Haskell	Myers	Stout
Butera	Hayes, D. S.	Novak	Taddonio
Caputo	Hayes, S. E.	Noye	Taylor
Cessar	Hepford	O'Brien	Thomas
Cianciulli	Hill	O'Connell	Toll
Cimini	Hutchinson, A.	O'Keefe	Trello
Cohen	Hutchinson, W.	Oliver	Turner
Cole	Irviss	Pancoast	Ustynoski
Cowell	Itkin	Parker, H. S.	Valicenti

Crawford	Kelly, A. P.	Perri	Vroon
Cumberland	Kistler	Petrarca	Wagner
Davies	Klingaman	Pievsky	Wansacz
DeMedio	Kolter	Pitts	Wargo
Deverter	Kowalyszyn	Polite	Weidner
DeWeese	Kusse	Pratt	Westerberg
DiDonato	LaMarca	Prendergast	Whelan
Dietz	Laudadio	Pyles	Wiggins
Dininni	Laughlin	Rappaport	Williams
Dorr	Lederer	Ravenstahl	Wilson
Dumas	Lehr	Reed	Wilt, R. W.
Eckensberger	Letterman	Renninger	Wilt, W. W.
Englehart	Levi	Renwick	Wojdak
Fee	Lincoln	Rieger	Worrlow
Fischer	Logue	Ritter	Wright
Fisher	Lynch	Ruggiero	Yohn
Flaherty	Manderino	Ryan	Zwikl
Foster, A.	Manmiller	Saloom	
Foster, W.	McCall	Salvatore	Fineman,
Gallagher	McCue	Scheaffer	Speaker
Gallen			

NAYS—21

Abraham	Freind	Kernick	Schweder
Dicarlo	Fryer	McClatchy	Shuman
Dombrowski	Hamilton, J. H.	Moehlmann	Zearfoss
Doyle	Hopkins	Mrkonjc	Zeller
Dreibelbis	Katz	Richardson	Zord
Fawcett			

NOT VOTING—15

Gleason	Johnson, J.	Miller, M. E., Jr.	Ross
Gring	Kelly, J. B.	O'Donnell	Walsh, T. P.
Hammock	Knepper	Perry	Yahner
Hasay	McGraw	Rhodes	

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

The SPEAKER pro tempore. The Chair thanks the House for its affirmative position.

THE SPEAKER (Herbert Fineman) IN THE CHAIR

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

On the question recurring,

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

The SPEAKER. 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?

PARLIAMENTARY INQUIRY

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

Mr. ZEARFOSS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. Mr. Speaker, this bill purports to delete a section of Act 195 by, in the words of the bill, "repealing that section." It was my understanding that a repeal had to apply to an entire law or act and could not be applied to sections from a law or act, and that the only way to delete a section in the law or act would be by an amendment that would in fact amend Act 195. Is my understanding correct?

The SPEAKER. For the benefit of the inquiry of the gentleman, the Chair is unable to respond accurately to the gentleman's inquiry. I think this bill was drafted by the Legislative Reference Bureau. There is an assumption that the Legislative Reference Bureau drafted it in accordance with established precedent, and I am not able

to state affirmatively for the gentleman that the bill is not appropriately set forth in its present condition.

Mr. ZEARFOSS. Mr. Speaker, I will withdraw or accept that as an answer to the inquiry. I would like to make some comments on the bill at this time.

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

Mr. ZEARFOSS. I would like to strongly oppose this bill not because of what it does but because of the way it is doing it or attempting to do it. This is a blatant attempt to amend Act 195 without so doing. The reason that they do not want an amendment to Act 195 on this floor is because it is well known that there are a lot of amendments that people have that they want proposed to Act 195, some that would be acceptable to the members of this House.

There are two sections to this bill. Both of them, in effect, are amending Act 195. The first section changes the system of compensating arbitrators. That is already in Act 195. This is an attempt to amend the section in Act 195 that deals with the compensation of arbitrators by a new law that on its face is not amending Act 195 but which in fact does amend Act 195.

The second section is an amendment to Act 195 by deleting a section of the existing law. I do not even know what it is. I do not happen to have a copy of the act with me and I have not had an opportunity to check it. I do not know what section is being deleted. You cannot delete a section of an act without an amendment. And that is what this is doing; it is an attempt to amend Act 195 without saying so.

I think that we, in the House, should right now call a halt to this kind of a practice. As far as I know, it is the first time an amendment has been attempted, but if it gets by this time it can be done with all sorts of bills and acts.

I think we should vote "no" on this bill and take the bull by the horns. Let the Labor Relations Committee do what they say they are going to do. Bring a bill out amending Act 195 and see where it goes. I say vote "no" on this bill now.

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—108

Abraham	Gallagher	McIntyre	Rieger
Arthurs	Garzia	McLane	Ritter
Barber	Geisler	Menhorn	Ruggiero
Bellomini	George	Miller, M. E.	Saloom
Bennett	Giammarco	Miller, M. E., Jr.	Salvatore
Berlin	Gillespie	Milliron	Schmitt
Berson	Gillette	Miscovich	Shane
Bonetto	Gleeson	Morris	Shelton
Brunner	Goodman	Mrkonje	Shupnik
Burns	Green	Mullen, M. P.	Stapleton
Butera	Greenfield	Mullen	Stout
Caputo	Halverson	Musto	Taylor
Cianciulli	Hamilton, J. H.	Myers	Toll
Cohen	Hasay	Novak	Trello
Cowell	Hayes, D. S.	O'Brien	Ustynoski
Davies	Irvia	O'Connell	Valicenti
DeMedio	Itkin	O'Donnell	Wansacz
DeWeese	Kelly, A. P.	Oliver	Wargo
Dicarlo	Kolter	Petrarca	Wiggins
DiDonato	Kowalyszyn	Plevsky	Wilson
Dombrowski	Kusse	Pratt	Williams
Doyle	Laudadio	Prendergast	Wojdak
Dumas	Laughlin	Rappaport	Wright

Eckensberger	Lederer	Ravenstahl	Zwilk
Engelhart	Lincoln	Reed	
Fee	Logue	Renninger	Fineman,
Fischer	Manderino	Renwick	Speaker
Flaherty	McCall		

NAYS—79

Anderson, J. H.	Fryer	McCue	Sirianni
Boren	Geesey	McGinnis	Smith, E.
Bittle	Grieco	Mebus	Smith, L.
Bradley	Gring	Milanovich	Spencer
Brandt	Haskell	Moehlmann	Stahl
Cassar	Hayes, S. E.	Noye	Taddonio
Cimini	Hepford	O'Keefe	Thomas
Cole	Hill	Pancoast	Turner
Crawford	Hopkins	Parker, H. S.	Vroon
Cumberland	Hutchinson, W.	Perri	Weidner
Deverter	Katz	Pitts	Westerberg
Dietz	Kernick	Polite	Whelan
Dininni	Kistler	Pyles	Wilt, R. W.
Dorr	Klingaman	Ryan	Wilt, W. W.
Dreibelbis	Lehr	Schaeffer	Worrlow
Fawcett	Lettermann	Schweder	Yohn
Fisher	Levi	Scirica	Zearfoss
Foster, A.	Lynch	Seltzer	Zeller
Foster, W.	Manmiller	Shelhamer	Zord
Freind	McClatchy	Shuman	

NOT VOTING—16

Gallen	Johnson, J.	McGraw	Ross
Gleason	Kelly, J. B.	Perry	Wagner
Hammock	Knepper	Rhodes	Walsh, T. P.
Hutchinson, A.	LaMarca	Richardson	Yahner

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. I was called from the floor of the House when Senate bill No. 1137, printer's No. 1357, was voted upon. I would like my name to be recorded in the affirmative.

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

LAW AND JUSTICE BILLS
ON THIRD CONSIDERATION

Agreeable to order.

The House proceeded to third consideration of House bill No. 1375, printer's No. 3004, entitled:

An Act implementing the provisions of Article V of the Constitution of Pennsylvania relating to district justices; establishing magisterial districts; setting salaries and expenses; providing for certain education requirements; fixing jurisdiction; creating an administrator for district justices and imposing power and duties on such administrator; requiring certain liability insurance; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, lines 1 through 7, by striking out all of said lines and inserting:

Amending the act of December 2, 1968 (P. L. 1131, No. 352), entitled "An act implementing the provision of subsection (b) of section 7 of Article V of the Constitution of Pennsylvania authorizing the General Assembly to establish classes of magisterial districts and salaries of district justices of the peace and providing for their offices and the disposition of costs," increasing the base and the minimum and maximum salaries.

Amend Bill, page 1, lines 10 through 19; pages 2 through 17, lines 1 through 30; page 18, lines 1 through 12, by striking out all of said lines and inserting:

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

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

* * *

Section 2. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. BELLOMINI. Mr. Speaker, the present bill that is before us here in the legislature, I felt, was a complicated bill and should have further study.

What my amendments do here today is to completely gut the bill and insert House bill No. 706. This is a straight across-the-board \$3,000 hike for the district justices, with a maximum of \$19,500 and a minimum of \$10,500.

I want to say that if this bill passes, it would require a fiscal note, and I think there are other legislators who do want to amend this bill after it comes out of committee.

Thank you.

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

Mr. ECKENSBERGER. Mr. Speaker, I respectfully request that all members vote against this amendment.

House bill No. 1375 is not—

Mr. IRVIS. Mr. Speaker, would the gentleman permit me to interrupt him for a moment?

The SPEAKER. The Chair recognizes the majority leader. The gentleman, Mr. Eckensberger, yields to the leader.

Mr. IRVIS. Mr. Speaker, as I announced yesterday, we were going to try and run the complete schedule today, but Mr. Butera and I had to agree on the schedule. And this is a bill which I have just been reminded that the Republican caucus has not met on, together with the amendments.

I would suggest, Mr. Speaker, that we ought to be discussing these amendments in our caucus also. And if Mr. Eckensberger wishes, of course, to address the whole body before we go down to the caucus, fine. Let him make that decision, because we are going to ask for a recess for approximately 45 minutes to allow us both to discuss this particular bill and the amendments thereto.

Thank you, Mr. Speaker, for yielding.

Mr. ECKENSBERGER. Mr. Speaker, if the majority leader would respond to one question.

The SPEAKER. Will the majority leader consent to interrogation?

Mr. IRVIS. Certainly, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ECKENSBERGER. Is it your intention to call the bill up after the caucus?

Mr. IRVIS. Oh, yes.

Mr. ECKENSBERGER. Very well. Then I have nothing further.

Mr. IRVIS. Oh, yes. I have not deviated from that. I simply want to make sure that both caucuses have had an opportunity to debate the bill in caucus.

HOUSE BILL No. 1375 PASSED OVER TEMPORARILY

The SPEAKER. Does the majority leader desire to caucus at this time?

Mr. IRVIS. No, Mr. Speaker. I think what we ought to do is pass the bill over temporarily, together with the amendments offered thereto.

The SPEAKER. The Chair thanks the gentleman.

House bill No. 1375 will be temporarily passed over.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1724, printer's No. 2170**, entitled:

An Act amending the act of July 20, 1917 (P. L. 1158, No. 401), entitled "An act to fix, regulate and establish the fees to be charged and received by constables in this Commonwealth," providing a fee for attendance at hearings.

On the question,

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

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

The question is, shall the bill pass finally?

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

YEAS—191

Abraham	Gallagher	McClatchy	Scheaffer
Anderson, J. H.	Gallen	McCue	Schmitt
Arthurs	Garzia	McGinnis	Schweder
Barber	Geasey	McIntyre	Scirica
Bellomini	Geisler	McLane	Seltzer
Bennett	George	Mebus	Shane
Beren	Giammarco	Menhorn	Shelhamer
Berlin	Gillespie	Milanovich	Shelton
Berson	Gillette	Miller, M. E.	Shuman
Bittle	Gleeson	Milliron	Shupnik
Bonetto	Goodman	Miscevich	Sirianni
Bradley	Green	Moehlmann	Smith, E.
Brandt	Greenfield	Morris	Smith, L.
Brunner	Grieco	Mrkonje	Spencer
Burns	Gring	Mullen	Stahl
Butera	Halverson	Mullen, M. P.	Stapleton
Caputo	Hamilton, J. H.	Musto	Stout
Cassar	Hasay	Myers	Taddonio
Cianciulli	Haskell	Novak	Taylor
Cimini	Hayes, D. S.	Noye	Thomas
Cohen	Hayes, S. E.	O'Brien	Toll
Cole	Hepford	O'Connell	Trelle
Cowell	Hill	O'Donnell	Turner
Crawford	Hopkins	O'Keefe	Ustynoski
Cumberland	Hutchinson, A.	Oliver	Valicenti
Davies	Hutchinson, W.	Pancoast	Vroom
DeMedio	Irvis	Parker, H. S.	Wagner
Deverter	Itkin	Perri	Wansacz

DeWeese	Katz	Petrarca	Wargo
Dicarlo	Kelly, A. P.	Plevsky	Weidner
DiDonato	Kernick	Pitts	Westerberg
Dietz	Kistler	Polite	Whelan
Dininni	Klingaman	Pratt	Wiggins
Dombrowski	Kolter	Prendergast	Williams
Dorr	Kowalyszyn	Pyles	Wilson
Doyle	Kusse	Rappaport	Wilt, R. W.
Dreibelbis	Laudadio	Ravenstahl	Wilt, W. W.
Dumas	Laughlin	Reed	Wojdak
Eckensberger	Lederer	Renninger	Worrlow
Engelhart	Lehr	Renwick	Wright
Fawcett	Letterman	Rhodes	Yohn
Fee	Levi	Richardson	Zearfoss
Fischer	Lincoln	Rieger	Zeller
Fisher	Logue	Ritter	Zord
Flaherty	Lynch	Ruggiero	Zwinkl
Foster, A.	Manderino	Ryan	
Foster, W.	Manmiller	Saloom	Fineman,
Freind	McCall	Salvatore	Speaker
Fryer			

NAYS—0

NOT VOTING—12

Gleason	Kelly, J. B.	McGraw	Ross
Hammock	Knepper	Miller, M. E., Jr.	Walsh, T. P.
Johnson, J.	LaMarca	Perry	Yahner

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

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

TRANSPORTATION BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1735, printer's No. 2198**, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law deleting a route in Mifflin County.

On the question,

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

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

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

YEAS—191

Abraham	Gallen	McClatchy	Scheaffer
Anderson, J. H.	Garzia	McCue	Schmitt
Arthurs	Geesey	McGinnis	Schweder
Barber	Geisler	McIntyre	Scirica
Bellomini	George	McLane	Seltzer
Bennett	Giammarco	Mebus	Shane
Beren	Gillespie	Menhorn	Shelhamer
Berlin	Gillette	Milanovich	Shelton
Berson	Gleeson	Miller, M. E.	Shuman
Bittle	Goodman	Miller, M. E., Jr.	Shupnik
Bonetto	Green	Milliron	Sirianni
Bradley	Greenfield	Miscevich	Smith, E.
Brunner	Grieco	Moehmann	Smith, L.
Burns	Gring	Morris	Spencer
Butera	Halverson	Mrkonc	Stahl
Caputo	Hamilton, J. H.	Mullen, M. P.	Stapleton
Cassar	Hasay	Mullen	Stout
Cianciulli	Haskell	Musto	Taddonio
Cimini	Hayes, D. S.	Myers	Taylor
Cohen	Hayes, S. E.	Novak	Thomas
Cole	Hepford	Noye	Toll
Cowell	Hill	O'Brien	Trello
Crawford	Hopkins	O'Connell	Turner
Cumberland	Hutchinson, A.	O'Donnell	Ustynoski
Davies	Hutchinson, W.	O'Keefe	Valicenti
DeMedio	Iris	Oliver	Vroon

Deverter	Itkin	Pancoast	Wagner
DeWeese	Katz	Parker, H. S.	Wansacz
Dicarlo	Kelly, A. P.	Ferri	Wargo
DiDonato	Kernick	Petrarca	Weidner
Dietz	Kistler	Plevsky	Westerberg
Dininni	Klingaman	Pitts	Whelan
Dombrowski	Kolter	Polite	Wiggins
Dorr	Kowalyszyn	Pratt	Williams
Doyle	Kusse	Prendergast	Wilson
Dreibelbis	LaMarca	Pyles	Wilt, R. W.
Dumas	Laudadio	Rappaport	Wilt, W. W.
Eckensberger	Laughlin	Ravenstahl	Wojdak
Engelhart	Lederer	Reed	Worrlow
Fawcett	Lehr	Renninger	Wright
Fee	Letterman	Renwick	Yohn
Fischer	Levi	Richardson	Zearfoss
Fisher	Lincoln	Rieger	Zeller
Flaherty	Logue	Ritter	Zord
Foster, A.	Lynch	Ruggiero	Zwinkl
Foster, W.	Manderino	Ryan	
Freind	Manmiller	Saloom	Fineman,
Fryer	McCall	Salvatore	Speaker
Gallagher			

NAYS—0

NOT VOTING—12

Brandt	Johnson, J.	McGraw	Ross
Gleason	Kelly, J. B.	Perry	Walsh, T. P.
Hammock	Knepper	Rhodes	Yahner

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. For the information of the gentleman, Mr. Zearfoss, the Legislative Reference Bureau has advised the Speaker that there is no impropriety in moving to delete by the introduction of a separate bill.

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 1009, printer's No. 1189**, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," changing Route 39028 in Lehigh County.

On the question,

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

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

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

YEAS—192

Abraham	Gallagher	McCue	Scheaffer
Anderson, J. H.	Gallen	McGinnis	Schmitt
Arthurs	Garzia	McIntyre	Schweder
Barber	Geesey	McLane	Scirica
Bellomini	Geisler	Mebus	Seltzer
Bennett	George	Menhorn	Shane
Beren	Giammarco	Milanovich	Shelhamer
Berlin	Gillespie	Miller, M. E.	Shelton
Berson	Gillette	Miller, M. E., Jr.	Shuman
Bittle	Gleeson	Milliron	Shupnik
Bonetto	Goodman	Miscevich	Sirianni
Bradley	Green	Moehmann	Smith, E.
Brunner	Greenfield	Morris	Smith, L.
Burns	Grieco	Mrkonc	Spencer
Butera	Gring	Mullen	Stahl
Caputo	Halverson	Mullen, M. P.	Stapleton
Cassar	Hamilton, J. H.	Musto	Stout
Cianciulli	Hasay	Myers	Taddonio
Cimini	Haskell	Novak	Taylor
Cohen	Hayes, D. S.	Noye	Thomas
Cole	Hayes, S. E.	O'Brien	Toll
Cowell	Hepford	O'Connell	Trello
	Hill	O'Donnell	Turner

Crawford	Hopkins	O'Keefe	Ustynoski
Cumberland	Hutchinson, A.	Oliver	Valicenti
Davies	Hutchinson, W.	Pancoast	Vroon
DeMedio	Irvis	Parker, H. S.	Wagner
Deverter	Itkin	Perri	Wansacz
DeWeese	Katz	Petrarca	Wargo
DiCarlo	Kelly, A. P.	Pievsky	Weidner
DiDonato	Kernick	Pitts	Westerberg
Dietz	Kistler	Polite	Whelan
Dininni	Klingaman	Pratt	Wiggins
Dombrowski	Kolter	Prendergast	Williams
Dorr	Kowalyszyn	Pyles	Wilson
Doyle	Kusse	Rappaport	Wilt, R. W.
Dreibelbis	Laudadio	Ravenstahl	Wilt, W. W.
Dumas	Laughlin	Reed	Wojdak
Eckensberger	Lederer	Renninger	Worrlow
Englehart	Lehr	Renwick	Wright
Fawcett	Letterman	Rhodes	Yohn
Fee	Levi	Richardson	Zearfoss
Fischer	Lincoln	Rieger	Zeller
Fisher	Logue	Ritter	Zord
Flaherty	Lynch	Ruggiero	Zwikel
Foster, A.	Manderino	Ryan	
Foster, W.	Manmiller	Saloom	Fineman, Speaker
Freind	McCall	Salvatore	
Fryer	McClatchy		

NAYS—0

NOT VOTING—11

Gleason	Kelly, J. B.	McGraw	Walsh, T. P.
Hammock	Knepper	Perry	Yahner
Johnson, J.	LaMarca	Ross	

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

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

POINT OF INFORMATION

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

Mr. DiCARLO. Yes, point of information, Mr. Speaker.

The comment that you just made to Mr. Zearfoss about the response from the Legislative Reference Bureau—

The SPEAKER. Yes.

Mr. DiCARLO. —could you please repeat that?

The SPEAKER. The gentleman, Mr. Zearfoss, raised a query as to whether or not an act which deletes a provision of another act or rather repeals another act should not repeal the other act in its entirety rather than to delete a portion of that act. He stated that if you want to delete a portion of an act, you should really amend that act rather than resort to another act as a repealer.

The Legislative Reference Bureau has indicated to the Chair that there is no impropriety and, as a matter of fact, has been done quite often to delete only a section of another act by a repealer provision via the introduction of another bill.

Mr. DiCARLO. All right. Point of clarification, Mr. Speaker: To introduce an act which in essence is a repealer, does not the repealer have to be drawn to a particular act? For example, in this case, for the Legislative Reference Bureau to draw Senate bill No. 1137, which would have the repealing sections, did they not indeed have to draw that Senate bill No. 1137 to Act No. 195?

The SPEAKER. That was the very point that Mr. Zearfoss raised to which I have already responded.

Mr. Zearfoss was under the impression that you would actually have to prepare an amendment to Act No. 195 in

this instance in order to delete a portion thereof. The Legislative Reference Bureau says that is not so. You can use another act and make reference in that other act to Act No. 195 to delete a portion of Act No. 195.

Mr. DiCARLO. All right. Thank you, Mr. Speaker.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 1099, printer's No. 1307, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," changing a route in Indiana County.

On the question,

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

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

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

YEAS—189

Abraham	Gallagher	McCue	Schmitt
Anderson, J. H.	Gallen	McGinnis	Schweder
Arthurs	Garza	McIntyre	Scirica
Barber	Geesey	McLane	Seltzer
Bellomini	Geisler	Mebus	Shane
Bennett	George	Menhorn	Shelhamer
Beren	Giammarco	Milanovich	Shelton
Berlin	Gillespie	Miller, M. E.	Shuman
Berson	Gillette	Miller, M. E., Jr.	Shupnik
Bittle	Gleason	Milliron	Sirianni
Bonetto	Goodman	Miscevich	Smith, E.
Bradley	Green	Moehlmann	Smith, L.
Brandt	Grieco	Morris	Spencer
Brunner	Gring	Mrkoncic	Stahl
Burns	Halverson	Mullen, M. P.	Stapleton
Butera	Hamilton, J. H.	Mullen	Stout
Caputo	Hasay	Musto	Taddonio
Cassar	Haskell	Myers	Taylor
Cianciulli	Hayes, D. S.	Novak	Thomas
Cimino	Hayes, S. E.	Noye	Toll
Cohen	Hepford	O'Brien	Trello
Cole	Hill	O'Connell	Turner
Cowell	Hopkins	O'Donnell	Ustynoski
Crawford	Hutchinson, A.	O'Keefe	Valicenti
Cumberland	Hutchinson, W.	Oliver	Vroon
Davies	Irvis	Pancoast	Wagner
DeMedio	Itkin	Parker, H. S.	Wansacz
Deverter	Katz	Perri	Wargo
DeWeese	Kelly, A. P.	Petrarca	Weidner
DiCarlo	Kernick	Pievsky	Westerberg
DiDonato	Kistler	Pitts	Whelan
Dietz	Klingaman	Polite	Wiggins
Dombrowski	Kolter	Pratt	Williams
Dorr	Kowalyszyn	Prendergast	Wilson
Doyle	Kusse	Pyles	Wilt, R. W.
Dreibelbis	Laudadio	Rappaport	Wilt, W. W.
Dumas	Laughlin	Ravenstahl	Wojdak
Eckensberger	Lederer	Reed	Worrlow
Englehart	Lehr	Renninger	Wright
Fawcett	Letterman	Renwick	Yohn
Fee	Levi	Richardson	Zearfoss
Fischer	Lincoln	Rieger	Zeller
Fisher	Logue	Ritter	Zord
Flaherty	Lynch	Ruggiero	Zwikel
Foster, A.	Manmiller	Ryan	
Foster, W.	Manderino	Saloom	Fineman, Speaker
Freind	McCall	Salvatore	
Fryer	McClatchy	Scheaffer	

NAYS—0

NOT VOTING—14

Dininni	Johnson, J.	McGraw	Ross
Gleason	Kelly, J. B.	Perry	Walsh, T. P.
Greenfield	Knepper	Rhodes	Yahner
Hammock	LaMarca		

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

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

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 1100, printer's No. 1308**, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," changing a route in Indiana County.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

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

YEAS—189

Abraham	Callagher	McClatchy	Scheaffer
Anderson, J. H.	Gallen	McCue	Schmitt
Arthurs	Garzia	McGinnis	Schweder
Barber	Geesey	McIntyre	Scirica
Bellomini	Geisler	McLane	Seltzer
Bennett	George	Mebus	Shane
Beren	Giammarco	Menhorn	Shelhamer
Berlin	Gillespie	Milanovich	Shelton
Berson	Gillette	Miller, M. E.	Shuman
Bittle	Gleeson	Miller, M. E., Jr.	Shupnik
Bonetto	Goodman	Milliron	Sirianni
Bradley	Green	Miscevich	Smith, E.
Brandt	Grieco	Moehlmann	Smith, L.
Brunner	Gring	Morris	Spencer
Burns	Halverson	Mrkonc	Stahl
Butera	Hamilton, J. H.	Mullen	Stapleton
Caputo	Hasay	Mullen, M. P.	Stout
Cessar	Haskell	Musto	Taddonio
Cianciulli	Hayes, D. S.	Myers	Taylor
Cimini	Hayes, S. E.	Novak	Thomas
Cohen	Hepford	Noye	Toll
Cole	Hill	O'Brien	Trello
Cowell	Hopkins	O'Connell	Turner
Crawford	Hutchinson, A.	O'Donnell	Ustynoski
Cumberland	Hutchinson, W.	O'Keefe	Valicenti
Davies	Irviss	Oliver	Vroon
DeMedio	Itkin	Pancoast	Wansacz
Deverter	Katz	Parker, H. S.	Wargo
DeWeese	Kelly, A. P.	Perri	Weidner
Dicarlo	Kernick	Petrarca	Westerberg
DiDonato	Kistler	Pievsy	Whelan
Dietz	Klingaman	Pitts	Wiggins
Dombrowski	Kolter	Polite	Williams
Dorr	Kowalshyn	Pratt	Wilson
Doyle	Kusse	Prendergast	Wilt, R. W.
Dreibelbis	LaMarca	Pyles	Wilt, W. W.
Dumas	Laudadio	Rappaport	Wojdak
Eckensberger	Laughlin	Ravenstahl	Worrlow
Englehart	Lederer	Reed	Wright
Fawcett	Lehr	Renninger	Yohn
Fee	Letterman	Renwick	Zearfoss
Fischer	Levi	Richardson	Zeller
Fisher	Lincoln	Rieger	Zork
Flaherty	Logue	Ritter	Zwinkl
Foster, A.	Lynch	Ruggiero	
Foster, W.	Manderino	Ryan	
Freind	Manmiller	Saloom	
Fryer	McCall	Salvatore	

NAYS—0

NOT VOTING—14

Dininni	Johnson, J.	Perry	Walsh, T. P.
Gleason	Kelly, J. B.	Rhodes	Yahner
Greenfield	Knepper	Ross	Zord
Hammock	McGraw		

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

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

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 1101, printer's No. 1309**, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," deleting a route in Indiana County.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

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

YEAS—189

Abraham	Gallagher	McClatchy	Scheaffer
Anderson, J. H.	Gallen	McCue	Schmitt
Arthurs	Garzia	McGinnis	Schweder
Barber	Geesey	McIntyre	Scirica
Bellomini	Geisler	McLane	Seltzer
Bennett	George	Mebus	Shane
Beren	Giammarco	Menhorn	Shelhamer
Berlin	Gillespie	Milanovich	Shelton
Berson	Gillette	Miller, M. E.	Shuman
Bittle	Gleeson	Miller, M. E., Jr.	Shupnik
Bonetto	Goodman	Milliron	Sirianni
Bradley	Green	Miscevich	Smith, E.
Brandt	Grieco	Moehlmann	Smith, L.
Brunner	Gring	Morris	Spencer
Burns	Halverson	Mrkonc	Stahl
Butera	Hamilton, J. H.	Mullen	Stapleton
Caputo	Hasay	Mullen, M. P.	Stout
Cessar	Haskell	Musto	Taddonio
Cianciulli	Hayes, D. S.	Myers	Taylor
Cimini	Hayes, S. E.	Novak	Thomas
Cohen	Hepford	Noye	Toll
Cole	Hill	O'Brien	Trello
Cowell	Hopkins	O'Connell	Turner
Crawford	Hutchinson, A.	O'Donnell	Ustynoski
Cumberland	Hutchinson, W.	O'Keefe	Valicenti
Davies	Irviss	Oliver	Vroon
DeMedio	Itkin	Pancoast	Wansacz
Deverter	Katz	Parker, H. S.	Wargo
DeWeese	Kelly, A. P.	Perri	Weidner
Dicarlo	Kernick	Petrarca	Westerberg
DiDonato	Kistler	Pievsy	Whelan
Dietz	Klingaman	Pitts	Wiggins
Dombrowski	Kolter	Polite	Williams
Dorr	Kowalshyn	Pratt	Wilson
Doyle	Kusse	Prendergast	Wilt, R. W.
Dreibelbis	LaMarca	Pyles	Wilt, W. W.
Dumas	Laudadio	Rappaport	Wojdak
Eckensberger	Laughlin	Ravenstahl	Worrlow
Englehart	Lederer	Reed	Wright
Fawcett	Lehr	Renninger	Yohn
Fee	Letterman	Renwick	Zearfoss
Fischer	Levi	Richardson	Zeller
Fisher	Lincoln	Rieger	Zork
Flaherty	Logue	Ritter	Zwinkl
Foster, A.	Lynch	Ruggiero	
Foster, W.	Manderino	Ryan	
Freind	Manmiller	Saloom	
Fryer	McCall	Salvatore	

NAYS—0

NOT VOTING—14

Dininni	Johnson, J.	Perry	Wagner
Gleason	Kelly, J. B.	Rhodes	Walsh, T. P.
Greenfield	Knepper	Ross	Yahner
Hammock	McGraw		

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

Ordered, That the clerk return the same to the Senate

with information that the House has passed the same without amendment.

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 1102, printer's No. 1310**, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," deleting a route in Indiana County.

On the question,

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

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

The question is, shall the bill pass finally?

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

YEAS—189

Abraham	Gallen	McCue	Schmitt
Anderson, J. H.	Garzia	McGinnis	Schweder
Arthurs	Geesey	McIntyre	Scirica
Barber	Geisler	McLane	Seltzer
Bellomini	George	Mebus	Shane
Bennett	Giammarco	Menhorn	Shelhamer
Beren	Gillespie	Milanovich	Shelton
Berlin	Gillette	Miller, M. E.	Shuman
Bittle	Gleeson	Miller, M. E., Jr.	Shupnik
Bonetto	Goodman	Milliron	Sirianni
Bradley	Green	Miscevich	Smith, E.
Brandt	Grieco	Moehlmann	Smith, L.
Brunner	Gring	Morris	Spencer
Burns	Halverson	Mrkonic	Stahl
Butera	Hamilton, J. H.	Mullen, M. P.	Stapleton
Caputo	Hasay	Mullen	Stout
Cassar	Haskell	Musto	Taddonio
Cianciulli	Hayes, D. S.	Myers	Taylor
Cimini	Hayes, S. E.	Novak	Thomas
Cohen	Hepford	Noye	Toll
Cole	Hill	O'Brien	Trello
Cowell	Hopkins	O'Connell	Turner
Crawford	Hutchinson, A.	O'Donnell	Ustynoski
Cumberland	Hutchinson, W.	O'Keefe	Valicenti
Davies	Irvin	Oliver	Vroon
DeMedio	Itkin	Pancoast	Wagner
Deverter	Katz	Parker, H. S.	Wansacz
DeWeese	Kelly, A. P.	Perri	Wargo
Dicarlo	Kernick	Petrarca	Weidner
DiDonato	Kistler	Pievsky	Westerberg
Dietz	Klingaman	Pitts	Whelan
Dombrowski	Kolter	Polite	Wiggins
Dorr	Kowalyshyn	Pratt	Williams
Doyle	Kusse	Prendergast	Wilson
Dreibelbis	LaMarca	Pyles	Wilt, R. W.
Dumas	Laudadio	Rappaport	Wilt, W. W.
Eckensberger	Laughlin	Ravenstahl	Wojdak
Englehart	Lederer	Reed	Worriow
Fawcett	Lehr	Renninger	Wright
Fee	Letterman	Renwick	Yohn
Fischer	Levi	Richardson	Zearfoss
Fisher	Lincoln	Rieger	Zeller
Flaherty	Logue	Ritter	Zord
Foster, A.	Lynch	Ruggiero	Zwikl
Foster, W.	Manderino	Ryan	
Freind	Manmiller	Saloom	Fineman, Speaker
Fryer	McCall	Salvatore	
Gallagher	McClatchy	Scheaffer	

NAYS—1

Berson

NOT VOTING—13

Dininni	Johnson, J.	McGraw	Ross
Gleason	Kelly, J. B.	Perry	Walsh, T. P.
Greenfield	Knepper	Rhodes	Yahner
Hammock			

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

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

HOUSE BILL No. 848 PASSED OVER TEMPORARILY

The **SPEAKER**. For what purpose does the gentleman, Mr. Thomas, rise?

Mr. THOMAS. Mr. Speaker, I have an amendment coming for this bill too. Can we temporarily pass over it?

The **SPEAKER**. This bill will be temporarily passed over.

TAX BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1751, printer's No. 3037**, entitled:

An Act amending the "Fuel Use Tax Act," approved January 14, 1952 (P. L. 1965, No. 550), further providing for exemptions from the tax.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 25, by striking out "February 1, 1974 (P. L. 24, No. 9)" and inserting: December 19, 1975 (No. 157)

Amend Sec. 1 (Sec. 4), page 2, line 23, by inserting after "subdivisions," any volunteer fire company, any volunteer ambulance service, any volunteer rescue squad,

On the question,

Will the House agree to the amendments?

The **SPEAKER**. The Chair recognizes the gentleman from Centre, Mr. Dreibelbis.

Mr. DREIBELBIS. Mr. Speaker, I think this amendment will be agreed to. It simply adds language.

Subsequent to September of 1975, when this bill was drawn, there was an amendment added to House bills Nos. 116 and 117 that exempted volunteer fire companies. All this amendment does is to include that in the description of the act that is being amended. It does not really change anything.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—185

Abraham	Gallen	McCue	Schweder
Anderson, J. H.	Garzia	McGinnis	Scirica
Arthurs	Geesey	McLane	Seltzer
Barber	Geisler	McIntyre	Shane

Bennett	George	Mebus	Shelhamer
Beren	Giammarco	Menhorn	Shelton
Berlin	Gillespie	Milanovich	Shuman
Berson	Gillette	Miller, M. E.	Shupnik
Bittle	Gleason	Miller, M. E., Jr.	Sirianni
Bonetto	Goodman	Milliron	Smith, E.
Bradley	Green	Miscevich	Smith, L.
Brandt	Grieco	Moehlmann	Spencer
Brunner	Gring	Morris	Stahl
Burns	Halverson	Mrkonje	Stapleton
Butera	Hamilton, J. H.	Mullen	Stout
Caputo	Hasay	Mullen, M. P.	Taddonio
Cassar	Haskell	Musto	Taylor
Cianciulli	Hayes, D. S.	Myers	Thomas
Cimini	Hayes, S. E.	Novak	Toll
Cohen	Hepford	Noye	Trello
Cole	Hill	O'Brien	Turner
Cowell	Hopkins	O'Connell	Ustynoski
Crawford	Hutchinson, A.	O'Donnell	Valicenti
Cumberland	Hutchinson, W.	Oliver	Vroon
Davies	Irviss	Pancoast	Wagner
DeMedio	Itkin	Parker, H. S.	Wansacz
Deverter	Katz	Perri	Wargo
DeWeese	Kelly, A. P.	Petrarca	Weidner
Dicarlo	Kernick	Pievsky	Westerberg
DiDonato	Kistler	Pitts	Whelan
Dietz	Klingaman	Polite	Wiggins
Dombrowski	Kolter	Prendergast	Williams
Dorr	Kowalyshyn	Pratt	Wilson
Doyle	Kusse	Pyles	Wilt, R. W.
Dumas	LaMarca	Rappaport	Wilt, W. W.
Dreibelbis	Laudadio	Ravenstahl	Wojdak
Eckensberger	Laughlin	Reed	Worrilow
Englehart	Lehr	Renninger	Wright
Fawcett	Letterman	Renwick	Yohn
Fee	Levi	Richardson	Zearfoss
Fischer	Lincoln	Rieger	Zeller
Fisher	Logue	Ruggiero	Zord
Flaherty	Lynch	Ryan	Zwilk
Foster, A.	Manderino	Saloom	
Foster, W.	Manniller	Salvatore	
Freind	McCall	Scheaffer	
Gallagher	McClatchy	Schmitt	

NAYS—4

Bellomini	Fryer	O'Keefe	Ritter
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NOT VOTING—14

Dininni	Johnson, J.	McGraw	Ross
Gleason	Kelly, J. B.	Perry	Walsh, T. P.
Greenfield	Knepper	Rhodes	Yahner
Hammock	Lederer		

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.

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 77

Mr. IRVIS called up for concurrence in Senate amendments, from page 16 of today's calendar, House bill No. 77, printer's No. 3014.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 77

An Act amending the act of April 29, 1959 (P. L. 58, No. 32), entitled "The Vehicle Code," directing the issuance of special registration plates exempt from all registration fees to certain disabled veterans; exempting motor vehicles bearing such plates from certain parking restrictions for limited times; and prescribing penalties.

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

The clerk read the following amendments made by the Senate:

Amend Title, page 1, line 6, by inserting after "plates" the following: "exempt from all registration fees"; line 7, by inserting at the beginning of the line "certain"

Amend Bill, page 1, line 15, by inserting after "any" the following: "one hundred (100) percent totally"; line 16, by inserting after "veteran" the following: "whose disability is service connected and who is"

Amend Bill, page 2, lines 5 and 6, by inserting after "veterans" the following: "as set forth in this section." and by striking out all the remainder of line 6; line 7, by striking out all of said line; line 8, by striking out at the beginning of the line "issuance of such registration plates." and by inserting immediately thereafter the following: The department shall exempt from all registration fees any veteran who is so certified.

Amend Bill, page 2, line 10, by striking out after "CERTIFIED." all the remainder of said line; line 11, by striking out at the beginning of the line "(100) PERCENT DISABLED." and by inserting immediately thereafter the following: The provisions of this section shall apply to only one vehicle, weighing not more than nine thousand (9,000) pounds, owned and used by such veteran or by such veteran and his spouse.

On the question,

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, we are now about to run a series of questions on concurrence or nonconcurrence in Senate amendments. Neither caucus probably has dealt with these individual bills. I am, therefore, going to ask the parties who are interested to explain briefly the reasons for concurrence or nonconcurrence. If any member has an objection to that procedure, if he will intercede at the time of explanation, we will withdraw the bill from consideration.

On this particular bill, House bill No. 77, I have been advised by Mr. Petrarca and Mr. DeMedio that they would ask for nonconcurrence in the Senate amendments. I would ask Mr. DeMedio to explain to the floor why he is asking for nonconcurrence in Senate amendments to House bill No. 77, printer's No. 3014, on page 16.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. Mr. Speaker, House bill No. 77 was amended by the Senate to change the category for whom special registration plates would be available to make it 100 percent disabled, which means that in many instances individuals with the loss of one or two limbs, who would be partially disabled, would not be eligible for the special registration plate which would indicate that the proprietor of the automobile was disabled.

We think it is entirely too stringent and that the amendment inserted by the Senate should be reviewed and deleted from the bill. This is why we are asking that the House do nonconcur in the amendments inserted to House bill No. 77 by the Senate.

On the question recurring,

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

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

YEAS—3

Hopkins

O'Donnell

Thomas

NAYS—186

Abraham	Gallagher	McCue	Salvatore
Anderson, J. H.	Gallen	McGinnis	Scheaffer
Arthurs	Garzia	McIntyre	Schmitt
Barber	Geesey	McLane	Schweder
Bellomini	Geisler	Mebus	Scirica
Bennett	George	Menhorn	Seltzer
Berlin	Giammarco	Milanovich	Shane
Berson	Gillespie	Miller, M. E.	Shelton
Bittle	Gillette	Miller, M. E., Jr.	Shuman
Bonetto	Gleeson	Milliron	Shupnik
Bradley	Goodman	Miscevich	Sirianni
Brandt	Green	Moehlmann	Smith, E.
Brunner	Greenfield	Morris	Smith, L.
Burns	Grieco	Mrkoncic	Spencer
Butera	Halverson	Mullen, M. P.	Stahl
Caputo	Hamilton, J. H.	Mullen	Stapleton
Cessar	Hasay	Musto	Stout
Cianciulli	Haskell	Myers	Taddonio
Cimini	Hayes, D. S.	Novak	Taylor
Cohen	Hayes, S. E.	Noye	Toll
Cole	Hepford	O'Brien	Trello
Cowell	Hill	O'Connell	Turner
Crawford	Hutchinson, A.	O'Keefe	Ustynoski
Cumberland	Hutchinson, W.	Oliver	Valicenti
Davies	Irvis	Pancoast	Vroon
DeMedio	Itkin	Parker, H. S.	Wagner
Deverter	Katz	Perri	Wansacz
DeWeese	Kelly, A. P.	Petrarca	Wargo
Dicarlo	Kernick	Pievsky	Weldner
DiDonato	Kistler	Pitts	Westerberg
Dietz	Klingaman	Polite	Whelan
Dombrowski	Kolter	Pratt	Wiggins
Dorr	Kowalshyn	Prendergast	Williams
Doyle	Kusse	Pyles	Wilson
Dreibelbis	Laudadio	Rappaport	Wilt, R. W.
Dumas	Laughlin	Ravenstahl	Wilt, W. W.
Eckensberger	Lederer	Reed	Wojdak
Englehart	Lehr	Renninger	Worrlow
Fawcett	Letterman	Renwick	Wright
Fee	Levi	Rhodes	Yohn
Fischer	Lincoln	Richardson	Zearfoss
Fisher	Logue	Rieger	Zeller
Flaherty	Lynch	Ritter	Zord
Foster, A.	Manderino	Ross	Zwikel
Foster, W.	Mann Miller	Ruggiero	
Freind	McCall	Ryan	Fineman,
Fryer	McClatchy	Saloom	Speaker

NOT VOTING—14

Beren	Hammock	LaMarca	Shelhamer
Dininni	Johnson, J.	McGraw	Walsh, T. P.
Gleason	Kelly, J. B.	Perry	Yahner
Gring	Knepper		

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 217

Mr. IRVIS called up for concurrence in Senate amendments, from page 16 of today's calendar, House bill No. 217, printer's No. 3086.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, has the gentleman, Mr. Shelhamer, had an opportunity to look at House bill No. 217, which was not on the calendar yesterday and therefore does not appear on our list today?

Mr. SHELHAMER. Yes, Mr. Speaker.

Mr. IRVIS. Would the gentleman advise the House as to whether or not—this is his bill—we ought to concur or nonconcur in the Senate amendments?

Mr. SHELHAMER. Yes, Mr. Speaker. I ask for concurrence.

Mr. IRVIS. Would the gentleman explain how the bill was amended so that the House may act intelligently?

Mr. SHELHAMER. Yes, Mr. Speaker.

When House bill No. 217 was before the House, it was amended by Mr. O'Connell to include other land and agricultural land in this exemption. The Senate took this portion of his amendment out.

I would ask that the House do concur with the present bill.

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

Mr. O'CONNELL. I am requesting it go over, Mr. Speaker, just until after the caucus.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 217

An Act exempting the owner of certain agricultural land from the payment of assessments for municipal improvements during the period of time that the owner does not use the services provided by the improvements or until there is a change in the use of land.

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

The clerk read the following amendments made by the Senate:

Amend Title, page 1, line 4, by striking out the period after "improvements" and inserting "or until there is a change in the use of the land."

Amend Section 1, page 1, line 8, by striking out after "1." the word "The" and inserting "From and after the effective date of this act the"; line 13, by inserting after "on" the words "or crossing" and by striking out after "land," all the remainder of said line; line 14, by striking out at the beginning of the line "from the said owner,"; line 16, by inserting after "lines" the following: except as provided in Section 3 or does not change the use of the land. For the purpose of this act, land shall be defined as that presently devoted to agricultural use for the purpose of producing an agricultural commodity as defined in the act of September 20, 1961 (P. L. 1541, No. 657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968" or any farm product as defined in 1 Pa. C. S. § 1991 (relating to definitions) and such land was devoted to agricultural use the preceding three years and is not less than ten contiguous acres in area or has anticipated yearly gross income of \$2,000 from agriculture.

Amend Section 1, page 2, line 10, by striking out after "shall" the words "have the right to; line 11 by inserting after "record," the following: "a certification signed and acknowledged by the landowner (or landowners) and" line 13, by striking out after "in" the word "name" and inserting in lieu thereof "name"; line 16, by inserting after "lines" the following: "or if the use of the land is changed,"; line 17, by inserting after "the" the word "assessment"; line 18, by striking out after "water" the word "or" and inserting in lieu thereof "and/or" and by inserting after "lines" the following: "as per originally assessed" and by striking out immediately thereafter the word "as"; line 19, by striking out all of said line; lines 20 through 29, by striking out all of said lines and inserting in lieu thereof the following:

Section 2. When the use of the land is changed from agriculture the owner shall, within 60 days, notify in writing the municipality or authority of the change. Notwithstanding the provisions of the act of May 16, 1923 (P. L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law at that time or at any subsequent time, the municipality or authority may place a lien against the property in an amount equal to the amount that would have been due had it not been for the provisions of this act. If the owner fails to notify the municipality or authority as herein provided the municipality or authority may charge as a penalty 10% of the assessment that would have been made had it not been for the provisions of this act plus interest at the rate of 8% from the date of the change.

Amend Section 3, page 3, line 13, by striking out after "3." all the remainder of said line; line 14, by striking out at the beginning of the line "and" and inserting "if"; line 15, by striking out after "lines" the words "for that dwelling only" and inserting "without a change in use"; line 16, by striking out after "installation" all the remainder of said line; lines 17 through 20, by striking out all of said lines; line 21, by striking out at the beginning of the line "assessment." and inserting "but only on that amount of the property that is benefited by the use of the lines."

Amend Bill, page 3, lines 23 through 30, by striking out all of said lines; page 4 lines 1 through 6, by striking out all of said lines and by inserting immediately thereafter "Section 4. This act shall take effect in six months."

On the question,

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

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 217 PASSED OVER TEMPORARILY

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

Mr. O'CONNELL. Mr. Speaker, I would respectfully request that this go over until after the caucus. I have not had an opportunity to look at it.

Thank you.

The SPEAKER. The matter of concurrence in Senate amendments to House bill No. 217 will be temporarily passed over.

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 501

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Would the Chair now call House bill No. 501 and recognize Mr. Beren? I think Mr. Bonetto is not on the floor.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 501

An Act requiring the installation of ramps at crosswalks under certain conditions.

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

The clerk read the following amendments made by the Senate:

Amend Section 1, page 1, line 5 by striking out after "and" the word "political"; line 6, by striking out at the beginning of the line "subdivision" and inserting "municipalities".

Amend Section 2, page 1, line 17, by striking out after "such" the word "political"; page 2, line 1, by striking out at the beginning of the line "subdivisions" and inserting "municipalities"

On the question,

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

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

Mr. IRVIS. Mr. Beren is not here.

The SPEAKER. Is there someone else who can explain the amendments?

Mr. IRVIS. Mr. Lederer?

Mr. Speaker, would the Chair pass over House bill No. 501?

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

Mr. RITTER. Mr. Speaker, I can tell you briefly what the Senate did with House bill No. 501.

Mr. IRVIS. Mr. Speaker, I withdraw my motion for the pass over.

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

Mr. RITTER. Mr. Speaker, there are two sections of the bill where the House referred to "The Department of Transportation and political subdivision." The Senate removed the words "political subdivision" and replaced them with "municipalities."

I see no objection to that Mr. Speaker, and I would ask that we concur in the Senate amendments. They simply remove the words "political subdivision" and substitute therefor "municipalities."

On the question recurring,

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

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

YEAS—190

Abraham	Gallen	McCue	Scheaffer
Anderson, J. H.	Garzia	McGinnis	Schmitt
Arthurs	Geesey	McIntyre	Schweder
Barber	Gelsler	McLane	Scirica
Bellomini	George	Mebus	Seltzer
Bennett	Giammarco	Menhorn	Shane
Beren	Gillespie	Milanovich	Shelhamer
Berlin	Gillette	Miller, M. E.	Shelton
Berson	Gleeson	Milliron	Shuman
Bittle	Goodman	Miscevich	Shupnik
Bonetto	Green	Moehlmann	Sirianni
Brandt	Greenfield	Morris	Smith, E.
Brunner	Grieco	Mrkonje	Smith, L.
Burns	Gring	Mullen, M. P.	Spencer
Butera	Halverson	Mullen	Stahl
Caputo	Hamilton, J. H.	Musto	Stapleton
Cessar	Hasay	Myers	Stout
Cianciulli	Haskell	Novak	Taddonio
Cimini	Hayes, D. S.	Noye	Taylor
Cohen	Hayes, S. E.	O'Brien	Thomas
Cole	Hepford	O'Connell	Toll
Cowell	Hill	O'Donnell	Trello
Crawford	Hopkins	O'Keefe	Turner
Cumberland	Hutchinson, A.	Oliver	Ustynoski
Davies	Hutchinson, W.	Pancoast	Valicenti
DeMedio	Irvis	Parker, H. S.	Vroon
Deverter	Itkin	Perri	Wagner
DeWeese	Katz	Petrarca	Wansacz
Dicarlo	Kelly, A. P.	Pievsky	Wargo
DiDonato	Kernick	Pitts	Weidner
Dietz	Kistler	Polite	Westerberg
Dombrowski	Klingaman	Pratt	Whelan

Dorr	Kolter	Prendergast	Wiggins
Doyle	Kowalyszyn	Pyles	Williams
Dreibelbis	Kusse	Rappaport	Wilson
Dumas	Laudadio	Ravenstahl	Wilt, R. W.
Eckensberger	Laughlin	Reed	Wilt, W. W.
Englehart	Lederer	Renninger	Wojdak
Fawcett	Lehr	Renwick	Worrlow
Fee	Letterman	Rhodes	Wright
Fischer	Levi	Richardson	Yohn
Fisher	Lincoln	Rieger	Zearfoss
Flaherty	Logue	Ritter	Zeller
Foster, A.	Lynch	Ross	Zord
Foster, W.	Manderino	Ruggiero	Zwilk
Freind	Manmiller	Ryan	
Fryer	McCall	Saloom	Fineman,
Gallagher	McClatchy	Salvatore	Speaker

NAYS—0

NOT VOTING—13

Bradley	Johnson, J.	LaMarca	Perry
Dinnini	Kelly, J. B.	McGraw	Walsh, T. P.
Gleason	Knepper	Miller, M. E., Jr.	Yahner
Hammock			

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

Ordered, That the clerk inform the Senate accordingly.

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 580

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, would the Chair call up House bill No. 580, printer's No. 3025, and recognize the gentleman, Mr. McClatchy?

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 580

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the exclusion to sexual offenses because of a spousal relationship and rules of evidence relating to sexual offenses; changing the age requirements for the offense of statutory rape and amending the indecent assault provisions.

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

The clerk read the following amendments made by the Senate:

Amend Title, page 1, line 3, by inserting at the beginning of the line "sexual"; line 4, by inserting after "offenses" the following: "; changing the age requirements for the offense of statutory rape and amending the indecent assault provisions.

Amend Section 1, page 1, line 9, by striking out after "Sections" the following: "3103, 3104 and 3105"; page 2, by inserting after line 1 the following:

§ 3102. Mistake as to Age.
Whenever in this chapter the criminality of conduct depends on a [child's] child being below the age of [15] 14 years, it is no defense that the actor did not know the age of the child, or reasonably believed the child to be [older than 15 years] the age of 14 years or older. When criminality depends on the [child] child's being below a critical age other than [15] 14 years, it is a defense for the actor to prove by a preponderance of the evidence

that he reasonably believed the child to be above the critical age.

Amend Section 1, page 2, line 16, by deleting after "relationship the following: ". The" and inserting " provided, however, that the"; line 19, by striking out after "residences" all the remainder of said line; line 20, by striking out at the beginning of the line "or where either spouse has filed a Complaint in Divorce." and inserting the following: ", or in the same residence but under terms of a written separation agreement or an order of a court of record.

Amend Section 1, page 3, line 5, by striking out after "rule.—" all the remainder of said line; line 6, by striking out at the beginning of the line "evidence" and inserting in lieu thereof "Evidence" and by inserting after "the" the word "alleged"; line 7, by inserting at the beginning of the line "past" and by inserting after "the" the word "alleged"; line 8, by inserting at the beginning of the line "past" and by inserting after "the" the word "alleged"; line 9, by inserting after "victim's" the word "past" and by striking out after "be" the word "admissible" and inserting in lieu thereof "admissible"; line 11, by inserting at the beginning of the line "alleged"; line 12, by inserting after "the" the word "alleged".

Amend Section 1, page 3, line 15, by inserting after "the" the word "alleged" and by inserting after "victim's" the word "past"; line 16, by striking out after "to" the following: "subsections (a) and (c)" and inserting "subsection (a)"; line 18, by striking out after "of" the word "trail" and inserting in lieu thereof "trial"; line 19, by striking out after "proof" the word "is" and inserting in lieu thereof "are" and by striking out after "on" the words "its face," and inserting "their faces,"; lines 24 through 28, by striking out all of said lines.

Amend Section 1, page 4, line 7, by striking out after "Prompt" the following: "complaint by the victim" and inserting in lieu thereof "reporting to public authority".

Amend Section 1, page 4, by inserting after line 12 the following:

§ 3122. Statutory Rape.

A person who is [16] 18 years of age or older commits statutory rape, a [felony] felony of the second degree, when he engages in sexual intercourse with another person not his spouse who is less than [16] 14 years of age.

§ 3126. Indecent Assault.

A person who has indecent contact with another not his spouse, or causes such other to have indecent contact with him is guilty of indecent assault, a misdemeanor of the second degree, if:

(1) He [knows that the contact is offensive to] does so without the consent of the other person;

(2) He knows that the other person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct;

(3) He knows that the other person is unaware that an indecent contact is being committed;

(4) He has substantially impaired the other person's power to appraise or control his or her conduct, by administering or employing without the knowledge of the other drugs, intoxicants or other means for the purpose of preventing resistance; or

(5) The other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over him.

Amend Section 2, page 5, line 10, by striking out after "of" the word "a" and inserting "an alleged"; line 12, by striking out after "of" the word "a" and inserting "an alleged"; line 16, by inserting after "the" where it appears the second time "alleged"; line 17, by striking out after "all" the word "witnesses" and inserting "victims'"; line 20, by inserting after "The" the word "alleged"; lines 25 and 26, by striking out all of said lines; line 27, by striking out after "Section" the number "4." and inserting "3."

On the question,

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

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

Mr. McCLATCHY. Mr. Speaker, I ask for concurrence in the Senate amendments to House bill No. 580.

If anyone has any doubt of what it is, I will be glad to try and explain it.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, would the gentleman, because we are engaging in an unorthodox procedure, please explain briefly what changes the Senate brought about?

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

Mr. McCLATCHY. Mr. Speaker, the most important amendment was dropping the statutory rape age from 16 to 14 years of age.

In addition, they changed the area on spouse relationship where a spouse could charge the other spouse with rape in this instance, and I will read the exclusion:

PROVIDED, HOWEVER, THAT THE exclusion shall be inoperative as respects spouses living in separate residences, OR IN THE SAME RESIDENCE BUT UNDER TERMS OF A WRITTEN SEPARATION AGREEMENT OR AN ORDER OF A COURT OF RECORD.

In addition, they changed the word "victim" to "alleged victim", Mr. Speaker. I think it cleans up the bill a little bit and makes it a bit more acceptable.

Mr. IRVIS. All right, Mr. Speaker. I hear no objection to proceeding. Would the Chair call the bill for concurrence?

On the question recurring,

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

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

YEAS—188

Abraham	Gallagher	McCue	Schmitt
Anderson, J. H.	Gallen	McGinnis	Schweder
Arthurs	Garzia	McIntyre	Scirica
Barber	Geesey	McLane	Seltzer
Bellomini	Geisler	Mebus	Shane
Bennett	George	Menhorn	Shelhamer
Beren	Giammarco	Milanovich	Shelton
Berlin	Gillespie	Miller, M. E.	Shuman
Berson	Gillette	Miller, M. E., Jr.	Shupnik
Bittle	Gleeson	Milliron	Sirlanni
Bonetto	Goodman	Miscevich	Smith, E.
Bradley	Green	Mochlmann	Smith, L.
Brandt	Grieco	Morris	Spencer
Brunner	Gring	Mrkonie	Stahl
Burns	Halverson	Mullen	Stapleton
Butera	Hamilton, J. H.	Mullen, M. P.	Stout
Caputo	Hasay	Musto	Taddonio
Cassar	Haskell	Myers	Taylor
Cianciulli	Hayes, D. S.	Novak	Thomas
Cimini	Hayes, S. E.	Noye	Toll
Cohen	Hepford	O'Brien	Trello
Cole	Hill	O'Connell	Turner
Cowell	Hopkins	O'Donnell	Ustynoski
Crawford	Hutchinson, A.	O'Keefe	Valicenti
Cumberland	Hutchinson, W.	Oliver	Vroon
Davies	Irvia	Perri	Wagner
DeMedio	Itkin	Pancoast	Wansacz
Deverter	Katz	Parker, H. S.	Wargo
DeWeese	Kelly, A. P.	Petrarca	Weidner
Dicarlo	Kernick	Pievsky	Westerberg
DiDonato	Kistler	Polite	Whelan
Dietz	Klingaman	Pratt	Wiggins
Dombrowski	Kolter	Pyles	Williams
Dorr	Kowalyshyn	Rappaport	Wilson
Doyle	Kusse	Ravenstahl	Wilt, R. W.
Dreibelbis	Laudadio	Reed	Wilt, W. W.
Dumas	Laughlin	Renninger	Wojdak

Eckensberger	Lederer	Renwick	Worrlow
Englehart	Lehr	Rhodes	Wright
Fawcett	Letterman	Rieger	Yohn
Fee	Levi	Ritter	Zearfoss
Fischer	Lincoln	Ross	Zeller
Fisher	Logue	Ruggiero	Zord
Flaherty	Lynch	Ryan	Zwikel
Foster, A.	Manderino	Saloom	
Foster, W.	Manmiller	Salvatore	Fineman,
Freind	McCall	Scheaffer	Speaker
Fryer	McClatchy		

NAYS—1

Pitts

NOT VOTING—14

Dininni	Johnson, J.	McGraw	Richardson
Gleason	Kelly, J. B.	Perry	Walsh, T. P.
Greenfield	Knepper	Prendergast	Yahner
Hammock	LaMarca		

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

Ordered, That the clerk inform the Senate accordingly.

HOUSE BILL No. 605 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the gentleman, Mr. Wojdak, is not present at the moment. Would you pass this over temporarily?

The SPEAKER. The bill will be passed over temporarily.

HOUSE BILL No. 646 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Schmitt. Can the gentleman explain the amendments of the Senate?

Mr. SCHMITT. Mr. Speaker, I was not on that conference committee and this has not been referred to me for my attention, so I am not equipped to make a report.

The SPEAKER. Is there someone in the hall of the House who can explain the Senate amendments?

This bill will be temporarily passed over.

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

Mr. ZEARFOSS. Mr. Speaker, I would prefer if we could discuss this in caucus. I can explain the amendments, but I think it should be covered.

The SPEAKER. The bill will be temporarily passed over.

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 1461

Mr. IRVIS called up for concurrence in Senate amendments, from page 18 of today's calendar, House bill No. 1461, printer's No. 3012.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 1461

An Act amending the act of June 3, 1937 (P. L. 1225,

No. 316), entitled "The Game Law," increasing the fees for replacement hunting licenses and providing penalty for giving false statement.

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

The clerk read the following amendments made by the Senate:

Amend Section 1, page 1, line 13, by inserting after "Lost" the word "Hunting" and by deleting after "Licenses" the words "and Tags" and by striking out immediately thereafter "or Any Part Thereof."; line 14, by inserting after "a" the following: "regular resident, non-resident or antlerless deer"; line 15, by striking out after "license" the words "of any description"; line 16, by inserting after "shall" the word "accidentally" and by deleting after "lose" all the remainder of said line; line 17, by deleting all of said line; line 18, by deleting at the beginning of the line "both the license and tag, and by striking out immediately thereafter "the entire license" and inserting immediately thereafter "the same"

Amend Section 1, page 2, line 9, by inserting after "replacement" the following: "regular resident, nonresident or antlerless deer"; line 12, by striking out after "the" the word "fees" and inserting immediately thereafter "replacement fee for a regular resident hunting license" line 13, by striking out after "the" where it appears the first time "fees" and inserting "fee"; line 14, by striking out after "original" the word "licenses" and inserting "license."

Amend Section 1, page 2, line 16, by inserting after "the" the word "replacement"; line 17, by inserting after "license" the following: as set forth in the act for persons seventeen years of age or older, but less than sixty-five years of age.

(3) In the case of an antlerless deer license, the replacement fee shall be the same cost as the original license. The replacement of an antlerless deer license shall be made only by the issuing agent who issued the original license.

Amend Section 1, page 3, line 8, by inserting after "obtain" the words "or attempt to obtain" and by striking out after "license" the words "of any description"; line 11, by striking out after "obtain" the word "a" and inserting "or attempts to obtain a replacement"; line 12, by striking out after "license" the words "of any description" and inserting "as herein defined"

On the question,

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

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Renwick.

Mr. RENWICK. Mr. Speaker, I move that we do accept the amendments inserted by the Senate.

The SPEAKER. Will the gentleman briefly explain the amendments inserted by the Senate?

Mr. RENWICK. Yes. This is on the hunter's replacement license. If they lose their license, in order to obtain another one they have to pay half the price. Of course, the Senate adopted the amendment whereby there are two categories of licenses. Now, they are going to issue a special stamp and, of course, they are going to require that you pay the full price. These are only replacement licenses, understand. And, of course, they put the amendment in to pay it and to insist that you pay the full price for these two categories.

The SPEAKER. Members will proceed to vote.

The Chair recognizes the majority leader.

Mr. IRVIS. Just a moment, Mr. Speaker. There apparently have been some questions. Are there questions

from the floor on this? If there are, let us delay this until caucus. Now, simply tell me, is there a question?

Mr. FRYER. Yes, I have several questions.

Mr. IRVIS. Would you pass over the bill temporarily, Mr. Speaker? We shall have to caucus on House bill No. 1461.

The SPEAKER. The bill will be temporarily passed over.

BILLS PASSED OVER TEMPORARILY

Mr. IRVIS. Mr. Speaker, on page 18, the same page, would you call up House bill No. 969 and recognize the gentleman, Mr. Geesey?

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

Mr. GEESEY. Mr. Speaker, could you pass over it please? We have not caucused on it yet until this afternoon.

The SPEAKER. The Chair would suggest to the floor leaders that the remaining bills on the matter of concurrence in Senate amendments be passed over at this time until after caucus.

Mr. IRVIS. I agree, Mr. Speaker.

Evidently, these bills have not been here long enough for the sponsors to have a chance to read them, and I concur in the Chair's decision.

HOUSE BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the titles were read:

HOUSE BILL No. 379

An Act amending the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," approved December 19, 1974 (No. 319), requiring the State Tax Equalization Board to consider preferential use assessments for school subsidy purposes.

HOUSE BILL No. 1464

An Act amending the act of June 1, 1933 (P. L. 1172, No. 290), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth," deleting a route in Hookstown Borough, Beaver County.

HOUSE BILL No. 1465

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "An act establishing certain township roads as State highways; ***, deleting Route 04052 in Beaver County.

Whereupon,

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, after you have concluded the business of the morning, would you recognize me for a motion to recess?

REPORT OF MINES AND ENERGY MANAGEMENT COMMITTEE

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

Mr. O'BRIEN. Mr. Speaker, I would like to submit for the House Journal this interim report on House resolution No. 59 conducted by the Mines and Energy Management Committee.

With assistance from the Auditor General, Bob Casey, the committee conducted an investigation on the practices of the eight major Pennsylvania electric utilities. Our findings and recommendations are detailed within this report. Since the committee has kept all the House members informed of these findings, I see no need for me to repeat them.

Although our initial audits are completed, the committee intends to pursue its watchdog role in this area. With help from the P.U.C. auditing staff, we hope to conduct another audit on each utility. The purpose of this audit will be to determine whether or not the company has made any effort to correct the weaknesses that we had found in our first audit. For this reason, the committee has decided to make this report our interim report rather than our final report.

At this time I would like to personally thank Robert Casey, his team of auditors, headed by John Dial, the Mines and Energy Management Committee members, and the committee staff.

Thank you.

The SPEAKER. The gentleman will submit the report for the record. The report will be noted in the Journal and printed in full in the Appendix.

(For report, see Appendix.)

BILL REPORTED FROM COMMITTEE

HOUSE BILL No. 2212 (Amended) By Mr. BENNETT

An Act amending the "Real Estate Tax Sale Law," approved July 7, 1947 (P. L. 1368, No. 542), providing for agreements for the payment of delinquent taxes on an installment basis under certain conditions.

Reported from Committee on Business and Commerce.

ANNOUNCEMENT

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

Mr. W. W. WILT. Mr. Speaker, a few minutes ago I had a little chat with our colleague, Mr. Paul J. Yahner. He underwent surgery Monday morning, but he is recovering and expresses his appreciation for the cards and good wishes that he received from his friends here in the House.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, there are a number of bills on the calendar yet to be caucused on, and I am asking now that the House please be declared in recess until 1:30. I was going to ask for 1 p.m., but 1:30, I think, will be a more reasonable time. I would ask that the Democrats report not to the lunchroom but to the caucus room immediately, so that we can get our business with the caucus over. Then we will take lunch and come back on the floor at 1:30. The main business before the floor this afternoon is obvious; the three bills which belong to the Philadelphia tax permission package will be called back again this afternoon.

I would ask all members on the Democratic side to go to caucus immediately.

Thank you, Mr. Speaker.

RETURN OF MEMBER NOTED

The SPEAKER. The Chair is pleased to recognize the return of the gentleman, Mr. A. K. Hutchinson.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I request the Republican members to proceed to the caucus room immediately for a brief caucus.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I neglected to announce for the members of the Rules Committee and I reiterate, we are going to meet in Rules Committee session in my office at 12 noon.

RECESS

The SPEAKER. The Chair now declares the House in recess until 1:30 p.m., e.d.t.

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. GARZIA, VALICENTI, LEDERER, MYERS, GIAMMARCO, GILLESPIE, RAVENSTAHL, NOVAK, Mrs. GILLETTE, Messrs. ENGLEHART, O'KEEFE, SALOOM, MUSTO and CAPUTO

HOUSE BILL No. 2360

An Act prohibiting and making unlawful the importation, transportation, and transfer of persons to take part in a labor dispute in certain ways; prohibiting and making unlawful the recruitment and furnishing of persons to replace employees involved in a labor dispute by a person or agency not directly involved in the labor dispute; imposing a penalty for violations of this act; providing an exemption of certain activities of common carriers and Commonwealth employment bureau employees; and repealing certain existing law.

Referred to Committee on Labor Relations.

By Messrs. SALOOM, PETRARCA, LaMARCA, M. P. MULLEN, LINCOLN, NOVAK, Mrs. KERNICK, Mrs. GILLETTE, Messrs. STOUT, DeWEESE, GREEN, RAPPAPORT, TAYLOR, FISCHER, M. E. MILLER, JR., POLITE, McGINNIS, SHANE and MISCEVICH **HOUSE BILL No. 2361**

An Act amending the "Child Protective Services Law," approved November 26, 1975 (No. 124), requiring reports involving the death of a child to be sent to the Pennsyl-

vania State Police and the district attorney and providing for investigation by the Pennsylvania State Police.

Referred to Committee on Law and Justice.

By Messrs. ZEARFOSS, FREIND, MORRIS and
RUGGIERO **HOUSE BILL No. 2362**

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), providing for voter approval on certain capital expenditures.

Referred to Committee on Local Government.

By Messrs. KOLTER, FINEMAN, IRVIS,
MANDERINO, BERLIN, HALVERSON,
Mrs. FAWCETT, Messrs. LAUGHLIN, ZWIKL,
PETRARCA, A. K. HUTCHINSON, SALOOM,
LETTERMAN, WILLIAMS, LaMARCA, CAPUTO,
GEISLER, SHANE, MILANOVICH and A. C. FOSTER
HOUSE BILL No. 2363

An Act relating to the implementation of the emergency telephone number "911"; providing a title; providing an intent; providing for a State plan; providing a system director; providing for telephone industry coordination; providing for coin telephone conversion; providing for system; approval; providing an appropriation.

Referred to Committee on State Government.

By Mrs. KERNICK, Messrs. M. E. MILLER, ITKIN,
MENHORN, TRELLO, COWELL and
Mrs. GILLETTE **HOUSE BILL No. 2364**

An Act amending the Public Agency Open Meeting Law approved July 19, 1974 (No. 175), authorizing tape recordings of public meetings.

Referred to Committee on State Government.

By Messrs. PRATT, MILANOVICH, GREEN, COLE
and MILLIRON **HOUSE BILL No. 2365**

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), entitled "An act creating the Municipal Police Officers' Education and Training Commission;***," providing a penalty for an employer to refuse to grant certain leaves of absence to employees.

Referred to Committee on Law and Justice.

By Messrs. COWELL, STAPLETON, WILSON,
Mrs. KERNICK, Messrs. GREEN, GILLESPIE,
O'KEEFE, ITKIN, Mrs. GILLETTE,
Messrs. MRKONIC, ABRAHAM, MILLIRON,
CESSAR and MENHORN **HOUSE BILL No. 2366**

An Act amending the "Pennsylvania Election Code," approved July 3, 1937 (P. L. 1333, No. 320), changing the dates relating to primaries.

Referred to Committee on State Government.

By Messrs. COWELL, STAPLETON, WILSON,
Mrs. KERNICK, Messrs. GREEN, O'KEEFE,
GILLESPIE, ABRAHAM and CESSAR
HOUSE BILL No. 2367

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for a single campaign treasurer and for reports of contributions.

Referred to Committee on State Government.

By Messrs. COWELL, STAPLETON, MILLIRON,
WILSON, GREEN, ABRAHAM, O'KEEFE,
GILLESPIE, CESSAR and Mrs. KERNICK
HOUSE BILL No. 2368

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), permitting persons registered as independent to vote and participate in primaries, and prohibiting straight party voting.

Referred to Committee on State Government.

SENATE MESSAGE

BILL FOR CONCURRENCE

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

SENATE BILL No. 888

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), entitled "State Highway Law," further providing for vegetation along highways.

Referred to Committee on Transportation.

HOUSE RESOLUTION INTRODUCED AND REFERRED

By Messrs. PRATT, GREEN, MILANOVICH,
STAPLETON, MILLIRON, BERLIN, REED and
R. W. WILT **RESOLUTION No. 247**

The House of Representatives urge the Supreme Court of Pennsylvania to reconsider the severity of its action and to repeal the existing restrictive rules relating to constables.

Referred to Committee on Rules.

BILL REPORTED FROM COMMITTEE

HOUSE BILL No. 2294 (Amended) By Mr. WARGO

An Act providing for the observance of June 28 of each year as Pennsylvania German day.

Reported from Committee on Rules.

RESOLUTIONS REPORTED FROM COMMITTEES

HOUSE RESOLUTION No. 177 (Amended)
By Mr. WARGO

The General Assembly of the Commonwealth of Pennsylvania directs the Joint State Government Commission to organize a task force to conduct an in-depth study of the injuries being inflicted upon children as a result of harmful substances consumed by his or her mother during pregnancy, or used by their parents either prior to conception or during a mother's pregnancy.

Reported from Committee on Rules.

HOUSE RESOLUTION No. 215 By Mr. WARGO

The House of Representatives of the Commonwealth of Pennsylvania strongly urges that no one shall recommend the multiflora rose for planting, no one shall provide such plants to landowners nor shall plant the multiflora rose.

Reported from Committee on Rules.

SENATE RESOLUTION No. 226 (Concurrent)
By Mr. WARGO

The General Assembly of the Commonwealth of Pennsylvania propose that new Kittanning Bridge crossing the Allegheny River in Armstrong County containing the Allegheny Valley Expressway, Legislative Route 1037, extending from North Buffalo Township to Manor Township, be named for and dedicated to the Honorable J. Frank Graff.

Reported from Committee on Rules.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. E. H. Smith. For what purpose does the gentleman rise?

Mr. E. H. SMITH. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. E. H. SMITH. Mr. Speaker, yesterday, May 11, I inadvertently voted "no" on House bill No. 2141, printer's No. 2924. I would like to be recorded as voting in favor of the bill.

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

Mr. E. H. SMITH. Thank you.

CALENDAR

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 878

Mr. IRVIS called up for concurrence in Senate amendments, from page 17 of today's calendar, House bill No. 878, printer's No. 3069.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 878

An Act making a supplemental appropriation to the Department of Public Welfare for the fiscal year 1975-1976 for medical assistance payments.

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

The clerk read the following amendments made by the Senate:

Amend Title, lines 1 and 2, by striking out all of said lines and by inserting immediately thereafter the following: making a supplemental appropriation to the Department of Public Welfare for the fiscal year 1975-1976 for medical assistance payments.

Amend Bill, page 1, lines 8 through 11, by striking out all of said lines and inserting immediately thereafter the following:

Section 1. The sum of \$31,000,000 is hereby specifically appropriated to the Department of Public Welfare for the fiscal year 1975-1976 for medical assistance payments as a supplemental appropriation in addition to any moneys heretofore appropriated for such purpose.

On the question,

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I explained this morning that we would not be taking up House bill No. 878, printer's No. 3069, because there was no immediate need for the \$31-million deficiency appropriation. I explained it correctly to you. There is no immediate need. However, it is possible that members could be injured in their own districts by making it appear that there is a need for this piece of legislation. People could be told that their medi-

cal payments were not being taken care of because the House had failed to act. That could affect every single one of us.

I talked to Mr. Milliron and he has agreed that he will withdraw his objection to what the Senate has done and he will search for another bill which may amend to put back the language which we passed originally. And as a result of that, rather than risk any condemnation against the members of the House, I am now calling up for concurrence the amendment to House bill No. 878, printer's No. 3069, and I ask that you vote to concur.

On the question recurring,

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

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

YEAS—190

Abraham	Fryer	Manmiller	Ryan
Anderson, J. H.	Gallagher	McCall	Saloom
Arthur	Gallen	McClatchy	Salvatore
Barber	Garzia	McCue	Scheaffer
Bellomini	Geesey	McGinnis	Schmitt
Bennett	Geisler	McIntyre	Schweder
Beren	George	McLane	Scirica
Berlin	Giammarco	Mebus	Seltzer
Berson	Gillespie	Menhorn	Shelhamer
Bittle	Gillette	Milanovich	Shelton
Bonetto	Gleeson	Miller, M. E.	Shupnik
Bradley	Goodman	Miller, M. E., Jr.	Shuman
Brandt	Green	Milliron	Sirianni
Brunner	Greenfield	Miscevich	Smith, E.
Burns	Grieco	Moehlmann	Smith, L.
Butera	Gring	Morris	Spencer
Caputo	Halverson	Mrkonjc	Stahl
Cassar	Hamilton, J. H.	Mullen, M. P.	Stapleton
Cianciulli	Hasay	Mullen	Stout
Cimini	Haskell	Musto	Taddonio
Cohen	Hayes, D. S.	Novak	Taylor
Cole	Hayes, S. E.	Noye	Thomas
Cowell	Hill	O'Brien	Toll
Crawford	Hopkins	O'Connell	Trello
Cumberland	Hutchinson, A.	O'Donnell	Turner
Davis	Hutchinson, W.	O'Keefe	Ustynoski
DeMedio	Irvis	Oliver	Valicenti
Deverter	Itkin	Pancoast	Vroom
DeWeese	Johnson, J.	Parker, H. S.	Wagner
Dicarlo	Katz	Perri	Wansacz
DiDonato	Kelly, A. P.	Perry	Wargo
Dietz	Kernick	Petrarca	Weldner
Dininni	Kistler	Plevsky	Westerberg
Dreibelbis	Klingaman	Pitts	Whean
Dombrowski	Kolter	Polite	Wiggins
Dorr	Kowalyshyn	Pratt	Wilson
Doyle	Kusse	Prendergast	Wilt, R. W.
Dumas	LaMarca	Pyles	Wilt, W. W.
Eckensberger	Laudadio	Rappaport	Wojdak
Engelhart	Laughlin	Ravenstahl	Worrlow
Fawcett	Lederer	Reed	Wright
Fee	Lehr	Renninger	Yohn
Fischer	Letterman	Renwick	Zearfoss
Fisher	Levi	Richardson	Zord
Flaherty	Lincoln	Rieger	Zwikel
Foster, A.	Logue	Ritter	
Foster, W.	Lynch	Ross	Fineman, Speaker
Freind	Manderino	Ruggiero	

NAYS—1

Zeller

NOT VOTING—12

Gleason	Kelly, J. B.	Myers	Walsh, T. P.
Hammock	Knepper	Rhodes	Williams
Hepford	McGraw	Shane	Yahner

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

Ordered, That the clerk inform the Senate accordingly.

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

Mr. ZELLER. Mr. Speaker, is this the bill that Mr. Milliron was involved in?

The SPEAKER. That is correct, sir.

Mr. ZELLER. Has that part been corrected?

The SPEAKER. The majority leader just spent five minutes on the floor explaining the fact that he had an agreement reached with Mr. Milliron whereby Mr. Milliron agreed to withdraw the amendment he wanted inserted in this particular vehicle.

Mr. ZELLER. Okay. I understand. It still stands "no." I will be alone. Thank you.

BILLS REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Yes, Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table to the calendar, and I so move:

House bill No. 473;
House bill No. 2112;
Senate bill No. 935;
Senate bill No. 1394;
Senate bill No. 1395;
Senate bill No. 1396;
Senate bill No. 1397;
Senate bill No. 1398;
Senate bill No. 1399;
Senate bill No. 1400; and
House bill No. 2281.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REMOVED FROM TABLE AND REREFERRED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and to rerefer the following bills to the Appropriations Committee for fiscal notes, and I so move:

House bill No. 1032;
House bill No. 1618;
House bill No. 2198; and
Senate bill No. 1031.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE AND RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table for the purpose of recommitment to the Education Committee, and I so move:

House bill No. 1976.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. The Chair thanks the gentleman.

PHOTOGRAPHS TO BE TAKEN

The SPEAKER. The Chair has extended permission for the taking of television shots on the floor of the House today.

The Chair would ask the members to remain in their seats and to help facilitate the debate on the many bills that will be handled today by refraining from engaging in conversation on the floor.

CONSUMER PROTECTION BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 2059, printer's No. 2826**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 404), page 2, line 27, by removing the period after "date" and inserting: , or the maximum amount insured by Federal insurance coverage on such deposits, certificates and accounts, whichever is larger.

Amend Sec. 1 (Sec. 404), page 3, line 1, by removing the period after "date" and inserting: , except where such deposits in any single depository or branches thereof is limited to the Federal insurance limitations set forth above.

Amend Sec. 1 (Sec. 404), page 4, line 22, by inserting after "ABOVE.": The percentage limitations contained in this clause shall not apply to a hospital plan corporation operating pursuant to 40 Pa. C. S. §6101, et seq. or to a professional health service corporation operating pursuant to 40 Pa. C. S. §6301, et seq.

On the question,

Will the House agree to the amendments?

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

Mr. TAYLOR. Thank you, Mr. Speaker.

This amendment deals with some technical parts of the bill. Basically what it does is put additional restrictions in definitions as to the way the company's insurance companies can invest in certificates of deposit and savings and loans.

It is an agreed-to amendment, Mr. Speaker, and I believe the other side, Mr. Zearfoss—

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

Mr. ZEARFOSS. Mr. Speaker, Mr. Taylor says that this is an agreed-to amendment. I must confess that I agree to the amendment. We did not discuss this in our caucus but I am sure the caucus would have agreed to it if it had been discussed. I would just like to say that there is no substantial objection to this amendment from

anybody that I know of. Everybody seems to be agreed to it.

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

The yeas and nays were required by Messrs. TAYLOR and ZEARFOSS and were as follows:

YEAS—192

Abraham	Gallen	McCue	Salvatore
Anderson, J. H.	Garzia	McGinnis	Scheaffer
Arthurs	Geesey	McIntyre	Schweder
Barber	Geisler	McLane	Schmitt
Bellomini	George	Mebus	Sclrica
Bennett	Giammarco	Menhorn	Seltzer
Beren	Gillespie	Milanovich	Shane
Berlin	Gillette	Miller, M. E.	Shelhamer
Berson	Gleeson	Miller, M. E., Jr.	Shelton
Bittle	Goodman	Milliron	Shuman
Bonetto	Green	Miscevich	Shupnik
Bradley	Greenfield	Moehlmann	Sirianni
Brandt	Grieco	Morris	Smith, E.
Brunner	Gring	Mrkonie	Smith, L.
Burns	Halverson	Mullen, M. P.	Spencer
Butera	Hamilton, J. H.	Mullen	Stahl
Caputo	Hasay	Musto	Stapleton
Cessar	Haskell	Myers	Stout
Cianciulli	Hayes, D. S.	Novak	Taddonio
Cimini	Hayes, S. E.	Nove	Taylor
Cohen	Hepford	O'Brien	Thomas
Cole	Hill	O'Connell	Toll
Cowell	Hopkins	O'Donnell	Trello
Crawford	Hutchinson, A.	O'Keefe	Turner
Cumberland	Hutchinson, W.	Oliver	Ustynoski
Davies	Irvia	Pancoast	Valicenti
DeMedio	Itkin	Parker, H. S.	Vroon
Deverter	Katz	Perri	Wagner
DeWeese	Kelly, A. P.	Perry	Wansacz
Dicarlo	Kernick	Petrarca	Wargo
DiDonato	Kistler	Plevsky	Weidner
Dietz	Klingaman	Pitts	Westerberg
Dininni	Kolter	Polite	Whelan
Dombrowski	Kowalyshyn	Prendergast	Wiggins
Dorr	Kusse	Pratt	Williams
Doyle	LaMarca	Pyles	Wilson
Dreibelbis	Laudadio	Rappaport	Wilt, R. W.
Dumas	Laughlin	Ravenstahl	Wilt, W. W.
Eckensberger	Lederer	Reed	Worrlow
Englehart	Lehr	Renninger	Wright
Fee	Letterman	Levi	Yohn
Fischer	Levi	Renwick	Zearfoss
Fisher	Lincoln	Richardson	Zeller
Flaherty	Logue	Ritter	Zwickl
Foster, A.	Lynch	Ross	
Foster, W.	Manderino	Ruggiero	
Freind	Manmiller	Ryan	Fineman,
Fryer	McCall	Saloom	Speaker
Gallagher	McClatchy		

NAYS—0

NOT VOTING—11

Fawcett	Johnson, J.	McGraw	Walsh, T. P.
Gleason	Kelly, J. B.	Rhodes	Yahner
Hammock	Knepper	Wagner	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

Abraham	Gallagher	McCall	Ryan
Anderson, J. H.	Gallen	McClatchy	Saloom

Arthurs	Garzia	McCue	Salvatore
Barber	Geesey	McGinnis	Scheaffer
Bellomini	Geisler	McIntyre	Schmitt
Bennett	George	McLane	Schweder
Beren	Giammarco	Mebus	Sclrica
Berlin	Gillespie	Menhorn	Seltzer
Bittle	Gillette	Milanovich	Shane
Bonetto	Gleeson	Miller, M. E.	Shelhamer
Bradley	Goodman	Miller, M. E., Jr.	Shelton
Brandt	Green	Milliron	Shuman
Brunner	Greenfield	Miscevich	Shupnik
Burns	Grieco	Moehlmann	Sirianni
Butera	Gring	Morris	Smith, E.
Caputo	Halverson	Mrkonie	Smith, L.
Cessar	Hamilton, J. H.	Mullen	Spencer
Cianciulli	Hasay	Mullen, M. P.	Stahl
Cimini	Haskell	Musto	Stapleton
Cohen	Hayes, D. S.	Myers	Stout
Cole	Hayes, S. E.	Novak	Taddonio
Cowell	Hepford	Noye	Taylor
Crawford	Hill	O'Brien	Toll
Cumberland	Hopkins	O'Connell	Trello
Davies	Hutchinson, A.	O'Donnell	Turner
DeMedio	Hutchinson, W.	O'Keefe	Ustynoski
Deverter	Irvia	Oliver	Valicenti
DeWeese	Itkin	Pancoast	Vroon
Dicarlo	Katz	Parker, H. S.	Wagner
DiDonato	Kelly, A. P.	Perri	Wansacz
Dietz	Kernick	Perry	Wargo
Dininni	Kistler	Petrarca	Weidner
Dombrowski	Klingaman	Plevsky	Westerberg
Dorr	Kolter	Pitts	Whelan
Doyle	Kowalyshyn	Polite	Wiggins
Dreibelbis	Kusse	Pratt	Williams
Dumas	LaMarca	Prendergast	Wilson
Eckensberger	Laudadio	Pyles	Wilt, R. W.
Englehart	Laughlin	Rappaport	Wilt, W. W.
Fawcett	Lederer	Ravenstahl	Worrlow
Fee	Lehr	Reed	Wright
Fischer	Letterman	Renninger	Yohn
Fisher	Levi	Renwick	Zearfoss
Flaherty	Lincoln	Richardson	Zeller
Foster, A.	Logue	Rieger	Zwickl
Foster, W.	Lynch	Ritter	
Freind	Manderino	Ross	
Fryer	Manmiller	Ruggiero	

NAYS—0

NOT VOTING—13

Berson	Kelly, J. B.	Rhodes	Wojdak
Gleason	Knepper	Thomas	Yahner
Hammock	McGraw	Walsh, T. P.	Zord
Johnson, J.			

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

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 2061, printer's No. 2827**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

Mr. TAYLOR. Mr. Speaker, I rise in support of House bill No. 2061. This is a much long overdue need of reform in the insurance laws of our Commonwealth. I would like to say in support of the insurance package here today that I would place an affirmative vote on the following

bills that we are going to consider because, if we do not, the State of Pennsylvania may become the backwaters for substandard and shaky companies to do business in. So I would ask all of your support in this reform of insurance company laws in the State of Pennsylvania.

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—191

Abraham	Gallen	McClatchy	Scheaffer
Anderson, J. H.	Garzia	McCue	Schmitt
Arthurs	Geesey	McGinnis	Schweder
Barber	Geisler	McIntyre	Scirica
Bellomini	George	McLane	Seltzer
Bennett	Giammarco	Mebus	Shane
Beren	Gillespie	Menhorn	Shelhamer
Berlin	Gillette	Milanovich	Shelton
Berson	Gleeson	Miller, M. E.	Shuman
Bittle	Goodman	Miller, M. E., Jr.	Shupnik
Bonetto	Green	Milliron	Sirianni
Bradley	Greenfield	Miscevich	Smith, E.
Brandt	Grieco	Moehlmann	Smith, L.
Brunner	Gring	Morris	Spencer
Burns	Halverson	Mrkoncic	Stahl
Butera	Hamilton, J. H.	Mullen, M. P.	Stapleton
Caputo	Hasay	Mullen	Stout
Cassar	Haskell	Musto	Taddonio
Cianciulli	Hayes, D. S.	Novak	Taylor
Cimini	Hayes, S. E.	Noye	Thomas
Cohen	Hepford	O'Brien	Toll
Cole	Hill	O'Connell	Trello
Cowell	Hopkins	O'Donnell	Turner
Cumberland	Hutchinson, A.	O'Keefe	Ustynoski
Crawford	Hutchinson, W.	Oliver	Valicenti
Davies	Irvia	Pancoast	Vroon
DeMedio	Itkin	Perri	Wagner
Deverter	Katz	Perry	Wansacz
DeWeese	Kelly, A. P.	Petrarca	Wargo
Dicarlo	Kernick	Pievsky	Weidner
DiDonato	Kistler	Pitts	Westerberg
Dietz	Klingaman	Polite	Whelan
Dininni	Kolter	Pratt	Wiggins
Dombrowski	Kowalyszyn	Prendergast	Williams
Dorr	Kusse	Pyles	Wilson
Doyle	LaMarca	Rappaport	Wilt, R. W.
Dreibelbis	Laudadio	Ravenstahl	Wilt, W. W.
Dumas	Laughlin	Reed	Wojdak
Eckensberger	Lederer	Renninger	Worrlow
Fawcett	Lehr	Renwick	Wright
Fee	Letterman	Richardson	Yohn
Fischer	Levi	Rieger	Zearfoss
Fisher	Lincoln	Ritter	Zeller
Flaherty	Logue	Ross	Zord
Foster, A.	Lynch	Ruggiero	Zwikel
Foster, W.	Manderino	Ryan	
Freind	Manmiller	Saloom	Fineman,
Fryer	McCall	Salvatore	Speaker

NAYS—0

NOT VOTING—12

Englehart	Johnson, J.	McGraw	Rhodes
Gleason	Kelly, J. B.	Myers	Walsh, T. P.
Hammock	Knepper	Parker, H. S.	Yahner

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

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 2062, printer's No. 2667, entitled:

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), eliminating certain exemptions on reserving requirements applicable to mutual fire insurance companies.

On the question,

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

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

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

YEAS—193

Abraham	Gallagher	McCall	Scheaffer
Anderson, J. H.	Gallen	McClatchy	Schmitt
Arthurs	Garzia	McGinnis	Schweder
Barber	Geesey	McIntyre	Scirica
Bellomini	Geisler	McLane	Seltzer
Bennett	George	Mebus	Shane
Beren	Giammarco	Menhorn	Shelhamer
Berlin	Gillespie	Milanovich	Shelton
Berson	Gillette	Miller, M. E.	Shuman
Bittle	Gleeson	Miller, M. E., Jr.	Shupnik
Bonetto	Goodman	Milliron	Sirianni
Bradley	Green	Miscevich	Smith, E.
Brandt	Greenfield	Moehlmann	Smith, L.
Brunner	Grieco	Morris	Spencer
Burns	Gring	Mullen	Stahl
Butera	Halverson	Mullen, M. P.	Stapleton
Caputo	Hamilton, J. H.	Musto	Stout
Cassar	Hasay	Mrkoncic	Taddonio
Cianciulli	Haskell	Novak	Taylor
Cimini	Hayes, D. S.	Noye	Thomas
Cohen	Hayes, S. E.	O'Brien	Toll
Cole	Hepford	O'Connell	Trello
Cowell	Hill	O'Donnell	Turner
Crawford	Hopkins	O'Keefe	Ustynoski
Cumberland	Hutchinson, A.	Oliver	Valicenti
Davies	Hutchinson, W.	Pancoast	Vroon
DeMedio	Irvia	Parker, H. S.	Wagner
Deverter	Itkin	Perri	Wansacz
DeWeese	Johnson, J.	Perry	Wargo
Dicarlo	Katz	Petrarca	Weidner
DiDonato	Kelly, A. P.	Pievsky	Westerberg
Dietz	Kernick	Pitts	Whelan
Dininni	Kistler	Polite	Wiggins
Dombrowski	Klingaman	Pratt	Williams
Dorr	Kolter	Prendergast	Wilson
Doyle	Kowalyszyn	Pyles	Wilt, R. W.
Dreibelbis	Kusse	Rappaport	Wilt, W. W.
Dumas	LaMarca	Ravenstahl	Wojdak
Eckensberger	Laudadio	Reed	Worrlow
Fawcett	Laughlin	Renninger	Wright
Fee	Lederer	Renwick	Yohn
Fischer	Lehr	Richardson	Zearfoss
Fisher	Letterman	Rieger	Zeller
Flaherty	Levi	Ritter	Zord
Foster, A.	Lincoln	Ross	Zwikel
Foster, W.	Logue	Ruggiero	
Freind	Lynch	Ryan	Fineman,
Fryer	Manderino	Saloom	Speaker
	Manmiller	Salvatore	

NAYS—1

McCue

NOT VOTING—9

Gleason	Knepper	Myers	Walsh, T. P.
Hammock	McGraw	Rhodes	Yahner
Kelly, J. B.			

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

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 2063, printer's No. 2798, entitled:

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), further regulating minimum capital stock and financial requirements of certain domestic insurance companies and the capital of certain foreign insurance companies.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Bill, page 3, lines 24 through 27, by striking out all of said lines and inserting:

Section 3. This act shall apply only to insurance companies organized after the effective date of this act: Provided however, That upon culmination of any merger or consolidation agreement pursuant to section 333 the surviving company shall thereafter be required to meet the aforesaid increased capital and surplus requirements: And, provided further, That in the event that in excess of fifty per centum (50%) of the capital stock of any company presently organized to do the business of insurance in this Commonwealth pursuant to a stock plan is sold, donated, exchanged, or otherwise transferred to any other person or entity, such company shall thereafter be required to meet the aforesaid increased capital and surplus requirements: And, provided further, That in the event that any company presently organized to write the business of insurance on a mutual plan causes in excess of fifty per centum (50%) of outstanding certificates of indebtedness issued pursuant to section 809 to be in any way transferred, exchanged or reissued, such company shall thereafter be required to meet the aforesaid increased capital and surplus requirements: And further provided, That in the event that any company presently organized to write the business of insurance participates in a total reinsurance assumption agreement pursuant to section 319(a), such company shall thereafter be required to meet the aforesaid increased capital and surplus requirements.

On the question,

Will the House agree to the amendments?

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

Mr. TAYLOR. Mr. Speaker, thank you.

These amendments in essence provide for the grandfathering of the insurance companies now in business in this Commonwealth as to capital stock investment. But any new insurance companies that want to go into business after the passage of this legislation will have to come up to these minimum standards. The companies that have been doing business—the small insurance companies, the small mutuals, the small stock companies—that have proven themselves to be financially solvent are given the right to continue doing business without any additional restrictions on them. It is an agreed-to amendment, I believe, from both sides.

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

Mr. ZEARFOSS. Mr. Speaker, this amendment again should have been discussed in our caucus. We never got to it but there is no objection to it. It is an amendment that was suggested by the Pennsylvania Association of Mutual Insurance Companies, and they have indicated that with this amendment being inserted in the bill, they are in support of this bill. The insurance department is in agreement with the amendment and the industry is, and I would suggest that we support the amendment and vote the bill.

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

Mr. VROON. Mr. Speaker, I regret that copies of this amendment were not circulated to the best of my ability and I have not seen any. The only thing I have is a copy of a proposed amendment from the industry itself.

If this amendment follows what I have, I am satisfied, but I feel that the House membership ought to know exactly what this is amending.

The SPEAKER. The gentleman, Mr. Zearfoss, is making a copy available to the gentleman, Mr. Vroon.

The Chair recognizes Mr. Zearfoss.

Mr. ZEARFOSS. Mr. Speaker, it does exactly what the industry asks in their letter to everyone.

Mr. VROON. Okay. Then I will go along with it.

On the question recurring,

Will the House agree to the amendment?

Amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

Abraham	Gallen	McCall	Saloom
Anderson, J. H.	Garzia	McClatchy	Schmitt
Arthurs	Geesey	McGinnis	Salvatore
Barber	Geisler	McIntyre	Scheaffer
Bellomini	George	McLane	Schweder
Bennett	Giammarco	Mebus	Scirica
Beren	Gillespie	Menhorn	Seltzer
Berlin	Gillette	Milanovich	Shane
Berson	Gleeson	Miller, M. E.	Shelhamer
Bittle	Goodman	Miller, M. E., Jr.	Shelton
Bradley	Green	Milliron	Shuman
Brandt	Greenfield	Miscevich	Shupnik
Brunner	Grieco	Moehlmann	Sirianni
Burns	Gring	Morris	Smith, E.
Butera	Halverson	Mrkonc	Smith, L.
Caputo	Hamilton, J. H.	Mullen, M. P.	Spencer
Cessar	Hasay	Mullen	Stout
Cianciulli	Haskell	Musto	Stapleton
Cimini	Hayes, D. S.	Myers	Stahl
Cohen	Hayes, S. E.	Novak	Taddonio
Cole	Hepford	Noye	Taylor
Cowell	Hill	O'Brien	Thomas
Crawford	Hopkins	O'Connell	Trelio
Cumberland	Hutchinson, A.	O'Donnell	Toll
Davies	Hutchinson, W.	O'Keefe	Turner
DeMedio	Irviss	Oliver	Ustynoski
Deverter	Itkin	Pancoast	Vroon
DeWeese	Johnson, J.	Parker, H. S.	Wansacz
Dicarlo	Katz	Perri	Wargo
DiDonato	Kelly, A. P.	Perry	Weldner
Dietz	Kernick	Petrarca	Westenberg
Dininni	Kistler	Plevsky	Whelan
Dombrowski	Klingaman	Pitts	Wiggins
Dorr	Kolter	Polite	Williams
Doyle	Kowalshyn	Pratt	Wilson
Dreibelbis	Kusse	Prendergast	Wilt, R. W.
Dumas	LaMarca	Pyles	Wilt, W. W.
Eckensberger	Laudadio	Rappaport	Wojdak
Englehart	Laughlin	Ravenstahl	Worrlow
Fawcett	Lederer	Reed	Wright
Fee	Lehr	Renninger	Yohn
Fischer	Letterman	Renwick	Zearfoss
Fisher	Levi	Richardson	Zeller
Flaherty	Lincoln	Rieger	Zwinkl
Foster, A.	Logue	Ritter	Zord
Foster, W.	Lynch	Ross	
Freind	Manderino	Ruggiero	
Fryer	Manmiller	Ryan	Fineman,
Gallagher			Speaker

NAYS—2

McCue

Wagner

NOT VOTING—10

Bonetto
Gleason
Hammock

Kelly, J. B.
Knepper
McGraw

Rhodes
Valicenti

Walsh, T. P.
Yahner

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

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 2064, printer's No. 2828**, entitled:

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

On the question,

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

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

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

YEAS—193

Abraham	Gallen	McClatchy	Salvatore
Anderson, J. H.	Garzia	McCue	Scheaffer
Arthurs	Geesey	McGinnis	Schmitt
Barber	Geisler	McIntyre	Schweder
Bellomini	George	McLane	Scirica
Bennett	Giammarco	Mebus	Seltzer
Beren	Gillespie	Menhorn	Shane
Berlin	Gillette	Milanovich	Shelhamer
Berson	Gleeson	Miller, M. E.	Shelton
Bittle	Goodman	Miller, M. E., Jr.	Shuman
Bonetto	Green	Milliron	Shupnik
Bradley	Greenfield	Miscevich	Sirianni
Brunner	Grieco	Moehlmann	Smith, E.
Burns	Gring	Morris	Smith, L.
Butera	Halverson	Mrkonie	Spencer
Caputo	Hamilton, J. H.	Mullen, M. P.	Stahl
Cessar	Hasay	Mullen	Stapleton
Cianciulli	Haskell	Musto	Stout
Cimini	Hayes, D. S.	Myers	Taddonio
Cohen	Hayes, S. E.	Novak	Taylor
Cole	Hepford	Noye	Thomas
Cowell	Hill	O'Brien	Toll
Crawford	Hopkins	O'Connell	Trello
Cumberland	Hutchinson, A.	O'Donnell	Turner
Davies	Hutchinson, W.	O'Keefe	Ustynoski
DeMedio	Irvia	Oliver	Valicenti
Deverter	Itkin	Pancoast	Vroon
DeWeese	Johnson, J.	Parker, H. S.	Wagner
Dicarlo	Katz	Perri	Wansacz
DiDonato	Kelly, A. P.	Perry	Wargo
Dietz	Kernick	Petrarca	Weidner
Dininni	Kistler	Pievsky	Westerberg
Dombrowski	Klingaman	Pitts	Whelan
Dorr	Kolter	Polite	Wiggins
Doyle	Kowalshyn	Pratt	Williams
Dreibelbis	Kusse	Prendergast	Wilson
Dumas	LaMarca	Pyles	Wilt, R. W.
Eckensberger	Laudadio	Rappaport	Wilt, W. W.
Englehart	Laughlin	Ravenstahl	Wojdak
Fawcett	Lederer	Reed	Worrlow
Fee	Lehr	Renninger	Wright
Fischer	Letterman	Renwick	Zearfoss
Fisher	Levi	Richardson	Zeller
Fiaherty	Lincoln	Rieger	Zord
Foster, A.	Logue	Ritter	Zwkl
Foster, W.	Lynch	Ross	
Freind	Manderino	Ruggiero	
Fryer	Manmiller	Ryan	
Gallagher	McCall	Saloom	

NAYS—0

NOT VOTING—10

Brandt	Kelly, J. B.	Rhodes	Yahner
Gleason	Knepper	Walsh, T. P.	Yohn
Hammock	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.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 2065, printer's No. 2991**, entitled:

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), requiring a conversion privilege in certain group accident and sickness policies and notification of certain employee organizations in the event of termination of group accident and sickness insurance contracts.

On the question,

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

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

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

Mr. TAYLOR. Mr. Speaker, this is probably one of the greatest reforms in the insurance business in the last half century in this state. It has been long overdue.

This bill is designed to make sure that the people who are covered under group hospitalization policies, when that group certificate is cancelled, that the individual certificate holders are notified. This is something that has been going on in this state for too many years, too long. I would urge everyone to support this piece of legislation because it is long overdue and it really is a major reform in the insurance industry.

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—194

Abraham	Gallagher	McCall	Salvatore
Anderson, J. H.	Gallen	McCue	Scheaffer
Arthurs	Garzia	McGinnis	Schmitt
Barber	Geesey	McIntyre	Schweder
Bellomini	Geisler	McLane	Scirica
Bennett	George	Mebus	Seltzer
Beren	Giammarco	Menhorn	Shane
Berlin	Gillespie	Milanovich	Shelhamer
Berson	Gillette	Miller, M. E.	Shelton
Bittle	Gleeson	Miller, M. E., Jr.	Shuman
Bonetto	Goodman	Milliron	Shupnik
Bradley	Green	Miscevich	Sirianni
Brandt	Greenfield	Moehlmann	Smith, E.
Brunner	Grieco	Morris	Smith, L.
Burns	Gring	Mrkonie	Spencer
Butera	Halverson	Mullen, M. P.	Stahl
Caputo	Hamilton, J. H.	Mullen	Stapleton
Cessar	Hasay	Musto	Stout
Cianciulli	Haskell	Myers	Taddonio
Cimini	Hayes, D. S.	Novak	Taylor
Cohen	Hayes, S. E.	Noye	Thomas
Cole	Hepford	O'Brien	Toll
Cowell	Hill	O'Connell	Trello
Crawford	Hopkins	O'Donnell	Turner
Cumberland	Hutchinson, A.	O'Keefe	Ustynoski
Davies	Hutchinson, W.	Oliver	Valicenti
DeMedio	Irvia	Pancoast	Vroon
Deverter	Itkin	Parker, H. S.	Wagner
DeWeese	Johnson, J.	Perri	Wansacz
Dicarlo	Katz	Perry	Wargo
DiDonato	Kelly, A. P.	Petrarca	Weidner
Dietz	Kernick	Pievsky	Westerberg
Dininni	Kistler	Pitts	Whelan

Speaker

Dombrowski	Klingaman	Polite	Wiggins
Dorr	Kolter	Pratt	Williams
Doyle	Kowalyszyn	Prendergast	Wilson
Dreibelbis	Kusse	Pyles	Wilt, R. W.
Dumas	LaMarca	Rappaport	Wilt, W. W.
Eckensberger	Laudadio	Ravenstahl	Wojdak
Englehart	Laughlin	Reed	WorriLOW
Fawcett	Lederer	Renninger	Wright
Fee	Lehr	Renwick	Yohn
Fischer	Letterman	Richardson	Zearfoss
Fisher	Levi	Rieger	Zeller
Flaherty	Lincoln	Ritter	Zord
Foster, A.	Logue	Ross	Zwinkl
Foster, W.	Lynch	Ruggiero	
Freind	Manderino	Ryan	Fineman,
Fryer	Manmiller	Saloom	Speaker

NAYS—0

NOT VOTING—9

Gleason	Knepper	McGraw	Walsh, T. P.
Hammock	McClatchy	Rhodes	Yahner
Kelly, J. B.			

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

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 2223, printer's No. 3023**, entitled:

An Act mandating the Public Utility Commission to require certain utilities to refund to consumers certain sums of moneys.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 6, by striking out all of said line and inserting: to order any public utility which is found to have improperly paid a

Amend Sec. 1, page 1, lines 10 through 15, by striking out all of said lines and inserting: direct the process of such refunding of the money to the consumers. The money refunded to the consumers pursuant to this act shall be paid from the equity of the stockholders of said companies.

On the question,

Will the House agree to the amendments?

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

Mr. GOODMAN. Mr. Speaker, this is an agreed-to amendment. It simply takes out the naming of the particular public utilities mentioned in the original bill and substitutes the wording, "any public utility which is found" by the Public Utility Commission.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon. Does the gentleman, Mr. Vroon, desire to be recognized?

Mr. VROON. Yes, Mr. Speaker. It was my understanding that another part of this agreed-to amendment would be asked for but it is not in there.

This wording was as follows: If after due consideration, the PUC determines such refunds to be in order. It was my understanding that was going to be part of this agreed-to amendment. I do not see it in here.

Mr. GOODMAN. Well, it says, "... to order any public utility which is found to have improperly paid a . . ."

Mr. VROON. After due consideration, the PUC determines such refunds to be in order?

Mr. GOODMAN. Well, I would assume that if they found that there was improper payment, they would assume them to be in order.

Mr. VROON. Not necessarily.

Mr. GOODMAN. Well, I am not aware of that particular provision. The amendment that I am offering would have that if the Public Utility Commission found that they improperly paid these amounts, they would be reimbursed.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. GOODMAN and VROON and were as follows:

YEAS—192

Abraham	Gallagher	McCall	Saloom
Anderson, J. H.	Gallen	McClatchy	Salvatore
Arthur	Garza	McCue	Scheaffer
Barber	Geesey	McGinnis	Schmitt
Bellomini	Geisler	McIntyre	Schweder
Bennett	George	McLane	Scirica
Beren	Giammarco	Mebus	Seltzer
Berlin	Gillespie	Menhorn	Shane
Berson	Gillette	Milanovich	Shelhamer
Bittle	Gleeson	Miller, M. E.	Shelton
Bonetto	Goodman	Miller, M. E., Jr.	Shuman
Bradley	Green	Milliron	Shupnik
Brandt	Greenfield	Miscevich	Sirianni
Brunner	Grieco	Moehimann	Smith, E.
Burns	Gring	Morris	Smith, L.
Butera	Halverson	Mrkonie	Spencer
Caputo	Hamilton, J. H.	Mullen	Stahl
Cassar	Hasay	Mullen, M. P.	Stapleton
Cianciulli	Haskell	Musto	Stout
Cimini	Hayes, D. S.	Myers	Taddonio
Cohen	Hayes, S. E.	Novak	Taylor
Cole	Hepford	Noye	Thomas
Cowell	Hill	O'Brien	Toll
Crawford	Hopkins	O'Connell	Trello
Cumberland	Hutchinson, A.	O'Donnell	Turner
Davies	Hutchinson, W.	O'Keefe	Ustynoski
DeMedio	Irvis	Oliver	Valicenti
Deverter	Itkin	Pancoast	Wagner
DeWeese	Johnson, J.	Parker, H. S.	Wansacz
Dicarlo	Katz	Perri	Wargo
DiDonato	Kelly, A. P.	Perry	Weidner
Dietz	Kernick	Petrarca	Whelan
Dininni	Kistler	Pievsky	Wiggins
Dombrowski	Klingaman	Pitts	Williams
Dorr	Kolter	Polite	Wilson
Doyle	Kowalyszyn	Pratt	Wilt, R. W.
Dreibelbis	Kusse	Prendergast	Wilt, W. W.
Dumas	LaMarca	Pyles	Wojdak
Eckensberger	Laudadio	Rappaport	WorriLOW
Englehart	Laughlin	Ravenstahl	Wright
Fawcett	Lederer	Reed	Yohn
Fee	Lehr	Renninger	Zearfoss
Fischer	Letterman	Renwick	Zeller
Fisher	Levi	Richardson	Zord
Flaherty	Lincoln	Rieger	Zwinkl
Foster, A.	Logue	Ritter	
Foster, W.	Lynch	Ross	Fineman,
Freind	Manderino	Ruggiero	Speaker
Fryer	Manmiller		

NAYS—2

Vroon	Westerberg
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NOT VOTING—9

Gleason	Knepper	Rhodes	Walsh, T. P.
Hammock	McGraw	Ryan	Yahner
Kelly, J. B.			

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, this bill is not to be called

up for final passage. If you recall, it was marked for amendment only today.

On the question,

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

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for final passage.

LABOR RELATIONS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 116, printer's No. 1138**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess. 1937, P. L. 2897, No. 1), entitled "Unemployment Compensation Law," extending coverage to growing and harvesting of mushrooms; and further providing for employer contributions and amounts of bonds or deposits for certain nonprofit and governmental employers.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 4), page 2, line 18, by removing the period after "ACT" and inserting: if both the employer and the employee agree that the growing, harvesting and processing shall be deemed "employment."

On the question,

Will the House agree to the amendment?

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

Mr. LaMARCA. Mr. Speaker, this amendment was distributed a long time ago among the members. It is a two-line amendment, but I will not kid you, it is of consequence.

I think I can explain it very simply. This present bill before you would seek to have mushroom growing and mushroom workers classified as being nonagricultural. Many of us have felt for a long, long time that mushroom growing is properly agriculture. My amendment would so provide.

The many arguments that I could submit to you are: Internal Revenue considers this agriculture; the Cooperative Agricultural Association classifies it as agriculture; many of our legal cases classify it as agriculture. We are intent on trying to maintain it that way.

The act as it presently reads says that "providing, however, that the growing, harvesting and processing of mushrooms shall be considered employment covered by this act."

My amendment says it shall be considered employment covered by this act if both the employer and the employee agree that the growing, harvesting and processing shall be deemed "employment." That leaves the option with the employer and the employee in the negotiating bargaining process to determine whether they are going to operate as agriculture or whether they are going to operate as nonagricultural employees.

I think it is a fair amendment. I am sure that many people will disagree because the science of growing mushrooms sometimes leads you to believe that it is more in the manufacturing area. But I wholeheartedly believe

that it belongs in agriculture where it has been. This amendment would allow it to remain there. I would ask your support.

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

Mr. ARTHURS. Mr. Speaker, I rise in opposition to this amendment because I think that it can throw a great amount of discrimination here in the growing of mushroom rooms.

I think really what Mr. LaMarca is trying to get at here—I am assuming he can change my thinking if he so desires—is to take some of the mushroom growers out from under this particular bill when in fact the owner of a mushroom plant or farm—whichever you want to call it—and the employees might agree and might not agree whether they should be covered.

Now I think if we are going to put the mushroom growers under unemployment compensation, all mushroom growers should be put under this same particular bill. If part of the mushroom growers are allowed to not be covered under the unemployment portion, then it is going to throw a tremendous disadvantage to those who will be covered. I think what is good for the goose is good for the gander.

I am asking because of the discrimination that would be shown here that we vote against this particular bill. We have the growing of mushrooms in the eastern part of our state, and I happen to have the largest grower of mushrooms in Pennsylvania and one of the largest in the United States in my particular area.

It happens to be that what we could be getting at here is the labor problem, because in my area our mushroom growers are unionized. It is actually because of bargaining that the owners and operators of the mine really do not have anything to say as to whether or not they are going to be covered by unemployment compensation.

I am sure that if you get into the eastern part of the state, perhaps on some of your smaller growers there are enough pressures that can be applied there and these employees do not have the protection of the union whereby they might be afraid to say that they want to be covered by unemployment compensation.

I think it is very unfair to these employees and I think it is very unfair to the industry that we have two different and separate sets of rules for these people. For this reason I would ask you to vote against this particular amendment.

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

Mr. LaMARCA. Mr. Speaker, I would not want to confuse the issue with union versus nonunion, big or small. I think the amendment speaks for itself. It simply provides the opportunity for people to do as they agree to do. For us to arbitrarily say to these people, you are going to be agricultural or you are going to be nonagricultural, I think is a great deal more discriminatory than the particular amendment which you accuse of being discriminatory.

I simply say here that if the employer and employee agree that it shall be deemed employment, then fine. But you are giving the choice to the people who are there. Now if you are going to tell me that they do not have a choice, I have to admit that I do not believe that. Employers and employees can and do agree on conditions, do so now, and I think have every right to agree upon

the conditions or the terminology that they wish applied to their employment. I do not think it is a problem of discrimination.

THE SPEAKER PRO TEMPORE (Reid L. Bennett) IN THE CHAIR

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

Mr. ARTHURS. Yes, Mr. Speaker, I believe this is probably just a matter of what one believes and what one does not. It is my thinking that the people, because of the size of the operation, a mushroom one way or the other does not know whether it is being raised industrially or whether it is being raised agriculturally. When you eat them over there at Lombardo's you do not know whether they are industrial or agricultural. So I do say that it comes right back to the fact of how much power does one have over another individual, whether or not it is agricultural or industrial. You know, Mr. Speaker, and I know that in a mine or with a grower who is unionized that neither the employer nor the employees really have as much right and as much power to say whether or not they are going to be covered under this or not. Once again, I ask for your support in defeating this amendment.

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

Mr. LETTERMAN. I would like to interrogate Mr. LaMarca, please.

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

Mr. LaMARCA. I will.

The SPEAKER pro tempore. He indicates that he will. The gentleman may proceed.

Mr. LETTERMAN. Mr. Speaker, are the laborers on these farms migrant workers?

Mr. LaMARCA. In many cases they are in my area, yes.

Mr. LETTERMAN. They would be able to stay right in that area then forever, would they not? If they just work a few months and be covered for the rest of the time, they would not have to leave or be migrant workers any longer, right?

Mr. LaMARCA. That is the biggest problem it poses if you declare them nonagricultural. They can come there and work for a small period of time and then collect a bunch of checks until the next crop. It is rather an expensive proposition on both the employer and the Commonwealth. That is one of the reasons we are asking for this amendment.

Mr. LETTERMAN. I would also like to interrogate Mr. Arthurs, please.

The SPEAKER pro tempore. Have you finished the interrogation of Mr. LaMarca?

Mr. LETTERMAN. Yes.

The SPEAKER pro tempore. Will Mr. Arthurs consent to interrogation?

Mr. ARTHURS. I will, Mr. Speaker.

The SPEAKER pro tempore. He indicates that he will. The gentleman may proceed.

Mr. LETTERMAN. Mr. Speaker, I visited the mines in your area. Now I am not sure, are they migrant workers in your area or are they residents of that area?

Mr. ARTHURS. No, they are normally full-time employees. They are residents of the area.

Mr. LETTERMAN. Well, I am starting to see a distinct difference then in the eastern area and the western area. Right?

Mr. ARTHURS. Well, there could be as far as the type of employee is concerned. But what I am concerned about here as much as anything, Mr. Speaker, is the unfair burden that is going to be put on an area that has decided it has the capability of producing mushrooms the year-round. I do not want to see an unfair burden placed upon them in the competitive world.

Mr. LETTERMAN. But would you want migrant workers to draw unemployment checks and not have to leave the area then?

Mr. ARTHURS. They are doing it presently under the Federal program that is being operated right now. All mushroom growers are under unemployment right now that is being supplied by the Federal Government.

The bill that we are acting on today—and I am getting out of hand here just a little bit—will not take precedence until Federal programs of some type have stopped. Today they are under unemployment compensation, all mushroom growers.

Mr. LETTERMAN. Thank you.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. LETTERMAN. As I view the situation, I think that we have to accept the amendment of Mr. LaMarca at the present time.

I surely would hate to start paying unemployment out to a lot of people who really have not been covered prior to this bill. I think we have enough problems with it at the present time. I would just like to go along with the amendment. Thank you.

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

Mr. FRYER. Mr. Speaker, thank you.

Mr. Speaker, I find myself in somewhat the similar position of Mr. Arthurs. I also have not had the opportunity to check with the mushrooms in Berks County. We do have quite numerous operations in Berks County, and I am of the firm belief that it is an agricultural project.

It would seem to me that Mr. LaMarca's proposal is an extremely fair one because it permits it to be negotiated. I would urge the members to consider and to support the proposal of Mr. LaMarca.

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

Mr. McCUE. Mr. Speaker, I rise to oppose the amendment. This bill would attempt to provide the mushroom miners with the same benefits as the coal miners. I wonder how the coal miners would accept Mr. LaMarca's amendment to let them negotiate as to whether they want to be covered by this useful labor benefit, which they are entitled to by law. I, therefore, oppose this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

I am supporting this amendment and I just want to say one great word in response to what Mr. Arthurs was saying about the inequality of the results. Now, of course, as probably most of the members know, my coun-

ty is also one of the largest mushroom producers in the world. It is mostly down in Mr. Pitts' area, but not entirely. We have mushroom operations that work year-round. We have mushroom operations that only work in the wintertime, and there is good reason for that. The smaller ones cannot afford air conditioning, and so on.

Now what you are going to do if you pass this bill in its present form is, you are going to drive the Mom and Pop's right out of the mushroom business, because they will not be able to compete with the big growers in Chester County or anywhere else. So exactly the reverse of what Mr. Arthurs is arguing is the fact. If you are going to have a disequilibrium in the results of this thing, at least let us favor the Mom and Pop's who have a big investment in their mushroom houses and employ only a few people and do a lot of the work themselves.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, Senate bill No. 116 has been around for quite some time. The Labor Relations Committee did quite a bit of work and had all parties in. Senate bill No. 116 is the product of the majority of those on the Labor Relations Committee. I would ask that this bill be passed without any amendments and that all amendments to this bill be rejected today.

Thank you, Mr. Speaker.

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

Mr. VALICENTI. Mr. Speaker, like the previous speaker noted, this bill has been around; in fact this bill passed the House and it passed the Senate. It was vetoed by the Governor for the simple reason that an amendment was put in by, I believe, Mr. Pitts at that time where no one was allowed unemployment compensation under this act if they had 300 or less working. Naturally that was unfair. How in God's world can you say that the mushroom industry where they have 300 or more employees gets unemployment compensation and that the industry that has 300 or less gets no unemployment compensation? It is stupid to begin with. You cannot do that, and I know that an amendment to that effect is going to be brought up here today. You just cannot do that.

Now they are using the back door here today, and I am kind of surprised where they are saying agriculture. These people are established people. They are not migrants. They belong to the United Steel Workers of America where they work day in and day out until they either get laid off and when they get laid off they have no recourse. They have SUA—Supplemental Unemployment Assistance—from the Federal Government, and when that runs out, then they have nothing. They do not have a thing. I do not think that it is fair. We have places in this state where there are only five or maybe ten employees who are covered by unemployment compensation. These people should be covered, and this bill should pass without any amendments. It is not fair to these people. They are good, hard-working people and they deserve unemployment compensation if they are laid off. Do not fall for any of these amendments. The bill should pass as is. Vote "no" on this amendment.

Thank you very much.

The SPEAKER pro tempore. The Chair was about to recognize the gentleman from Westmoreland, Mr. Schmitt. Would Mr. Schmitt yield to Mr. LaMarca?

Mr. SCHMITT. Yes, Mr. Speaker.

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

Mr. LaMARCA. I just wanted to make the point that Mr. Valicenti's argument is exactly the reason that I am proposing this amendment. He has pointed out to you the unfairness of people who are working in a mushroom operation, in the type of a mushroom operation that is really an employment operation, a long-term operation, a continuous operation. He points out to you that it would be unfair to deny them unemployment compensation, and I fully agree. But what my amendment would do would be to also assist the people on the other side of the room, the people who are not 12-month-a-year operators, the small operator, the Mom and Pop operators, as Mr. Morris has pointed out. With this amendment, Mr. Valicenti's people can have their unemployment; they can decide to take it and they can benefit by it, and the smaller industry that uses the migrant person, the small industry that cannot afford it, need not have it.

Now I submit to you that this is a situation where we can take care of both people. Any other decision would be arbitrary. We would have to lean to either the big or lean to the small. This takes care of both.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Schmitt.

Mr. SCHMITT. Mr. Speaker, with all due respect to my good colleague and good friend, Russ LaMarca, I stand here to oppose the amendment and to favor the bill. In our district we have mushroom operators who are operating in limestone mines and they are employed 12 months a year. However, with the constantly increasing influx of mushrooms from Taiwan and Japan and other places, it is entirely conceivable that these people will have their employment reduced because of the competition from overseas. If they are unemployed, I do not think they should be treated as migrant workers; I think they should have the right to go before the Workmen's Compensation Bureau and get compensated the same as any other person in the industrial movement. I oppose the amendment and I support the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, I rise to support Mr. LaMarca's amendment. I think this is a reasonable approach to the issue. One of the problems which everyone who has grappled with this issue agrees on is that there are different types of operations. You have a few, three or four, large producers, but the vast majority of your growers are the small family farm operations. This amendment however would open it up and make it negotiable to all growers. I think that although it does not specifically state that there is a difference, the fact that it makes it negotiable will allow for some of the larger growers. And I know of at least one large company who have wanted to negotiate on unemployment for some time. This would open it up to them. But I think it is only fair to the small farmer that you not automatically mandate his participation, because he operates on a seasonal basis and many times on a part-time basis.

I have talked to the farmers organizations and to the

farmers themselves. This is an amendment which they all agree they would appreciate having included in the bill. Therefore I urge your support.

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

Mr. ARTHURS. Mr. Speaker, a couple or three points here: First of all, if the owners or the farmers of the mushroom operations back home had their choice, they would not want the unemployment compensation phase either. But they have it. They are getting it. But they do not want the unfair competition that is going to result from this.

Secondly, I think another point that should be brought out here is that all of these pickers or people who work in the mushroom growing areas are not migrant workers. Many of them are local people who live in the area and they are also just like people who drive our school buses today. These school bus operators who work a part of a year receive unemployment compensation. It is no different in this particular case. We have many people who work a few months or several months out of the year but not the entire year, who receive unemployment compensation. The mushroom growers should be no different whatsoever.

Thank you, Mr. Speaker.

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

Mr. VALICENTI. I want just one minute to oppose the amendment again. I do not see where it has any effect if a family owns a mushroom plant or are growers. I cannot see where that makes a difference. We have a lot of little machine shops that are owned by families and they still come under the Unemployment Act. I urge you to defeat the amendment.

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

The yeas and nays were required by Messrs. LaMARCA and ARTHURS and were as follows:

YEAS—92

Anderson, J. H.	Gallen	McGinnis	Shuman
Bittle	Geesey	Manmiller	Sirianni
Brandt	Grieco	Mebus	Smith, E.
Butera	Gring	Miller, M. E., Jr.	Smith, L.
Cessar	Hamilton, J. H.	Milliron	Spencer
Cimini	Hassay	Moehlmann	Stahl
Cole	Hayes, D. S.	Morris	Taddonio
Crawford	Hayes, S. E.	Noye	Thomas
Davies	Hepford	O'Connell	Turner
Deverter	Hill	Pancoast	Ustynoski
Dietz	Hopkins	Parker, H. S.	Vroon
Dinlani	Hutchinson, W.	Perri	Wagner
Dorr	Katz	Pitts	Weidner
Doyle	Kernick	Polite	Westerberg
Dreibelbis	Kistler	Pratt	Whelan
Eckensberger	Klingaman	Pyles	Wilt, R. W.
Englehart	Kusse	Renninger	Wilt, W. W.
Fawcett	LaMarca	Ryan	Wojdak
Fisher	Lehr	Salvatore	Worrlow
Foster, A.	Letterman	Scheaffer	Yohn
Foster, W.	Levi	Scirica	Zearfoss
Freind	Lynch	Seltzer	Zeller
Fryer	McClatchy	Shelhamer	Zord

NAYS—99

Abraham	Garzia	McCue	Romanelli
Arthurs	Gelsier	McIntyre	Ross
Barber	George	McLane	Ruggiero
Bellomini	Giammarco	Menhorn	Saloom
Bennett	Gillespie	Milanovich	Schmitt
Berlin	Gillette	Miller, M. E.	Schweder
Berson	Gleeson	Miscevich	Shane

Bonetto	Goodman	Mrkonie	Shelton
Bradley	Green	Mullen, M. P.	Shupnik
Brunner	Greenfield	Mullen	Stapleton
Burns	Halverson	Musto	Stout
Caputo	Haskell	Novak	Taylor
Cianciulli	Hutchinson, A.	O'Donnell	Toll
Cohen	Irviss	O'Keefe	Trello
Cowell	Itkin	Perry	Valicenti
Cumberland	Kelly, A. P.	Petrarca	Wansacz
DeMedio	Kolter	Pievsky	Wargo
Dicarlo	Kowalshyn	Prendergast	Wiggins
DiDonato	Laudadio	Rappaport	Williams
DeWeese	Laughlin	Reed	Wilson
Dombrowski	Lederer	Renwick	Wright
Dumas	Lincoln	Rhodes	Zwickl
Fee	Logue	Richardson	
Fischer	Manderino	Rieger	Fineman, Speaker
Flaherty	McCall	Ritter	
Gallagher			

NOT VOTING—12

Beren	Johnson, J.	McGraw	Oliver
Gleason	Kelly, J. B.	Myers	Walsh, T. P.
Hammock	Knepper	O'Brien	Yahner

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

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Mercer, Mr. Bennett, for temporarily presiding.

Mr. PITTS. I have an amendment, Mr. Speaker.

DECISION OF CHAIR RECONSIDERED

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

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

Amend Sec. 4, page 3, line 28, by striking out "4." and inserting: 2.

Amend Sec. 4, page 3, lines 28 to 30; by striking out "in SIX MONTHS" in line 28 and all of lines 29 and 30

Amend Sec. 4, page 4, line 3, by striking out "P. L. 93-567)" and inserting: Pub. L. 93-567).

Amend Sec. 4, page 4, line 5, by removing the comma after "COMPENSATION" and inserting a period

Amend Sec. 4, page 4, lines 6 through 9, by striking out all of said lines

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

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

Mr. PITTS. Mr. Speaker, this is amendment No. 1, circulated several weeks.

In essence, it applies to section 4 and it strikes out the retroactivity clause which would require a payment by the employers of funds for 6 months prior to the termination of the Federal program.

The SPEAKER. Does the gentleman from Allegheny, Mr. Valicenti, desire to be recognized?

Mr. VALICENTI. I oppose the amendment, Mr. Speaker.

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

The yeas and nays were required by Messrs. PITTS and VALICENTI and were as follows:

YEAS—89

Anderson, J. H.	Geesey	McClatchy	Shuman
Bennett	Grieco	McGinnis	Sirianni
Bittle	Gring	Mebus	Smith, E.
Brandt	Halverson	Miller, M. E., Jr.	Smith, L.
Butera	Hamilton, J. H.	Milliron	Spencer
Cassar	Hasay	Moehlmann	Stahl
Cimini	Hayes, S. E.	Morris	Taddonio
Cole	Hepford	Noye	Thomas
Crawford	Hill	O'Connell	Turner
Davies	Hopkins	Pancoast	Ustynoski
Deverter	Hutchinson, W.	Parker, H. S.	Vroon
Dietz	Katz	Perri	Wagner
Dininni	Kernick	Pitts	Weidner
Dorr	Kistler	Polite	Westerberg
Dreibelbis	Klingeman	Pyles	Wilson
Eckensberger	Kusse	Renninger	Wilt, R. W.
Fawcett	LaMarca	Ryan	Wilt, W. W.
Fisher	Lehr	Salvatore	Wright
Foster, A.	Letterman	Scheaffer	Yohn
Foster, W.	Levi	Setrica	Zearfoss
Freind	Lynch	Seltzer	Zeller
Fryer	Manmiller	Sethamer	Zord
Gallen			

NAYS—102

Abraham	Garzia	McCue	Richardson
Arthurs	Geisler	McIntyre	Rieger
Barber	George	McLane	Ritter
Bellomini	Giammarco	Menhorn	Ross
Berlin	Gillespie	Milanovich	Ruggiero
Bonetto	Gillette	Miscevich	Saloom
Bradley	Gleeson	Mrkoncic	Schmitt
Brunner	Goodman	Miller, M. E.	Schweder
Burns	Green	Mullen, M. P.	Shane
Caputo	Greenfield	Mullen	Shelton
Cianciulli	Haskell	Musto	Shupnik
Cohen	Hayes, D. S.	Novak	Stapleton
Cowell	Hutchinson, A.	O'Brien	Stout
Cumberland	Irvis	O'Donnell	Taylor
DeMedio	Itkin	O'Keefe	Toll
DeWeese	Johnson, J.	Oliver	Trello
Dicarlo	Kelly, A. P.	Perry	Valicenti
DiDonato	Kolter	Petrarca	Wansacz
Dombrowski	Kowalyszyn	Pievsky	Wargo
Doyle	Laudadio	Pratt	Whean
Dumas	Laughlin	Prendergast	Wiggins
Englehart	Lederer	Rappaport	Worrlow
Fee	Lincoln	Ravenstahl	Zwikel
Fischer	Logue	Reed	
Flaherty	Manderino	Renwick	Fineman,
Gallagher	McCall	Rhodes	Speaker

NOT VOTING—12

Beren	Hammock	McGraw	Williams
Berson	Kelly, J. B.	Myers	Wojdak
Gleason	Knepper	Walsh, T. P.	Yahner

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. BENNETT. Mr. Speaker, the vote on the board shows an "aye." I would prefer to be voted in the negative on the Pitts amendment to Senate bill No. 116.

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

On the question recurring,

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

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

The SPEAKER. Does the gentleman, Mr. Pitts, desire to be recognized on the bill?

Mr. PITTS. Yes, sir.

The SPEAKER. The Chair will strike the vote from the board.

The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, I think this bill, on its face is very discriminatory because what it does is segment one aspect of agriculture to make it subject to the unemployment compensation program. No other aspect of agriculture in the State of Pennsylvania is subject to UC.

When you consider that most of the mushroom products grown in this state are sold outside the state and that other states are not subject to this same program, then we are putting our Pennsylvania growers at an economic disadvantage in that they will have an additional cost.

On top of this, after they have suffered through the botulism scare, after they are trying to cope now with the influx of foreign imports which are flooding the American market, I am afraid that we are going to be penalizing here in Pennsylvania one of the crops that is particularly Pennsylvanian in nature. We grow more mushroom crops in this state than any other state in the nation.

If you look at the bill, you find that although our farmers are covered at the present time with this Federal Employment Assistance Program, because unemployment levels are above 6 percent, this would mandate that when this program terminates, if it terminates next year, our growers would have to pay a 6-month contribution all at one time, a retroactive contribution into the general fund.

I have several questions that I would like to ask about this and I would like to ask Mr. McGinnis at this time, if he would submit to an interrogation.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, would the gentleman, Mr. McGinnis, consent to interrogation?

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

Mr. MCGINNIS. I shall, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PITTS. Mr. Speaker, are you familiar with the sale of mushrooms here in the State of Pennsylvania?

Mr. MCGINNIS. Yes; I represent the largest company in the United States on imported mushrooms.

Mr. PITTS. Could you tell us, Mr. Speaker, in your opinion what the effect of this bill will be on the mushroom industry if we are to pass this bill?

Mr. MCGINNIS. We are going to knock your brains out if you pass it.

Mr. PITTS. Can you tell us why?

Mr. MCGINNIS. Well, because Pennsylvania will be in a situation where they will not be able to compete

any more, so that your largest agriculture crop in Pennsylvania is going to be wiped out.

Mr. PITTS. The mushrooms that you sell are from where?

Mr. MCGINNIS. Formosa.

Mr. PITTS. Thank you, Mr. Speaker.

Mr. MCGINNIS. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

I think that when you consider the remarks of Mr. McGinnis and the fact that the cost of the bill will be approximately \$2 million to the growers in addition to the problems that they are presently having, we are going to be doing a great disservice to the Pennsylvania growers, and I would ask that you oppose this bill.

Mr. Speaker, could you make sure that only those in their seats will be voting please?

The SPEAKER pro tempore. Is the gentleman, Mr. Pitts, finished?

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

Mr. VALICENTI. Mr. Speaker, the only thing that I am going to say is to ask for an affirmative vote on this bill. The interrogation that went on was strictly from one man to another. It did not make sense to me. We do not have anybody here who works in this. I should have brought a few of the people who worked there and maybe interrogated them, which I could not have done anyhow because they are not members. It is strictly wrong, that is all. I think that we ought to pass this bill. Thank you.

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

Mr. LaMARCA. Mr. Speaker, I would ask the members of the House for a "no" vote on this bill. I would ask for a "no" vote for the following reasons:

I think that many of you would be quick to admit, particularly by the proximity and the closeness of the vote that we had on the amendments, that many of you are probably not as knowledgeable on this subject as you ought to be. I think that we have thrown things at you that concern my particular industry, the small one, and you have had the view presented by the larger and you are now being asked to make a decision. I sincerely believe that if we were to pass this bill today, we are going to do a great disservice to many, many small operations in Pennsylvania. I think we are going to put them out of business. I do not believe that is the intention of this House and I would say to you that if we place a "no" vote today on this bill, the matter will certainly come up again and it will come up when we will all have an opportunity to know just exactly what we are doing. I do not think that any of us would deliberately want to put so many small operations out of business, and I sincerely believe that some of us are going to do that today because we do not have the facts before us. I would ask a "no" vote.

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

Mr. ARTHURS. Mr. Speaker, I think there is one point that should be made here. The State of Hawaii, for example, has this bill in existence.

I will stress that if you want me to. What was said there was for all of agriculture.

But it is in existence for mushroom growers, and I think that we must also look at the idea, whether we are comparing big or small, and go right back into what has been said before, Mr. Speaker, and that is, we do not discriminate against the small machine shop operator. We do not discriminate against the other person who works just part of a year and still receives unemployment compensation. We are doing it every day in our society today. I would ask for your support of this bill.

Mr. LaMARCA. Mr. Speaker, may I inject just one thing?

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

Mr. LaMARCA. Mr. Arthur's point relative to Hawaii is well taken, but it does not apply to pineapples over there, does it?

Mr. ARTHURS. Yes, it does apply to pineapples.

Mr. LaMARCA. It does?

Mr. ARTHURS. Yes.

Mr. LaMARCA. Why does it apply to pineapples?

Mr. ARTHURS. Because, as Mr. Pitts said earlier, all of agriculture is covered in Hawaii.

Mr. LaMARCA. All right. How many mushrooms are grown in Hawaii?

Mr. ARTHURS. I cannot even tell you how many are grown in Butler County let alone Hawaii.

Mr. LaMARCA. Then do you not think you are voting a little unintelligently when you say "no" today?

Mr. ARTHURS. No, because it is principle that I am voting on here today.

Mr. LaMARCA. Well, may I say then, sir, that your principle will put a lot of people out of the principal business of growing mushrooms.

MOTION TO RECOMMIT

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

Mr. ZELLER. Mr. Speaker, due to the fact that there are a lot of unknowns here, and the inequities that we have heard—and I do say the seriousness of the effect is upon the farming industry—I would like to move at this time that this bill be recommitted to committee for further study.

The SPEAKER pro tempore. Will the gentleman from Lehigh tell us which motion he is making, to table it or to recommit?

Mr. ZELLER. No, to recommit.

The SPEAKER pro tempore. To recommit to the committee from which it originated?

Mr. ZELLER. From whence it came, yes, agriculture. I have a right to change my mind.

The SPEAKER pro tempore. The gentleman has moved that the bill be recommitted to the Committee on Agriculture.

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

Mr. VALICENTI. I oppose the motion to recommit. He does not even know where the heck it came from. It came from the Labor Committee. Now he wants to recommit it to agriculture so that it can be buried. I oppose it.

The SPEAKER pro tempore. You understand him correctly.

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

Mr. CAPUTO. Mr. Speaker, this is a labor bill. I oppose the motion to recommit to the Committee on Agriculture or any motion to recommit at this time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. I rise to support the motion for this reason: When the bill was in Labor Relations Committee, I made three requests that we have a public hearing on this bill and that the committee come down to our county, where most of the mushrooms are grown, so they can see the situation, so they can see how mushrooms are grown. We do not grow them in mines down there and we produce most of them.

This request was not honored. There was no public hearing. In fact, we did not really get any warning that the bill was even coming up in committee. And I would request that an industry that employs thousands of jobs and where there are hundreds of millions of dollars of investment should have the chance, perhaps, of having public hearings, and I think the Agriculture Committee would—

Mr. CAPUTO. Point of order, Mr. Speaker. Let us talk on the recommittal.

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

Mr. VALICENTI. Mr. Speaker, I think he is out of line. We are on the motion to recommit. Is that right? He is making a speech about what happened in the Labor Committee. He is not telling it the way it was. You know yourself that you have advertisements in 2 or 3 or 4 times and maybe a week before the bill is on the agenda. Yes, we did discuss about hearings. But this bill has been pending about 2, 3, 4, 5 years. We knew that. In fact, the gentleman that was on the Labor Committee got up and said, listen, we have had this bill for quite a spell. We are going to bring it out of committee and let it go to the floor of the House and act on it then.

I am against the recommittal. Let us vote on it.

On the question,

Will the House agree to the motion?

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, may I request that only those members in their seats vote. Several are being voted who are not here.

The SPEAKER pro tempore. The gentleman is correct. Only those who are present in their seats shall vote.

On the question recurring,

Will the House agree to the motion?

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

YEAS—91

Anderson, J. H.	Geesey	McClatchy	Smith, E.
Brandt	Grieco	McGinnis	Smith, L.
Bradley	Gring	Mebus	Spencer
Butera	Halverson	Miller, M. E., Jr.	Stahl

Cessar	Hamilton, J. H.	Milliron	Stout
Cimini	Hasay	Moehlmann	Taddonio
Cole	Hayes, D. S.	Morris	Thomas
Crawford	Hayes, S. E.	Noye	Turner
Cumberland	Hepford	O'Connell	Ustynoski
Davies	Hill	Pancoast	Vroon
Deverter	Hopkins	Parker, H. S.	Wagner
Dininni	Hutchinson, W.	Perri	Weidner
Dorr	Kernick	Pitts	Westerberg
Dietz	Kistler	Polite	Williams
Dreibelbis	Klingaman	Pyles	Wilson
Eckensberger	Kusse	Renninger	Wilt, R. W.
Fawcett	LaMarca	Ryan	Wilt, W. W.
Fisher	Laughlin	Scheaffer	Wright
Foster, A.	Lehr	Scirica	Yohn
Foster, W.	Letterman	Seltzer	Zearfoss
Freind	Levi	Shelhamer	Zeller
Fryer	Lynch	Shuman	Zord
Gallen	Manmiller	Sirianni	

NAYS—94

Abraham	Garzia	McIntyre	Rhodes
Arthurs	Gelsler	McLane	Rieger
Bellomini	George	Menhorn	Ritter
Bennett	Giammarco	Milanovich	Ross
Berlin	Gillespie	Miller, M. E.	Ruggiero
Berson	Gillette	Miscevich	Saloom
Brunner	Gleeson	Mrkonc	Schmitt
Burns	Goodman	Mullen, M. P.	Schweder
Caputo	Green	Mullen	Shupnik
Cianciulli	Greenfield	Musto	Stapleton
Cohen	Hutchinson, A.	Novak	Taylor
Cowell	Irvin	O'Brien	Toll
DeMedio	Itkin	O'Donnell	Trello
DeWeese	Johnson, J.	O'Keefe	Valicenti
Dicario	Kelly, A. P.	Oliver	Wansacz
DiDonato	Kolter	Perry	Wargo
Dombrowski	Kowalshyn	Petrarca	Whelan
Doyle	Laudadio	Pievsky	Wiggins
Dumas	Lederer	Pratt	Wojdak
Englehart	Lincoln	Prendergast	Worrlow
Fee	Logue	Rappaport	Zwikl
Fischer	Manderino	Ravenstahl	
Flaherty	McCall	Reed	Fineman,
Gallagher	McCue	Renwick	Speaker

NOT VOTING—18

Barber	Hammock	McGraw	Shane
Beren	Haskell	Myers	Shelton
Bittle	Katz	Richardson	Walsh, T. P.
Bonetto	Kelly, J. B.	Salvatore	Yahner
Gleason	Knepper		

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

On the question recurring,

Shall the bill pass finally?

VOTES CHALLENGED

Mr. PITTS. Mr. Bonetto?

The SPEAKER pro tempore. Is the gentleman from Allegheny, Mr. Bonetto, in the hall of the House?

Mr. PITTS. Mr. Shane?

The SPEAKER pro tempore. Is the gentleman from Indiana, Mr. Shane, in the hall of the House?

Mr. RYAN. Mr. Speaker, Mr. Shane? Is Mr. Shane in the hall of the House?

The SPEAKER pro tempore. Is the gentleman from Indiana, Mr. Shane, in the hall of the House?

The clerk will strike his name.

Mr. RYAN. Mr. Rhodes?

The SPEAKER pro tempore. Is the gentleman, Mr. Rhodes, in the hall of the House?

The gentleman, Mr. Rhodes, is present.

Mr. RYAN. Is Mr. Berson on the floor of the House?

The SPEAKER pro tempore. Is the gentleman, Mr. Berson, in the hall of the House?

Mr. RYAN. Mr. Speaker, would you instruct that Mr. Berson's name be stricken?

The SPEAKER pro tempore. If the gentleman, Mr. Berson, is not on the floor of the House, his vote shall be taken off the board.

Mr. RYAN. Thank you.

Is Mr. Laudadio on the floor of the House?

The SPEAKER pro tempore. Is the gentleman from Westmoreland, Mr. Laudadio, present? He is also not voting.

Mr. RYAN. Mr. Michael Mullen, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Allegheny, Mr. Michael Mullen, present?

His vote has been stricken.

Mr. RYAN. Mr. Pievsky?

Miss SIRIANNI. Mr. Speaker, is Mr. Fineman in the halls of the House? Where?

The SPEAKER pro tempore. He has a pink shirt on like your pink dress.

Mr. RYAN. Mr. Pievsky?

The SPEAKER pro tempore. I did not hear you.

Mr. RYAN. Never mind.

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Berson, is now present. The gentleman from Philadelphia, Mr. Pievsky, is now present.

Mr. RYAN. Mr. Speaker, could we have order?

The SPEAKER pro tempore. If the members will please take their seats, it will be easier to determine who is present and who is not.

The Chair recognizes the gentleman from Delaware, Mr. O'Keefe.

Mr. O'KEEFE. Mr. Speaker, is it the rule that the people in their seats must vote?

The SPEAKER pro tempore. Only those in their seats may vote. That is correct.

Mr. O'KEEFE. And they must vote, right?

The SPEAKER pro tempore. Are you asking whether only those may vote or must they vote?

Mr. O'KEEFE. No, must they vote?

The SPEAKER pro tempore. Yes.

Mr. O'KEEFE. Thank you, sir.

Mr. ARTHURS. Right over here, Mr. Speaker. There are a couple over there—I will not bring out their names, but there are a couple—and let us have them put their votes on the line one way or the other, sir. If I have to call out the names—There goes one of them. Let us get them all on there. That is better.

That is it. Stay on there, Mr. Speaker.

I think it should be stated that Mr. Wilson was on the floor of the House and did not cast a vote.

The SPEAKER pro tempore. There is nothing pending before the House.

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—102

Abraham	Garzia	McCue	Rieger
Arthurs	Geisler	McIntyre	Ritter
Barber	George	McLane	Ross
Bellomini	Giammarco	Menhorn	Ruggiero
Bennett	Gillespie	Milanovich	Saloom
Berlin	Gillette	Miller, M. E.	Schmitt
Berson	Gleeson	Miscevich	Schweder
Brunner	Goodman	Mrkonje	Shelton
Burns	Green	Mullen, M. P.	Shupnik
Caputo	Greenfield	Musto	Stapleton
Cianciulli	Halverson	Novak	Stout
Cohen	Hutchinson, A.	O'Brien	Taylor

Cowell	Irvis	O'Donnell	Toll
Cumberland	Itkin	O'Keefe	Trello
DeMedio	Johnson, J.	Oliver	Vallcenti
DeWeese	Kelly, A. P.	Perry	Wansacz
Dicario	Kernick	Petrarca	Wargo
DiDonato	Kolter	Pievsky	Whelan
Dombrowski	Kowalyshyn	Pratt	Wiggins
Doyle	Laughlin	Prendergast	Williams
Dumas	Lederer	Rappaport	Wojdak
Englehart	Letterman	Ravenstahl	Worrlow
Fee	Lincoln	Reed	Zwili
Fischer	Logue	Renwick	
Flaherty	Manderino	Rhodes	Fineman,
Gallagher	McCall	Richardson	Speaker

NAYS—82

Anderson, J. M.	Gallen	McGinnis	Shuman
Bradley	Geesey	Manmiller	Sirianni
Brandt	Grieco	Mebus	Smith, E.
Butera	Gring	Miller, M. E., Jr.	Smith, L.
Cessar	Hamilton, J. H.	Milliron	Stahl
Cimini	Hasay	Moehlmann	Taddonio
Cole	Hayes, D. S.	Morris	Thomas
Crawford	Hayes, S. E.	Noye	Turner
Davies	Hepford	O'Connell	Ustynoski
Deverter	Hill	Pancoast	Vroon
Dietz	Hopkins	Parker, H. S.	Wagner
Dininni	Hutchinson, W.	Perri	Weidner
Dorr	Katz	Pitts	Westerberg
Dreibelbis	Kistler	Polite	Wilt, R. W.
Eckensberger	Klingaman	Renninger	Wilt, W. W.
Fawcett	Kusse	Ryan	Wright
Fisher	LaMarca	Scheaffer	Yohn
Foster, A.	Lehr	Scirica	Zearfoss
Foster, W.	Levi	Seltzer	Zeller
Freind	Lynch	Shelhamer	Zord
Fryer	McClatchy		

NOT VOTING—19

Beren	Haskell	Mullen	Spencer
Bittle	Kelly, J. B.	Myers	Walsh, T. P.
Bonetto	Knepper	Pyles	Wilson
Gleason	Laudadio	Salvatore	Yahner
Hammock	McGraw	Shane	

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

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

TAX BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 848, printer's No. 966**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 15, 1965 (P. L. 1257, No. 511), prohibiting the levying, assessing or collecting of an occupation tax in certain cases.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, lines 22 and 23 by striking out both of said lines and inserting: further providing for exemptions and municipal services taxes, changing the rate limitation on wage or income taxes and further providing for collection at source of wage or income taxes and repealing occupation taxes based on a percentage or millage basis and making an editorial change.

Amend Bill, page 1, lines 26 through 28; page 2, lines 1 through 30; page 3, lines 1 through 3 by striking out all of said lines on said pages and inserting:

Section 1. The introductory paragraph and clause (9) of section 2, act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," the introductory paragraph amended December 13, 1974 (P. L. 941, No. 310), are amended and the section is amended by adding a clause to read:

Section 2. Delegation of Taxing Powers and Restrictions Thereon.—The duly constituted authorities of the following political subdivisions, cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class, and school districts of the fourth class, in all cases including independent school districts, may, in their discretion, by ordinance or resolution, for general revenue purposes, levy, assess and collect or provide for the levying, assessment and collection of such taxes as they shall determine on persons, transactions, occupations, privileges, subjects and personal property within the limits of such political subdivisions, and upon the transfer of real property, or of any interest in real property, situate within the political subdivision levying and assessing the tax, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfer take place. The taxing authority may provide that the transferee shall remain liable for any unpaid realty transfer taxes imposed by virtue of this act. Each local taxing authority may, by ordinance or resolution, exempt any person whose total earned income from all sources is less than three thousand two hundred dollars (\$3,200) per annum from the per capita or similar head tax, occupation tax and any earned income or [occupational privilege] municipal services tax, or any portion thereof, in accordance with Article VIII, section 2 (b) (ii) of the Constitution of the Commonwealth of Pennsylvania and may adopt regulations for the processing of claims for exemptions. Such local authorities shall not have authority by virtue of this act:

* * *

(9) To levy, assess or collect any tax on individuals for the privilege of engaging in an occupation (occupational privilege tax) except that [such] a municipal services tax may be levied, assessed and collected but only by the [political subdivision] city, borough, town or township of the taxpayer's place of employment.

Payment of any [occupational privilege] municipal services tax to any [political subdivision] city, borough, town or township by any person pursuant to an ordinance or resolution passed or adopted under the authority of this act shall be limited to ten dollars (\$10) on each person for each calendar year.

The situs of [such] the municipal services tax shall be the place of employment, but, in the event a person is engaged in more than one occupation, or an occupation which requires his working in more than one political subdivision during the calendar year, the priority of claim to collect such [occupational privilege] municipal services tax shall be in the following order: first, the [political subdivision] city, borough, town or township in which a person maintains his principal office or is principally employed; second, the [political subdivision] city, borough, town or township in which the person resides and works, if such a tax is levied by that [political subdivision] city, borough, town or township; third, the [political subdivision] city, borough, town or township in which a person is employed and which imposes the tax nearest in miles to the person's home. The place of employment shall be determined as of the day the taxpayer first becomes subject to the tax during the calendar year.

It is the intent of this provision that no person shall pay more than ten dollars (\$10) in any calendar year as [an occupational privilege] a municipal services tax irrespective of the number of [political subdivisions] cities, boroughs, towns or townships within which such person may be employed within any given calendar year.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment which constitutes prima facie certification of payment to all other [political subdivisions] cities, boroughs, towns or townships.

* * *

(11) To levy, assess or collect any tax on occupations using a millage or percentage of any value or any arbitrary value placed on various occupations as a basis for such tax.

Section 2. Clause (3) of the first paragraph and the

last paragraph of section 8 of the act, the last paragraph added December 27, 1967 (P. L. 894, No. 404), are amended to read:

Section 8. Limitations on Rates of Specific Taxes.—No taxes levied under the provisions of this act shall be levied by any political subdivision on the following subjects exceeding the rates specified in this section:

* * *

[(3) On wages, salaries, commissions and other earned income of individuals, one percent.]

* * *

[Notwithstanding the provisions of this section, any city of the second class A may enact a tax upon wages, salaries, commissions and other earned income of individuals resident therein, not exceeding one percent, even though a school district levies a similar tax on the same person provided that the aggregate of both taxes does not exceed two percent].

Section 3. Paragraphs (a) and (b) of division IV of section 13 of the act are amended to read:

Section 13. Earned Income Taxes.—On and after the effective date of this act the remaining provisions of this section shall be included in or construed to be a part of each tax levied and assessed upon earned income by any political subdivision levying and assessing such tax pursuant to this act. The definitions contained in this section shall be exclusive for any tax upon earned income and net profits levied and assessed pursuant to this act, and shall not be altered or changed by any political subdivision levying and assessing such tax.

* * *

IV. Collection at Source

(a) Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, and any department or agency of the Commonwealth as an employer of any resident of a taxing jurisdiction subject to such tax, who has not previously registered, shall, within fifteen days after becoming an employer, register with the officer his name and address and such other information as the officer may require.

(b) Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission, or other compensation, and any department or agency of the Commonwealth as an employer of any resident of a taxing jurisdiction subject to such tax, shall deduct at the time of payment thereof, the tax imposed by ordinance or resolution on the earned income due to his employee or employees, and shall, on or before April 30, of the current year, July 31, of the current year, October 31, of the current year, and January 31, of the succeeding year, file a return and pay to the officer the amount of taxes deducted during the preceding three-month periods ending March 31, of the current year, June 30, of the current year, September 30, of the current year, and December 31, of the current year, respectively. Such return unless otherwise agreed upon between the office and employer shall show the name and social security number of each such employee, the earned income of such employee during such preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employee, the total earned income of all such employees during such preceding three-month period, and the total tax deducted therefrom and paid with the return.

Any employer who for two of the preceding four quarterly periods has failed to deduct the proper tax, or any part thereof, or has failed to pay over the proper amount of tax to the taxing authority, may be required by the officer to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the officer on or before the last day of the month succeeding the month for which the tax was withheld.

* * *

Section 4. (a) During the first calendar or fiscal year for which the local earned income tax rate limitations are removed, only those political subdivisions required to abolish one or more taxes as herein provided shall be allowed to raise or enact its earned income tax to recover the revenue lost by the abolition of such taxes, but the estimate of collections shall not exceed 110% of those lost revenues.

(b) During the second and each subsequent calendar or fiscal year for which local earned income tax rate limitations are removed, any political subdivision may raise the rate of its earned income tax provided that such political subdivision simultaneously reduces its real property tax millage rate to reflect an amount equal to at least 95% of the estimated increase in collections attributable to the increased earned income tax rate.

(c) Any political subdivision newly enacting an earned income tax shall be subject to a one percent limitation in the initial year of collection with the rate sharing provision of section 8 of this act in full force and effect.

Section 5. No political subdivision shall newly enact any tax being abolished by this act after June 30, 1976.

Section 6. (a) The following acts or parts of acts, their amendments and supplements, are repealed in so far as they relate to the levy, assessment and collection of occupation taxes assessed on a percentage or millage basis:

(1) Section 2531, act of June 23, 1931 (P. L. 932, No. 317), reenacted June 28, 1951 (P. L. 662, No. 164), known as "The Third Class City Code."

(2) Section 1709, act of June 24, 1931 (P. L. 1206, No. 331), reenacted May 27, 1949 (P. L. 1955, No. 569), known as "The First Class Township Code."

(3) The act of June 26, 1931 (P. L. 1379, No. 348), entitled, as amended, "An act creating in counties of the second A and third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards, defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities."

(4) Section 905, act of May 1, 1933 (P. L. 103, No. 69), reenacted July 10, 1947 (P. L. 1481, No. 567), known as "The Second Class Township Code."

(5) Clause (b) of section 201, section 202 and articles IV and V, act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law."

(6) The act of June 21, 1939 (P. L. 626, No. 294), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties."

(7) The act of June 27, 1939 (P. L. 1199, No. 404), entitled "An act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas; providing for the appointment, by the board, of personal property assessors, real estate assessors and assistant real estate assessors, clerks and other employees; fixing the salaries of members of the board, assessors and assistant assessors, and providing for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing law."

(8) Clause (b) of section 201, subsection (d) of section 202 and articles VI and VII, act of May 21, 1943 (P. L.

571, No. 254), known as "The Fourth to Eighth Class County Assessment Law."

(9) Sections 20, 20.1 and 21, act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law."

(10) Sections 655, 656, 674, 675, 676 and 677, act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949."

(11) Section 1, act of July 19, 1951 (P. L. 1026, No. 216), entitled, as amended, "An act authorizing political subdivisions, other than cities of the first and second classes and school districts of the first class and first class A, to appoint and pay the compensation of employees to make an assessment list of all inhabitants or residents thereof over eighteen years of age, for taxation purposes."

(12) Section 1970, act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code."

(13) Section 1770, act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code."

(14) The act of August 9, 1963 (P. L. 640, No. 338), entitled "An act empowering cities of the first class, coterminous with school districts of the first class, to authorize the boards of public education of such school districts to impose certain additional taxes for school district purposes, and providing for the levy, assessment and collection of such taxes."

(15) Section 1302, act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code."

(b) All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 7. The provisions of section 5 shall take effect immediately and the remainder of this act shall take effect January 1, 1977 for political subdivisions operating on a calendar year basis, and on the first day of the fiscal year beginning in the calendar year 1977 for political subdivisions operating on a fiscal year basis.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Snyder, Mr. Thomas, for the purpose of explaining his amendments.

Mr. THOMAS. Mr. Speaker, the amendment which I am going to offer this afternoon is another attempt by this body to give the municipalities the choice of abolishing the occupation assessment tax, if they so desire. This is a little different approach from any attempt that was made prior to this time on this subject. It is really a three-pronged approach and it says that during the first calendar year or fiscal year for which the local earned income tax rate limitations are removed, only those political subdivisions—

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. Yes, I think the amendment is very important to many of us in this House. I would like to have a copy of that amendment if I may.

The SPEAKER pro tempore. Will the clerk please see that copies of the amendment are distributed among the members?

How many members do not have copies of the amendment?

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

Mr. POLITE. Mr. Speaker, I do have an amendment

but it does not have a name on it. Is this the amendment that we are talking about?

Mr. THOMAS. No. My amendment has my name on it.

The SPEAKER pro tempore. No, Mr. Thomas's amendment has his name on it.

Mr. POLITE. I do not have any.

The SPEAKER pro tempore. Did the gentleman from Lehigh, Mr. Ritter, get a copy yet?

Mr. RITTER. No, Mr. Speaker. And I think if the members realize the extent of Mr. Thomas's amendment and how controversial it may be, many more members would be asking for a copy of that amendment. I understand that is 5 pages long. We have not caucused on it, and I just do not think that we ought to consider this amendment until we have the amendment before us.

HOUSE BILL No. 848 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Since the amendment apparently has not been totally distributed yet, may I suggest that we pass over it temporarily, House bill No. 848, while the amendment is being passed out and we will return to it. We will pass it over temporarily only and return to it.

LAW AND JUSTICE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House resumed consideration of **House bill No. 1375, printer's No. 3004**, entitled:

An Act implementing the provisions of Article V of the Constitution of Pennsylvania relating to district justices; establishing magisterial districts; setting salaries and expenses; providing for certain education requirements; fixing jurisdiction; creating an administrator for district justices and imposing power and duties on such administrator; requiring certain liability insurance; and making repeals.

On the question,

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

The SPEAKER pro tempore. The Chair withdraws its statement that the bill is agreed to.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BELLOMINI. Mr. Speaker, just in reference to the fact that I sent my amendments up prior to our recess, are we going to disregard our amendments and roll the Eckensberger amendments first?

The SPEAKER pro tempore. If you wish to have yours offered first, and the gentleman from Lehigh does not object, we can certainly do it that way.

Mr. BELLOMINI. Well, that is up to him.

The SPEAKER pro tempore. Would the gentleman from Lehigh, Mr. Eckensberger, consent to permitting the gentleman from Erie, Mr. Bellomini, to offer his amendment first, since, if his passes, the amendments of the gentleman from Lehigh will no longer be applicable?

Mr. ECKENSBERGER. Mr. Speaker, I yield to Mr. O'Connell.

MOTION TO TABLE

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

Mr. O'CONNELL. There has been a lot of discussion about this bill and perhaps we could save the debate. I would like to move that this House bill No. 1375 be laid upon the table.

The SPEAKER pro tempore. The motion to lay on the table always has priority.

The gentleman, Mr. O'Connell, has moved that House bill No. 1375 be laid on the table.

INTERROGATION

Mr. ECKENSBERGER requested and obtained unanimous consent of the House to interrogate Mr. IRVIS.

Mr. ECKENSBERGER. Mr. Speaker, I wonder if you would tell the members as to what your intention is with regard to adjournment of this House for this session.

Mr. IRVIS. Yes, Mr. Speaker. It is my hope that we will be able to adjourn this House by June 30. It is my hope that we will not be taking any more legislation beyond the middle of June, and I advised my caucus that I was going to seek a cut-off date on the reference of bills from committees.

So, if the gentleman's question is leading to the question of time being of the essence, I would agree with him that time is of the essence for any bill that you hope to have passed by this House, and to get it through the Senate, it ought to be acted upon promptly.

Mr. ECKENSBERGER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that the House oppose the motion based upon the remarks of the majority leader.

On the question,

Will the House agree to the motion?

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

YEAS—80

Abraham	Foster, A.	Laughlin	Ross
Anderson, J. H.	Foster, W.	Lehr	Salvatore
Barber	Freind	Levi	Scheaffer
Beren	Gallen	Manmiller	Scirica
Bittie	Geesey	McCall	Saltzer
Butera	Gillette	McClatchy	Shelton
Cessar	Goodman	McCue	Shuman
Cimini	Grieco	Mebus	Sirianni
Cowell	Hamilton, J. H.	Miller, M. E.	Smith, E.
Crawford	Haskell	Miscevich	Stahl
Cumberland	Hayes, S. E.	Mrkoncic	Stapleton
Davies	Hill	Mullen	Trello
Deverter	Hopkins	Novak	Turner
Dietz	Itkin	O'Connell	Valicenti
Dininni	Katz	Pancoast	Vroon
Dorr	Kernick	Parker, H. S.	Westerberg
Oreibelbis	Kistler	Perri	Whelan
Dumas	Klingeman	Pitts	Williams
Fawcett	Kusse	Ravenstahl	Witt, R. W.
Fisher	LaMarca	Rhodes	Witt, W. W.

NAYS—114

Arthur	George	Miller, M. E., Jr.	Schweder
Bellomini	Giammarco	Milliron	Shane
Bennett	Gillespie	Moehlmann	Shelhamer
Berlin	Gleeson	Morris	Shupnik
Berson	Green	Mullen, M. P.	Smith, L.
Bonetto	Greenfield	Musto	Spencer
Bradley	Gring	Noye	Stout
Brandt	Halverson	O'Brien	Taddonio

Brunner	Hasay	O'Donnell	Taylor
Burns	Hayes, D. S.	O'Keefe	Thomas
Caputo	Hepford	Oliver	Toll
Cianciulli	Hutchinson, A.	Perry	Ustynoski
Cohen	Hutchinson, W.	Petrarca	Wagner
Cole	Irviss	Pievsky	Wansacz
DeMedio	Johnson, J.	Polite	Wargo
DeWeese	Kelly, A. P.	Pratt	Weidner
Dicarlo	Kolter	Prendergast	Wiggins
DiDonato	Kowalyszyn	Pyles	Wilson
Dombrowski	Lederer	Rappaport	Wojdak
Doyle	Letterman	Reed	Worrlow
Eckensberger	Lincoln	Renninger	Wright
Englehart	Logue	Renwick	Yohn
Fee	Lynch	Richardson	Zearfoss
Fischer	Manderino	Rieger	Zeller
Flaherty	McGinnis	Ritter	Zord
Fryer	McIntyre	Ruggiero	Zwinkl
Gallagher	McLane	Ryan	
Garzia	Menhorn	Saloom	Fineman, Speaker
Geisler	Milanovich	Schmitt	

NOT VOTING—9

Gleason	Knepper	McGraw	Walsh, T. P.
Hammock	Laudadio	Myers	Yahner
Kelly, J. B.			

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

On the question recurring,

Will the House agree to the bill on third consideration?

The House resumed consideration of the BELLOMINI amendments:

Amend Title, page 1, lines 1 through 7, by striking out all of said lines and inserting:

Amending the act of December 2, 1968 (P. L. 1131, No. 352), entitled "An act implementing the provision of subsection (b) of section 7 of Article V of the Constitution of Pennsylvania authorizing the General Assembly to establish classes of magisterial districts and salaries of district justices of the peace and providing for their offices and the disposition of costs," increasing the base and the minimum and maximum salaries.

Amend Bill, page 1, lines 10 through 19; pages 2 through 17, lines 1 through 30; page 18, lines 1 through 12, by striking out all of said lines and inserting:

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

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

* * *

Section 2. This act shall take effect immediately.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. With the consent of the gentleman from Lehigh, the Chair recognizes the gentleman from Erie, Mr. Bellomini.

Mr. BELLOMINI. Mr. Speaker, I will be very brief.

Mr. Speaker, I feel that House bill No. 1375 is too broad in scope and the reform is not necessary.

I felt that the district justices of the Commonwealth have been treated as second class citizens as far as the pay increase.

What I am attempting to do this afternoon is take the bill—the complete House bill No. 1375—and insert my amendments, which is House bill No. 706. This is an increase across the board for every district justice of

Pennsylvania. It is a \$3,000 increase, with a maximum of \$19,500 and a minimum of \$10,500.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Mr. Speaker, is this amendment divisible?

The SPEAKER pro tempore. The Chair would advise that the way the amendment is written, it is not divisible.

Mrs. KERNICK. Thank you.

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

Mr. ECKENSBERGER. Mr. Speaker, I rise to oppose this amendment and I assign the following reasons for that opposition:

Early in this legislative session, the Law and Justice Committee was apprized of the fact that there were wide discrepancies amongst the various magisterial offices and districts with regard to caseload and salaries.

I hate to burden the House with a lot of statistics, but I am going to risk that and mention just a few of the cases that we have come across which demonstrate the discrepancies between the salaries that magistrates are receiving and correspondingly the caseloads that they have. I am going to just select about three or four counties and compare in each of those counties and salaries and the caseloads that those magistrates are handling with the idea that if we merely give an across-the-board increase, flat amount, to every magistrate in this Commonwealth, we will be doing nothing more than that without addressing ourselves responsibly to the issues that we should be addressing ourselves to; mainly, these disparities between caseloads and salaries.

Example: Bucks County. We came across one case where a magistrate was earning \$16,500, handling approximately 9,200 cases in a given year. In the same county we came across a magistrate earning \$13,600, handling 9,200 cases or substantially the same caseload, and yet having a discrepancy of \$3,000 in the salaries between the two magistrates.

In Delaware County we came across one magistrate earning \$13,500, handling a caseload of 2,268 cases. If you compare that with the one in Bucks County earning \$13,600, you will find a difference of approximately 7,000 cases in caseload carriage.

In Perry County we found a magistrate earning \$12,000, handling a caseload of approximately 2,200 cases. In the same county we came across a magistrate earning \$8,300—some, with a caseload of 15,000 cases.

In Cumberland County we found three magistrates, each one earning more than the other, and yet the highest paid was handling fewer cases than the one receiving the lesser salary.

In Lancaster County we found the same thing.

Mr. Speaker, just to give you these few sample cases should demonstrate without any question at all in your mind that the problem that we are confronted with with the district magistrates is the disparity in caseload as compared to the salary. By merely giving a salary increase across the board of \$3,000, we are perpetuating these inequities. We are not responsibly addressing this problem if we adopt this amendment. There are a number of reforms that this bill undertakes, and I believe

that we must address ourselves to those reforms before we can consider giving a salary increase.

Mr. Speaker, there are a number of other items that I believe can be introduced into this argument. I think by this time if the members are not convinced on that particular argument, I am not sure the others would do any more. But I certainly think that it would be the height of irresponsibility on our part merely to grant an across-the-board increase without addressing ourselves to these reforms. Vote against this amendment.

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

Mr. ZEARFOSS. I would like to interrogate Mr. Eckensberger, if he is willing.

The SPEAKER pro tempore. Will the gentleman from Lehigh, Mr. Eckensberger, submit to interrogation?

Mr. ECKENSBERGER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, do you think it would be possible for you to devise a fair and equitable system of compensating district justices based upon their caseloads?

Mr. ECKENSBERGER. Not per se; no, Mr. Speaker, and the bill does not attempt to do that.

Mr. ZEARFOSS. No, Mr. Speaker; I am saying, do you think it is possible, from your investigation into this subject, to devise—either your committee or somewhere else—a system of compensating district justices that was tied into the caseload of the district justices?

Mr. ECKENSBERGER. I do not, Mr. Speaker.

Mr. ZEARFOSS. Let me ask this, Mr. Speaker: Do you think the flat compensation of \$19,500 that appears in the bill now is a fair and equitable way to compensate district justices?

Mr. ECKENSBERGER. Under the provisions of the bill in the context of what we are trying to do, I think that it is.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

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

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

May I interrogate Mr. Eckensberger, please?

The SPEAKER pro tempore. Will the gentleman from Lehigh, Mr. Eckensberger, submit to interrogation?

Mr. ECKENSBERGER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DOMBROWSKI. Mr. Speaker, I am trying to show my support for Mr. Bellomini's amendment, but in order to do so I must ask you a few questions.

Can you show me in your bill—maybe I have overlooked it—where it says how much each district magistrate would get paid?

Mr. ECKENSBERGER. I will have to get a copy of the bill.

Mr. DOMBROWSKI. Excuse me. It is on page 6, Mr. Speaker. I found it.

The point I am trying to get across is, I think the district magistrates need a fair and equitable increase. But according to your pay scale now, there are 412 district magistrates who would receive at least a \$5,500 increase, some as high as \$11,500. Would you agree with that?

Mr. ECKENSBERGER. Not in that context, no, Mr. Speaker.

Mr. DOMBROWSKI. I have a breakdown from the district justices that says 38 shall receive \$11,500, 32 shall receive \$10,500, 56 shall receive \$9,500, 82 shall receive \$8,500, 73 shall receive \$7,500, 64 shall receive \$6,500, and 67 shall receive \$5,500. Would you agree with those figures?

Mr. ECKENSBERGER. In the context of the bill that we have before us, we imposed a series of obligations on these magistrates which are not now imposed upon them. We give them broader jurisdiction; we would make them subject to the statewide district magistrate administrator to be assigned to other districts to undertake a backlog of cases in other districts. On the basis of these reforms, we believe that this bill should not be approached from the standpoint of being a salary increase.

The amendment posed by Mr. Bellomini is simply that. He wants to make it a salary increase bill. I do not agree with that. I believe that we ought to retain the reforms that the committee has proposed and I believe that is the only fair way that we can attack the problem.

Mr. DOMBROWSKI. One other question. I think I showed you this letter, Mr. Speaker, on sections 601 and 602. Right now each region has a court administrator. Would this eliminate that position?

Mr. ECKENSBERGER. I cannot find anything in the bill that would say that the local court administrator would be eliminated.

Mr. DOMBROWSKI. Well, I cannot find anything in your bill that says they will be retained.

Mr. ECKENSBERGER. I think that we have to go with the presumption that if we do not outlaw them or take them out of business, they will continue.

Mr. DOMBROWSKI. All right. Mr. Speaker, just a brief statement please.

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

Mr. DOMBROWSKI. While I find in my heart that I could vote for an increase for these district magistrates, it is going to be impossible for me to support this bill with the increases proposed for some of the magistrates. Therefore, I urge my colleagues on each side of the aisle to support Mr. Bellomini's amendment.

Thank you.

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

Mr. TRELLO. Mr. Speaker, may I interrogate Mr. Eckensberger, please?

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

Mr. ECKENSBERGER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. TRELLO. First of all, Mr. Speaker, I would like to congratulate you on your investigation. I know that it takes an awful lot of work because I have done the same thing in my district.

You mentioned the fact that there were some magistrates that had 15,000 cases and some had 7,000 and some had 5,000. In my investigation almost 90 percent of every one of the cases that they held were simple traffic violations that they pleaded guilty to and just paid the fine and that was the end of it. About 10 or even 5 percent of the cases were civil cases or family problems of that sort. Did you find that out in your investigation?

Mr. ECKENSBERGER. That could very well be true,

Mr. Speaker, but you must then conclude that that applies across the board to every magistrate. That is all the more reason why we should treat them all the same with regard to salary.

Mr. TRELLO. Well, I agree with that too, but in my legislative district there are two magistrates—

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BELLOMINI. Mr. Speaker, I hate to interrupt the gentleman, but they are speaking on House bill No. 1375 and not on the amendments. I think right now what the issue at hand in front of the House is the amendments.

Mr. TRELLO. He is right, Mr. Speaker. I am sorry.

The SPEAKER pro tempore. I believe the gentleman is correct.

Mr. ECKENSBERGER. Mr. Speaker, may I respond to that issue?

Mr. Bellomini is attempting to remove everything that is in the bill. That places everything in the bill before the House for discussion at this time.

The SPEAKER pro tempore. I believe the gentleman from Allegheny has no further interrogation for the gentleman from Lehigh.

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

Mr. DORR. Mr. Speaker, may I interrogate Mr. Eckensberger, please?

The SPEAKER pro tempore. Will Mr. Eckensberger submit to interrogation?

Mr. ECKENSBERGER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. DORR. Mr. Speaker, is it the case that now the county court, acting probably on the advice of the local magistrate, has the power to change districts, thereby adjusting caseloads with the concurrence of the Supreme Court?

Mr. ECKENSBERGER. I believe that the local courts have the authority to make recommendations to the Supreme Court which has the ultimate authority to alter districts.

Mr. DORR. Have you ever heard of a case where the Supreme Court did not do what the local court asked it to do?

Mr. ECKENSBERGER. I am not aware of any.

Mr. DORR. Mr. Speaker, that is all the interrogation I have. I would like to make a comment.

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

Mr. DORR. Mr. Speaker, Mr. Eckensberger is correct when he says that Mr. Bellomini's amendment in effect deletes the major part of the bill and deals with only the matter of compensation of district justices. I rise to support the amendment for that reason. The question really is, Mr. Speaker, whether we are going to have the state Supreme Court through the state Supreme Court administrator making the decisions as to what our local district magistrates caseload should be and district should be and

jurisdiction should be, or whether the local people are going to make those determinations.

I submit that the local courts of common pleas in each county are much more capable in making correct decisions and judgments in respect to the caseloads of district magistrates and much more capable of adjusting them in accordance with the correct operation of the judicial system in that county than is the state court administrator. I think that is the real question that we are getting to in Mr. Bellomini's amendment, and I would suggest to the members who think that the local courts are better able to take care of those matters and operate the system of justice within your county that you vote for Mr. Bellomini's amendment.

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

Mr. GARZIA. Mr. Speaker, I oppose the amendment. I am not a lawyer, but House bill No. 1375 is a bill that will reform the Magistrate Act. The nicest thing about it is that it will pay them \$19,500 but it will make it a full-time job. This is the problem that we have back home. In my district alone we have four magistrates; two of them work full time, and two of them are retired. The retirees are getting all of the caseload. I think that if House bill No. 1375 is passed, it will improve the magistrate system back home, at least in my district.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, I would like to address the statement made by Mr. Dorr.

When we first proposed this particular bill, I spoke with the Pennsylvania Association of the Courts of Lower Jurisdiction. One of the complaints that they had was that the local court administrators and judges of the courts of common pleas were derelict in their duties in giving attention to the caseloads of the district magistrates within the county.

Furthermore, in this particular bill the statewide administrator would have the authority to assign district magistrates outside their counties. Presently this is not possible. The present law sets up definite jurisdictions or districts for each district magistrate.

One thing further, Mr. Speaker: We spent several weeks as a task force within the Law and Justice Committee talking to district magistrates, talking to the state association; we threw the bill around in the Law and Justice Committee in many, many meetings and we came up with a bill which we thought was compatible and agreeable to all interested parties. I think that it would be an injustice to our judicial system to gut this entire bill and merely go to the bill that does nothing but give a salary increase to the district magistrates.

Currently the magisterial system in this state, I think, is lacking in many respects. This particular bill attempts to remedy that situation to some extent.

One last point: The increase in salary is not so much when you consider that they will have extended jurisdictions, caseloads and, one thing further, there is a provision within this bill which states that all district magistrates shall be full-time justices of the peace. That is not the case at the present time. Many of your district justices have outside employment or professions. For example, if a district magistrate is a lawyer, at the present

time under this bill he would be prohibited from practicing law. So I suggest that all members vote against this amendment so that we can get on with the bill.

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

Mr. ITKIN. Mr. Speaker, the city of Pittsburgh has a special concern relating to this particular bill and the amendment. In the city of Pittsburgh we have a dual system for the minor judiciary. We have the district justices of the peace who are apportioned according to population and we still have retained a magistrate system. The magistrate system has a traffic court and handles all the traffic citations. We have a housing court which handles all violations of the Housing Code and we have a city court that handles all other police action. And so what you find out in the city of Pittsburgh is that we have a dozen or more justices of the peace who, because of population under the existing law and as even retained under the bill and under the amendment, would receive a \$3,000 increase in salary.

Now as a consequence most of these justices of the peace residing in Pittsburgh will go to a \$19,000—

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BELLOMINI. Mr. Speaker, are we speaking on the amendments?

The SPEAKER pro tempore. I believe the gentleman's point is well taken.

The Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, the gentleman's amendment would increase the salary of justices of the peace, and I am discussing the increase in salary relative to the justices of the peace in the city of Pittsburgh.

The SPEAKER pro tempore. Could the gentleman limit his remarks to the salaries of the justices of the peace and not the other court system?

Mr. ITKIN. What I am trying to establish, Mr. Speaker, is that I do not believe that we can properly provide an additional \$3,000 increase in salary to district justices, particularly in the city of Pittsburgh who now do not have enough work to keep them busy. It has been a problem for us, and the president judge has requested that these people maintain themselves in their offices at least 30 hours a week, but if the cases are not there, there is nothing for them to do. I do not look upon this amendment—which is a bill meant to bring about equitable reform for the city of Pittsburgh—and in looking at the bill, while I understand the problems involved, I do not feel that this is a solution to the reforms required.

MOTION TO RECOMMIT

Mr. ITKIN. Therefore, Mr. Speaker, I would like to make the motion at this time to recommit House bill No. 1375 to the Committee on Judiciary.

The SPEAKER pro tempore. The gentleman has moved that House bill No. 1375 be recommitted to the Committee on Judiciary. The Chair rules that the motion to recommit is of lower priority than the motion to lay on the

table and, since the motion to lay on the table has already been defeated, the motion to recommit is out of order.

Mr. ITKIN. What are you talking about?

The SPEAKER pro tempore. Under rule 55 of the House rules.

POINT OF INFORMATION

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

Mr. ITKIN. Mr. Speaker, a point of information here. Would the motion be in order after the amendment has been voted?

The SPEAKER pro tempore. No; the motion is out of order, the motion to lay on the table having failed.

Mr. ITKIN. You mean if a motion to table fails, never can a motion to recommit be in order?

The SPEAKER pro tempore. The Chair rules that if the amendment should pass, then a motion to lay on the table or a motion to recommit is in order.

Mr. ITKIN. Could you cite the verse in House rule 55 that says once a motion to table has been defeated that a motion to recommit is not in order?

The SPEAKER pro tempore. I was incorrect in my statement and I tried to correct it by saying that if the amendment passes, then your motion is in order.

Mr. ITKIN. Well, if what we are considering is a main motion, then certainly a parliamentary motion to recommit has to be in order, Mr. Speaker.

The SPEAKER pro tempore. Under rule 55, the highest priority motion is a motion to lay on the table.

Mr. ITKIN. But that motion is no longer before us.

The SPEAKER pro tempore. There was a motion made to table this bill without any amendments. Therefore, it having failed, a motion to recommit, without any amendments, is out of order.

Mr. ITKIN. The motion to table takes precedence but, upon failing, a motion to recommit now takes precedence over a motion to amend, Mr. Speaker.

The SPEAKER pro tempore. The Speaker disagrees.

Will the House be at ease for a few moments?

The Chair, on the advice of his counsel, reverses its decision and rules that the gentleman's motion to recommit is in order.

The question recurs, Will the House agree to the motion? Those in favor vote "aye"; those opposed vote "no." The members will proceed to vote.

Mr. PRATT. Will you strike the vote please?

The SPEAKER pro tempore. The motion is not debatable.

Mr. PRATT. Yes, it is.

The SPEAKER pro tempore. Excuse me. All right.

Mr. PRATT. Rule 55.

The SPEAKER pro tempore. The clerk will strike the board.

The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. May I interrogate the gentleman from Allegheny, Mr. Itkin?

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

Mr. ITKIN. Yes, I will.

The SPEAKER pro tempore. He indicates that he will. The gentleman may proceed.

Mr. PRATT. Mr. Speaker, why do you want to recommit this particular bill to the Judiciary Committee?

Mr. ITKIN. Mr. Speaker, the reason for my choice of recommitment to the Committee on Judiciary is that upon prior questioning of the chairman of the Law and Justice Committee, he informs me that he does not feel that his particular bill will be changed or improved in the committee.

Now I think that this particular bill, perhaps given to another comparable committee, like Judiciary, can look at the bill in a better perspective and come out with changes which would be acceptable to this House.

Mr. PRATT. Mr. Speaker, in making your motion to recommit to the Judiciary Committee, you gave some basic reasons for this, citing the city of Pittsburgh district magistrates. Would you please, for my benefit, repeat those particular statements or reasons?

Mr. ITKIN. Mr. Speaker, I think this goes beyond the recommitment motion. I think that the reason why I wish to recommit is because there are a lot of questions relating to this bill which have not been answered. I would like to see it recommitted.

Mr. PRATT. Mr. Speaker, rule 55 says that you can debate the reasons for the motion, and Mr. Itkin from Allegheny stated several reasons for the recommitment motion. I would like to hear those reasons again.

The SPEAKER pro tempore. The Chair would suggest that that is debating the amendments themselves and we already did hear that once. The Chair would prefer if the gentleman, Mr. Pratt, could ask another question.

Mr. PRATT. Do you want me to rephrase that, Mr. Speaker?

The SPEAKER pro tempore. We have heard the gentleman from Allegheny's argument, and I do not think that we need to hear it again.

Mr. PRATT. Okay. Mr. Speaker, I would like to ask another question.

Mr. Itkin stated that the Judiciary Committee would give it more attention and recommend further changes. What further changes does he have in mind?

The SPEAKER pro tempore. The Chair rules that that again is a debate on the merits of the bill and has nothing to do with the recommitment.

MOTION AMENDED

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

Mr. ITKIN. Mr. Speaker, on the advice and counsel of the chairman of the Judiciary Committee, I wish to amend my motion to recommit to return it back to the Law and Justice Committee.

The SPEAKER pro tempore. The motion now before the House is to recommit House bill No. 1375 to the Committee on Law and Justice.

The SPEAKER pro tempore. The motion now before the House is to recommit House bill No. 1375 to the Committee on Law and Justice.

Does the gentleman, Mr. Pratt, still wish to interrogate him?

Mr. PRATT. No, Mr. Speaker, I would yield to Mr. Eckensberger.

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

Mr. ECKENSBERGER. Mr. Speaker, as chairman of the committee, I am convinced that the committee has done all that it can do with regard to this particular problem. We have discussed it pro and con at length. We

believe that if it is recommitted to our committee, it will merely reappear on the calendar again; that it will simply delay the progress of the bill and we ask that the members vote against the motion to recommit.

The SPEAKER pro tempore. Does the gentleman from Allegheny wish to re-amend his motion?

Mr. ITKIN. Mr. Speaker, I do not know whether Mr. Eckensberger speaks for the entire membership of the committee, but I would hope that other members of the committee, knowing the perilous route that this bill may be going in this House at this time, may wish to speak on the motion.

On the question,

Will the House agree to the motion?

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

YEAS—72

Abraham	Foster, A.	Manmiller	Rieger
Anderson, J. H.	Foster, W.	McCue	Ross
Berson	Gallen	McIntyre	Scheaffer
Bittle	Geesey	Mebus	Scirica
Bonetto	Gillette	Menhorn	Shelton
Caputo	Grieco	Miscevich	Shuman
Cessar	Haskell	Mrkonje	Sirianni
Cizini	Hayes, S. E.	Myers	Stahl
Cowell	Hopkins	Novak	Stout
Cumberland	Irvis	Noye	Taddonio
Davies	Itkin	O'Connell	Taylor
Deverter	Kernick	O'Donnell	Thomas
DiDonato	Kistler	Pancoast	Turner
Dietz	Kolter	Parker, H. S.	Valicenti
Dininni	Kusse	Pitts	Vroon
Dorr	Lederer	Rappaport	Williams
Dreibelbis	Letterman	Ravenstahl	Wilt, R. W.
Flaherty	Levi	Rhodes	Wilt, W. W.

NAYS—121

Arthurs	George	McLane	Seltzer
Barber	Giammarco	Milanovich	Shane
Bellomini	Gillespie	Miller, M. E.	Shelhamer
Bennett	Gleeson	Miller, M. E., Jr.	Shupnik
Berlin	Goodman	Milliron	Smith, E.
Bradley	Green	Moehlmann	Smith, L.
Brandt	Greenfield	Morris	Spencer
Brunner	Gring	Muller, M. P.	Stapleton
Burns	Halverson	Musto	Toll
Butera	Hamilton, J. H.	O'Brien	Trello
Cianciulli	Hasay	O'Keefe	Ustynoski
Cohen	Hayes, D. S.	Oliver	Wagner
Cole	Hepford	Perri	Wansacz
Crawford	Hill	Perry	Wargo
DeMedio	Hutchinson, A.	Petrarca	Weidner
DeWeese	Hutchinson, W.	Pievsky	Westerberg
Dicarlo	Johnson, J.	Polite	Whelan
Dombrowski	Katz	Pratt	Wiggins
Doyte	Kelly, A. P.	Prendergast	Wilson
Dumas	Klingaman	Pyles	Wojdak
Eckensberger	Kowalyszyn	Reed	Worrlow
Englehart	LaMarca	Renninger	Wright
Fawcett	Laughlin	Renwick	Yohn
Fee	Lehr	Richardson	Zearfoss
Fischer	Lincoln	Ritter	Zeller
Fisher	Logue	Ruggiero	Zord
Freind	Lynch	Ryan	Zwikl
Fryer	Manderino	Saloom	
Gallagher	McCall	Salvatore	Fineman,
Garza	McClatchy	Schmitt	Speaker
Geisler	McGinnis	Schweder	

NOT VOTING—10

Beren	Kelly, J. B.	McGraw	Walsh, T. P.
Gleason	Knepper	Mullen	Yahner
Hammock	Laudadio		

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

On the question recurring,

Will the House agree to the amendments?

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

Mr. ECKENSBERGER. Mr. Speaker, am I in order to further debate the amendment?

The SPEAKER pro tempore. We are still on the amendment. You have only had one crack. You are entitled to one more.

Mr. ECKENSBERGER. Thank you, Mr. Speaker.

Another reason as to why we should vote against this amendment: House bill No. 1375 contains within its provisions some funding procedures to make certain that there is enough money in the budget to pay the increases in salary as would be produced by passing House bill No. 1375. This amendment will wipe that out, which means that you will then have to come back at some other time in the future and vote some increase in the budget or find the money some place else to fund the salary increase.

Number two, Mr. Speaker, and I am repeating myself now, but by voting for this amendment you perpetuate this case: A magistrate earning \$16,500 and handling about 3,500 cases, getting henceforth by this amendment, \$19,500 but still handling about 3,500 cases. And a magistrate handling 6,300 cases and earning \$9,899 will go to \$12,899. That is an obvious discrepancy. We cannot continue to have that exist.

Finally to Mr. Dorr's argument, he says that we should continue to permit the local court to decide what the magisterial district should be. Perhaps that should be as it is. I have no quarrel necessarily with that, but the fact is that we cannot do that between the counties. This bill will allow that. Let us defeat the amendment.

PARLIAMENTARY INQUIRY

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

Mr. PRATT. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it

Mr. PRATT. Does this particular amendment require a fiscal note?

The SPEAKER pro tempore. The Chair would rule that the amendment cannot be voted upon without a fiscal note. If the amendment succeeds, there will be an expenditure of Commonwealth money. It would have to be returned to the Appropriations Committee for a fiscal note before a final passage.

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

Mr. POLITE. Thank you, Mr. Speaker.

This amendment will reduce the present fiscal note. Would that have a bearing on the amendment at all?

The SPEAKER pro tempore. But it will also reduce the expected increased revenues that House bill No. 1375 originally contemplated.

Mr. POLITE. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. What was the ruling of the Chair?

The SPEAKER pro tempore. That the amendment could be voted upon without a fiscal note. But if the amendment succeeds, the bill should be returned to the

Appropriations Committee for a fiscal note before final passage.

Mr. PRATT. Mr. Speaker, I refer you to rule 19(a), subsection (2), which states:

No amendment to a bill which may result in an increase in the expenditure of Commonwealth funds or which may entail a loss of revenues in addition to that originally provided for in the bill prior to the proposed amendment shall be voted upon until the day following the distribution of a fiscal note to the members

I suggest, Mr. Speaker, that this amendment is out of order.

The SPEAKER pro tempore. The gentleman is correct.

Rule 19 (a), subsection (2), does require a fiscal note before a vote on the amendment.

Mr. PRATT. Then, Mr. Speaker, we cannot consider this amendment until it has a fiscal note. Therefore, we should vote on the bill.

The SPEAKER pro tempore. If we do not consider the amendment, we also will not be considering the bill until 1 day after we get a fiscal note.

Is it the will of the House to pass over the bill, or does someone wish to make a motion to waive the rules to permit the consideration of the amendment?

RULES SUSPENDED

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

Mr. BELLOMINI. Mr. Speaker, I move that the rules of the House be waived to permit consideration of my amendment.

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

Mr. RITTER. Mr. Speaker, would you repeat the motion, please?

The SPEAKER pro tempore. The motion pending before the House is whether or not to waive the rules to permit consideration of the amendment.

On the question,

Will the House agree to the motion?

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

YEAS—165

Abraham	Fryer	Manmiller	Ryan
Anderson, J. H.	Gallagher	McCall	Saloom
Arthurs	Gallen	McClatchy	Scheaffer
Barber	Garzia	McCue	Schmitt
Bellomini	Geesey	McGinnis	Schweder
Bennett	Gelsler	McIntyre	Scirica
Berlin	George	McLane	Seltzer
Bittle	Giammarco	McBus	Shane
Bradley	Gillespie	Milanovich	Shelhamer
Brandt	Gillette	Miller, M. E.	Shuman
Brunner	Gleeson	Milliron	Shupnik
Butera	Goodman	Miscevich	Smith, E.
Caputo	Grieco	Morris	Smith, L.
Cassar	Green	Mrkonc	Spencer
Cianciulli	Greenfield	Mullen, M. P.	Stahl
Cimini	Gring	Musto	Stapleton
Cohen	Halverson	Myers	Stout
Cole	Hayes, D. S.	Novak	Taddonio
Cowell	Hayes, S. E.	Noye	Taylor
Crawford	Hepford	O'Brien	Thomas
Cumberland	Hill	O'Donnell	Toll
DeMedio	Hopkins	O'Keefe	Trello
Deverter	Hutchinson, A.	Oliver	Turner
DeWeese	Hutchinson, W.	Pancoast	Ustynoski

Dicarlo	Irvis	Parker, H. S.	Valicenti
DiDonato	Johnson, J.	Perri	Vroon
Dietz	Kelly, A. P.	Perry	Wagner
Dininni	Kistler	Petrarca	Wansacz
Dombrowski	Klingaman	Plevsky	Wargo
Dorr	Kolter	Polite	Westerberg
Doyle	Kowalshyn	Pratt	Whelan
Dreibelbis	Kusse	Prendergast	Wiggins
Dumas	LaMarca	Rappaport	Williams
Eckensberger	Laughlin	Ravenstahl	Wilt, W. W.
Englehart	Lederer	Reed	Worrilow
Fawcett	Lehr	Renwick	Yohn
Fee	Letterman	Rhodes	Zeller
Fisher	Levi	Richardson	Zwikel
Flaherty	Lincoln	Rieger	Fineman,
Foster, A.	Logue	Ritter	Speaker
Foster, W.	Lynch	Ross	
Freind	Manderino	Ruggiero	

NAYS—24

Bonetto	Itkin	Pitts	Wilson
Burns	Katz	Pyles	Wilt, R. W.
Fischer	Kernick	Renninger	Wojdak
Hamilton, J. H.	Menhorn	Salvatore	Wright
Hasay	Miller, M. E., Jr.	Sirianni	Zearfoss
Haskell	O'Connell	Weidner	Zord

NOT VOTING—14

Beren	Hammock	McGraw	Shelton
Berson	Kelly, J. B.	Moehlmann	Walsh, T. P.
Davies	Knepper	Mullen	Yahner
Gleason	Laudadio		

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

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

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

Mr. CAPUTO. Will Mr. Eckensberger agree to a brief interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Eckensberger, agree to a brief interrogation?

Mr. ECKENSBERGER. I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. CAPUTO. Mr. Speaker, I am not at all sure that what I am about to say is what Mr. Eckensberger said. It seems to me he indicated that in a certain case their survey showed 3,500 cases handled by a magistrate who got \$16,500. Is that correct?

Mr. ECKENSBERGER. That is correct.

Mr. CAPUTO. And that a magistrate who is getting approximately \$9,000-plus handled more cases than that?

Mr. ECKENSBERGER. Twice as many, yes, Mr. Speaker.

Mr. CAPUTO. The bill without the amendment would bring all magistrates up to \$19,500. Is that correct?

Mr. ECKENSBERGER. Correct.

Mr. CAPUTO. Is there something in the bill that justifies raising the salary of that magistrate who heard 3,500 cases and earned \$16,500, to \$19,500?

Mr. ECKENSBERGER. Yes, there is, Mr. Speaker.

Mr. CAPUTO. That is what I would like to find out.

Mr. ECKENSBERGER. The answer is, Mr. Speaker, that we have by the provisions of House bill No. 1375 created a statewide district court administrator, one of whose powers will be to direct a district magistrate whose caseload is very minimal to sit in that district or those districts where the caseload is very high, thus giving the magistrate who has a very low caseload a comparable caseload by filling in where he is needed.

Mr. CAPUTO. In cases where magistrates with low

caseloads are assigned to another district, do they get expenses and additional increments?

Mr. ECKENSBERGER. Yes, Mr. Speaker. I believe the bill provides something like \$44 in expenses, somewhat along the same lines as legislators receive.

Mr. CAPUTO. And in that same case where a magistrate is assigned to another district, who handles his district in his absence?

Mr. ECKENSBERGER. Well, inasmuch as his caseload is minimal, theoretically he will not be required in that district on a 24-hour basis.

Mr. CAPUTO. Thank you.

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

The yeas and nays were required by Messrs. BELLO-MINI and ECKENSBERGER and were as follows:

YEAS—119

Abraham	Foster, A.	McCall	Ryan
Anderson, J. H.	Foster, W.	McClatchy	Saloom
Arthurs	Freind	McCue	Scheaffer
Barber	Gallagher	McGinnis	Scirica
Bellomini	Gallen	McIntyre	Shane
Bennett	Geesey	McLane	Shuman
Beren	Geisler	Mebus	Sirianni
Berlin	Gillette	Milliron	Smith, E.
Berson	Gleeson	Miscevich	Stahl
Bittle	Goodman	Mullen, M. P.	Taddonio
Brunner	Greenfield	Myers	Taylor
Butera	Halverson	Novak	Thomas
Caputo	Haskell	Noye	Tou
Cianculli	Hayes, D. S.	O'Brien	Trello
Cohen	Hayes, S. E.	O'Donnell	Ustynoski
Cole	Hopkins	O'Keefe	Valicenti
Cowell	Hutchinson, W.	Oliver	Vroon
Crawford	Irvis	Pancoast	Wagner
Deverter	Johnson, J.	Plevsky	Wansacz
Dicarlo	Kelly, A. P.	Pitts	Wargo
DiDonato	Kistler	Polite	Westerberg
Dietz	Klingaman	Prendergast	Wiggins
Dininni	Kolter	Pyles	Williams
Dombrowski	Kusse	Rappaport	Wilt, R. W.
Dorr	Lehr	Ravenstahl	Wilt, W. W.
Dreibelbis	Letterman	Renninger	Wojdak
Dumas	Levi	Rhodes	Zearfoss
Englehart	Logue	Richardson	
Fawcett	Lynch	Rieger	Fineman,
Fee	Manmiller	Ross	Speaker
Fisher			

NAYS—71

Bradley	Green	Miller, M. E., Jr.	Seltzer
Brandt	Grieco	Moehlmann	Shelhamer
Burns	Gring	Morris	Shupnik
Cessar	Hamilton, J. H.	Mrkonie	Smith, L.
Cimini	Hasay	Musto	Spencer
Cumberland	Hill	O'Connell	Stapleton
Davies	Hutchinson, A.	Parker, H. S.	Stout
DeMedio	Itkin	Perri	Turner
DeWeese	Katz	Perry	Weidner
Doyle	Kernick	Petrarca	Whelan
Eckensberger	Kowalshyn	Pratt	Wilson
Fischer	Laudadio	Reed	Worrilow
Flaherty	Laughlin	Renwick	Wright
Fryer	Lincoln	Ritter	Yohn
Garza	Manderino	Ruggiero	Zeller
George	Menhorn	Salvatore	Zord
Giammarco	Milanovich	Schmitt	Zwikel
Gillespie	Miller, M. E.	Schweder	

NOT VOTING—13

Bonetto	Kelly, J. B.	Lederer	Shelton
Gleason	Knepper	McGraw	Walsh, T. P.
Hammock	LaMarca	Mullen	Yahner
Hepford			

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

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the

gentleman from Lehigh, Mr. Eckensberger. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. ECKENSBERGER. I am not sure that the members were advised of specifically what the vote was being taken on. Some of the members of this side asked if this amendment was my amendment. I wonder if the vote could be retaken with instructions to the members as to specifically what we are voting on.

Miss SIRIANNI. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. I think the members were quite well aware of what we were doing, but we will do it again.

The clerk will strike the vote.

The question recurs, Will the House agree to the amendments offered by the gentleman from Erie, Mr. Bellomini?

Those in favor vote "yes." Those opposed "no." The members will proceed to vote.

VOTE RETAKEN ON BELLOMINI AMENDMENT TO HOUSE BILL No. 1375

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

YEAS—113

Anderson, J. H.	Foster, W.	Manmiller	Ryan
Arthurs	Freind	McCall	Scheaffer
Barber	Gallagher	McClatchy	Scirica
Bellomini	Gallen	McCue	Shane
Bennett	Geesey	McGinnis	Sirianni
Beren	Geisler	McIntyre	Smith, E.
Berlin	Giammarco	Mebus	Taddonio
Berson	Gillette	Milliron	Taylor
Butera	Gleeson	Mullen, M. P.	Thomas
Caputo	Goodman	Mullen	Toll
Cianciulli	Halverson	Myers	Trello
Cohen	Haskell	Novak	Ustynoski
Cole	Hayes, D. S.	Noye	Valicenti
Cowell	Hayes, S. E.	O'Donnell	Vroon
Crawford	Hepford	O'Keefe	Wagner
Deverter	Hopkins	Oliver	Wansacz
Dicarlo	Hutchinson, W.	Pancoast	Wargo
DiDonato	Irviss	Perry	Westerberg
Dietz	Johnson, J.	Pievsky	Wiggins
Dininni	Kelly, A. P.	Pitts	Williams
Dombrowski	Kistler	Polite	Wilt, R. W.
Dorr	Klingaman	Prendergast	Wilt, W. W.
Dreibelbis	Kolter	Pyles	Wojdak
Dumas	Kusse	Rappaport	Worrlow
Englehart	Lederer	Ravenstahl	Zearfoss
Fawcett	Letterman	Rhodes	
Fee	Levi	Richardson	Fineman,
Fisher	Logue	Rieger	Speaker
Foster, A.	Lynch	Ross	

NAYS—81

Abraham	Greenfield	Miller, M. E.	Schmitt
Bittle	Grieco	Miller, M. E., Jr.	Schweder
Bradley	Gring	Miscevich	Seltzer
Brandt	Hamilton, J. H.	Moehlmann	Shelhamer
Brunner	Hasay	Morris	Shuman
Burns	Hill	Mrkoncic	Shupnik
Cassar	Hutchinson, A.	Musto	Smith, L.
Cimini	Itkin	O'Brien	Spencer
Cumberland	Katz	O'Connell	Stahl
Davies	Kernick	Parker, H. S.	Stapleton
DeMedio	Kowalshyn	Perri	Stout
DeWeese	LaMarca	Petrarca	Turner
Doyle	Laudadio	Pratt	Weidner
Eckensberger	Laughlin	Reed	Whelan
Fischer	Lehr	Renninger	Wilson
Flaherty	Lincoln	Renwick	Wright
Fryer	Manderino	Ritter	Yohn
Garzia	McLane	Ruggiero	Zeller
George	Menhorn	Saloom	Zord
Gillespie	Milanovich	Salvatore	Zwikel
Green			

NOT VOTING—9

Bonetto	Kelly, J. B.	McGraw	Walsh, T. P.
Gleason	Knepper	Shelton	Yahner
Hammock			

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER 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?

MOTION TO RECOMMIT HOUSE BILL No. 1375

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

Mr. ECKENSBERGER. I move that the bill now be recommitted to the Committee on Law and Justice.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BELLOMINI. As the amendments passed, why is this bill not sent to the Appropriations Committee for a fiscal note?

The SPEAKER pro tempore. If the gentleman wishes to make such a motion after this motion, he may do so.

The present motion is whether or not to recommit the bill to the Committee on Law and Justice.

On the question,

Will the House agree to the motion?

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

YEAS—71

Abraham	Gillette	Miller, M. E.	Schweder
Bonetto	Green	Miscevich	Seltzer
Bradley	Greenfield	Moehlmann	Shelhamer
Brandt	Gring	Morris	Sirianni
Burns	Haskell	Mrkoncic	Stahl
Cimini	Hill	Mullen	Stout
Cowell	Irviss	Novak	Taylor
Davies	Itkin	O'Brien	Valicenti
Deverter	Kernick	O'Donnell	Weidner
DeWeese	Laudadio	O'Keefe	Williams
Doyle	Laughlin	Oliver	Wilson
Dreibelbis	Lehr	Pitts	Wilt, R. W.
Eckensberger	Letterman	Pratt	Wojdak
Flaherty	Lincoln	Ravenstahl	Wright
Fryer	Manmiller	Reed	Zeller
Garzia	McLane	Renwick	Zord
George	Menhorn	Rhodes	Zwikel
Gillespie	MBanovich	Ritter	

NAYS—113

Anderson, J. H.	Gallagher	McCall	Scheaffer
Arthurs	Gallen	McClatchy	Schmitt
Bellomini	Geesey	McCue	Scirica
Beren	Geisler	McGinnis	Shane
Berlin	Giammarco	McIntyre	Shupnik
Berson	Gleeson	Mebus	Smith, E.
Bittle	Goodman	Miller, M. E., Jr.	Smith, L.
Butera	Grieco	Milliron	Spencer
Caputo	Halverson	Mullen, M. P.	Stapleton
Cassar	Hamilton, J. H.	Musto	Taddonio
Cianciulli	Hasay	Myers	Thomas

Cohen	Hayes, D. S.	Noye	Toll
Cole	Hayes, S. E.	O'Connell	Trello
Crawford	Hepford	Pancoast	Turner
Cumberland	Hopkins	Parker, H. S.	Ustynoski
DeMedio	Hutchinson, A.	Perri	Vroon
Dicarlo	Hutchinson, W.	Perry	Wagner
DiDonato	Johnson, J.	Petrarca	Wansacz
Dietz	Katz	Pievsky	Westerberg
Dombrowski	Kelly, A. P.	Polite	Whelan
Dorr	Klingaman	Prendergast	Wiggins
Englehart	Kolter	Pyles	Wilt, W. W.
Fawcett	Kowalyszyn	Renninger	Worrlow
Fee	Kusse	Rieger	Yohn
Fischer	Lederer	Ross	Zearfoss
Fisher	Levi	Ruggiero	
Foster, A.	Logue	Ryan	Fineman,
Foster, W.	Lynch	Saloom	Speaker
Freind	Manderino	Salvatore	

NOT VOTING—19

Barber	Gleason	LaMarca	Shuman
Bennett	Hammock	McGraw	Walsh, T. P.
Brunner	Kelly, J. B.	Rappaport	Wargo
Dininni	Kistler	Richardson	Yahner
Dumas	Knepper	Shelton	

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

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BELLOMINI. Would it be proper if I ask the Speaker of the House if we can lay this on the table and add the fiscal note to it? There is a fiscal note on this amendment in the Appropriations Committee already. Or can we suspend the rules?

The SPEAKER pro tempore. The gentleman may move to suspend the rules and have a final vote without a fiscal note, or he may move to lay the bill on the table, having received a fiscal note.

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

Mr. DOMBROWSKI. Did we not suspend the rules for the fiscal note?

The SPEAKER pro tempore. We suspended the rules only for the purposes of voting on the amendment. We would have to suspend them again to have a vote on final passage.

Mr. DOMBROWSKI. Well, I so move.

RULES SUSPENDED

The SPEAKER pro tempore. The gentleman from Erie moves that the rules be suspended to permit a vote on final passage on House bill No. 1375 without a further fiscal note. This is a motion to suspend the rules to permit a final vote.

On the question,

Will the House agree to the motion?

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

YEAS—135

Anderson, J. H.	Gallagher	Levi	Ross
Arthurs	Galen	Logue	Ruggiero
Barber	Geesey	Lynch	Ryan
Bellomini	Geisler	Manderino	Saloom
Bennett	Giammarco	McCall	Salvatore

Beren	Gillespie	McClatchy	Scheaffer
Berlin	Gleeson	McCue	Schmitt
Berson	Goodman	McGinnis	Scirica
Bonetto	Greenfield	McIntyre	Shane
Brunner	Grieco	Mebus	Shupnik
Burns	Gring	Menhorn	Smith, E.
Butera	Halverson	Milanovich	Stapleton
Cianciulli	Hamilton, J. H.	Miller, M. E., Jr.	Stout
Cimini	Hasay	Milliron	Taddonio
Cohen	Haskell	Mullen, M. P.	Thomas
Cole	Hayes, D. S.	Musto	Toll
Crawford	Hayes, S. E.	Myers	Trello
Cumberland	Hill	Noye	Turner
Dicarlo	Hopkins	O'Brien	Ustynoski
DiDonato	Hutchinson, A.	O'Connell	Vroon
Deverter	Hutchinson, W.	O'Keefe	Wagner
Dietz	Irviss	Oliver	Wargo
Dombrowski	Johnson, J.	Pancoast	Westerberg
Dorr	Katz	Perri	Wiggins
Doyle	Kelly, A. P.	Perry	Williams
Dreibelbis	Kistler	Petrarca	Wilson
Dumas	Klingaman	Pievsky	Wilt, R. W.
Englehart	Kolter	Pitts	Wilt, W. W.
Fawcett	Kowalyszyn	Polite	Worrlow
Fee	Kusse	Prendergast	Wright
Fisher	LaMarca	Pyles	Yohn
Flaherty	Laughlin	Rappaport	
Foster, A.	Lederer	Renninger	Fineman,
Foster, W.	Letterman	Rieger	Speaker
Freind			

NAYS—54

Abraham	Gillette	Novak	Strianni
Bradley	Green	O'Donnell	Smith, L.
Caputo	Itkin	Parker, H. S.	Spencer
Cessar	Kernick	Pratt	Stahl
Cowell	Lehr	Ravenstahl	Taylor
Davies	Lincoln	Reed	Valicenti
DeMedio	Manmiller	Renwick	Wansacz
DeWeese	McLane	Rhodes	Weidner
Dininni	Miller, M. E.	Ritter	Whelan
Eckensberger	Miscevich	Schweder	Zearfoss
Fischer	Moehlmann	Seltzer	Zeller
Fryer	Morris	Shelhamer	Zord
Garzia	Mrkonje	Shuman	Zwickl
George	Mullen		

NOT VOTING—14

Bittle	Hepford	McGraw	Walsh, T. P.
Brandt	Kelly, J. B.	Richardson	Wojdak
Gleason	Knepper	Shelton	Yahner
Hammock	Laudadio		

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

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—147

Anderson, J. H.	Geesey	McCall	Salvatore
Arthurs	Geisler	McClatchy	Scheaffer
Barber	Giammarco	McCue	Schmitt
Bellomini	Gillespie	McGinnis	Scirica
Bennett	Gleeson	McIntyre	Seltzer
Beren	Goodman	Mebus	Shane
Berlin	Green	Miller, M. E., Jr.	Shelhamer
Berson	Greenfield	Milliron	Shupnik
Bittle	Grieco	Moehlmann	Strianni
Bonetto	Gring	Mullen, M. P.	Smith, E.
Brandt	Halverson	Mullen	Smith, L.
Brunner	Hamilton, J. H.	Musto	Spencer
Burns	Hasay	Myers	Stahl
Butera	Haskell	Noye	Taddonio
Caputo	Hayes, D. S.	O'Brien	Thomas
Cessar	Hayes, S. E.	O'Connell	Toll
Cianciulli	Hepford	O'Keefe	Ustynoski
Cohen	Hill	Oliver	Vroon
Crawford	Hopkins	Pancoast	Wagner
DeMedio	Hutchinson, A.	Perri	Wansacz
DeWeese	Hutchinson, W.	Perry	Wargo
Dicarlo	Irviss	Petrarca	Weidner
DiDonato	Johnson, J.	Pievsky	Westerberg
Dietz	Katz	Polite	Whelan
Dombrowski	Kelly, A. P.	Prendergast	Wiggins
Dorr	Kistler	Pyles	Williams
Dumas	Klingaman	Rappaport	Wilson

Englehart	Kowalyshyn	Ravenstahl	Wilt, W. W.
Fawcett	Kusse	Reed	Wojdak
Fee	LaMarca	Renninger	Worrlow
Fisher	Lederer	Rhodes	Wright
Foster, A.	Lehr	Richardson	Yohn
Foster, W.	Letterman	Rieger	Zearfoss
Freind	Levi	Ross	
Fryer	Lincoln	Ruggiero	Fineman,
Gallagher	Logue	Ryan	Speaker
Gallen	Lynch	Saloom	
Garzia	Manderino		

NAYS—47

Abraham	Fischer	Miller, M. E.	Shuman
Bradley	Flaherty	Miscevich	Stapleton
Cimini	George	Morris	Stout
Cole	Gillette	Mrkonje	Taylor
Cowell	Itkin	Novak	Trello
Cumberland	Kernick	O'Donnell	Turner
Davies	Kolter	Parker, H. S.	Valicenti
Deverter	Laughlin	Pitts	Wilt, R. W.
Dininni	Manmiller	Pratt	Zeller
Doyle	McLane	Renwick	Zord
Dreibelbis	Menhorn	Ritter	Zwickl
Eckensberger	Milanovich	Schweder	

NOT VOTING—9

Gleason	Knepper	McGraw	Walsh, T. P.
Hammock	Laudadio	Shelton	Yahner
Kelly, J. B.			

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

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

TAX BILL ON THIRD CONSIDERATION

Agreeable to order,

The House resumed consideration of **House bill No. 848, printer's No. 966**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 15, 1965 (P. L. 1257, No. 511), prohibiting the levying, assessing or collecting of an occupation tax in certain cases.

On the question,

Will the House agree to the bill on third consideration?

The House resumed consideration of the THOMAS amendments:

Amend Title, page 1, lines 22 and 23 by striking out both of said lines and inserting: further providing for exemptions and municipal services taxes, changing the rate limitation on wage or income taxes and further providing for collection at source of wage or income taxes and repealing occupation taxes based on a percentage or millage basis and making an editorial change.

Amend Bill, page 1, lines 26 through 28; page 2, lines 1 through 30; page 3, lines 1 through 3 by striking out all of said lines on said pages and inserting:

Section 1. The introductory paragraph and clause (9) of section 2, act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," the introductory paragraph amended December 13, 1974 (P. L. 941, No. 310), are amended and the section is amended by adding a clause to read:

Section 2. Delegation of Taxing Powers and Restrictions Thereon.—The duly constituted authorities of the following political subdivisions, cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class, and school districts of the fourth class, in all cases including independent school districts, may, in their discretion, by ordinance or resolution, for general revenue purposes, levy, assess and collect or provide for the levying, assessment and collection of such taxes as they shall determine on persons, transactions,

occupations, privileges, subjects and personal property within the limits of such political subdivisions, and upon the transfer of real property, or of any interest in real property, situate within the political subdivision levying and assessing the tax, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfer take place. The taxing authority may provide that the transferee shall remain liable for any unpaid realty transfer taxes imposed by virtue of this act. Each local taxing authority may, by ordinance or resolution, exempt any person whose total earned income from all sources is less than three thousand two hundred dollars (\$3,200) per annum from the per capita or similar head tax, occupation tax and any earned income or [occupational privilege] municipal services tax, or any portion thereof, in accordance with Article VIII, section 2 (b) (ii) of the Constitution of the Commonwealth of Pennsylvania and may adopt regulations for the processing of claims for exemptions. Such local authorities shall not have authority by virtue of this act:

* * *

(9) To levy, assess or collect any tax on individuals for the privilege of engaging in an occupation (occupational privilege tax) except that [such] a municipal services tax may be levied, assessed and collected but only by the [political subdivision] city, borough, town or township of the taxpayer's place of employment.

Payment of any [occupational privilege] municipal services tax to any [political subdivision] city, borough, town or township by any person pursuant to an ordinance or resolution passed or adopted under the authority of this act shall be limited to ten dollars (\$10) on each person for each calendar year.

The situs of [such] the municipal services tax shall be the place of employment, but, in the event a person is engaged in more than one occupation, or an occupation which requires his working in more than one political subdivision during the calendar year, the priority of claim to collect such [occupational privilege] municipal services tax shall be in the following order: first, the [political subdivision] city, borough, town or township in which a person maintains his principal office or is principally employed; second, the [political subdivision] city, borough, town or township in which the person resides and works, if such a tax is levied by that [political subdivision] city, borough, town or township; third, the [political subdivision] city, borough, town or township in which a person is employed and which imposes the tax nearest in miles to the person's home. The place of employment shall be determined as of the day the taxpayer first becomes subject to the tax during the calendar year.

It is the intent of this provision that no person shall pay more than ten dollars (\$10) in any calendar year as [an occupational privilege] a municipal services tax irrespective of the number of [political subdivisions] cities, boroughs, towns or townships within which such person may be employed within any given calendar year.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment which constitutes prima facie certification of payment to all other [political subdivisions] cities, boroughs, towns or townships.

* * *

(11) To levy, assess or collect any tax on occupations using a millage or percentage of any value or any arbitrary value placed on various occupations as a basis for such tax.

Section 2. Clause (3) of the first paragraph and the last paragraph of section 8 of the act, the last paragraph added December 27, 1967 (P. L. 894, No. 404), are amended to read:

Section 8. Limitations on Rates of Specific Taxes.—No taxes levied under the provisions of this act shall be levied by any political subdivision on the following subjects exceeding the rates specified in this section:

* * *

[(3) On wages, salaries, commissions and other earned income of individuals, one percent.]

* * *

[Notwithstanding the provisions of this section, any city

of the second class A may enact a tax upon wages, salaries, commissions and other earned income of individuals resident therein, not exceeding one percent, even though a school district levies a similar tax on the same person provided that the aggregate of both taxes does not exceed two percent].

Section 3. Paragraphs (a) and (b) of division IV of section 13 of the act are amended to read:

Section 13. Earned Income Taxes.—On and after the effective date of this act the remaining provisions of this section shall be included in or construed to be a part of each tax levied and assessed upon earned income by any political subdivision levying and assessing such tax pursuant to this act. The definitions contained in this section shall be exclusive for any tax upon earned income and net profits levied and assessed pursuant to this act, and shall not be altered or changed by any political subdivision levying and assessing such tax.

IV. Collection at Source

(a) Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, and any department or agency of the Commonwealth as an employer of any resident of a taxing jurisdiction subject to such tax, who has not previously registered, shall, within fifteen days after becoming an employer, register with the officer his name and address and such other information as the officer may require.

(b) Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission, or other compensation, and any department or agency of the Commonwealth as an employer of any resident of a taxing jurisdiction subject to such tax, shall deduct at the time of payment thereof, the tax imposed by ordinance or resolution on the earned income due to his employee or employees, and shall, on or before April 30, of the current year, July 31, of the current year, October 31, of the current year, and January 31, of the succeeding year, file a return and pay to the officer the amount of taxes deducted during the preceding three-month periods ending March 31, of the current year, June 30, of the current year, September 30, of the current year, and December 31, of the current year, respectively. Such return unless otherwise agreed upon between the officer and employer shall show the name and social security number of each such employee, the earned income of such employee during such preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employee, the total earned income of all such employees during such preceding three-month period, and the total tax deducted therefrom and paid with the return.

Any employer who for two of the preceding four quarterly periods has failed to deduct the proper tax, or any part thereof, or has failed to pay over the proper amount of tax to the taxing authority, may be required by the officer to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the officer on or before the last day of the month succeeding the month for which the tax was withheld.

Section 4. (a) During the first calendar or fiscal year for which the local earned income tax rate limitations are removed, only those political subdivisions required to abolish one or more taxes as herein provided shall be allowed to raise or enact its earned income tax to recover the revenue lost by the abolition of such taxes, but the estimate of collections shall not exceed 110% of those lost revenues.

(b) During the second and each subsequent calendar or fiscal year for which local earned income tax rate limitations are removed, any political subdivision may

raise the rate of its earned income tax provided that such political subdivision simultaneously reduces its real property tax millage rate to reflect an amount equal to at least 95% of the estimated increase in collections attributable to the increased earned income tax rate.

(c) Any political subdivision newly enacting an earned income tax shall be subject to a one percent limitation in the initial year of collection with the rate sharing provision of section 8 of this act in full force and effect.

Section 5. No political subdivision shall newly enact any tax being abolished by this act after June 30, 1976.

Section 6. (a) The following acts or parts of acts, their amendments and supplements, are repealed in so far as they relate to the levy, assessment and collection of occupation taxes assessed on a percentage or millage basis:

(1) Section 2531, act of June 23, 1931 (P. L. 932, No. 317), reenacted June 28, 1951 (P. L. 662, No. 164), known as "The Third Class City Code."

(2) Section 1709, act of June 24, 1931 (P. L. 1206, No. 331), reenacted May 27, 1949 (P. L. 1955, No. 569), known as "The First Class Township Code."

(3) The act of June 26, 1931 (P. L. 1379, No. 348), entitled, as amended, "An act creating in counties of the second A and third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards, defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of ward, borough, and township assessors, so far as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities."

(4) Section 905, act of May 1, 1933 (P. L. 103, No. 69), reenacted July 10, 1947 (P. L. 1481, No. 567), known as "The Second Class Township Code."

(5) Clause (b) of section 201, section 202 and articles IV and V, act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law."

(6) The act of June 21, 1939 (P. L. 626, No. 294), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties."

(7) The act of June 27, 1939 (P. L. 1199, No. 404), entitled "An act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas; providing for the appointment, by the board, of personal property assessors, real estate assessors and assistant real estate assessors, clerks and other employees; fixing the salaries of members of the board, assessors and assistant assessors, and providing for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing laws."

(8) Clause (b) of section 201, subsection (d) of section 202 and articles VI and VII, act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law."

(9) Sections 20, 20.1 and 21, act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law."

(10) Section 655, 656, 674, 675, 676, and 677, act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949."

(11) Section 1, act of July 19, 1951 (P. L. 1026, No. 216), entitled, as amended, "An act authorizing political subdivisions, other than cities of the first and second classes and school districts of the first class and first class A, to appoint and pay the compensation of employees to make an

assessment list of all inhabitants or residents thereof over eighteen years of age, for taxation purposes."

(12) Section 1970, act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code."

(13) Section 1770, act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code."

(14) The act of August 9, 1963 (P. L. 640, No. 338), entitled "An act empowering cities of the first class, coterminous with school districts of the first class, to authorize the boards of public education of such school districts to impose certain additional taxes for school district purposes, and providing for the levy, assessment and collection of such taxes."

(15) Section 1302, act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code."

(b) All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 7. The provisions of section 5 shall take effect immediately and the remainder of this act shall take effect January 1, 1977 for political subdivisions operating on a calendar year basis, and on the first day of the fiscal year beginning in the calendar year 1977 for political subdivisions operating on a fiscal year basis.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

I assume everybody has a copy of the amendment now.

This is not a new subject I am addressing this body to. In the last session this House passed House bill No. 2158, which abolished the occupation assessment tax. It died in the waning days in the Senate. This year we had a bill before us, House bill No. 388, which spoke to this subject. That was amended into Senate bill No. 509, which was referred back to the Finance Committee.

This particular amendment on this same subject, even though it is five pages long, does something in a little different way than any of the other measures that I have presented before this body. It allows the repeal of the occupation assessment tax and also allows the revenue loss to be collected from additional wages.

Section 4 on page 4 of the amendment is the real crux of the amendment. Section A of section 4 says that any taxing authority which chooses to abolish the occupation assessment tax may recover the revenue loss but may not recover more than 110 percent of the estimated revenue loss in lieu of additional wage tax. And only those districts which repeal the occupation assessment tax may levy additional taxes on wages the first year after this amendment would become law.

Now here is the real change from anything that I have projected before this time. Mr. Speaker, I think this is a real logical approach to the problem of tax reform and I want to make sure everyone knows what I am talking about. During the second and each subsequent year after this would become law, any taxing authority or body across the Commonwealth would have the permission to tax additionally on wages beyond the 1-percent limitation which we now abide by. However, for the moneys which they would collect in addition from wages, they would subtract from real property tax an amount equal to at least 95 percent of the estimated increase in collections from wages. That is the real safety valve for those of you who may have the fear that local taxing authorities will run wild on wage tax levies. What I am really doing is giving them an alternative way of balancing the tax load and putting it on a more equitable

basis, which is nothing more than the ability to pay based on wages.

Subsection C of section 4 says: "Any political subdivision newly enacting an earned income tax shall be subject to a one percent limitation in the initial year." So, again, they cannot run wild with it and they are subject to all the other sections of this particular amendment. So there are some real safety valves built into this in protecting the citizens of Pennsylvania from undue taxation.

Now if I did not make myself clear or if anyone has any particular questions on this subject, I will be only too happy to respond.

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

Mr. FRYER. Mr. Speaker, would the gentleman consent to interrogation?

The SPEAKER pro tempore. The gentleman indicates he will.

Mr. FRYER. Mr. Speaker, is the amendment that the gentleman has just introduced here to House bill No. 848 similar to House bill No. 2345?

Mr. THOMAS. I am not at all familiar with the content of House bill No. 2345.

Mr. FRYER. House bill No. 2345 was introduced, and Mr. Thomas was the sole sponsor.

Mr. THOMAS. I am sorry, Mr. Speaker. This amendment is a replica of House bill No. 2345 which I introduced in bill form just about three weeks ago.

Mr. FRYER. Yes. I thank the gentleman.

Mr. Speaker, House bill No. 2345 was referred to the Committee on Local Government May 3, which was last Monday. Now what is being attempted is that this amendment is taking entire House bill No. 2345 and attempting to insert it into House bill No. 848. Now this is rather complex legislation. It consists of 10 pages. The committee has not had an opportunity to study this, and I would say that I would be opposed to trying by the amendment process this type of legislation. I would hope that the Committee on Local Government would consider this bill in due course and then we could act properly upon it rather than at this hour accept an amendment of this magnitude. I would oppose the amendment, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, in attempting to read over this extensive amendment, I have a couple of observations. First, would Mr. Thomas consent to a brief interrogation?

The SPEAKER pro tempore. Will the gentleman from Snyder, Mr. Thomas, consent to interrogation?

Mr. THOMAS. Yes, I will.

The SPEAKER pro tempore. He indicates he will.

Mr. RITTER. Mr. Speaker, present Act 511 has a provision in there that any city of second class A—that is the city of Scranton at the moment—may enact a tax upon wages, et cetera, not exceeding one percent, and the school district one percent, which gives them two percent. Your amendment, it appears to me, would abolish that rate of tax for cities of the second class A and I see no other provision in your amendment which would restore that two percent to the city of Scranton, at least for the first year. Am I correct in that?

Mr. THOMAS. No, I do not believe you are correct

on that. That was not my intent when this was drafted. I do not believe it would work like that.

POINT OF INFORMATION

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

Mr. McLANE. I rise to a point of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McLANE. The city of Scranton has gone as a home rule city and it no longer lives under the rule of the one-percent school district tax and the one-percent city tax. In fact, that was changed in January when the city went to two percent, and the one percent for the school district still remains.

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

The SPEAKER pro tempore. Will the gentleman, Mr. Ritter, proceed with interrogation so that we can get on to the vote?

Mr. RITTER. Mr. Speaker, I appreciate the urgency of getting on to the vote, but this is a very controversial subject and if anybody here wants to vote to increase the earned income tax in their district, I will just sit down right now. I would like to find out some reasons why we are doing what we are doing. This is a very extensive amendment.

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

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

Mr. Speaker, we have been in some degree of confusion for the last several minutes. Mr. Eckensberger asked me a question as to how we voted on certain matters and I had to confess that we voted out of ignorance. I suspect that that may happen again and again on the floor of the House if we continue like this. I would rather it did not.

This is an involved amendment. It is a fiscal amendment. It is a long-range amendment and a long-reaching amendment. I have spoken to Mr. George and he is anxious that the bill move forward today. I, therefore, have no other recourse, Mr. Speaker, except to ask that the debate be suspended at this time, that we go into caucus for a period of 15 minutes so that we may determine in the Democratic caucus what the impact of this amendment is, and then come back on the floor to vote it. I would urge that the Democrats be in attendance at that caucus so that when we do come back on the floor to vote, we will be able to vote intelligently rather than in this rather slipshod manner as we have been voting some bills this afternoon.

DEMOCRATIC CAUCUS

Mr. IRVIS. Mr. Speaker, I would ask for an immediate declaration of a recess until 4:30 and for an immediate caucus of the Democratic party.

The SPEAKER pro tempore. Does the minority leader wish to call a caucus for the Republican party?

The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, it will be perfectly agreeable with me to hold the bill and the amendment until we reconvene.

The SPEAKER pro tempore. Apparently that is not agreeable with the gentleman from Clearfield.

Mr. THOMAS. Well, that would give us all plenty of time to study the amendment and know exactly what we are doing rather than a 15-minute caucus.

The SPEAKER pro tempore. The gentleman from Clearfield would like final action on the bill either with or without the amendment.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. Does the minority leader wish to call a caucus for the Republicans?

Mr. BUTERA. Yes, Mr. Speaker, I would appreciate the members proceeding to the caucus room upon the adoption of the motion.

WELCOME

The SPEAKER pro tempore. Before declaring the recess, I would like to welcome to the hall of the House, Mr. Wali Jones of the Philadelphia 76ers, the Concerned Athletics in Action who are with him, and Mr. Ken Hamilton, the basketball coach of Malcolm X High School in Philadelphia, all of whom are guests of the gentlemen in the Legislative Black Caucus.

RECESS

The SPEAKER pro tempore. The Chair now declares a recess until 4:30 p.m., e.d.t.

AFTER RECESS

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

RECONSIDERATION OF VOTE ON SENATE BILL No. 116

Mr. LaMARCA moved that the vote by which SENATE BILL No. 116, printer's No. 1138, was agreed to on final passage on this day be reconsidered.

Mr. PRENDERGAST seconded the motion.

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

On the question recurring,
Shall the bill pass finally?

SENATE BILL No. 116 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. LaMARCA moved that SENATE BILL No. 116 be placed on the final passage postponed calendar.

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

HOUSE BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the titles were read:

HOUSE BILL No. 501

An Act requiring the installation of ramps at crosswalks under certain conditions.

HOUSE BILL No. 580

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the exclusion to sexual offenses because of a spousal relationship and rules of evidence relating to sexual offenses; changing the age requirements for the offense of statutory rape and amending the indecent assault provisions.

HOUSE BILL No. 878

An Act making a supplemental appropriation to the Department of Public Welfare for the fiscal year 1975-1976 for medical assistance payments.

Whereupon,

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

SENATE BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the titles were read:

SENATE BILL No. 825

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as amended, "The Pennsylvania Workmen's Compensation Act," creating an advisory council.

SENATE BILL No. 1153

An Act amending the act of December 30, 1974 (P. L. 1105, No. 358), entitled "A supplement to the act of February 6, 1974 (P. L. 80, No. 17), entitled 'An act providing for the capital budget for the fiscal year 1973-1974,' itemizing public improvement projects to be acquired or constructed by The General State Authority together with their estimated financial cost; . . .," further defining the appropriation to a certain resource center and adding a project.

SENATE BILL No. 1375

A Supplement to the act of (P. L. , No.), 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," itemizing appropriations required from the Federal Revenue Sharing Trust Fund for the proper operations of the several departments of the Commonwealth authorized to spend Federal Revenue Sharing Trust Fund moneys.

Whereupon,

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

CALENDAR

The SPEAKER. Does the majority leader desire to return to House bill No. 848?

The Chair recognizes the majority leader.

Mr. IRVIS. No, not at this time, Mr. Speaker. I would like to call up two other votes which I think can be taken up very quickly. On page 5, on House bill No. 144, I wish to make a recommittal motion. I have already checked this with Mr. Butera, so he knows about this.

**STATE GOVERNMENT BILL
ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of House bill No. 144, printer's No. 149, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania authorizing payments of increased retirement benefits to beneficiaries of members.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader who moves that House bill No. 144 be recommitted to the Committee on State Government.

Mr. IRVIS. Mr. Speaker, I beg your pardon. The recommittal motion should be to the Appropriations Committee for a fiscal note.

The SPEAKER. The Chair reconsiders its decision as to this bill being recommitted to the Committee on State Government. The majority leader amends his motion to have same, House bill No. 144, recommitted to the Committee on Appropriations for the purpose of a fiscal note.

Motion was agreed to.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, if you will turn to page 27, I would like to move to take Senate bill No. 1166 from the table and place it on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**CONSIDERATION OF HOUSE BILL No. 2223
RESUMED**

Mr. IRVIS. Mr. Speaker, is Mr. Thomas on the floor yet?

The SPEAKER. He is on his way.

Mr. IRVIS. On page 5, Mr. Speaker, House bill No. 2223, which the Speaker called up for a final vote and the minority leader said that the agreement was that we were only going to take the amendment. It has now been agreed that the bill as amended should be called for a final vote.

I move that the vote by which House bill No. 2223 was placed upon the final passage postponed calendar, be reconsidered.

Mr. GOODMAN 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?

Bill as amended was agreed to.

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

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

Mr. VROON. Mr. Speaker, is this House bill No. 2223? The SPEAKER. This is House bill No. 2223.

Mr. VROON. All right then, Mr. Speaker, I would like to oppose this bill.

The SPEAKER. The gentleman may proceed.

Mr. VROON. This bill calls for refunds to be made by utilities for excess costs of coal purchased beyond the contract price. Now obviously there were reasons why this coal was purchased in excess of the contract price.

It is ridiculous to assume that this was sheer negligence on the part of the utility companies. This was not the case at all. These utility companies were forced to pay more than the contract price in order to get the coal in order to keep their generators working so as not to shut down, so as to avoid blackouts and brownouts. It is only too true that when they were examined by the auditor, they found out that more was paid than the contract called for. But the auditors did not report to anyone, to the best of my knowledge, why this was done.

Apart from being very likely unconstitutional, this provision of the bill is highly fallacious because it fails to consider the extenuating circumstances which arose from the energy crisis a couple years ago. You all remember the long gasoline lines. You all remember the quick rise in oil. You all remember the extenuating circumstances that surrounded that and the effect that it had on coal prices. Some of these suppliers of coal had clauses in their contracts which permitted them to escalate the cost of coal, and the utility companies were forced to make a very crucial business decision: Are they going to pay more money for this coal or are they going to risk shutting down their plants?

Recently a Federal agency studied this question and they determined that the price escalation of coal and the price increases were not in excess of those which could reasonably be expected under the prevailing supply and demand conditions.

The second part of this bill directs the PUC to adopt regulations prohibiting public utilities from paying prices for goods or services which are in excess of prices set in contracts between the utilities and such suppliers. Now this is quite obviously not necessary at all because they have that power at any time to prohibit this from happening. They do not need any special legislation to do this.

Mr. Speaker, I think this entire bill is uncalled for. It is punitive. In addition to everything else, it suggests that the stockholders of the utility companies involved pay these refunds out of the profits of the utility companies and that these payments may not be recovered from the utility customers. Now this is retroactive punishment and it is retroactive punishment to the stockholders who are innocent of any wrongdoing, if there was any wrongdoing. The entire bill is predicated on the wrong assumptions and on the assumption that somebody has got to pay for this, so why not let the shareholders of the utility companies pay the bill, those rich shareholders? The fact of the matter is that a lot of poor widows and orphans are depending on the income from that stock.

Now there is one other very important factor. Mr. Speaker, if you were to realize how little this would mean to the average consumer of electric utilities, you would probably discover that he would get a refund of about 10 cents a piece on his bill. That is how ridiculous this is.

And who would get the larger refunds pray tell? The larger users of electricity, the industries who use a large amount of electricity. These are the people who would get the lion's share of the refunds, not the consumer.

Now the intent of this bill is to accommodate the consumer. Are you going to accommodate the consumer by giving him a dime or 15 cents, something like that? And we have to go through all that and then turn around and tell the public utilities that you have to pay for this out of your profits. The whole thing, I think, is rather ridiculous, and I strongly urge the rejection of this bill.

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

Mr. TRELLO. Mr. Speaker, can I interrogate my colleague and good friend, Mr. Vroon?

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

Mr. VROON. Yes.

Mr. TRELLO. Mr. Speaker, I am not an attorney and I do not know whether you are, but would you not agree that a contract is signed by two people who are committed to do what is duly written in that contract?

Mr. VROON. Obviously that is true. Any contract is a contract and it should be enforced, but there happens to be a special clause in these contracts.

Mr. TRELLO. Well, I do not know about all of the contracts but I know some of them that do not have a special clause. A contract is designed to be signed by two people on mutual agreement and they should fulfill that contract. Now I would like to refresh your memory in regards to borough and township codes. There are laws that are mandated that they must advertise for the lowest and best bids at all times and they must accept the lowest and best bid or suffer the consequences, be surcharged or be subject to court penalties. And I do not see any difference with the Public Utility Commission.

Now you also made a remark about a few years ago about the long lines at the gas stations, and so forth. I remember them too. But when the price went up to 60 and 68 cents a gallon, all of a sudden there was no shortage and there were no more lines.

I do not care if it is a nickel. I think that if these people were ripped off in regards to unjust prices in their fuel, then they should get it back. And I do not mean this in any derogatory form, because I know you and I have worked very well on our committees. But that is the way I feel about it.

Mr. VROON. Very good. Any further interrogation?

Mr. TRELLO. No, Mr. Speaker. Thank you very much.

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

Mr. BURNS. Mr. Speaker, the first thing I would like to say is a word of congratulations to Chairman O'Brien and Minority Chairman Wright of the Mines and Energy Committee who for the first time jumped in and looked at a problem—and it really was a problem—and, hopefully, because of their actions and this bill, maybe has told the utility companies something.

I would like to speak a little bit to Mr. Vroon's remarks. First of all, his assumptions are wrong. We did look at all the coal companies and we are still looking at the coal companies. We looked at the utility companies; we sent teams of auditors into the utility companies and

we found out that there were some utilities who tried to live by the contracts. They are affected by this bill. If they tried and could not do it and had to go out on what they call the spot market and buy coal, they are not penalized in this bill. We are talking about the utilities that have long-term contracts and they just disregarded those long-term contracts, could have cared less what those long-term contracts called for, and simply ran out and bought coal on a spot market because they knew they could pass it on to the consumer.

You say the stockholders will pay and say, yes, this is what this bill says. And it is a shame that some little old lady who has invested her life savings in stocks is going to be penalized somewhat for the mistakes of the electric companies' board of directors and presidents. And I think it is about time that that little old lady would realize that that guy sitting in the seat of power on that utility has not done his job. And I think it is about time that little old lady, when it comes time for the yearly election, tells that guy he has not done his job and votes him out.

I think the point here is that the utilities have to be told that no longer do they have a free ride to pass things on; that they are expected to live up to contracts. They signed the contracts and they should live up to them. And as we were told by one utility, well, we could not burn paper. We agreed that they could not burn paper, but we said, did you try in any way to enforce that contract, and his answer was "no." The only utilities that are cited in this bill are the ones who did not try to do anything except go out and pass any increase on to the consumer.

Thank you, Mr. Speaker.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. STAHL. Mr. Speaker, just on a point of personal privilege. I am a sponsor of this bill and it does not appear on the printing of the bill. I would just ask, once the bill has been passed here, that it go over with my name attached to it.

The SPEAKER. If the gentleman is a sponsor and his name appears on the bill, the bill itself will contain the gentleman's name.

Mr. STAHL. It does not at this time, though. And I am a sponsor.

The SPEAKER. Does the bill, itself, bear the gentleman's name? The calendar may be incorrect, but does the bill bear the gentleman's name?

Mr. STAHL. I am sorry, I do not know, Mr. Speaker.

The SPEAKER. The Chair would suggest that the gentleman check the bill to see if it bears his name.

Mr. STAHL. No, it does not. I was just told by my colleagues that it does not now contain my name, but the History does.

The SPEAKER. The Chair is advised by the clerk that you probably did not sign all the copies of the bill originally.

Mr. STAHL. Well, the bill is now amended, is it not? In the reprinting of the bill, could you have it just added? I do not want to make an issue of it, but I am.

The SPEAKER. The record will reflect that the gentleman is one of the sponsors of House bill No. 2223.

Mr. STAHL. Will the bill be reprinted, and if it is going to be reprinted, could you put my name on it?

The SPEAKER. We will have the bill reprinted for the gentleman so his name can appear on the bill.

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

Mr. VROON. Mr. Speaker, in response to what my good colleague, Mr. Burns, just said, you would gather that the utility companies would like nothing better than just to go ahead and pay whatever it takes and pass it on to the consumer. That is nice and easy. But let us be aware of the fact that these utility companies are accustomed to buying coal. They are accustomed to running their own business, and I would say, for goodness sakes, it is rather ridiculous for us to assume, as legislators, that we have more expertise in using business judgments than these people in utility companies. I do not believe this for a minute. I have looked into this situation with my utility company. They happen to be one of those involved. And if this goes through, maybe I will get a dime. That is how ridiculous it is.

I looked into this situation with my utility company and I found out that they resisted this pressure for higher cost to the best of their ability and that when they were convinced that they had no other choice but to pay the higher cost, they went ahead and paid the higher cost. They did so reluctantly, and they did not do so carelessly. As far as their responsibilities are concerned, I would say that they are totally responsible. They are under a cloud already; they were under a cloud then. Who likes the utility companies today with all the big increases that we have had these days?

I do not like the kind of money I am paying to the utility companies either. I think it is rather fantastic to second guess the utility companies and say, look, you villain. You just did not give a hoot whether you paid too much money for your coal or not. I do not believe that, and I do not buy it and I never will buy it.

I say, let us be responsible and let the PUC decide whether or not this has to be refunded.

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

Mr. BURNS. Mr. Speaker, I just wonder if Mr. Vroon would answer one question for me.

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

Mr. VROON. Right.

The SPEAKER. The gentleman will proceed.

Mr. BURNS. What did your utility do when they were faced with the rise in coal prices when they had a long-term contract signed at a much lower price? What did they do? You said they said they did something. I just want to know what they did.

Mr. VROON. They resisted the charge.

Mr. BURNS. How did they resist? How? Just tell me. I sat through all of the hearings. I sat through all of the interrogations. I visited all of the utility companies. I climbed mines in Pittsburgh, strip mines out in some central part of the state, and I have spoken to just about everybody in the state who knows anything about this. The ones that were citing did nothing. That is what I am trying to tell you, they did nothing.

Mr. VROON. I would like to ask the question, were you there, Mr. Speaker, when they negotiated the purchases of the coal? I am sure you were not there.

Mr. BURNS. No, I was not there then, but I was there when they said they did nothing to enforce the long-term contract.

Mr. VROON. All right. They did nothing to enforce it. Why could they not enforce it, Mr. Speaker?

Mr. BURNS. Why could they not?

Mr. VROON. Yes.

Mr. BURNS. I do not know why they could not. They did not try. Our argument is they did not try, and that is the argument of this whole bill. If they had tried, if they had gone to court, we let them completely off the hook. If they objected in any way, we let them off the hook on this bill.

I am only talking about those utilities that did nothing except run out and buy and buy and buy and could have cared less because they knew right from the beginning that they could pass it on.

Mr. VROON. My information is to the effect that there were escalation clauses which permitted them to get more money for their—

Mr. BURNS. There were some contracts that had escalation clauses. We are not speaking to those companies in this bill.

Mr. VROON. This was reported by one of the companies named in the bill.

Mr. BURNS. Well, if you want to read the testimony that we took at all the hearings, I am sure Mr. O'Brien will give you a copy.

Mr. VROON. Mr. Speaker, rather than belabor this point, and I think we can talk all night about whether or not they did the right thing, but let us get down to practical facts. Are we going to run a bill to give 10 cents refund to everybody who got involved in this thing and give \$100 to every industry? Is this the point? How ridiculous can we get?

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

Mr. O'CONNELL. Mr. Speaker, I rise in support of the bill on the concept. I do support the fuel adjustment clause and have supported it because I think it is fair and equitable to both the consumer and the utility, if it is properly audited and if the consumer is protected.

I think that this would be penalty enough and warning to those utilities that they are going to be subject to such charges if they do not properly conduct the business and their affairs in the best interest of the consumers. You cannot have it both ways. The fuel adjustment clause gives them an immediate recovery in their cost. They do not have to go through a long and tedious and arduous presentation before the PUC, and that is a great relief to them.

On the other hand, if we are going to have this concept, we positively have to insure the consumer protection. When there are overcharges in any other area, in some instances there is not only the single recovery but there is triple and double charges. I think it is a fair and equitable approach to the problem and I support it.

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

Mr. ZEARFOSS. Mr. Speaker, I am concerned about the language of this bill as amended and I would like to interrogate Mr. Goodman who offered the amendment earlier today.

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

Mr. GOODMAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, this bill as amended with our amendment provides that the money refunded to the consumers, pursuant to this act, shall be paid from the equity of the stockholders of said company. Would you explain to me—

Mr. GOODMAN. That was not in the amendment, Mr. Speaker. That was in the original bill.

The amendment that I offered this morning simply took out the names of the utility companies and added the language: . . . to order any public utility which is found to have improperly paid a . . .

Mr. ZEARFOSS. The amendment copy that I have and the only amendment that I have that you offered includes a second portion that says: "Amend Sec. 1, page 1, lines 10 through 15, by striking out all of said lines . . ."

Mr. GOODMAN. Right.

Mr. ZEARFOSS. —and inserting: "direct the process of such refunding of the money to the consumers. The money refunded to the consumers pursuant to this act shall be paid from the equity of the stockholders of said companies."

Mr. GOODMAN. Now that was part of the original bill?

Mr. ZEARFOSS. The original bill did not use the term "equity". That is the term that is giving me trouble. I want to ask you about that.

Mr. GOODMAN. Yes, you are correct, Mr. Speaker.

Mr. ZEARFOSS. Mr. Speaker, will you explain what the use of the term "equity" means in this context as it is now in the bill?

Mr. GOODMAN. In my opinion, the term "equity" in this would be the shareholders' net worth on the balance sheet.

Mr. ZEARFOSS. Which would include paid-in capital, capital surplus and earned surplus?

Mr. GOODMAN. I would say so, yes.

Mr. ZEARFOSS. Now do those balance sheet items represent real value?

Let me explain. That is really an accounting entry and in order to reduce that by paying the refund out of those items, you have got to pay out assets, which would reduce assets. Is that correct?

Mr. GOODMAN. No, I am not talking about fixed property and equipment.

Mr. ZEARFOSS. No, but how about shares?

Mr. GOODMAN. By shareholders' equity, I would mean shareholders' earnings.

In other words, for sake of argument, if there is \$100 in earnings and you are talking about 10 shareholders, it would be \$10 each. It would be paid from that. Instead of a \$10 dividend, this refund would come out of that equity, and then instead of a \$10 dividend, they would be paying a \$9 dividend.

Mr. ZEARFOSS. What I am saying is that it is the balance sheet entry that represents equity. It does not also represent an asset. There is an offsetting asset to equal that equity on the balance sheet, which could be cash, property.

Mr. GOODMAN. The intent of the word "equity" as used in this amendment would be the earned surplus.

Mr. ZEARFOSS. Earned surplus. All right.

So what your amendment suggests or requires is that there would be a reduction of the earned surplus, which

would then be refunded to the consumers who were overcharged in accordance with this determination?

Mr. GOODMAN. That is correct.

Mr. ZEARFOSS. And it does not require that money be collected from the shareholders and then refunded to the consumer?

Mr. GOODMAN. No.

Mr. ZEARFOSS. If the balance sheet of a company shows no earned surplus, where would it come from? Capital?

Mr. GOODMAN. First of all, we are directing the Public Utility Commission to do this. I would think that the way that the Public Utility Commission would do this in that kind of a case would be as a credit on the consumers' future bills.

Mr. ZEARFOSS. The credit on the bill does not represent an equity item on your balance sheet. It might represent an asset in the sense that it is an accrued or an income item.

Mr. GOODMAN. Well, if there is no equity, then certainly we cannot have a refund from the equity. If equity is zero or minus, then there cannot be a refund from that equity. In that kind of a case, I would assume the Public Utility Commission would have to work out some kind of a rebate through a credit on the utility bill.

Mr. ZEARFOSS. Would there ever be a requirement that the stockholders, the shareholders, of the company pay into the company additional funds so that there be an equity created to be paid out?

Mr. GOODMAN. I would not envision such a situation.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—184

Abraham	Freind	Manderino	Ruggiero
Anderson, J. H.	Fryer	Manmiller	Ryan
Arthurs	Gallagher	McCaill	Saloom
Barber	Gallen	McCue	Salvatore
Bellomini	Garza	McGinnis	Scheaffer
Bennett	Geesey	McIntyre	Schmitt
Beren	Geisler	McLane	Schweder
Berlin	George	Mebus	Scirica
Berson	Giammarco	Menhorn	Shane
Bittle	Gillespie	Milanovich	Shelhamer
Bonetto	Gillette	Miller, M. E.	Shelton
Bradley	Gleeson	Miller, M. E., Jr.	Shuman
Brandt	Goodman	Milliron	Shupnik
Brunner	Green	Miscevich	Sirianni
Burns	Greenfield	Morris	Smith, E.
Butera	Grleco	Mrkonje	Smith, L.
Caputo	Gring	Mullen	Spencer
Cessar	Halverson	Mullen, M. P.	Stahl
Cianciulli	Hamilton, J. H.	Musto	Stapleton
Cimini	Haskell	Myers	Stout
Cohen	Hayes, D. S.	Novak	Taddonio
Cole	Hayes, S. E.	Noye	Taylor
Cowell	Hepford	O'Brien	Thomas
Crawford	Hill	O'Connell	Toll
Cumberland	Hopkins	O'Donnell	Trello
Davies	Hutchinson, A.	O'Keefe	Turner
DeMedio	Hutchinson, W.	Oliver	Ustynoski
Deverter	Irvs	Pancoast	Valicenti
DeWeese	Itkin	Parker, H. S.	Wagner
Dicarlo	Johnson, J.	Perri	Wansacz
DiDonato	Katz	Perry	Wargo
Dietz	Kelly, A. P.	Petrarca	Whelan
Dininni	Kernick	Pievsky	Wiggins
Dombrowski	Kistler	Polite	Williams
Dorr	Klingaman	Pratt	Wilson
Doyle	Kolter	Prendergast	Wilt, R. W.
Dreibelbis	Kowalshyn	Rappaport	Wojdak
Dumas	LaMarca	Ravenstahl	Worriolow
Eckensberger	Laudadio	Reed	Wright

Englehart
Fawcett
Fee
Fischer
Fisher
Flaherty
Foster, A.
Foster, W.

Laughlin
Lederer
Lehr
Letterman
Levi
Lincoln
Logue
Lynch

Renninger
Renwick
Rhodes
Richardson
Rieger
Ritter
Ross

Yohn
Zeller
Zwikel
Zord

Fineman,
Speaker

NAYS—9

Kusse
McClatchy
Moeimann

Pitts
Vroom

Weidner
Westerberg

Wilt, W. W.
Zearfoss

NOT VOTING—10

Gleason
Hammock
Hasay

Kelly, J. B.
Knepper
McGraw

Pyles
Seltzer

Walsh, T. P.
Yahner

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.

CONSIDERATION OF THOMAS AMENDMENTS TO HOUSE BILL No. 848 RESUMED

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, may I interrogate the majority leader?

The SPEAKER. Will the majority leader consent to interrogation?

Mr. IRVIS. I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. THOMAS. It is my understanding, Mr. Speaker, that if I withdraw the amendment at this time, the Local Government Committee will consider the bill, which is synonymous to the amendment, at its first meeting next week. Is this correct?

Mr. IRVIS. That is correct, Mr. Speaker. We do not intend to deal today with the substance of it at all. It is just a matter of procedure. In fact, there are a number of people who agree with Mr. Thomas and his approach. But the Local Government Committee has had this House bill No. 2345, which is Mr. Thomas' bill, I think only 1 or 2 days. They have said to me through their chairman that they will consider it next week. And what is more, they will invite Mr. Thomas in to testify in front of the committee as to his ideas. The committee has said it will fully consider it.

I thank the gentleman for saving the time of the House this afternoon.

AMENDMENT WITHDRAWN

Mr. THOMAS. Mr. Speaker, because of the importance of this amendment, I agree to withdraw the amendment at this time under the provisions that were just outlined here by the majority leader.

I will be happy to attend the meeting and thoroughly discuss the amendment with the committee members of the Local Government Committee, hopeful that we can go the committee route and have the bill to work on at a later time instead of the amendment today.

On the question recurring,

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

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

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

YEAS—189

Abraham	Gallagher	McCall	Saloom
Anderson, J. H.	Gallen	McClatchy	Salvatore
Arthurs	Garzia	McCue	Scheaffer
Barber	Geesey	McIntyre	Schmitt
Bellomini	Geisler	McLane	Schweder
Bennett	George	Mebus	Scirica
Beren	Giammarco	Menhorn	Seitzer
Berlin	Gillespie	Milanovich	Shelhamer
Berson	Gillette	Miller, M. E.	Shuman
Bittle	Gleeson	Miller, M. E., Jr.	Shupnik
Bonetto	Goodman	Milliron	Sirianni
Bradley	Green	Miscevich	Smith, E.
Brandt	Greenfield	Moehlmann	Smith, L.
Brunner	Grieco	Morris	Spencer
Burns	Gring	Mrkoncic	Stahl
Butera	Halverson	Mullen, M. P.	Stapleton
Caputo	Hamilton, J. H.	Mullen	Stout
Cassar	Hasay	Musto	Taddonio
Cianciulli	Haskell	Myers	Taylor
Cimini	Hayes, S. E.	Novak	Thomas
Cohen	Hepford	Noye	Toll
Cole	Hill	O'Brien	Trello
Cowell	Hopkins	O'Connell	Turner
Crawford	Hutchinson, A.	O'Donnell	Ustynowski
Cumberland	Hutchinson, W.	Oliver	Valicenti
Davies	Irvic	Pancoast	Vroon
DeMedio	Itkin	Parker, H. S.	Wagner
Deverter	Johnson, J.	Perri	Wansacz
DeWeese	Katz	Perry	Wargo
Dicarlo	Kelly, A. P.	Petrarca	Weidner
DiDonato	Kernick	Plevsky	Westerberg
Dietz	Kistler	Pitts	Whelan
Dinanni	Klingaman	Polite	Wiggins
Dombrowski	Kolter	Pratt	Williams
Dorr	Kowalshyn	Prendergast	Wilson
Doyle	Kusse	Pyles	Wilt, R. W.
Dreibelbis	LaMarca	Rappaport	Wilt, W. W.
Dumas	Laudadio	Ravenstahl	Wojdak
Eckensberger	Laughlin	Reed	Worrlow
Engelhart	Lederer	Renninger	Wright
Fee	Lehr	Renwick	Yohn
Fischer	Letterman	Rhodes	Zearfoss
Fisher	Levi	Richardson	Zeller
Flaherty	Lincoln	Rieger	Zwikel
Foster, A.	Logue	Ritter	
Foster, W.	Lynch	Ross	Fineman,
Freind	Mandirino	Ruggiero	Speaker
Fryer	Manmiller	Ryan	

NAYS—2

O'Keefe Zord

NOT VOTING—12

Fawcett	Hayes, D. S.	McGinnis	Shelton
Gleason	Kelly, J. B.	McGraw	Walsh, T. P.
Hammock	Knepper	Shane	Yahner

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.

LAW AND JUSTICE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 556, printer's No. 2644, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the Pennsylvania State Police.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 3 (Sec. 711), page 3, line 13 by striking out "SHALL" and inserting: may or may not

Amend Sec. 3 (Sec. 711), page 4, line 13 by striking out "the" where it appears the first time

Amend Sec. 3 (Sec. 711), page 5, line 4 by inserting a comma after "shall"

Amend Sec. 3 (Sec. 711), page 5, line 9 by inserting underscoring beneath "the"

Amend Sec. 3 (Sec. 711), page 5, line 16 by inserting after "made": a

Amend Sec. 3 (Sec. 711), page 6, line 2 by inserting after "refusing": the

Amend Sec. 3 (Sec. 711), page 6, line 7 by inserting a comma after "discretion"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Renwick.

Mr. RENWICK. House bill No. 556 sets up a panel in the State Police whereby any accused policeman is brought before this panel and, of course, is either guilty or not guilty of his act.

Now the panel does this: The number one person on the panel, of course, is appointed by the police commissioner. He must be a policeman under the bill. The second person on the panel, of course, is appointed by the accused. He must be a policeman. The third member on the panel is picked by the two people, the commissioner and the accused. Now this would make the panel two policemen and one individual.

I think that this is wrong because the two policemen naturally would be under the commissioner, who has evidently accused the accused of some act. I think that we should have an independent person there, or at least give the accuser the right to take an independent person. So my amendment simply states that he may or may not have a policeman on his panel.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

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

YEAS—193

Abraham	Gallagher	McClatchy	Salvatore
Anderson, J. H.	Gallen	McCue	Scheaffer
Arthurs	Garzia	McGinnis	Schmitt
Barber	Geesey	McIntyre	Schweder
Bellomini	Geisler	McLane	Scirica
Bennett	George	Mebus	Seitzer
Beren	Giammarco	Menhorn	Shane
Berlin	Gillespie	Milanovich	Shelhamer
Berson	Gillette	Miller, M. E.	Shelton
Bittle	Gleeson	Miller, M. E., Jr.	Shuman
Bonetto	Goodman	Milliron	Shupnik
Bradley	Green	Miscevich	Sirianni
Brandt	Greenfield	Moehlmann	Smith, E.
Brunner	Grieco	Morris	Smith, L.
Burns	Gring	Mrkoncic	Spencer
Butera	Halverson	Mullen, M. P.	Stahl
Caputo	Hamilton, J. H.	Mullen	Stapleton
Cassar	Hasay	Musto	Stout

Cianciulli	Haskell	Myers	Taddonio
Cimino	Hayes, S. E.	Novak	Taylor
Cohen	Hepford	Noye	Thomas
Cole	Hill	O'Brien	Toll
Cowell	Hopkins	O'Connell	Trelio
Crawford	Hutchinson, A.	O'Donnell	Turner
Cumberland	Hutchinson, W.	O'Keefe	Ustynoski
Davies	Irvin	Oliver	Valicenti
DeMedio	Itkin	Pancoast	Vroon
Deverter	Johnson, J.	Parker, H. S.	Wagner
DeWeese	Katz	Perri	Wansacz
Dicarlo	Kelly, A. P.	Perry	Wargo
DiDonato	Kernick	Petrarca	Weidner
Dietz	Kistler	Plevsky	Westerberg
Dininni	Klingaman	Pitts	Whelan
Dombrowski	Kolter	Polite	Wiggins
Dorr	Kowalshyn	Pratt	Williams
Doyle	Kusse	Prendergast	Wilson
Dreibelbis	LaMarca	Pyles	Wilt, R. W.
Dumas	Laudadio	Ravenstahl	Wilt, W. W.
Eckensberger	Laughlin	Reed	Wojdak
Englehart	Lederer	Renninger	Worrlow
Fawcett	Lehr	Renwick	Wright
Fee	Letterman	Rhodes	Yohn
Fischer	Levi	Richardson	Zeller
Fisher	Lincoln	Rieger	Zord
Flaherty	Logue	Ritter	Zwinkl
Foster, A.	Lynch	Ross	
Foster, W.	Manderino	Ruggiero	Fineman,
Freind	Manmiller	Ryan	Speaker
Fryer	McCall	Saloom	

NAYS—1

Rappaport

NOT VOTING—9

Gleason	Kelly, J. B.	McGraw	Yahner
Hammock	Knepper	Walsh, T. P.	Zearfoss
Hayes, D. S.			

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. Mr. Speaker, I was out of my seat when the final vote was taken on House bill No. 556. I would like to have my name recorded in the affirmative.

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

RECONSIDERATION OF VOTE ON
HOUSE BILL No. 1375

Mr. ECKENBERGER moved that the vote by which HOUSE BILL No. 1375, printer's No. 3004, was agreed to on final passage on this day be reconsidered.

Mr. PRATT seconded the motion.

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

On the question recurring,
Shall the bill pass finally?

HOUSE BILL No. 1375 PLACED ON FINAL PASSAGE
POSTPONED CALENDAR

Mr. ECKENBERGER moved that HOUSE BILL No.

1375, printer's No. 3004, be placed on the final passage postponed calendar.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE

The House resumed consideration of

HOUSE BILL No. 217

An Act exempting the owner of certain agricultural land from the payment of assessments for municipal improvements during the period of time that the owner does not use the services provided by the improvements or until there is a change in the use of land.

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

The clerk read the following amendments made by the Senate:

Amend Title, page 1, line 4, by striking out the period after "improvements" and inserting "or until there is a change in the use of the land."

Amend Section 1, page 1, line 8, by striking out after "1," the word "The" and inserting "From and after the effective date of this act the"; line 13, by inserting after "on" the words "or crossing" and by striking out after "land," all the remainder of said line; line 14, by striking out at the beginning of the line "from the said owner,"; line 16, by inserting after "lines" the following: except as provided in Section 3 or does not change the use of the land. For the purpose of this act, land shall be defined as that presently devoted to agricultural use for the purpose of producing an agricultural commodity as defined in the Act of September 20, 1961 (P. L. 1541, No. 657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968" or any farm product as defined in 1 Pa. C. S. § 1991 (relating to definitions) and such land was devoted to agricultural use the preceding three years and is not less than ten contiguous acres in area or has anticipated yearly gross income of \$2,000 from agriculture.

Amend Section 1, page 2, line 10, by striking out after "shall" the words "have the right to; line 11 by inserting after "record," the following: "a certification signed and acknowledged by the landowner (or landowners) and" line 13, by striking out after "in" the word "name" and inserting in lieu thereof "name"; line 16, by inserting after "lines" the following: "or if the use of the land is changed,"; line 17, by inserting after "the" the word "assessment"; line 18, by striking out after "water" the word "or" and inserting in lieu thereof "and/or" and by inserting after "lines" the following: "as per originally assessed." and by striking out immediately thereafter the word "as"; line 19, by striking out all of said line; lines 20 through 29, by striking out all of said lines and inserting in lieu thereof the following:

Section 2. When the use of the land is changed from agriculture the owner shall, within 60 days, notify in writing the municipality or authority of the change. Notwithstanding the provisions of the Act of May 16, 1923 (P. L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law at that time or at any subsequent time, the municipality or authority may place a lien against the property in an amount equal to the amount that would have been due had it not been for the provisions of this act. If the owner fails to notify the municipality or authority as herein provided the municipality or authority may charge as a penalty 10% of the assessment that would have been made had it not been for the provisions of this act plus interest at the rate of 8% from the date of the change.

Amend Section 3, page 3, line 13, by striking out after "3." all the remainder of said line; line 14, by striking out at the beginning of the line "and" and inserting "if"; line 15, by striking out after "lines" the words "for that dwelling only" and inserting "without a change in use"; line 16, by striking out after "installation" all the remainder of said line; lines 17 through 20, by striking out all of said lines; line 21, by striking out at the beginning of the line "assessment," and inserting "but only on that amount of the property that is benefited by the use of the lines."

Amend Bill, page 3, lines 23 through 30, by striking out all of said lines; page 4, lines 1 through 6, by striking out all of said lines and by inserting immediately thereafter "Section 4. This act shall take effect in six months."

On the question recurring.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, on the question of concurring in the amendments inserted by the Senate to House bill No. 217, printer's No. 3086, I move that the House do concur.

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

Mr. O'CONNELL. Mr. Speaker, I respectfully disagree with the majority leader and would like nonconcurrence on House bill No. 217. And if I may, I would like to give just one or two reasons for this.

When this bill was considered by the House, the amendment that was deleted by the Senate was offered by myself and passed with a substantial margin. There is an inequity in this if this bill should pass this House and become law, and for one or two reasons. First of all, it has to do with relieving agricultural land from a total assessment for sewer lines that may be installed along the lines of this agricultural land. And there are certain requirements that have to be met. It has to be 10 acres or it has to have a gross income of \$2,000 a year from agriculture or an agriculture-related commodity.

We have in my area a great number of people who were in the dairy farm business who, for no reason or reasons beyond their control, had to give up and abandon their businesses. It was rather difficult; money was very tight; return on their product was not too good, and as a result of that they abandoned the farms.

They are not in the position to borrow money because it is difficult to borrow money on land, and in many instances their improvements have been borrowed to the hilt. They are put into a very embarrassing position when we, in the legislature, mandate these kinds of programs and then strap them with extreme charges or costs where they cannot recover from that particular investment, and where the likelihood of recovering it is not anywhere in the immediate future.

This is not a bill to check developers, or my concept is not to protect developers. It is to protect those people who have some distress at the present time. A developer can go in and acquire the land. He can farm the land. He can meet the requirements, and he can be exempted. When the time comes that he wants to develop that land, he can then do so.

I think that what we really ought to do, if there was disagreement with this particular concept, is put it into a conference committee so that it can be resolved and

so that those people who need this kind of assistance and help can be given that.

It is absolutely and totally unfair for the legislature to mandate these programs and then to put a burden on people they cannot afford. What we are doing here in the amendment that I offered is not relieving them or exempting them totally or completely. They did have to come up with a 10-percent assessment.

I would respectfully request a nonconcurrence so that we can get it into a conference committee and resolve the problem.

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

Mr. ITKIN. Mr. Speaker, I do also request in the House nonconcurrence but not for the same reasons as enunciated by Mr. O'Connell.

I see that there is a certain deficiency in the bill about the repayment of the assessment. For example, as I understand the bill, if there is to be any municipal improvements provided and a sewer line or a water line is extended in the frontage of a farm because that farm is not making use of that improvement, that they should be exempted from paying an assessment. I concur in that philosophy. However, of course, what happens is that the users of that water or sewer line will have to pay for the entire cost of the entire line. So therefore their assessment is going to be based on the total value of that sewer or water line.

The bill provides that if that farm changes its usage and decides to tap into that sewer or water line, that it shall be assessed. That assessment then goes to the water and sewer authority over and above the cost for paying off the entire line. The bill makes no provision for a rebate or a refund to the original property owners who had to pay for the total assessment, and it seems to me that since now that particular property is making a contribution that there should be a return. Therefore, I request a nonconcurrence and hope that it can be corrected.

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

Mr. SHELHAMER. Thank you, Mr. Speaker.

The prior gentleman who just spoke is completely out of order. He wishes to go back and debate the bill that has passed this House. For his information, what we are considering here today are the amendments placed in this bill from the Senate. That is the way I understand it in the General Assembly. It passed the House once. We are no longer considering that part. That is not a subject of discussion here now. What is a subject of discussion is the Senate amendments.

When that bill was before this House, Mr. O'Connell did place an amendment in the bill that would have covered some other land and agriculture. Many of us voted for that amendment. But that amendment was rejected in the Senate.

This bill for agricultural land is badly needed. We are in the closing days of the session. We need it now. We ask that this bill do receive your approval and vote for concurrence.

Thank you.

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

Mr. ZELLER. I, likewise, Mr. Speaker, would like to

reiterate what Mr. Shelhamer stated. We are in dire need of this bill because of the fact that many, many farmers are going to be put out of business if they have to pay the assessment rates to these various municipalities or municipal bodies in regard to these bonds. So I would say, let us vote and get it on the way.

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

Mr. O'CONNELL. Mr. Speaker, I realize that time is of the essence and I am as interested in protecting the farmer and the agricultural land as Mr. Shelhamer or any other member in this House. But I think there is an absolute inequity in the fact that we just consider that and we consider those who are active in the business when you do not consider some of the problems that are involved. It is discriminatory, in my judgment. And as much as I favor the farmer—and I have favored the farmer constantly and continually on the floor of this House—I think this is absolutely discriminatory. I say other people in the Commonwealth deserve equal treatment, and that is what I am suggesting and asking for.

We do not have to delay this. We can immediately get it into a conference committee and resolve it in a matter of hours.

On the question recurring,

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

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

YEAS—161

Anderson, J. H.	Fryer	McCall	Saloom
Arthurs	Gallagher	McClatchy	Scheaffer
Barber	Gallen	McGinnis	Schmitt
Bellomini	Geesey	McIntyre	Scirica
Bennett	Geisler	Milanovich	Shane
Beren	George	Miller, M. E.	Shelhamer
Berlin	Gillespie	Miller, M. E., Jr.	Shelton
Berson	Gleason	Milliron	Shuman
Bradley	Goodman	Miscevich	Shupnik
Brandt	Green	Moehlmann	Sirianni
Brunner	Greenfield	Morris	Smith, E.
Burns	Grieco	Mrkonjic	Smith, L.
Butera	Gring	Mullen, M. P.	Spencer
Caputo	Hasay	Musto	Stahl
Cassar	Haskell	Novak	Stapleton
Cianciulli	Hayes, D. S.	Noye	Stout
Cimini	Hayes, S. E.	O'Brien	Taylor
Cohen	Hill	O'Donnell	Thomas
Cole	Hopkins	O'Keefe	Toll
Cowell	Hutchinson, A.	Oliver	Trello
Davies	Hutchinson, W.	Pancoast	Ustynoski
DeMedio	Irvia	Perry	Valicenti
Deverter	Johnson, J.	Petrarca	Wagner
DeWeese	Kelly, A. P.	Pievsky	Wargo
Dicarlo	Kernick	Pitts	Weidner
DiDonato	Klingaman	Polite	Westerberg
Dietz	Kolter	Pratt	Whelan
Dinnini	Kowalyszyn	Prendergast	Wiggins
Dombrowski	Kusse	Pyles	Williams
Dorr	LaMarca	Rappaport	Wilson
Doyle	Laudadio	Ravenstahl	Wilt, R. W.
Dreibelbis	Laughlin	Reed	Wilt, W. W.
Dumas	Lederer	Renninger	Wojdak
Eckensberger	Lehr	Renwick	Wright
Englehart	Letterman	Rhodes	Yohn
Fawcett	Levi	Richardson	Zeller
Fee	Lincoln	Rieger	Zwilk
Fischer	Logue	Ritter	
Flaherty	Lynch	Ross	
Foster, W.	Manderino	Ruggiero	
Freind	Manmiller	Ryan	

NAYS—31

Abraham	Gillette	McLane	Taddonio
Bittle	Halverson	Menhorn	Turner
Crawford	Hamilton, J. H.	O'Connell	Vroon

Cumberland	Hepford	Parker, H. S.	Wansacz
Fisher	Itkin	Perri	Worrlow
Foster, A.	Katz	Salvatore	Zearfoss
Garzia	Kistler	Schweder	Zord
Giammarco	McCue	Seltzer	

NOT VOTING—11

Bonetto	Kelly, J. B.	Mebus	Walsh, T. P.
Gleason	Knepper	Mullen	Yahner
Hammock	McGraw	Myers	

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

Ordered, That the clerk inform the Senate accordingly.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Turner.

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

The SPEAKER. The gentleman will state it.

Mr. TURNER. Mr. Speaker, on this last bill I voted against it. I would like my name to be recorded "yes" on House bill No. 217.

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

CONCURRENCE IN SENATE AMENDMENTS
TO HOUSE BILL No. 646

Mr. IRVIS called up for concurrence in Senate amendments, from page 17 of today's calendar, House bill No. 646, printer's No. 2865.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 646

An Act to provide reasonable standardization and simplification of terms and coverages of individual accident and health insurance policies and subscriber contracts of health plan corporations, nonprofit health service plans and certificates issued by fraternal benefit societies to facilitate public understanding and comparison, to eliminate provisions contained in individual accident and health insurance policies and subscriber contracts of health plan corporations and nonprofit health service plans and certificates issued by fraternal benefit societies which may be misleading or unreasonably confusing in connection either with the purchase of such coverages or with the settlement of claims, and to provide for full disclosure in the sale of accident and health coverages.

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

The clerk read the following amendments made by the Senate:

Amend Section 3, page 3, line 19, by inserting after "policyholder," the word "subscriber,"

Amend Section 4, page 4, line 14, by striking out after "for" the word "the" and inserting "those"; line 17, by inserting after "finds" the word "that" and by striking out after "will" all the remainder of said line; line 18, by striking out all of said line; line 19, by striking out at the beginning of the line "reasonable in relation to the premium charged." and inserting immediately thereafter the following: not be unjust, unfair or unfairly discrim-

inatory to the policyholder, subscriber, any person insured under the policy, or beneficiary. Changes to a policy or contract required by regulations promulgated pursuant to this Act, including changes to premium rates applicable thereto, shall be permitted by endorsement or rider unless the commissioner shall determine that such change or changes substantially alters the policy or contract.

(D) Notwithstanding any other provision of this Act or regulations promulgated hereunder, any policy or contract submitted for approval which does not meet the prescribed minimum standards for those categories of coverage listed in paragraphs (1) through (8) of subsection (A) which are contained within the policy or contract may be approved if, in the opinion of the Insurance Commissioner, such policy or contract is not unjust, unfair, or unfairly discriminatory to the policyholder, subscriber, any person insured under the policy or beneficiary.

Amend Section 4, page 5, line 6, by striking out at the beginning of the line "(d)" and inserting in lieu thereof "(e)".

Amend Section 5, page 5, line 13 by inserting after "societies," the following: except for supplemental policies sold on the debit plan, and except for riders or amendments to policies or contracts,

Amend Section 5, page 5, line 19, by inserting a period after "made" and by striking out immediately thereafter all the remainder of said line; lines 20 through 26, by striking out all of said lines.

Amend Section 6, page 6, line 27, by inserting after "conditions," the following: changes to policies or contracts required under this Section, including changes to premium rates applicable thereto, shall be permitted by endorsement or rider.

Amend Bill, page 7, lines 1 through 6, by striking out all of said lines and by inserting immediately thereafter the following:

Section 7. Effective Dates of Regulations; Hearings.—All regulations promulgated under this Act, including those relating to Section 4(c), shall specify an effective date applicable to policies or benefit riders delivered or issued for delivery in this Commonwealth on or after said effective date which shall not be less than 365 days after their adoption or promulgation. All regulations promulgated pursuant to this Act shall be issued in accordance with the applicable provisions of the Act of July 31, 1968 (P. L. 769, No. 240), known as the "Commonwealth Documents Law." Public hearings shall be held prior to the promulgation of any such regulation, including a verbatim transcript and cross-examination of all witnesses in accordance with applicable rules of procedure, unless such regulation or amendment is insubstantial. The order promulgating any such regulation shall contain findings and the reasons for the regulation; provided that this section shall not create or permit any right of action at law or equity not otherwise authorized or permitted under the law of the Commonwealth. Copies of such orders shall be mailed to those appearing of record at the hearing.

On the question,

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that the House do concur in amendments inserted by the Senate to House bill No. 646, printer's No. 2865.

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

Mr. ZEARFOSS. Mr. Speaker, I would like to suggest reluctantly that we concur in this bill as well. The amendments that were inserted by the Senate improve it a great deal. Unfortunately, when the bill went through the House originally, there were things that should have been said that were not said, and I would like at this

moment to take just a few moments of the time of the House and point out some of the provisions of this bill.

The SPEAKER. The gentleman is not in order, and the Chair finds it distasteful to have to say that to him because I do not like to cut anybody off. But it is now 25 of 6 and the gentleman desires to address himself to the merits of the bill which are not before the House.

Mr. ZEARFOSS. Except, Mr. Speaker, I suppose if I were urging nonconcurrence, it would be germane for me to talk about why I am urging nonconcurrence and what is wrong with this bill.

The SPEAKER. Provided the gentleman confines his remarks to the amendment inserted by the Senate.

Mr. ZEARFOSS. I cannot do that, Mr. Speaker. I would just like to suggest that everyone read this bill and see what we have done in giving the authority to the insurance commissioner to promulgate regulations in areas that we should be enacting legislation.

You are permitting, by this bill, the insurance commissioner to write every health insurance contract in the Commonwealth, and I will finish it with that.

On the question recurring,

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

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

YEAS—128

Abraham	George	Menhorn	Schmitt
Barber	Giammarco	Milanovich	Schweder
Bellomini	Gillespie	Miller, M. E.	Scirica
Bennett	Gillette	Miller, M. E., Jr.	Shelhamer
Beren	Gleeson	Milliron	Shelton
Berlin	Goodman	Miscevich	Shuman
Berson	Green	Morris	Shupnik
Bonetto	Greenfield	Mrkoncic	Smith, E.
Bradley	Gring	Mullen, M. P.	Stapleton
Brandt	Halverson	Mullen	Stout
Brunner	Haskell	Musto	Taylor
Butera	Hayes, S. E.	Myers	Thomas
Caputo	Hill	Novak	Toll
Cianciulli	Hopkins	O'Brien	Trello
Cohen	Irvis	O'Donnell	Valicenti
Cole	Itkin	O'Keefe	Vroom
Cowell	Johnson, J.	Oliver	Wansacz
DeMedio	Kelly, A. P.	Perry	Wargo
Deverter	Kernick	Petrarca	Whelan
DeWeese	Kowalyshyn	Pievsky	Wiggins
Dicarlo	LaMarca	Pratt	Williams
DiDonato	Laudadio	Prendergast	Wilson
Dombrowski	Laughlin	Rappaport	Wilt, W. W.
Doyle	Lederer	Ravenstahl	Wojdak
Dreifelbis	Letterman	Reed	Worrlow
Dumas	Levi	Renwick	Wright
Eckensberger	Lincoln	Rhodes	Yohn
Englehart	Logue	Richardson	Zearfoss
Flaherty	Manderino	Rieger	Zwikel
Gallagher	Manmiller	Ross	
Gallen	McCall	Ruggiero	Fineman,
Garza	McIntyre	Saloom	Speaker
Geisler	McLane		

NAYS—64

Anderson, J. H.	Freind	McClatchy	Salvatore
Arthurs	Fryer	McCue	Scheaffer
Bittle	Geesey	McGinnis	Seltzer
Burns	Grieco	Mebus	Sirianni
Cessar	Hamilton, J. H.	Moehlmann	Smith, L.
Cimini	Hasay	Noye	Spencer
Crawford	Hepford	O'Connell	Stahl
Cumberland	Hutchinson, A.	Pancoast	Taddonio
Davies	Hutchinson, W.	Parker, H. S.	Turner
Dietz	Katz	Perri	Ustynski
Dorr	Kistler	Pitts	Wagner
Fawcett	Klingaman	Polite	Weidner
Fischer	Kolter	Pyles	Westenberg
Fisher	Kusse	Renninger	Wilt, R. W.
Foster, A.	Lehr	Ritter	Zeller
Foster, W.	Lynch	Ryan	Zord

NOT VOTING—11

Dininni	Hammock	Knepper	Walsh, T. P.
Fee	Hayes, D. S.	McGraw	Yahner
Gleason	Kelly, J. B.	Shane	

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

Ordered, That the clerk inform the Senate accordingly

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 969

Mr. IRVIS called up for concurrence in Senate amendments, from page 18 of today's calendar, House bill No. 969, printer's No. 3010.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 969

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," further regulating damage done by hunters.

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

The clerk read the following amendments made by the Senate:

Amend Section 1, page 2, by inserting after line 3 the following: remove the tree stand, platform or any other man-made support or climbing device of any description and to

On the question,

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that the House do concur in the amendments inserted by the Senate to House bill No. 969, printer's No. 3010.

On the question recurring,

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

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

YEAS—191

Abraham	Gallen	McClatchy	Saloom
Anderson, J. H.	Garzia	McCue	Salvatore
Arthurs	Geesey	McGinnis	Scheaffer
Barber	Geisler	McIntyre	Schmitt
Bellomini	George	McLane	Schweder
Bennett	Giammarco	Mebus	Scirica
Beren	Gillespie	Menhorn	Seltzer
Berlin	Gillette	Millanovich	Shelhamer
Berson	Gleeson	Miller, M. E.	Shelton
Bonetto	Goodman	Miller, M. E., Jr.	Shuman
Bradley	Green	Milliron	Shupnik
Brandt	Greenfield	Miscevich	Sirianni
Brunner	Grieco	Moehlmann	Smith, E.
Burns	Gring	Morris	Smith, L.
Butera	Halverson	Mrkoncic	Spencer
Caputo	Hamilton, J. H.	Mullen	Stapleton
Cessar	Hasay	Mullen, M. P.	Stout
Cianciulli	Haskell	Musto	Taddonto
Cimini	Hayes, D. S.	Myers	Taylor

Cohen	Hayes, S. E.	Novak	Thomas
Cole	Hepford	Noye	Toll
Cowell	Hill	O'Brien	Trelio
Crawford	Hopkins	O'Connell	Turner
Cumberland	Hutchinson, A.	O'Donnell	Ustynoski
Davies	Hutchinson, W.	O'Keefe	Valicenti
DeMedio	Irvis	Oliver	Vroon
Deverter	Itkin	Pancoast	Wagner
DeWeese	Johnson, J.	Parker, H. S.	Wansacz
Dicarlo	Katz	Ferri	Wargo
DiDonato	Kelly, A. P.	Perry	Weidner
Dietz	Kistler	Petrarca	Westerberg
Dininni	Klingaman	Pievsky	Whelan
Dombrowaki	Kolter	Pitts	Wiggins
Dorr	Kowalshyn	Polite	Williams
Doyle	Kusse	Pratt	Wilson
Dreibelbis	LaMarca	Prendergast	Wilt, R. W.
Dumas	Laudadio	Pyles	Wilt, W. W.
Eckensberger	Laughlin	Rappaport	Wojdak
Englehart	Lederer	Ravenstahl	Worriow
Fawcett	Lehr	Reed	Wright
Fee	Letterman	Renninger	Yohn
Fischer	Levi	Renwick	Zearfoss
Fisher	Lincoln	Rhodes	Zeller
Flaherty	Logue	Richardson	Zord
Foster, A.	Lynch	Rieger	Zwki
Foster, W.	Manderino	Ritter	
Freind	Manmiller	Ruggiero	Fineman, Speaker
Fryer	McCall	Ryan	
Gallagher			

NAYS—2

Kernick	Stahl
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NOT VOTING—10

Bittle	Kelly, J. B.	Ross	Walsh, T. P.
Gleason	Knepper	Shane	Yahner
Hammock	McGraw		

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

Ordered, That the clerk inform the Senate accordingly.

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 1054

Mr. IRVIS called up for concurrence in Senate amendments, from page 18 of today's calendar, House bill No. 1054, printer's No. 3015.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 1054

An Act amending the act of April 27, 1937 (P. L. 318, No. 90), entitled "The Pennsylvania Plant Pest Act of 1937," by adding a Fruit Tree Improvement Program and providing for financing said program and further providing for certificates of inspection and dates of inspection.

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

The clerk read the following amendments made by the Senate:

Amend Section 4, page 3, line 7, by striking out after "program" the word "may" and inserting in lieu thereof "shall".

On the question,

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that the House do

concur in amendments inserted by the Senate to House bill No. 1054, printer's No. 3015.

On the question recurring,

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

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

YEAS—194

Abraham	Gallagher	McClatchy	Saloom
Anderson, J. H.	Gallen	McCue	Salvatore
Arthurs	Garzia	McGinnis	Scheaffer
Barber	Geesey	McIntyre	Schmitt
Bellomini	Geisler	McLane	Schweder
Bennett	George	Mebus	Scirica
Beren	Giammarco	Menhorn	Seltzer
Berlin	Gillespie	Milanovich	Shelhamer
Berson	Gillette	Miller, M. E.	Shelton
Bittle	Gleeson	Miller, M. E., Jr.	Shuman
Bonetto	Goodman	Milliron	Shupnik
Bradley	Green	Miscevich	Sirianni
Brandt	Greenfield	Moehlmann	Smith, E.
Brunner	Grieco	Morris	Smith, L.
Burns	Gring	Mrkonjc	Spencer
Butera	Halverson	Mullen	Stahl
Caputo	Hamilton, J. H.	Mullen, M. P.	Stapleton
Cessar	Hasay	Musto	Stout
Cianciulli	Haskell	Myers	Taddonio
Cimini	Hayes, S. E.	Novak	Taylor
Cohen	Hepford	Noye	Thomas
Cole	Hill	O'Brien	Toll
Cowell	Hopkins	O'Connell	Trello
Crawford	Hutchinson, A.	O'Donnell	Turner
Cumberland	Hutchinson, W.	O'Keefe	Ustynoski
Davies	Irvic	Oliver	Valicenti
DeMedio	Itkin	Pancoast	Vroon
Deverter	Johnson, J.	Parker, H. S.	Wagner
DeWeese	Katz	Perri	Wansacz
Dicarlo	Kelly, A. P.	Perry	Wargo
DiDonato	Kernick	Petrarca	Weidner
Dietz	Kistler	Pievsky	Westerberg
Dininni	Klingaman	Pitts	Whelan
Dombrowski	Kolter	Polite	Wiggins
Dorr	Kowalyszyn	Pratt	Williams
Doyle	Kusse	Prendergast	Wilson
Dreibelbis	LaMarca	Pyles	Wilt, R. W.
Dumas	Laudadio	Rappaport	Wilt, W. W.
Eckensberger	Laughlin	Ravenstahl	Wojdak
Englehart	Lederer	Reed	Worrlow
Fawcett	Lehr	Renninger	Wright
Fee	Letterman	Renwick	Yohn
Fischer	Levi	Rhodes	Zearfoss
Fisher	Lincoln	Richardson	Zeller
Flaherty	Logue	Rieger	Zord
Foster, A.	Lynch	Ritter	Zwickl
Foster, W.	Manderino	Ross	
Freind	Manmiller	Ruggiero	
Fryer	McCall	Ryan	Fineman, Speaker

NAYS—0

NOT VOTING—9

Gleason	Kelly, J. B.	McGraw	Walsh, T. P.
Hammock	Knepper	Shane	Yahner
Hayes, D. S.			

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

Ordered, That the clerk inform the Senate accordingly

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 1431

Mr. IRVIS called up for concurrence in Senate amendments, from page 18 of today's calendar, House bill No. 1431, printer's No. 3139.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 1431

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," changing the applicability of the act to members of volunteer fire companies, volunteer ambulance corps and rescue squads in certain instances.

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

The clerk read the following amendments made by the Senate:

Amend Section 1, page 2, line 19, by inserting after "Industry" the following: but in any case, drivers of all ambulances or other official ambulance corps or rescue squad vehicles must be eighteen years of age.

On the question,

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that the House do concur in the amendments inserted by the Senate to House bill No. 1431, printer's No. 3139.

On the question recurring,

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

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

YEAS—192

Abraham	Gallagher	McClatchy	Salvatore
Anderson, J. H.	Gallen	McCue	Scheaffer
Arthurs	Garzia	McGinnis	Schmitt
Barber	Geesey	McIntyre	Schweder
Bellomini	Geisler	McLane	Scirica
Bennett	George	Mebus	Seltzer
Beren	Giammarco	Menhorn	Shelhamer
Berlin	Gillespie	Milanovich	Shelton
Berson	Gillette	Miller, M. E.	Shuman
Bittle	Gleeson	Miller, M. E., Jr.	Shupnik
Bonetto	Goodman	Milliron	Sirianni
Bradley	Green	Miscevich	Smith, E.
Brandt	Greenfield	Moehlmann	Smith, L.
Brunner	Grieco	Morris	Spencer
Burns	Gring	Mullen, M. P.	Stapleton
Butera	Halverson	Mullen	Stahl
Caputo	Hamilton, J. H.	Mrkonjc	Stout
Cessar	Hasay	Musto	Taddonio
Cianciulli	Haskell	Novak	Taylor
Cimini	Hayes, S. E.	Noye	Thomas
Cohen	Hepford	O'Brien	Toll
Cole	Hill	O'Connell	Trello
Cowell	Hopkins	O'Donnell	Turner
Crawford	Hutchinson, A.	O'Keefe	Ustynoski
Cumberland	Hutchinson, W.	Oliver	Valicenti
Davies	Irvic	Pancoast	Vroon
DeMedio	Itkin	Perri	Wagner
Deverter	Johnson, J.	Perry	Wansacz
DeWeese	Katz	Petrarca	Wargo
Dicarlo	Kelly, A. P.	Pievsky	Weidner
DiDonato	Kernick	Pitts	Westerberg
Dietz	Kistler	Polite	Whelan
Dininni	Klingaman	Pratt	Wiggins
Dombrowski	Kolter	Prendergast	Williams
Dorr	Kowalyszyn	Pyles	Wilson
Doyle	Kusse	Rappaport	Wilt, R. W.
Dreibelbis	LaMarca	Ravenstahl	Wilt, W. W.
Dumas	Laudadio	Reed	Wojdak
Eckensberger	Laughlin	Renninger	Worrlow
Englehart	Lederer	Renwick	Wright
Fawcett	Lehr	Rhodes	Yohn
Fee	Letterman	Richardson	Zearfoss
Fischer	Levi	Rieger	Zeller
Fisher	Lincoln	Ritter	Zord
Flaherty	Logue	Ross	Zwickl
Foster, A.	Lynch	Ruggiero	
Foster, W.	Manderino	Ryan	Fineman, Speaker
Freind	Manmiller	Saloom	
Fryer	McCall		

NAYS—0

NOT VOTING—11

Gleason	Kelly, J. B.	Myers	Walsh, T. P.
Hammock	Knepper	Parker, H. S.	Yahner
Hayes, D. S.	McGraw	Shane	

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

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE

The House resumed consideration of

HOUSE BILL No. 1461

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," increasing the fees for replacement hunting licenses and providing penalty for giving false statement.

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

The clerk read the following amendments made by the Senate:

Amend Section 1, page 1, line 13, by inserting after "Lost" the word "Hunting" and by deleting after "Licenses" the words "and Tags" and by striking out immediately thereafter "or Any Part Thereof."; line 14, by inserting after "a" the following: "regular resident, non-resident or antlerless deer"; line 15, by striking out after "license" the words "of any description"; line 16, by inserting after "shall" the word "accidentally" and by deleting after "lose" all the remainder of said line; line 17, by deleting all of said line; line 18, by deleting at the beginning of the line "both the license and tag, and by striking out immediately thereafter "the entire license" and inserting immediately thereafter "the same"

Amend Section 1, page 2, line 9, by inserting after "replacement" the following: "regular resident, non-resident or antlerless deer"; line 12, by striking out after "the" the word "fees" and inserting immediately thereafter "replacement fee for a regular resident hunting license" line 13, by striking out after "the" where it appears the first time "fees" and inserting "fee"; line 14, by striking out after "original" the word "licenses" and inserting "license."

Amend Section 1, page 2, line 16, by inserting after "the" the word "replacement"; line 17, by inserting after "license" the following: as set forth in the act for persons seventeen years of age or older, but less than sixty-five years of age.

(3) In the case of an antlerless deer license, the replacement fee shall be the same cost as the original license. The replacement of an antlerless deer license shall be made only by the issuing agent who issued the original license.

Amend Section 1, page 3, line 8, by inserting after "obtain" the words "or attempt to obtain" and by striking out after "license" the words "of any description"; line 11, by striking out after "obtain" the word "a" and inserting "or attempts to obtain a replacement"; line 12, by striking out after "license" the words "of any description" and inserting "as herein defined"

On the question recurring,

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that the House do concur in amendments inserted by the Senate to House bill No. 1461, printer's No. 3012.

On the question recurring,

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

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

YEAS—181

Abraham	Freind	Manmiller	Salvatore
Anderson, J. H.	Gallagher	McCall	Scheaffer
Arthur	Gallen	McClatchy	Schmitt
Barber	Garzia	McCue	Schweder
Bellomini	Geesey	McGinnis	Scirica
Bennett	Geisler	McIntyre	Seltzer
Beran	George	McLane	Shelhamer
Berlin	Giammarco	Mebus	Shelton
Berson	Gillette	Menhorn	Shuman
Bittle	Gleeson	Milanovich	Sirianni
Bonetto	Goodman	Miller, M. E.	Smith, E.
Bradley	Green	Miller, M. E., Jr.	Smith, L.
Brandt	Greenfield	Milliron	Spencer
Brunner	Grieco	Miscevich	Stahl
Burns	Gring	Moehlmann	Stapleton
Butera	Halverson	Morris	Stout
Caputo	Hamilton, J. H.	Mrkoncic	Taddonio
Cassar	Hassay	Mullen, M. P.	Taylor
Cianciulli	Haskell	Mullen	Thomas
Cimini	Hayes, D. S.	Musto	Toll
Cohen	Hayes, S. E.	Novak	Trello
Cole	Hepford	Noye	Turner
Cowell	Hill	O'Brien	Ustynoski
Crawford	Hopkins	O'Connell	Valicenti
Cumberland	Hutchinson, W.	O'Donnell	Vroon
Davies	Irvic	Oliver	Wansacz
DeMedio	Itkin	Pancoast	Weidner
Deverter	Johnson, J.	Perri	Westerberg
DeWeese	Katz	Perry	Whelan
Dicarlo	Kelly, A. P.	Pievsky	Wiggins
DiDonato	Kernick	Pitts	Williams
Dietz	Kistler	Polite	Wilson
Dinnini	Klingaman	Pratt	Wilt, R. W.
Dorr	Kolter	Prendergast	Wilt, W. W.
Doyle	Kowalshyn	Pyles	Wojdak
Dreibelbis	Kusse	Rappaport	Worrlow
Dumas	LaMarca	Ravenstahl	Wright
Eckensberger	Laudadio	Reed	Yohn
Engelhart	Laughlin	Renninger	Zearfoss
Fawcett	Lederer	Renwick	Zeller
Fee	Lehr	Rhodes	Zord
Fischer	Levi	Richardson	Zwinkl
Fisher	Lincoln	Rieger	
Flaherty	Logue	Ross	Fineman,
Foster, A.	Lynch	Ruggiero	Speaker
Foster, W.	Manderino	Ryan	

NAYS—12

Dombrowski	Hutchinson, A.	Petrarca	Shupnik
Fryer	Letterman	Ritter	Wagner
Gillespie	O'Keefe	Saloom	Wargo

NOT VOTING—10

Gleason	Knepper	Parker, H. S.	Walsh, T. P.
Hammock	McGraw	Shane	Yahner
Kelly, J. B.	Myers		

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

Ordered, That the clerk inform the Senate accordingly.

SENATE BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the titles were read:

SENATE BILL No. 1009

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," changing Route 39028 in Lehigh County.

SENATE BILL No. 1059

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled, as amended, "The Second Class Township Code," further providing for delegates to the annual meeting of the State association.

SENATE BILL No. 1099

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," changing a route in Indiana County.

SENATE BILL No. 1100

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," changing a route in Indiana County.

SENATE BILL No. 1101

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," deleting a route in Indiana County.

SENATE BILL No. 1102

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," deleting a route in Indiana County.

SENATE BILL No. 1137

An Act regulating the payments of the costs of certain panels of arbitrators and making a repeal.

Whereupon,

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

ANNOUNCEMENT

The SPEAKER. The Chair would remind the members of the House that on Wednesday of next week, the 19th, we will be traveling, as a body, to the Edwin O. Lewis Quadrangle Plaza at Independence Park in Philadelphia for the purpose of conducting a Legislative Bicentennial Session. The buses will be parked at the rear of the Capitol at approximately 11:30 a.m.

We will be going into session that morning here at 10 a.m. for the purpose of adopting resolutions which will be subsequently adopted again at the Philadelphia legislative session. The reason we are doing that is because since the Capitol of this state is Harrisburg, any legislation adopted outside of the Capitol has no legal efficacy. Therefore, we have to adopt the resolutions in Harrisburg.

The session will adjourn, I would assume, no later than 11 o'clock. We will then embark and take off for Philadelphia.

Box lunches have been provided for the members on the way down. No hard drinks. And we will meet at a designated point in Philadelphia and take our places as a body at the session, and the session will commence at approximately 2:30 p.m.

The President of the French Republic will be joining us at approximately 3:30 p.m. We will be conducting legislative business from 2:30 to 3:30. I need not tell you that there will be extensive television coverage of this event as well as national press coverage, and, indeed, there are 120 members of the French Press Corps who will be present covering the event as well for President Giscard d'Estaing.

Following the legislative session, which should adjourn at approximately 4:30 p.m. the buses will take the membership and their spouses to Benjamin Franklin Institute

where there will be a reception, a dinner and a show which the Benjamin Franklin Institute is putting on. It ought to be a very fine day. I think it will be a day that we can all be proud of. Following the close of those ceremonies, we will return to Harrisburg on the buses that took us down there; that is, those of you who will be traveling by bus. To those of you who intend to travel by your own vehicles, I would suggest that you make arrangements concerning special parking that we are trying to provide through the National Park Service, because you will not—I repeat—you will not be able to drive your car anywhere near the plaza because of security reasons. The State Police, the Secret Service and the local police will be maintaining tight security, and your admission to the legislative session as well as your admission to the Ben Franklin Institute will be by ticket only. And I would suggest that you make it a point not to lose your tickets of admission and to make certain that you have them with you or else you may not be able to gain admission. There will be no open admission to the public. This affair is limited to invited guests, who will include the members of the General Assembly, their spouses or other designated persons and special guests and the members of the press corps. All branches of the judiciary, local, state and Federal, have been invited and will be in attendance. The United States Congressional Delegation from the state has been invited. The two United States Senators have been invited, as well as other distinguished guests.

We will be addressed at the legislative gathering in a very brief program by not only the President of the Republic of France but as well by the mayor who will extend his greetings to the General Assembly. And I would imagine that he is going to have a few things to say to you guys and the governor.

But, seriously, it ought to be a very fine day, and I hope that you are all going to be there to participate.

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

Mr. ZELLER. Mr. Speaker, so we do not get down there and find out we cannot have them, are we allowed cameras?

The SPEAKER. As of this moment, Mr. Speaker, I know of no prohibition against it. Now what the Secret Service will decide after we get there, I am not sure. I am not privy to their plans.

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

Mr. TRELLO. Mr. Speaker, when is the last day to inform your office on whether you are taking that trip or not?

The SPEAKER. Today is the last day.

Mr. TRELLO. Okay. I neglected to inform your office and I would like to do that right now that I am attending.

The SPEAKER. Well, I would suggest that you get down to my office then.

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

Mr. LINCOLN. Mr. Speaker, I am not being funny when I ask this question but we have to pass resolutions here before we can take this show on the road, so to speak. What happens if we do not have 102 members show up in Harrisburg on Wednesday, which is a real possibility with people driving and not coming here?

The SPEAKER. Well, I see no difficulty in that prospect because the resolutions that we are going to adopt will be adopted by voice vote.

Mr. LINCOLN. Fine, okay.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. STAHL. Mr. Speaker, on a more practical matter, I was incorrectly recorded on House bill No. 969 on concurrence. I would like to be recorded in the affirmative.

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

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

Mr. MEBUS. Mr. Speaker, back to the subject we were discussing before that. You said that to gain parking permits down in the general vicinity of the Judge Lewis Memorial Plaza, we would have to contact the Park Service. Now does that mean—

The SPEAKER. No, no. I said that the National Park Service is endeavoring to provide underground parking in their parking area for us but parking arrangements are being worked out through Miss Saxe of my office or Mark Gruell, Jr., Secretary of the Senate, and if you will contact him, I would assume Mark Gruell, Jr. could expedite your getting a special parking permit.

Mr. MEBUS. Thank you. That clarifies the situation, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, I would just like to get some clarity on one point. On Wednesday, does it mean that we have to come here first and will you be taking a roll-call vote on Wednesday here?

The SPEAKER. Well, we will be in session Monday, Tuesday and Wednesday for purposes of committee meetings. I am assuming that most members will be in Harrisburg and I hope they shall be because committee meetings will be scheduled. These will be important committee meetings because there will not be too many more weeks being devoted to committee sessions, because it is the intention of the leadership of this House to adjourn the House possibly for the balance of the year by June 30.

Mr. RICHARDSON. I know that we have committee meetings Monday and Tuesday. What I am trying to find out is about Wednesday. If we go home Tuesday night, do we have to come back Wednesday for a vote here concerning any legislation?

The SPEAKER. The Chair would not think that is necessary.

Mr. RICHARDSON. Thank you.

MILITARY AND VETERANS AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1858, printer's No. 2382**, entitled:

An Act amending the act of August 1, 1975 (No. 87), entitled "An act relating to pensions for employees of the

City of Pittsburgh," authorizing members to purchase credit for military service and clarifying the effective date of the act.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. ITKIN. Mr. Speaker, I did not realize this bill was going to be called up today, House bill No. 1858, printer's No. 2382.

The SPEAKER. Neither did I.

Mr. ITKIN. Well, unless you want to keep the House here for another 15 or 20 minutes—

The SPEAKER. Does the majority leader desire to run House bill No. 1858?

Mr. IRVIS. Yes, Mr. Speaker, I have been requested by one of the sponsors who said that it would be called up and I have no power to refuse that.

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

Mr. ITKIN. Mr. Speaker, I regret to have to postpone the adjournment of this House today. It was not my desire to debate the bill at this time. This bill is a very important bill. As we get to the end of the session, some of you new members are going to find out that the Santa Claus of the House are going to start taking over and a lot of bills are going to start coming out that are going to have very dramatic impacts on the finances of a lot of communities. This is one of those bills. What this bill will do is allow every city employe of Pittsburgh, non-uniformed employe, to buy back military service for full credit on the payment of 5 percent of what he would have made had he been in the city.

Now, of course, this is something prior to his service. This is something before he joined the city. If he worked—if he was a veteran during World War II, or if he never participated in a foreign war but just served in the service, he would be able to qualify. And the fiscal impact of this type of bill is and we have it from the fiscal note—that this will cost the city of Pittsburgh, if it did pre-fund its liabilities, some \$800,000 every year, which is a 13-percent increase in the cost of the city in operating its pension fund.

Now since the city of Pittsburgh, like so many other municipalities in the Commonwealth, said they will pay the piper when the time comes due. The total cost of this package is going to be somewhere closer to \$9 million. So if you vote this bill today, what you are in essence doing is perpetuating everything that we have been warned against doing, that is, to keep on providing these benefits, these bonuses, these turkeys, you know, in the pension system. And I caution this House very strongly today to reflect on their actions because just as yesterday we had to deal with the question of bailing out Philadelphia, I am telling you today that I do not want to come back to you, if I am here six years from now, and say, Hey, you have to bail us out because our city employes are retiring and we do not have the money in our operating fund to pay for the benefits.

Secondly, it discriminates. It only provides for those to take advantage of this who do have prior military service. It excludes those who were not in the service. It excludes those who happen to be of the fairish sex. So in essence it provides for a pension benefit for one

select class of city employees. If we are going to increase pensions of city employees, it ought to be across the board to give each one the opportunity for this type of increase.

HOUSE BILL No. 1858 TABLED

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

Mr. ITKIN. I more importantly caution this House not to go ahead and pass this bill at this time and I am going to make a motion so that we can get more information about it and have you think about it. I would like to make a motion at this time to lay the bill on the table at least until we come back.

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

Mr. CAPUTO. I would ask that the motion to lay on the table be defeated so I can explain in 2 minutes what is wrong with Mr. Itkin's argument.

On the question,

Will the House agree to the motion?

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

YEAS—100

Abraham	Foster, A.	Lehr	Scheaffer
Arthurs	Foster, W.	Levi	Scirica
Beren	Freind	Lynch	Seltzer
Bittle	Fryer	Manmiller	Sirianni
Brandt	Gallagher	McClatchy	Smith, E.
Burns	Gallen	McCue	Smith, L.
Butera	Grieco	McGinnis	Spencer
Cessar	Gring	Mebus	Stahl
Cimini	Halverson	Miller, M. E.	Taddonio
Cohen	Hamilton, J. H.	Miller, M. E., Jr.	Thomas
Cowell	Hasay	Moehlmann	Turner
Crawford	Haskell	Mrkonc	Ustynoski
Cumberland	Hayes, D. S.	Noye	Vroon
Davies	Hayes, S. E.	O'Connell	Wagner
Deverter	Hepford	O'Donnell	Weidner
Dicarlo	Hill	O'Keefe	Westerberg
Dietz	Hopkins	Pancoast	Wilson
Diminni	Hutchinson, W.	Parker, H. S.	Wilt, R. W.
Dorr	Itkin	Perri	Wilt, W. W.
Doyle	Katz	Pitts	Wojdak
Dreibelbis	Kernick	Polite	Worrlow
Eckensberger	Kistler	Pyles	Wright
Fawcett	Klingaman	Renninger	Yohn
Fischer	Kusse	Ryan	Zearfoss
Fisher	LaMarca	Salvatore	Zord

NAYS—90

Barber	Gillette	Miscevich	Ruggiero
Bellomini	Gleeson	Morris	Saloom
Bennett	Goodman	Mullen	Schmitt
Berlin	Green	Mullen, M. P.	Schweder
Berson	Greenfield	Musto	Shelhamer
Bonetto	Hutchinson, A.	Myers	Shelton
Bradley	Irvia	Novak	Shuman
Brunner	Kelly, A. P.	O'Brien	Shupnik
Caputo	Kolter	Oliver	Stapleton

Cole	Kowalyszyn	Perry	Stout
DeMedio	Laudadio	Petrarca	Taylor
DeWeese	Laughlin	Pievsky	Toll
DiDonato	Lederer	Pratt	Trello
Dombrowski	Letterman	Prendergast	Valicenti
Dumas	Lincoln	Rappaport	Wansacz
Englehart	Logue	Ravenstahl	Wargo
Fee	Manderlino	Reed	Wiggins
Flaherty	McCall	Renwick	Williams
Garzia	McIntyre	Rhodes	Zeller
Geesey	McLane	Richardson	Zwinkl
Geisler	Menhorn	Rieger	
George	Milanovich	Ritter	Fineman,
Giammarco	Milliron	Ross	Speaker

NOT VOTING—13

Anderson, J. H.	Hammock	Knepper	Walsh, T. P.
Cianciulli	Johnson, J.	McGraw	Whelan
Gillespie	Kelly, J. B.	Shane	Yahner
Gleason			

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

WELCOMES

The SPEAKER. The Chair would like to introduce the parents of Representative McClatchy, Mr. and Mrs. Richard A. McClatchy, Sr. They are the heads of the McClatchy Clan, which includes, as of this date, 29 grandchildren.

You know you have not done anything for the environment.

The SPEAKER. On behalf of the House, the Chair extends greetings to 275 students from the Jersey Shore Elementary School who are in Harrisburg today touring the Capitol.

They are here as the guests of the gentleman, Mr. Grieco.

The Chair welcomes Mr. W. J. "Bill" Mowry, a Penn Township Supervisor from Butler County for over 20 years, who is here as the guest of the gentleman from Butler, Mr. Green.

BILLS AND DISCHARGE RESOLUTION NOT CALLED UP

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

ADJOURNMENT

Mr. DeWEESE moved that this House do now adjourn until Monday, May 17, 1976, at 1 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 5:58 p.m., e.d.t.) the House adjourned.