

# Legislative Journal

TUESDAY, MAY 25, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 133

## HOUSE OF REPRESENTATIVES

The House convened at 10:30 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:

The eyes of all wait upon Thee, O Lord, and Thou satisfiest the needs of every creature of Thy creation. We look to Thee as the fulfillment of our wants and desires, and we humbly pray that Thou wilt continue to share with us the blessings which enrich life and make it more enjoyable. Now, we beseech Thee to look with favor upon the members of this House of Representatives, to fill their lives with the abundance of Thy love and grace, to inspire them with the knowledge of Thy truth and the wisdom of Thy way, and to guide their steps in the accomplishment of the same: through whom to know and serve is blessed peace and serenity. Amen.

### JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of February 11, 23 and 24, 1976?

If not, and without objection, the Journals are approved.

### JOURNAL APPROVAL POSTPONED

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

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Messrs. GREEN, DeWEESE, MILANOVICH, PRATT and LEVI **HOUSE BILL No. 2393**

An Act amending the "Surface Mining Conservation and Reclamation Act," approved May 31, 1945 (P. L. 1198, No. 418), requiring the application for a license to be advertised.

Referred to Committee on Mines and Energy Management.

By Messrs. REED, GIAMMARCO, M. E. MILLER, JR., HEPFORD and Mrs. GILLETTE **HOUSE BILL No. 2394**

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing

for full payment to school districts for the cost of pupil transportation.

Referred to Committee on Education.

By Messrs. REED, GIAMMARCO, M. E. MILLER, JR., HEPFORD and Mrs. GILLETTE **HOUSE BILL No. 2395**

An Act directing certain State agencies to reimburse school districts for the costs of education for assignees.

Referred to Committee on Education.

By Messrs. REED, IRVIS, GIAMMARCO, M. E. MILLER, JR., HEPFORD, HOPKINS, DeWEESE and Mrs. GILLETTE **HOUSE BILL No. 2396**

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for payments on account of poverty and for additional special assistance grants.

Referred to Committee on Education.

By Messrs. REED, IRVIS, GIAMMARCO, M. E. MILLER, JR., HEPFORD and Mrs. GILLETTE **HOUSE BILL No. 2397**

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for reimbursement for the costs of bilingual programs.

Referred to Committee on Education.

By Mr. ITKIN **HOUSE BILL No. 2398**

An Act amending the "General Appropriation Act of 1975," approved June 30, 1975 (No. 8-A), reinstating and continuing the appropriation to the Department of Community Affairs for housing and redevelopment assistance.

Referred to Committee on Appropriations.

By Mr. ITKIN **HOUSE BILL No. 2399**

An Act amending the "General Appropriation Act of 1976," approved \_\_\_\_\_, 1976 (No. -A), adding an appropriation to the Department of Community Affairs for grants for housing and redevelopment assistance.

Referred to Committee on Appropriations.

By Messrs. GALLAGHER, LINCOLN, PANCOAST, BERLIN, SHANE, DAVIES, BURNS, WRIGHT, MILANOVICH, BELLOMINI, DOMBROWSKI, COWELL, SCHWEDER, DiCARLO, M. E. MILLER, JR. and WAGNER **HOUSE BILL No. 2400**

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for certain payments on account of instruction to remain at a specified level; further providing for increased payments by the Commonwealth on account of health services; nonpublic and hazardous transportation; and for a cost-of-living increase on account of instruction.

Referred to Committee on Education.

By Messrs. M. E. MILLER, JR., GEESEY and  
GALLAGHER **HOUSE BILL No. 2402**

An Act amending the act of July 8, 1957 (P. L. 579, No. 321), entitled, as amended, "An act establishing minimum compensation and increments for members of the faculty and administration of the Thaddeus Stevens Trade School, providing leave of absence with pay for faculty members and the superintendent of the school and imposing duties on the Board of Trustees of such school and the Superintendent of Public Instruction," changing the name of the school.

Referred to Committee on Law and Justice.

By Messrs. M. E. MILLER, JR., GEESEY and  
GALLAGHER **HOUSE BILL No. 2403**

An Act amending the act of May 11, 1905 (P. L. 518, No. 429), entitled "An act making an appropriation for the erection of a home or school for indigent orphans, to be called the Thaddeus Stevens Industrial and Reform School of Pennsylvania, \*\*\*" changing the name of the school, further providing for administration, admissions, tuition students, ex-officio visitors and the annual report, providing for a president, and other administrative personnel and rights of teachers, eliminating salary provisions and making editorial corrections.

Referred to Committee on Law and Justice.

By Messrs. SHELHAMER, YAHNER, R. W. WILT,  
WEIDNER, TURNER, KLINGAMAN,  
W. W. FOSTER, FRYER, DREIBELBIS, COLE  
and SHUMAN **HOUSE BILL No. 2406**

An Act amending the "Air Pollution Control Act," approved January 8, 1960 (1959 P. L. 2119, No. 787), exempting the production of agricultural commodities in their unmanufactured state from the provisions of the act.

Referred to Committee on Conservation.

## SENATE MESSAGE

### BILLS FOR CONCURRENCE

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

#### SENATE BILL No. 1074

An Act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received.

Referred to Committee on Local Government.

#### SENATE BILL No. 1121

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding a penalty for furnishing or giving money to an inmate in a State or county correctional institution.

Referred to Committee on Judiciary.

#### SENATE BILL No. 1148

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), entitled "The Marriage Law," repealing certain provisions relating to issuance of marriage licenses.

Referred to Committee on Judiciary.

#### SENATE BILL No. 1236

An Act amending the act of August 24, 1963 (P. L. 1132, No. 484), entitled "Community College Act of 1963," further providing for the composition of boards of trustees.

Referred to Committee on Education.

#### SENATE BILL No. 1242

An Act providing the Commonwealth with the right to jury trials in criminal cases.

Referred to Committee on Judiciary.

#### SENATE BILL No. 1245

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding a definition of "forcible felony."

Referred to Committee on Judiciary.

#### SENATE BILL No. 1454

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes concerning the use of force in self-protection.

Referred to Committee on Judiciary.

#### SENATE BILL No. 1472

An Act amending the act of August 31, 1955 (P. L. 531, No. 131), entitled "Pennsylvania Athletic Code," authorizing amateur and professional boxing and wrestling contests and exhibitions on Sunday and making a repeal.

Referred to Committee on State Government.

## HOUSE RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. DeMEDIO, LYNCH, PYLES, MRKONIC,  
NOVAK, WARGO, SHUMAN, HOPKINS,  
ZELLER, GILLESPIE, CIMINI, FISCHER and  
GEESEY **RESOLUTION No. 260**

The House of Representatives of the Commonwealth of Pennsylvania urges the Army of the United States to discontinue studies of the feasibility of terminating active Army activities at Indiantown Gap, and to continue to maintain the army helicopter maintenance operation at the New Cumberland Army Depot.

Referred to Committee on Rules.

By Messrs. ZORD and McCUE **RESOLUTION No. 261**

The Speaker of the House direct the Chairman of the House Committee on the Judiciary and the Chairman of the House Committee on Law and Justice to appoint four members from each of these committees, two from the majority party and two from the minority party, to serve on a select committee to examine the operation of Article V of the Constitution.

Referred to Committee on Rules.

By Messrs. RICHARDSON and DUMAS  
**RESOLUTION No. 262**

The Speaker of the House of Representatives appoint a nine-member bipartisan committee, five from the majority party and four from the minority party, to investigate Temple University's feeble administration of its minorities program and racist allegations made against the university, such as failure to recruit enough black students and disproportionate treatment of blacks as to hiring and treatment of maintenance, custodial, professional and administrative personnel.

Referred to Committee on Rules.

By Messrs. IRIVS, LEDERER, RICHARDSON,  
OLIVER, SCIRICA and M. E. MILLER, JR.  
**RESOLUTION No. 263**

The House of Representatives of the Commonwealth of Pennsylvania urges the Bureau of Corrections and the Justice Department to immediately cease in their efforts to abandon the diagnostic and classifications centers at

the State correctional institutions in Rockview, Huntingdon and Dallas, Pennsylvania.

Referred to Committee on Rules.

### COMMUNICATION FROM GOVERNOR

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

APPROVAL OF HOUSE BILLS Nos. 501, 878, 1431, 1461, 1464 and 1465.

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

May 20, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 501, printer's No. 2968, entitled "An Act requiring the installation of ramps at crosswalks under certain conditions."

MILTON J. SHAPP  
Governor

May 20, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 878, printer's No. 3069, entitled "An Act [making an appropriation to the Department of Public Welfare for the publicizing of the 'Operation Peace of Mind' program.] MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PUBLIC WELFARE FOR THE FISCAL YEAR 1975-1976 FOR MEDICAL ASSISTANCE PAYMENTS."

MILTON J. SHAPP  
Governor

May 20, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 1431, printer's No. 3139, entitled "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."

MILTON J. SHAPP  
Governor

May 20, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 1461, printer's No. 3012, entitled "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."

MILTON J. SHAPP  
Governor

May 20, 1976

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

I have the honor to inform you that I have this day

approved and signed House bill No. 1464, printer's No. 1718 entitled "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."

MILTON J. SHAPP  
Governor

May 20, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 1465, printer's No. 1719, entitled "An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled 'An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act,' deleting Route 04052 in Beaver County."

MILTON J. SHAPP  
Governor

### 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. 449

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, approved November 25, 1970 (P. L. 707, No. 230), adding provisions relating to the disposition of television tubes.

#### HOUSE BILL No. 568

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.

Whereupon,

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

### SENATE BILL SIGNED BY SPEAKER

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

#### SENATE BILL No. 11

An act authorizing volunteer fire, ambulance and rescue companies and members thereof to enter State premises to fight fire under certain conditions; and providing for legal advice from the Attorney General for such persons in certain cases.

Whereupon,

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

**SENATE MESSAGE**

**TIME OF NEXT MEETING**

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

In the Senate, May 24, 1976

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, June 1, 1976 and when the House of Representatives adjourns this week it reconvene on Tuesday, June 1, 1976.

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

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

Ordered, That the clerk inform the Senate accordingly.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I have no leaves at this time.

**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—197**

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
Brandt	Grieco	Moehlmann	Smith, E.
Brunner	Gring	Morris	Smith, L.
Burns	Halverson	Mrkonic	Spencer
Butera	Hamilton, J. H.	Mullen, M. P.	Stahl
Caputo	Hasay	Mullen	Stapleton
Cessar	Haskell	Musto	Stout
Cianciulli	Hayes, S. E.	Myers	Taddonio
Cimini	Hepford	Novak	Taylor
Cohen	Hill	Noye	Thomas
Cole	Hopkins	O'Brien	Toll
Cowell	Hutchinson, A.	O'Connell	Trello
Crawford	Hutchinson, W.	O'Donnell	Ustynoski
Cumberland	Irvis	O'Keefe	Valicenti
Davies	Itkin	Oliver	Vroon
DeMedio	Johnson, J.	Pancoast	Wagner
Deverter	Katz	Parker, H. S.	Walsh, T. P.
DeWeese	Kelly, A. P.	Perri	Wansacz
Dicarlo	Kelly, J. B.	Perry	Wargo
DiDonato	Kernick	Petrarca	Weidner
Dietz	Kistler	Plevsky	Westerberg
Dininni	Klingaman	Pitts	Whelan
Dombrowski	Knepper	Folte	Wiggins
Dorr	Kolter	Pratt	Williams
Doyle	Kowalyshyn	Prendergast	Wilson
Dreibelbis	Kusse	Pyles	Wilt, R. W.
Dumas	LaMarca	Rappaport	Wilt, W. W.

Eckensberger	Laudadio	Ravenstahl	Wojdak
Englehart	Laughlin	Reed	Worriow
Fawcett	Lederer	Renninger	Wright
Fee	Lehr	Renwick	Yoha
Fischer	Letterman	Rhodes	Zearfos
Fisher	Levi	Richardson	Zeller
Flaherty	Lincoln	Rieger	Zord
Foster, A.	Logue	Ritter	Zwilk
Foster, W.	Lynch	Ross	
Freind	Manderino	Ruggiero	Fineman,
Fryer	Manmiller	Ryan	Speaker
Gallagher	McCall	Saoom	

**NOT VOTING—6**

Gleason	Hayes, D. S.	Turner	Yahner
Hammock	McGraw		

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

**CALENDAR**

**SENATE RESOLUTION No. 226 ADOPTED**

Mr. IRVIS called up **SENATE RESOLUTION No. 226**, entitled:

Urging new Kittanning River bridge to be named "Judge J. Frank Graff Bridge."

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that the House do adopt Senate resolution No. 226.

On the question recurring,  
Will the House adopt the resolution?  
Resolution was adopted.

**GAME AND FISHERIES BILL  
ON FINAL PASSAGE**

Agreeable to order,  
The House proceeded to the consideration on final passage of **House bill No. 293, printer's No. 1054**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the maximum purchase price per acre the commission may pay for land and providing for the purchase of certain land without restriction or limitation.

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?

**HOUSE BILL No. 293 REVERTED TO PRIOR  
PRINTER'S NUMBER**

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

Mr. RENWICK. Mr. Speaker, on House bill No. 293, printer's No. 1054, I would like to have this bill reverted to the prior printer's number of 324.

The SPEAKER. The Chair reconsiders its decision as to this bill having been agreed to and recognizes the gentleman, Mr. Renwick, who moves that the bill be reverted to a prior printer's number. Will the gentleman identify the prior printer's number?

Mr. RENWICK. Mr. Speaker, printer's No. 324.

The SPEAKER. The Chair would ask that first the bill

be placed in proper position for it to be reverted to a prior printer's number and recognizes the gentleman, Mr. Renwick.

Mr. RENWICK. I move that the vote by which House bill No. 293 was considered the third time be reconsidered.

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

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

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

Mr. RENWICK. Mr. Speaker, I move that House bill No. 293, printer's No. 1054, be reverted to prior printer's No. 324.

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

On the question recurring,  
Will the House agree to the bill on third consideration?  
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 Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Renwick, consent to a brief interrogation?

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

Mr. RENWICK. I shall.

The SPEAKER. The gentleman may proceed.

Mr. RITTER. Mr. Speaker, the bill as now amended, having been reverted to the prior printer's number, all it really simply does is change the price per acre from \$100 to \$200?

Mr. Speaker, the question I raised to Mr. Renwick was that the bill now before us is the original bill, which simply changed the price that the Game Commission can pay per acre from \$100 to \$200?

Mr. RENWICK. That is all the bill does now.

Mr. RITTER. All of the language without restriction or limitation, et cetera, on the game lands in the center of an area, that has all been taken out?

Mr. RENWICK. All has been taken out.

Mr. RITTER. 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—187

Abraham	Gallen	McCue	Scheaffer
Anderson, J. H.	Garza	McGinnis	Schmitt
Arthurs	Geesey	McIntyre	Schweder
Barber	Geisler	McLane	Scirica
Bennett	George	Mebus	Seltzer
Beren	Giammarco	Menhorn	Shane
Berlin	Gillespie	Milanovich	Shelhamer
Berson	Gillette	Miller, M. E.	Shelton
Bittle	Gleason	Miller, M. E., Jr.	Shuman

Bonetto	Goodman	Milliron	Shupnik
Bradley	Green	Miscevich	Siranni
Brandt	Greenfield	Moehlmann	Smith, E.
Brunner	Grieco	Morris	Smith, L.
Burns	Gring	Mrkonje	Stahl
Butera	Hamilton, J. H.	Mullen, M. P.	Stapleton
Caputo	Haskell	Mullen	Stout
Cassar	Hayes, S. E.	Musto	Taddonio
Cianciulli	Hepford	Myers	Taylor
Cimini	Hill	Novak	Thomas
Cole	Hopkins	Noye	Toil
Cowell	Hutchinson, W.	O'Brien	Trelo
Crawford	Irvis	O'Connell	Ustynoski
Cumberland	Itkin	O'Donnell	Valicenti
Davies	Johnson, J.	O'Keefe	Vroon
DeMedio	Katz	Oliver	Wagner
Deverter	Kelly, A. P.	Pancoast	Walsh, T. P.
DeWeese	Kelly, J. B.	Parker, H. S.	Wansacz
Dicarlo	Kernick	Perri	Wargo
DiDonato	Kistler	Perry	Weidner
Dietz	Klingaman	Pievsky	Westerberg
Dininni	Knepper	Pitts	Whelan
Dombrowski	Kolter	Polite	Wiggins
Dorr	Kowalshyn	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	Worrilow
Fawcett	Lehr	Renninger	Wright
Fee	Letterman	Renwick	Yohn
Fischer	Levi	Richardson	Zearfoss
Fisher	Lincoln	Rieger	Zeller
Flaherty	Logue	Ritter	Zord
Foster, A.	Manderino	Ross	Zwilk
Foster, W.	Manmiller	Ruggiero	
Freind	McCall	Ryan	Fineman, Speaker
Fryer	McClatchy	Salvatore	
Gallagher			

NAYS—4

Halverson	Hasay	Hutchinson, A.	Petrarca
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NOT VOTING—12

Bellomini	Hammock	McGraw	Spencer
Cohen	Hayes, D. S.	Rhodes	Turner
Gleason	Lynch	Saloom	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.

URBAN AFFAIRS BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. SALOOM, the House resumed consideration on final passage of House bill No. 1373, printer's No. 1602, entitled:

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), regulating the suspension, removal and reinstatement of county detectives.

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

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

Mr. W. W. WILT. Mr. Speaker, I understood there was to be a motion for this bill to be reverted to the prior printer's number.

The SPEAKER. No one asked for recognition from the floor for that purpose.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—112

Abraham	Garza	McGinnis	Ruggiero
Arthurs	Geisler	McIntyre	Salvatore
Barber	George	McLane	Schmitt
Bellomini	Giammarco	Menhorn	Schweder
Bennett	Gillespie	Milliron	Seltzer
Berlin	Gillette	Miscevich	Shane
Berson	Gleeson	Morris	Shelton
Bonetto	Goodman	Mrkonic	Shupnik
Bradley	Green	Mullen, M. P.	Smith, E.
Burns	Greenfield	Musto	Stout
Caputo	Haskell	Myers	Taylor
Cassar	Hopkins	Novak	Toll
Cianciulli	Irvia	O'Brien	Ustynowski
Cole	Itkin	O'Donnell	Vaicenti
Cowell	Johnson, J.	O'Keefe	Walsh, T. P.
DeMedio	Kelly, A. P.	Oliver	Wansacz
DeWeese	Kelly, J. B.	Parker, H. S.	Wargo
Dicarlo	Kernick	Petrarca	Wiggins
DiDonato	Knepper	Pievscky	Williams
Dininni	Kolter	Prendergast	Wilson
Dombrowski	Kowalyszyn	Pyles	Wilt, W. W.
Drefelbis	Laughlin	Ravenstahl	Wojdak
Doyle	Lederer	Reed	Wright
Dumas	Letterman	Renninger	Zeller
Eckensberger	Lincoln	Richardson	Zwick
Engelhart	Logue	Rieger	
Fee	Manderino	Ritter	Fineman, Speaker
Flaherty	Manmiller	Ross	
Gallagher	McCall		

NAYS—63

Anderson, J. H.	Freind	Levi	Shuman
Bittle	Fryer	McCue	Sirianni
Brandt	Gallen	Mebus	Smith, L.
Butera	Geesey	Miller, M. E.	Stahl
Cimini	Grieco	Miller, M. E., Jr.	Stapleton
Crawford	Halverson	Moehlmann	Thomas
Cumberland	Hamilton, J. H.	Noye	Vroon
Davies	Haasy	O'Connell	Wagner
Deverter	Hayes, S. E.	Pancoast	Weidner
Dietz	Hill	Perri	Westerberg
Dorr	Hutchinson, W.	Pitts	Wilt, R. W.
Fawcett	Katz	Polite	Worrilow
Fischer	Kistler	Ryan	Yohn
Fisher	Klingaman	Scheaffer	Zearfoss
Foster, A.	Kusse	Scirica	Zord
Foster, W.	Lehr	Shelhamer	

NOT VOTING—28

Beren	Heptford	Milanovich	Saloom
Brunner	Hutchinson, A.	Mullen	Spencer
Cohen	LaMarca	Perry	Taddonio
Gleason	Laudadio	Pratt	Trello
Gring	Lynch	Rappaport	Turner
Hammock	McClatchy	Renwick	Wheilan
Hayes, D. S.	McGraw	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.

QUESTIONS OF PERSONAL PRIVILEGE

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

Mr. RENWICK. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. RENWICK. Mr. Speaker, I would like to be recorded in the affirmative on House bill No. 1373.

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

The Chair recognizes the gentleman from Lawrence, Mr. Pratt. For what purpose does the gentleman rise?

Mr. PRATT. I rise to a question of personal privilege. The SPEAKER. The gentleman will state it.

Mr. PRATT. On House bill No. 1373, printer's No. 1602, I was out of my seat when the vote was taken. I would like to have my vote be recorded 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 also wish to be recorded in the affirmative on House bill No. 1373, printer's No. 1602.

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

PICTURES TO BE TAKEN

The SPEAKER. The Chair is extending permission, for the information of the members, to WIIC-TV of Pittsburgh to take films on the House floor today.

CONSUMER PROTECTION BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1696, printer's No. 2138, entitled:

An Act amending the act of March 31, 1937 (P. L. 160, No. 43), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; \*\*\*" further providing for the appointment of members to the commission.

On the question,

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

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

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

Mr. ARTHURS. Mr. Speaker, could I interrogate one of the sponsors of this bill, please?

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

Is the gentleman, Mr. Schmitt, in the hall of the House?

Will the gentleman respond to interrogation on House bill No. 1696 on page 3?

Mr. SCHMITT. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Arthurs, may proceed.

Mr. ARTHURS. Mr. Speaker, I am wondering what is the main thrust of House bill No. 1696?

Mr. SCHMITT. The main thrust of House bill No. 1696 is to obviate the situation we have had recently wherein there were no confirmations made for the appointments to the Public Utility Commission for nearly a period of 2 years. They were an ineffective group because they were not totally staffed, and that was because they could not get Senate confirmation.

Mr. ARTHURS. What Mr. Schmitt was saying was that the confirmation--and this could just be the be-

gining of many bills—is that we are asking that over in the Senate, when a Public Utility Commissioner is appointed, rather than taking a two-thirds majority for this confirmation as now, if this bill is enacted, it will take only a simple majority.

I feel—and, of course, what Mr. Schmitt has indicated—is that the problem they had over the past 2 years is in getting men confirmed or getting commissioners appointed and confirmed, but I do not feel that this is a legitimate reason for this. I think it is very important that anyone who is to be confirmed by the Senate should be confirmed by a two-thirds majority.

I think if the Governor or any governor will take and make his appointment and ask for their confirmation, if he has strong enough and good enough men, that they can be confirmed. There were many confirmations that went through this year and over the past 2 years without any problems whatsoever.

I think that in our form of government we want to be doubly sure that when we have people to fill these positions—any of the positions on commissions or in various departments—that take confirmations, they should be the proper persons and strong enough persons who are able to sell themselves to two-thirds of the Senate.

I think that this is a very bad bill. I think it is weakening our form of government and I would ask for a negative vote on this particular bill.

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

Mr. SCHMITT. Mr. Speaker, in rebuttal I would like to make the point that the Public Utility Commission, which is one of the most important commissions we have, was stymied for a period of nearly 2 years simply because the two-thirds majority rule prevailed.

I think in a free America it is customary to pass anything of importance by a simple majority of one vote more than the halfway point. So that in this case it would only take 26 members of the Senate to confirm.

I think that the two-thirds rule gives members of the Senate the opportunity to take out a personal pique. In other words, we have had a number of possible appointees who were strongly endorsed and supported by the community at large, and I am talking about the man in the street, and yet because of personal pique these men were not confirmed. I believe in simple democracy that allows the majority vote to prevail and I would urge everybody to support this bill.

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

Mr. ARTHURS. Mr. Speaker, I know that it probably does not look quite right that I am defending anything that has to do with the Public Utility Commission. I know that some people might not think that is right, but I feel this way about any appointment, that it takes a confirmation.

Now we say that the Public Utility Commission has been held up for 2 years. That is absolutely true. But let me tell you this: When the governor came along with his last two appointments of Mrs. O'Bannon and Mr. Johnson, there was no problem whatsoever in having these two people confirmed. We had many other confirmations that had no problems whatsoever. But when we did come up with candidates that there were

questions on by people in this Commonwealth—and it was not just the Utility Commission; it was other departments too—many people in this Commonwealth had a chance to take and express their views to their Senators and to us House members then working through the Senators. I feel that if we cut this to a simple majority, we are weakening our form of government, and, once again, I will ask for a defeat of the bill.

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

Mr. COHEN. Mr. Speaker, my good friend, Mr. Arthurs, has said we are going to be weakening our form of government if we pass this bill. I think we are going to be greatly strengthening our form of government.

About 15 years ago, James McGregor Burns, wrote a book called "The Deadlock of Democracy," in which he described the enormous difficulty in getting any legislation through the United States Congress. This two-thirds rule makes it enormously difficult to get anybody confirmed to the PUC through the state Senate. This Legislature, as a whole, has been held in enormous disrepute because of the enormous difficulty that governors, including Governor Shapp, recently has had in getting somebody through the Senate.

You will recall that the first vacancy on the Public Utility Commission that was controversial occurred at the beginning of 1973 when Governor Shapp nominated William Sesler, a former state Senator from Erie, to fill that vacancy. Mr. Sesler, after about 7 or 8 months of vigorous debate, was not confirmed. Herbert Denenberg was nominated. Herbert Denenberg was not confirmed. By that time a second vacancy had occurred. Philip Kalodner was nominated for that vacancy and he was not confirmed. It was not the easiest thing in the world for O'Bannon and Johnson to be confirmed to the Public Utility Commission. It took, as I recall, about 4 or 5 months for one of the most powerful people in the state, Michael Johnson, to be confirmed. If Mr. Johnson were not head of the AFL-CIO at the time, we still might have only three members of the Public Utility Commission to this day. Having three or four members of the Public Utility Commission means that a lot of rate increases are automatically going to be granted, because it takes three votes to defeat any rate increase. So that if we have a three- or four-member Public Utility Commission, in effect we have it as a rubber stamp for many utilities. It is about as useful to have a three- or four-member utility commission as many times it is to have a baseball team without a pitcher or a catcher or a football team without a quarterback or a receiver.

I think that we ought to cast the vote for effective government without deadlocks and vote for party responsibility which will enable the majority party to act and then vote for House bill No. 1696.

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

Mr. FRYER. Mr. Speaker, I wish to speak in support of House bill No. 1696. The argument has been made that by having the two-thirds vote we will have a better qualified personnel to fill these posts. I wish that were so. However, what happens is—and I am sure many members of the House are aware of the fact—that the minority—and both parties have been guilty of

this—use it for a point of political leverage. We recognize the majority here in the House and in the Senate and we do so by virtue of our own election.

So I say, let us end this practice of political maneuvering which does not benefit the people. I urge your support of House bill No. 1696.

**THE SPEAKER PRO TEMPORE  
(A. J. DeMedio) IN THE CHAIR**

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

Mr. ZELLER. Mr. Speaker, to back up what Mr. Fryer has stated and to add a little bit to it in regard to the creating of deals, there is no question about it that whenever you have the closeness of party systems as we have over in the Senate, when they have to lean toward the minority party, regardless of the party, to be able to confirm an individual, it does create deals; there is no question about it.

These people who keep crying about wanting good government, that is exactly what they asked for, bad government. Because what we are going to have is all the expenses of what is this guy going to get for this and what is this guy going to get for that.

It amazes me to no end to hear Mr. Arthurs get up here and state that we would have no problem, no problem at all, if we have good people, and he referred to Mr. Johnson and he referred to Mrs. O'Bannon. I get a big bang out of that because I personally have nothing against these individuals, but if Mike Johnson were just ordinary John Doe citizen, he probably would not have seen the light of day, and if it would not be for the fact that there is a movement in this country to help women, I am sure that Mrs. O'Bannon would not have seen the light of day, because who in that Senate was going to vote against Mike Johnson of the powerful AFL-CIO—and he reminded us of that? So I mean, let us get the cards where they are.

As a matter of fact, this is the way that it is. When you have a simple majority, the party in power—regardless of whether it is Republican or Democrat—should be able to call the shots for this reason; it is going to reflect on the Governor of this state as to the kind of people he brings in. And when you get a guy on it, that's it, because you cannot vote out those people on the PUC. You have to depend upon the Governor. So, therefore, you can vote that Governor down the drain if you want to, and anybody associated with him. Therefore, let us have good government, Mr. Speaker, and let us get on with having a simple majority.

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

Mr. ARTHURS. Mr. Speaker, it is not too often that I will thank Mr. Zeller for making my point, but I will. Thank you, Mr. Zeller, because what you have brought out is absolutely right, deals that can be made. And who has the ability of making more deals than the Governor of our Commonwealth? What I am saying is that when he only has to deal with 26 Senators rather than 34 Senators, he can make a lot better deals, and you have proven my point completely. I will not take it any further. I only ask for a negative vote.

**LEAVES OF ABSENCE**

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

Mr. RYAN. Mr. Speaker, I request leave of absence for the gentleman, Mr. O'CONNELL for the balance of today's session.

The SPEAKER pro tempore. Without objection, leave is granted.

On the question recurring,  
Shall the bill pass finally?

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

**YEAS—99**

Abraham	Garzia	Menhorn	Ruggiero
Barber	Geisler	Milanovich	Saloom
Bennett	George	Miller, M. E.	Schmitt
Berlin	Giammarco	Milliron	Schweder
Berson	Gillespie	Miscevich	Shane
Bonetto	Gillette	Morris	Shelhamer
Bradley	Gleeson	Mrkonic	Shupnik
Brunner	Goodman	Mullen, M. P.	Stapleton
Burns	Green	Mullen	Taylor
Caputo	Greenfield	Musto	Toll
Cianciulli	Hutchinson, A.	Novak	Trello
Cohen	Irvic	O'Brien	Valicenti
Cole	Itkin	O'Donnell	Wagner
Cowell	Johnson, J.	O'Keefe	Walsh, T. P.
DeMedio	Kelly, A. P.	Oliver	Wansacz
DeWeese	Kernick	Perry	Wargo
DiDonato	Kolter	Petrarca	Wiggins
Doyle	Kowalyszyn	Pievsky	Wilson
Dumas	LaMarca	Pratt	Wojdak
Eckensberger	Laudadio	Ravenstahl	Wright
Fee	Laughlin	Reed	Zeller
Fischer	Lederer	Renwick	Zwikel
Flaherty	Logue	Richardson	
Foster, A.	Manderino	Ritter	Fineman,
Fryer	McLane	Ross	Speaker
Gallagher			

**NAYS—89**

Anderson, J. H.	Geesey	McCall	Scirica
Arthurs	Grieco	McClatchy	Seitzer
Beren	Halverson	McCue	Shelton
Bittle	Hamilton, J. H.	McGinnis	Shuman
Brandt	Hasay	McIntyre	Sirianni
Butera	Haskell	Mebus	Smith, E.
Cessar	Hayes, S. E.	Miller, M. E., Jr.	Smith, L.
Cimini	Hepford	Moehlmann	Stahl
Crawford	Hill	Myers	Stout
Cumberland	Hopkins	Noye	Taddonio
Davies	Hutchinson, W.	Pancoast	Thomas
Deverter	Katz	Parker, H. S.	Ustynoski
Dicarlo	Kelly, J. B.	Perri	Vroon
Dietz	Kistler	Pitts	Weidner
Dininni	Klingaman	Polite	Westerberg
Dombrowski	Knepper	Prendergast	Whelan
Dorr	Kusse	Pyles	Wilt, R. W.
Dreibelbis	Lehr	Renninger	Wilt, W. W.
Fawcett	Letterman	Rieger	Worrilow
Fisher	Levi	Ryan	Yohn
Foster, W.	Lincoln	Salvatore	Zearfoss
Freind	Manmiller	Scheaffer	Zord
Gallen			

**NOT VOTING—15**

Bellomini	Hammock	O'Connell	Turner
Engelhart	Hayes, D. S.	Rappaport	Williams
Gleason	Lynch	Rhodes	Yahner
Gring	McGraw	Spencer	

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

**HOUSE BILL No. 1880 PASSED OVER  
TEMPORARILY**

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



Mr. McCUE. Mr. Speaker, I have amendments to this bill. I have delivered a copy to the clerk for distribution but I believe they have not yet been distributed. I would request that this bill be temporarily passed over.

The SPEAKER pro tempore. The bill will be temporarily passed over.

The SPEAKER pro tempore. I will repeat, House bill No. 2060, printer's No. 2852, on page 3 of today's calendar.

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

HOUSE BILL No. 2060 PASSED OVER TEMPORARILY

Mr. LAUGHLIN. Mr. Speaker, I have an amendment coming down to the floor from the Reference Bureau. I would appreciate it if you would hold the bill until that amendment arrives.

The SPEAKER pro tempore. The bill will be passed over temporarily.

Agreeable to order,

The House proceeded to third consideration of House bill No. 2170, printer's No. 2954, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 2, page 1, lines 8 through 16; page 2, lines 1 through 23, by striking out all of said lines and inserting:

"Contract for health spa services" or "contract" means a contract for instruction, training, or assistance in physical culture, bodybuilding, exercising, weight reduction, figure development, dating or social introduction, or any other activity represented by an offeror of such services to contribute to the physical well-being of a purchaser, or for membership in any group, club, association, or organization formed for any such purpose, such services being as to a purchaser or member's frequency of use or participation nonspecific and subject to the discretion of the purchaser or member, subject to reasonable rules and regulations of the offeror, but shall not include contracts offered by schools operating pursuant to the provisions of the act of March 10, 1949 (P. L. 31, No. 14), known as the "Public School Code of 1949," or private accredited colleges or universities or private accredited business, trade, or professional schools, or contracts with organizations not operated for profit.

On the question,

Will the House agree to the amendment?

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

Mr. TRELLO. What the amendment does, Mr. Speaker, is simply remove dance studios from the bill, because there is a companion bill pertaining to dance studios, and puts into the bill the dating institutes that run dating programs. It is a very simple amendment that we should have no problem with, and I encourage everybody to vote for the amendment.

On the question recurring,

Will the House agree to the amendment?

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

YEAS—178

Table listing names of members who voted YEAS for House Bill No. 2060. Includes names like Abraham, Anderson, J. H., Artthurs, Barber, Bellomini, Bennett, Berlin, Berson, Bonetto, Bradley, Brandt, Brunner, Burns, Butera, Caputo, Cessar, Cianciulli, Cimini, Cole, Cowell, Crawford, Cumberland, Davies, DeMedio, Deverter, DeWeese, Dicarilo, Dietz, Dininni, Dombrowski, Dorr, Doyle, Dreifelbits, Dumas, Eckensberger, Fawcett, Fee, Fischer, Fisher, Flaherty, Foster, A., Foster, W., Freind, Fryer, Gallagher, Gallen, Garzia, Geesey, Geisler, George, Giammarco, Gillespie, Gleeson, Goodman, Green, Greenfield, Grieco, Halverson, Hamilton, J. H., Hasay, Haskell, Hayes, S. E., Hepford, Hill, Hopkins, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, J., Katz, Kelly, A. P., Kelly, J. B., Kernick, Kistler, Klingaman, Knepper, Kolter, Kowalyszyn, Kusse, Laudadio, Laughlin, Lederer, Lehr, Letterman, Levi, Lincoln, Logue, Manderino, Mannmiller, McCall, McClatchy, McCue, McGinnis, McLane, Mebus, Menhorn, Milanovich, Miller, M. E., Miller, M. E., Jr., Milliron, Miscovich, Moehlmann, Morris, Mrkonic, Mullen, M. P., Mullen, Musto, Myers, Novak, Noye, O'Brien, O'Donnell, O'Keefe, Oliver, Pancoast, Parker, H. S., Perri, Perry, Petrarca, Plevsky, Pitts, Poitte, Pratt, Prendergast, Pyles, Ravenstahl, Reed, Renninger, Renwick, Richardson, Ritter, Ross, Ruggiero, Ryan, Saloom, Salvatore, Scheaffer, Schmitt, Schweder, Scirica, Seltzer, Shane, Shelhamer, Shelton, Shuman, Shupnik, Sirlanni, Smith, E., Smith, L., Stahl, Stapleton, Stout, Taddonio, Taylor, Thomas, Toll, Trello, Ustynoski, Valicenti, Vroon, Walsh, T. P., Wansacz, Wargo, Weidner, Westerberg, Whelan, Wiggins, Wilson, Wilt, W. W., Wojdak, Worrlow, Wright, Yohn, Zearfoss, Zeller, Zord, Zwick

NAYS—5

Table listing names of members who voted NAYS: Beren, Bittle, McIntyre, Rieger, Wagner

NOT VOTING—20

Table listing names of members who did not vote: Cohen, DiDonato, Englehart, Gillette, Gleason, Griag, Hammock, Hayes, D. S., LaMarca, Lynch, McGraw, O'Connell, Rappaport, Rhodes, Spencer, Turner, Williams, Wilt, R. W., Yahner, Fineman, Speaker

So the question was determined in the affirmative and the 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—172

Table listing names of members who voted YEAS for House Bill No. 2170. Includes names like Abraham, Anderson, J. H., Artthurs, Barber, Bellomini, Bennett, Beren, Berlin, Berson, Bittle, Bonetto, Foster, A., Foster, W., Freind, Fryer, Gallagher, Gallen, Garzia, Geesey, Geisler, George, Giammarco, McCall, McClatchy, McCue, McGinnis, McIntyre, McLane, Mebus, Menhorn, Milanovich, Miller, M. E., Miller, M. E., Jr., Milliron, Saloom, Salvatore, Scheaffer, Schmitt, Schweder, Scirica, Seltzer, Shane, Shelhamer, Shelton, Shuman

Burns	Halverson	Moehlmann	Stahl
Butera	Hamilton, J. H.	Morris	Stapleton
Caputo	Hasay	Mrkonje	Stout
Cessar	Haskell	Mullen, M. P.	Taddonio
Cianciulli	Hayes, S. E.	Mullen	Taylor
Cimatti	Hepford	Musto	Thomas
Cohen	Hill	Novak	Toll
Cole	Hopkins	Noye	Trello
Cowell	Hutchinson, A.	O'Brien	Ustynoski
Crawford	Hutchinson, W.	O'Donnell	Valicenti
Cumberland	Irvis	O'Keefe	Vroon
DeMedio	Itkin	Oliver	Wagner
Deverter	Johnson, J.	Pancoast	Wansacz
DeWeese	Katz	Parker, H. S.	Wargo
Dicarlo	Kelly, A. P.	Perri	Weldner
Dietz	Kelly, J. B.	Perry	Westerberg
Dininni	Kernick	Petrarca	Whelan
Dombrowaki	Kistler	Plevsky	Wiggins
Dorr	Klingaman	Pitts	Wilson
Doyle	Knepper	Polite	Wilt, R. W.
Dreibelbis	Kolter	Pratt	Wilt, W. W.
Dumas	Kowalyszyn	Prendergast	Wojdak
Eckensberger	Kusse	Pyles	Worrilow
Fawcett	Laudadio	Ravenstahl	Wright
Fee	Laughlin	Reed	Yohn
Fischer	Lederer	Renninger	Zearfoss
Fisher	Lehr	Rennick	Zeller
Flaherty	Letterman	Rhodes	Zord
Foster, A.	Levi	Richardson	Zwinkl
Foster, W.	Lincoln	Rieger	
Freind	Logue	Ritter	Fineman,
Fryer	Lynch	Ross	Speaker
Gallagher	Manderino	Ryan	

NAYS—1

Shuman

NOT VOTING—17

Davies	Hayes, D. S.	O'Connell	Turner
DiDonato	LaMarca	Rappaport	Walsh, T. P.
Engelhart	McGraw	Ruggiero	Williams
Gleason	Myers	Spencer	Yahner
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 pro tempore. The Chair recognizes the gentleman from Franklin, Mr. Shuman. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. SHUMAN. Mr. Speaker, I pushed my button in the wrong direction on the last vote, House bill No. 2123. I wish to be recorded in the negative.

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

**CONSUMER PROTECTION BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of House bill No. 1880, printer's No. 2658, entitled:

An Act relating to the dispensing and sale of hearing aids, providing for the registration and regulation of hearing aid fitters and dealers, making certain acts illegal, prescribing penalties and making an appropriation.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 102, page 1, lines 11 through 18; page 2, lines 1 through 9, by striking out all of said lines and inserting:

Section 102. (a) In recognition of the technical nature of fitting and dispensing proper hearing aids to hearing impaired individuals and of the potential for fraud and deception in the sale of hearing aids to the citizenry of this Commonwealth, there exists a need for effective control over the hearing aid sales industry.

(b) This act neither requires registration for nor prohibits the testing of hearing; however, when tests are conducted by persons registered under this act in connection with the fitting and selling of hearing aids, the provisions of this act shall apply.

Amend Sec. 201, page 4, line 9, by striking out "three" and inserting: one

Amend Sec. 201, page 4, line 16, by striking out "two" and inserting: four

Amend Sec. 201, page 4, line 18, by striking out "three" and inserting: five

Amend Sec. 403, page 16, lines 13 and 14, by striking out "an otologist or otolaryngologist or"

Amend Sec. 403, page 16, line 14, by inserting after "physician": or audiologist as defined in this act

Amend Sec. 403, page 16, line 15, by striking out "recommendation" and inserting: prescription

Amend Sec. 403, page 16, line 15, by inserting after "physician": or audiologist

Amend Sec. 504, page 18, line 24, by inserting after "Commonwealth": or by an audiologist

Amend Sec. 504, page 18, line 25, by striking out "opinion." and inserting: opinion or professional advice.

No hearing aid shall be sold in Pennsylvania without a written prescription for a hearing aid by an audiologist or physician."

Amend Sec. 505, page 19, line 4, by inserting a period after "facilities"

Amend Sec. 505, page 19, lines 4 through 30; page 20, lines 1 through 3, by striking out "as follows:" in line 4, and all of lines 5 through 30, page 19; all of lines 1 through 3, page 20 and inserting:

(b) Customers for hearing aids shall have the right to rescind the transaction for a hearing aid until midnight of the third business day following the date of consummation of the transaction or the date of delivery of the disclosure statement required under this section, whichever is later, by notifying the seller by mail, telegram or other writing of his or her intention to do so. Notification by mail shall be considered given at the time placed in the mail to the seller's designated place of business.

(c) A registrant shall give notice of the customer's right to rescind the transaction to the customer by furnishing the customer with two copies of the notice set out below, one which may be used by the customer to cancel the transaction. Such notice shall be printed in not less than twelve point bold-faced type on one side of a separate statement which identifies the transaction to which it relates. Before furnishing copies to the customer, the seller shall complete both copies with the name of the registrant and any dealership or other sales company with which the registrant is affiliated, the address of the registrant's dealership's or other sales company's place of business, the date of consummation of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the customer may give notice of cancellation.

(d) The notice shall read as follows:

**NOTICE TO CUSTOMER REQUIRED BY STATE LAW**

You have entered into a transaction for the purchase of a hearing aid on ..... (date). You have a legal right under State law to cancel this transaction, if you desire to do so without any penalty or obligation within three business days from the above date or any later date if the above date does not represent the actual date of signing a contract for the purchase of a hearing aid. You are also entitled to receive a refund of any down

payment or other consideration if you cancel. If you decide to cancel this transaction, you may do so by notifying ..... (name of registrant or dealership or other sales company) at ..... (address) by mail or telegram sent not later than midnight of ..... (date). You may also use any other form of written notice identifying the transaction if it is delivered to the above address not later than that time. This notice may be used for that purpose by dating and signing below.

I hereby cancel this transaction.

.....  
 (Date) (customer's name)

(e) When a customer exercises his or her right of rescission under this section, he or she is not liable for any finance or other charge. Within ten days after receipt of a notice of rescission, the registrant, dealership or other sales company shall return to the customer any money or property given as earnest money, down payment or otherwise, and shall take any action necessary and appropriate to reflect the termination of any security interest created under the transaction. If the seller has delivered any property to the customer, the customer may retain possession of it. Upon performance of the seller's obligations under this section, the customer shall tender the property to the seller. If the seller does not take possession of the property within ten days after tender by the customer, ownership of the property rests in the customer without obligation on his or her part to pay for it.

(f) A customer cannot modify or waive his or her right of rescission under this section.

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

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

Mr. McCUE. Mr. Speaker, I offer these amendments today in order to attempt to make House bill No. 1880 into a consumer protection bill as opposed to its being a hearing aid dealers' bill. These amendments which I have offered essentially incorporate into House bill No. 1880, the bill of which I was the prime sponsor, House bill No. 513, and in the last session, House bill No. 1827 of that session. These amendments are fairly extensive, and I believe that they should be treated as a package and voted on at once. However, they are capable of division, in the event that they would be called upon to be divided.

The amendments which I have are the result of hearing from consumers' groups and from audiologists, who are professionals. The amendments which were taken from the bills of which I had previously been the prime sponsor were the result of consumers, consumer groups and audiologists contacting me.

An audiologist is a professional person working with hearing deficiencies. He has, at least, a master's degree and is academically certified.

On these amendments which were taken from the prior bills, there was a public hearing conducted in the last session of which I had the pleasure to be the chairman. We heard from these various groups who came and told their story. The bill which was finally put together was the result of the cooperation of the Governor's office, the head of the Consumer Protection Bureau and the Secretary of Health at that time, who has since been retired and replaced.

I will go through the amendments and then I will speak on them in an argumentative form.

The first amendment starts on page 1, lines 11 through

18, and continues over to page 2, ending on line 9, by striking out all of said lines and inserting

Section 102. (a) In recognition of the technical nature of fitting and dispensing proper hearing aids to hearing impaired individuals and of the potential for fraud and deception in the sale of hearing aids to the citizenry of this Commonwealth, there exists a need for effective control over the hearing aid sales industry.

(b) This act neither requires registration for nor prohibits the testing of hearing; however, when tests are conducted by persons registered under this act in connection with the fitting and selling of hearing aids, the provisions of this act shall apply.

The next amendment is on page 4. On page 4, House Bill No. 1880 provides for an advisory council. This advisory council was not part of the bill which I had previously sponsored; however, I see some merit to it. But again I feel that this should be a consumer-oriented body rather than a protect-the-hearing-aid-dealer-oriented body. Also I feel that if this body is to have any effect as an advisory body, it should be politically independent.

My amendment, therefore, proposes the change of the makeup of the board. Instead of having three hearing aid fitters on the board, there would be one such person, and there would be two additional members of the public who would be consumers on the board. That would make one hearing aid dealer, one physician who is a specialist in otolaryngology, one audiologist, and there would be four members of the public.

Again it is my opinion that if we want to regulate an industry or a business or a trade, we should not put as regulators those who are to be regulated.

Now the other change in the advisory board which my amendment would provide for would be that instead of 3-year appointments by the Governor, they would have 5-year appointments. As we know, the Governor's term is 4 years and the Governor may not succeed himself. With a 3-year term, the Governor would have a greater influence over a board than he would with a 5-year term. So this would give the board an additional state of independence.

Now the next change would be on page 16. The thrust of my amendments and the provisions which I feel are important to have in regard to the regulating of the sale of hearing aids is that a person who buys a hearing aid is one who needs this additional service. He does not buy a hearing aid for an ornament and he does not buy a hearing aid to make an impression upon the community. The only reason he is interested is to regain his hearing. So that I think the crux of this is that such a person be examined professionally by a physician or by an audiologist.

To be examined by a physician is an important first step. It should not be necessary that this physician be a specialist in hearing, that is, an otolaryngologist, due to the fact that this specialty may be difficult to come by in certain areas of the state. But if a person does go for a physical examination by a physician, such a physician will be able to determine if there is a physical ailment which has caused the hearing loss. The audiologist also should be able to perform this service. Furthermore, this examination should be a requirement; it should be an important part of the entire process.

The next change would be on page 18, on line 24, where, on the advice which would be given to the proposed customer, he should be examined by a physician or by an audiologist.

We go on further on line 25, and provide that:

No hearing aid shall be sold in Pennsylvania without a written prescription . . . .

This replaces the word "opinion", which is in the present act and would make mandatory the prescription. And I feel this is a basic principle in consumer protection when it comes to the sale and use of hearing aids.

Now the next amendment is on Page 19.

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

Mr. COWELL. Mr. Speaker, have copies of this amendment been distributed?

The SPEAKER pro tempore. I understand they have been distributed, yes.

Mr. COWELL. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. McCue, may proceed.

Mr. McCUE. Thank you, Mr. Speaker. The last section of the amendments which I propose is on page 19 of the bill, starting on line 4, which would strike out all of the words in the remaining part of page 19 and the first three lines on page 20 and would insert instead the language which appears on pages 3 and 4 of my amendment.

This new language is an extremely important matter to the consumers who need hearing assistance. This would give such customers the right to rescind the transaction for three days after the delivery of the device.

This is important because persons, as I stated earlier, who have a hearing loss will buy a hearing aid device in order to help themselves. They may be victims of their own desire to improve their hearing disability. They may buy something which on reflection or upon use they find does not solve their problem.

The principle of the regulation of the hearing aid industry is not the sale of hardware but is the curing of a physical deficiency which a person may have. He should not be bound for having bought a piece of equipment if it does not solve his problem. This is not the same as buying an automobile or buying a new mixer for the kitchen or buying any one of many numerous things which a person may buy either for his own use or for his own vanity. This is a necessity. A hearing aid is more in the category of a drugstore prescription for drugs than it is in an ornamental object.

The rest of the words provide for a written notice to such customer of his right. Finally, the last subparagraph on page 4 is also an important matter. This provides that such a customer cannot modify or waive his right of rescission under this section. The amendments which I propose would give the hearing aid customer his full protection.

I think that it is well that I refer to the testimony which was taken at the public hearing on March 26-27, 1974. One of the witnesses at that testimony was Leo G. Doerfler, Ph.D., who was an audiologist. At that time he stated that the provisions which I have just spoken about address itself to one of the problems of the hearing of handicapped children and adults in Pennsylvania. He states:

. . . the loss of hearing in our culture has a devastating effect upon the individual psychologically, socially and vocationally. Although science, medicine and education have made significant strides in helping rehabilitate these persons, there still remain thousands of Pennsylvanians who have permanent hearing losses for which hearing aids and audiologic rehabilitation remain the only tools to restore them to participation in a hearing world.

He states further—and I think it is important that we all recognize this:

Hearing loss is not a disease; it may be the symptom of a disease, or the result of some condition such as the genetic make-up of one's parents, or an injury at birth, an accident, exposure to high levels of noise, or the effects of aging.

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

Mr. COWELL. I am waiting for Mr. McCue to finish so I can ask him a question.

The SPEAKER pro tempore. The gentleman, Mr. McCue, may proceed.

Mr. McCUE. I will continue quoting excerpts from the testimony of Dr. Doerfler. He further states:

Thus, since there must be some cause for the hearing loss, and since some of these causes may be curable by medicine or surgery, it seems desirable to have medical and audiologic evaluation initially before consideration is given to the purchase of a prosthetic device such as a hearing aid. This attention to professional evaluation before a prosthetic device is to be purchased obtains in all other health areas with which I am familiar; a patient is seen by an orthopedist or physiatrist before he is fitted with an artificial limb, a visually impaired person is examined by an ophthalmologist or optometrist before he purchases eyeglasses, and so forth. The direct sale of a hearing aid by a dealer is the only health area where professional examination is not a pre-requisite.

The suggestion is sometimes made that a set of criteria can be given to the hearing aid dealer to specify those conditions where a prospective hearing aid purchaser must be referred by the dealer to a physician before the aid may be sold. This procedure can be of significant value if two conditions are met: (1) the procedure is scrupulously followed by hearing aid dealers, and (2) hearing aid dealers receive appropriate formal training so that they are able to understand and follow these criteria.

Let me cite several examples of persons who have been involved in the purchase of hearing aid devices. An elderly man was told by his wife that he did not hear her and should get a hearing aid. He answered an advertisement and was sold two hearing aids, one for each ear, at the cost of \$996. He did not do well with the aids and he was advised by a neighbor to see a doctor. He was seen by one of the staff physicians, who removed large amounts of impacted wax from both ears. When he was

subsequently tested, his hearing fell within the normal range for his age, and he reported having no difficulty hearing his wife or other speakers. And then he stated that they were attempting to obtain a refund of some of the money which he paid for these devices.

Another case was where one of the patients had been previously sold four hearing aids in a period of slightly over 2 years. Each time this person experienced some difficulty with her hearing aid and returned it to the dealer for an adjustment, she ended up being sold a new aid by the dealer, which was described as superior to the present aid and with very little trade-in on the existing hearing aid. It may be true that she was a gullible lady, but hearing loss appears to make almost anyone rather gullible.

These "horror stories" do not occur with all hearing aid dealers, but they are common enough with some dealers to warrant action. The extreme case, to be sure, is that of the young child with a hearing loss who is fitted with a hearing aid and subsequently died of a brain tumor, which was causing the hearing loss.

Now these are examples as to why the consumers of Pennsylvania need protection in regard to hearing aids. The thrust of this legislation should be the protection of the consumer and not the protection of the dealer.

I submit, Mr. Speaker, that only if these amendments are incorporated into the bill will this legislation accomplish the purpose that is intended to be accomplished, and that is the protection of the citizens of Pennsylvania who may be suffering from the loss of hearing. This is particularly true with children, with aged and those who are unable to properly make decisions for themselves. I, therefore, ask that the House adopt and accept these amendments.

Thank you, Mr. Speaker.

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

Mr. SHANE. Thank you, Mr. Speaker.

I intend to be mercifully brief in rebuttal. House bill No. 1880 in its present form has the support of the following organizations: The Pennsylvania Consumer Council, The Pennsylvania Medical Society, The Pennsylvania Speech and Hearing Association, of which audiologists are members. It also has the support of the Pennsylvania Hearing Aid Dealers Association, the Pennsylvania Hearing Aid Guild, Ralph Nader's Retired Professional Action Group, The Gray Panthers and the Pennsylvania Academy of Ophthalmology and Otolaryngology, which are the medical doctors who specialize in ear problems.

These amendments offered by Mr. McCue are opposed by the Pennsylvania Speech and Hearing Association, whose members include audiologists. These amendments are opposed by the Pennsylvania Medical Society.

I have a personal interest in this. My wife is a speech pathologist at Indiana University. She tells me that this bill is the product of several years of delicate negotiation and its current form is acceptable to all parties. She tells me that the Speech and Hearing Association of Pennsylvania opposes the McCue amendments.

I have a next-door neighbor who is a medical doctor, who happens to be an ear specialist. He tells me that he is opposed to this bill, along with the Pennsylvania Medical Society. I think the kernel issue is set forth on pages 16 and 18 of the bill where the McCue amendments would change the bill to say that audiologists, per-

sons with a master's degree, can make a medical diagnosis of hearing problems and write a medical prescription for a hearing aid.

I, frankly, agree with the Pennsylvania Medical Society that an audiologist, a person with a master's degree, should not be permitted to be on a parity with a medical doctor and be permitted to make a medical diagnosis and write a medical prescription for hearing aids. I, therefore, urge the members to vote "no" on this amendment.

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

Mr. SCHMITT. Mr. Speaker, I have a great deal of respect for my colleague from the other side of the aisle and my neighbor in the legislative field. I was unable to hear the gentleman and I do not know whether that is because of the many voices on the floor or whether I might need a hearing aid, but, in any event, I am not going to respond to him point by point.

Effectively what he has done here is he is substituting one man's opinion or one man's writing of a bill as compared to the opinions of many hundreds of people whom we have interviewed and have heard in public hearings, and so on. We have had many meetings. We have had public hearings for several years. We have consulted with various people. We have interviewed many individuals and we have read much material and we think we have produced a good bill.

You have heard the litany of those who are in support of the bill, so I will not repeat it. But I would like to point out that the audiologists are not even in favor of these amendments that he is offering.

There is an attempt here in this amendment to equate the audiologists with the otolaryngologists, which, of course, is not proper because one with an academic degree cannot hold himself out to be a medical man.

Mr. Speaker, we think we have many safeguards in this bill. We believe that it is not opposed by anyone of any consequence in the community. Therefore, I would oppose the amendments and ask that the bill be rolled in its present condition.

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

Mr. McCUE. Mr. Speaker, I would like to say a few words in rebuttal to the two previous gentlemen.

Mr. Shane listed some groups of persons who are said to have been in favor of this bill. It may very well be that heads of organizations may have stated this. However, I have been in touch with working audiologists from Mr. Shane's area, and these persons have informed me that whoever was speaking for the audiologists was not speaking for the working audiologists and that the bill in its present form, whereby a person may waive his physical examination, will not take care of the public who have a loss of hearing, and that the audiologists do not favor this bill without my amendments.

I understand that the reason why the heads of this organization say that they favor it is that they think that there is a deal whereby a Senate bill which would set up a licensing board for audiologists would be approved if the audiologists would not scream too loud on House bill No. 1880.

So I have heard other members of this House previously refer to a deal regarding politics. Well, apparently, this

is a deal where the consuming public is going to be the person who is disadvantaged.

The amendments do not equate an audiologist to a physician. Certainly everyone knows that a physician is a physician and an audiologist is a specialist who works with loss of hearing.

The physician giving a prescription for a hearing aid is one who can determine his other physical problems, and an audiologist can determine what type of device a person can best need so that if his problem can be solved with a \$50 device, he will not be sold a \$1,000 device.

Without these amendments, this bill will not satisfy the problem which we have in Pennsylvania. It will only make the problem worse and will incorporate into law the many disadvantages and problems which we have with the public. I, therefore, urge support of these amendments.

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

Mr. SHANE. Mr. Speaker, the audiologist from my area who is raising this tempest in a teapot happens to work for my next-door neighbor, who is the medical doctor specializing in ear problems. The audiologist working for my next-door neighbor apparently wants to be able to do medical diagnosis and write medical prescriptions independent of my next-door neighbor. The audiologist seems to be doing very well working for my next-door neighbor. I notice he drives a Mercedes and just bought a huge new house, so I do not see why he wants to go off on his own and change things. But, nevertheless, the Pennsylvania Speech and Hearing Association, of which audiologists are members, oppose this amendment, and I urge a "no" vote.

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

The yeas and nays were required by Messrs. McCUE and SHANE and were as follows:

YEAS—16

Fawcett	Haskell	McCue	Perri
Fischer	Katz	Moehlmann	Salvatore
Gring	Knepper	Oliver	Wilson
Hamilton, J. H.	Kowalyszyn	Parker, H. S.	Wilt, R. W.

NAYS—170

Abraham	Foster, A.	Lynch	Scheaffer
Anderson, J. H.	Foster, W.	Manderino	Schmitt
Arthurs	Freind	Manmiller	Schweder
Barber	Fryer	McCall	Scirica
Bellomini	Gallagher	McClatchy	Seltzer
Bennett	Gallen	McGinnis	Shane
Beran	Garzia	McLane	Sheihamer
Berlin	Geesey	Mebus	Shuman
Berson	Geisler	Menhorn	Shupnik
Bittle	George	Milanovich	Sirianni
Bonetto	Giammarco	Miller, M. E.	Smith, E.
Bradley	Gillespie	Milliron	Smith, L.
Brandt	Gillette	Miscevich	Stahl
Brunner	Gleeson	Morris	Stapleton
Burns	Goodman	Mrkoncic	Stout
Butera	Green	Mullen, M. P.	Taddonio
Caputo	Greenfield	Mullen	Taylor
Cessar	Grieco	Musto	Thomas
Cianciulli	Halverson	Myers	Toll
Cimini	Hasay	Novak	Trello
Cohen	Hayes, S. E.	Noye	Ustynoski
Cole	Hill	O'Brien	Valicenti
Cowell	Hopkins	O'Keefe	Vroon
Crawford	Hutchinson, A.	Pancoast	Wagner
Cumberland	Hutchinson, W.	Petrarca	Wansacz
Davies	Irvic	Plevsky	Wargo
DeMedio	Itkin	Pitts	Weidner
Deverter	Johnson, J.	Polite	Westerberg

DeWeese	Kelly, A. P.	Pratt	Whelan
Dicarlo	Kelly, J. B.	Pyles	Wiggins
DiDonato	Kernick	Rappaport	Williams
Dietz	Kistler	Ravenstahl	Wilt, W. W.
Dininni	Klingaman	Reed	Wojdak
Dombrowski	Kolter	Renninger	WorriLOW
Dorr	Kusse	Renwick	Wright
Doyle	Laudadio	Rhodes	Yohn
Dreibelbis	Laughlin	Richardson	Zearfoss
Dumas	Lederer	Rieger	Zeller
Eckensberger	Lehr	Ritter	Zord
Engelhart	Letterman	Ross	Zwinkl
Fee	Levi	Ruggiero	
Fisher	Lincoln	Ryan	Fineman, Speaker
Flaherty	Logue	Saloom	

NOT VOTING—17

Gleason	McGraw	O'Donnell	Spencer
Hammock	McIntyre	Perry	Turner
Hayes, D. S.	Miller, M. E., Jr.	Prendergast	Walsh, T. P.
Hepford	O'Connell	Shelton	Yahner
LaMarca			

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

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

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

The question is, Shall the bill pass finally?

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Schmitt, consent to interrogation?

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

Mr. SCHMITT. I shall.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RITTER. Mr. Speaker, on page 22 and 23 of the bill, particularly section 605, starting on page 22, about unlawful acts, it specifies any number of unlawful acts, but on page 23, starting on line 19, the penalty section was removed. Would the gentleman indicate to this House why the penalty section was removed from this bill?

Mr. SCHMITT. Mr. Speaker, I truthfully cannot hear the gentleman. Maybe I do need a hearing aid, but I cannot understand what the question is.

Mr. RITTER. Mr. Speaker, I will repeat the question.

The bill sets forth some unlawful acts—it is unlawful to sell or barter, et cetera—but, at the same time, removes section 606, which is the penalty whereby, upon conviction, one would have been guilty of a misdemeanor in the third degree. I am asking the gentleman why the penalty section was removed from this bill?

Mr. SCHMITT. Mr. Speaker, I would like to yield to one of my learned colleagues who is experienced in the law. Perhaps Mr. Shane or Mr. Manderino would care to answer.

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

Mr. SHANE. Mr. Speaker, the brief answer is that civil penalties remain in the bill, but criminal penalties were removed.

Mr. RITTER. Mr. Speaker, I beg to differ with the gentleman. On page 24, where it talks about civil penal-

ties, it talks about anyone who violates section 606, which is the injunction section.

Mr. SHANE. Would the gentleman yield for a second?

The civil penalties involved revocation of license. There is apparently no strong feeling about the criminal penalty section, if the gentleman wants that. There are civil sanctions in the bill.

Mr. RITTER. Mr. Speaker, I thank the gentleman. I have another question later. I want to comment on that.

If the civil penalties deal with section 606, which in itself deals with injunctions by courts of common pleas, any violations of those injunctions subject the individual to civil penalties. The only other portion which would be recovery of trouble damages and attorney fees of any buyer injured by violation of this act.

My point is that if we are going to say in this act that it is unlawful to do certain things without putting any penalty in there, then what is the sense of saying that it is unlawful to do these things.

Mr. Speaker, I have another question for the gentleman.

Mr. SHANE. Can I respond to the comments up to this point first?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SHANE. Looking at page 23, commencing with line 24 and going over to page 24, section 607, commencing on line 4, the civil penalties state on page 24, line 4, "any person who violates any of the terms of an injunction or other appropriate order issued under the provisions of section 606 shall forfeit and pay to the Commonwealth a civil penalty equal to the penalty provided in the Unfair Trade Practices and the Consumer Protection Law."

In addition, the court remedy for violation of an injunction is civil contempt, which can involve a fine and indeed a jail sentence. However, there is no great opposition to reinserting criminal penalties. The feeling is that they are not necessary.

Mr. RITTER. I thank the gentleman, Mr. Speaker, but I still differ with him.

Mr. Speaker, on page 5 of the bill—

Mr. SHANE. If you differ, get the amendment.

Mr. RITTER. I thank the gentleman for his advice, I am asking for interrogation.

Mr. Speaker, on page 5 of the bill, under "administration of the Act," line 29, says "Inspections or investigations made pursuant to the provisions of this act shall be made by personnel from the department, or by the Attorney General, or by local law enforcement authorities."

The question I have for Mr. Schmitt is, how far do you intend for local law enforcement authorities to go in terms of inspections of these hearing aid fitters?

I can foresee the possibility of local law enforcement officers in a continual basis coming in to inspect facilities and, frankly, there is very little definition of what those inspections will include. But I am wondering again, Mr. Speaker, what the need was for the insertion of local law enforcement agencies into this particular bill?

The SPEAKER pro tempore. Does the gentleman, Mr. Shane, care to respond?

Mr. SHANE. The local district attorney is one of the alternative enforcers of this act. It is up to his initiative.

As I think we have seen in some of the recent corruption cases, district attorneys are sometimes hesitant to enforce laws that they have available that they could enforce. I would suspect that it is a rather remote possibility that you are going to get many local district attorneys enforcing the provisions of this act. I think more likely it will be the Attorney General, someone associated with the Bureau of Consumer Protection in the Department of Justice.

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

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

Mr. RITTER. Mr. Speaker, I think that House bill No. 1880 attempts to get at a problem and uses a sledgehammer approach. I think the whole bill is fraught with danger in the interpretation that will come from it. I am concerned about the authority for the Department of Health to promulgate rules and regulations to deal with this bill. I do not have them in front of me, Mr. Speaker. I will bring them up later on. I have a stack now about an inch and a half thick of just publications and bulletins issued by the Department of Health, public relations releases and I am frankly wondering just what in the world they are going to do with a bill such as this if we give them the authority to promulgate rules and regulations to deal with the 25-page bill. I am concerned about the part of the bill that says, "Sales to Minors," where we say, "No hearing aid shall be sold to a person 18 years of age or younger." It seems to me that we just made 18-year-olds adults and now in this bill we are saying to them, however, you in this instance again are not qualified to determine whether or not that hearing aid is proper, and so on. So, I think that is a mistake.

I think that the bill has a good purpose to it, but I believe that it has gone too far, I think there is too much left to chance, too much left to interpretation. I appreciate all of the groups that support the bill and all of the so-called sensitive negotiations that went on. I am personally, Mr. Speaker, going to vote against the bill, because I think, as I said, it goes too far. I am absolutely concerned about the broad latitude we are giving to a state department under this bill, the much, much more power, I am concerned, than they can handle. I do not know about the rest of the members, but I personally intend to vote "no."

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

Mr. McCUE. Mr. Speaker, will the gentleman, Mr. Schmitt, consent to interrogation?

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

Mr. SCHMITT. I shall.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. McCUE. Mr. Speaker, under the provisions of this bill, since the gentleman, Mr. Schmitt, indicated he may have a hearing problem, how do you go about buying a hearing aid to solve your hearing problem?

Mr. SCHMITT. How do you go about purchasing a hearing aid?

Mr. McCUE. Yes. What do you have to do first?

Mr. SCHMITT. Go to a hearing aid dealer.

Mr. McCUE. That is all you have to do?

Mr. SCHMITT. Are you talking about current law or the bill that we are proposing?

Mr. McCUE. Under the provisions of this bill.

Mr. SCHMITT. Under the provisions of this bill, with the exception of one instance where they can waive the prescription, they would go to a medical doctor and get a prescription for their hearing aid.

Mr. McCUE. Mr. Speaker, I refer you to the bill. Is the word "prescription" used?

Mr. SCHMITT. I beg pardon?

Mr. McCUE. Does the word "prescription" appear in House bill No. 1880?

Mr. SCHMITT. No.

Mr. McCUE. Well, then, you would not get a prescription, would you?

Mr. SCHMITT. You would get direction from the doctors of the type of hearing aid that you would be qualified to use properly.

Mr. McCUE. What would these directions be?

Mr. SCHMITT. He will make a recommendation as to the proper hearing aid to offset the condition that the person might have, unless it would be a medical condition, in which case he would not recommend the hearing aid but would treat the ear for whatever condition it was in.

Mr. McCUE. I now refer you, Mr. Speaker, to page 16, lines 18 and 19. It speaks of a waiver. What does this "waiver" mean?

Mr. SCHMITT. A waiver gives a person the opportunity to say it has been called to his attention that he should repair himself to a doctor in order to get a recommendation. If, however, he finds it totally inconvenient or unduly expensive, he has the right to waive that examination.

We know, from experience and from talking to people, that people, especially out in the boondocks, recognize that they would have to make a special trip into a place like Erie or Scranton or Pittsburgh or Philadelphia in order to find that type of a doctor and to incur a great deal of expense, not only from the doctor's examination but for the travel time going to and from the doctor, and we feel that this is a discretion that should be available to the person who does not want to go to a doctor. There are, however, certain conditions under which it is absolutely compulsory that you go to a doctor, and the items are enumerated here in this bill.

Mr. McCUE. Well, then, Mr. Speaker, the answer you gave me to the previous question which was, "How do you go about buying a hearing aid?" I believe you stated that you first go and see a doctor. The next statement is not correct under this bill. Is that right?

Mr. SCHMITT. No, it is correct. He goes to a doctor first unless he signs a waiver that says he does not want to go to a doctor. Even in that case he cannot sign a waiver under certain conditions, and, as I said, the conditions are listed in here and I can recite them to you if you care for me to do so.

Mr. McCUE. I will in a minute, Mr. Speaker.

But under the present law he does not have to go to a doctor either, is that correct?

Mr. SCHMITT. Under the present law—you mean the bill that is being submitted?

Mr. McCUE. No, no. Under the present law right now?

Mr. SCHMITT. He does not have to go to a doctor.

That is correct. That is one of the things we are attempting to correct.

Mr. McCUE. So if this bill is passed, he still does not have to go to a doctor as long as he signs a waiver? Is that correct?

Mr. SCHMITT. Say the question again please?

Mr. McCUE. If House bill No. 1880 is passed and becomes law the way it is now written, a prospective customer still need not go to a doctor; he may go directly to a hearing aid dealer and sign a waiver? Is that correct?

Mr. SCHMITT. That is correct.

Mr. McCUE. So all this bill does is make him sign an additional piece of paper to buy a hearing aid.

Mr. SCHMITT. It has been called to his attention that we recommend under all circumstances that he have an examination of the ear, but it is not necessary for them to do so in every instance. We feel that you can over-regulate and cause yourself more problems than you are trying to solve. There would be a very small fraction of the people buying hearing aids who would sign a waiver probably because there are only a reduced amount of people out in the rural territories who do not have access to the doctor or to the hearing aid dealer.

Mr. McCUE. Mr. Speaker, referring to your answer to a previous question which I believe you threw in, that a person living in a rural area might not have access to an otolaryngologist, I refer you again to page 16, line 14. Do you have the bill in front of you?

Mr. SCHMITT. Page 16, line 14?

Mr. McCUE. Line 14. Actually starting on line 13. Read these words, will you please?

Mr. SCHMITT. Do you want me to read them?

Mr. McCUE. Please read lines 13 and 14.

Mr. SCHMITT. Line 13, "the individual has been examined by an otologist or an otolaryngologist or any licensed physician."

Mr. McCUE. All right. Are the words "any licensed physician" in the bill?

Mr. SCHMITT. In this bill?

Mr. McCUE. Yes.

Mr. SCHMITT. Yes.

Mr. McCUE. Well, then, it is not necessary that a person take a long trip into Buffalo or Cleveland to see a specialist physician. He can go to any licensed physician. Is that not correct?

Mr. SCHMITT. They can use their own house physician, of course.

Mr. McCUE. So you can even go to the old country doctor who is in all the rural areas. Is that correct?

Mr. SCHMITT. There would be an adverse result if this waiver was not in the bill because many—

Mr. McCUE. Please answer my question.

That person is a licensed physician, is that correct?

Mr. SCHMITT. I do not understand you, sir. I cannot hear.

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

The SPEAKER. The gentleman may proceed.

Mr. McCUE. Mr. Speaker, you read the words, that such a person may be examined by an otolaryngologist or an otologist or by any licensed physician. I am asking you, does the term "any licensed physician" include the general practitioner in my home town?



Mr. SCHMITT. Yes.

Mr. McCUE. So then, if I wish, I may be examined by my family doctor before going to a hearing aid dealer?

Mr. SCHMITT. Many people out in the rural areas do not have a family doctor and would have to travel a great many miles and in many cases to a hospital in order to see a doctor. So we feel that you can over-regulate in this field and this is a step in the right direction.

Mr. McCUE. Mr. Speaker, please answer my question.

The SPEAKER. The gentleman is free to respond in any fashion he deems appropriate, and the interrogator is free to comment on the nature of the response. But the gentleman is not free to insist that the response be in a particular fashion or respond more directly.

Mr. McCUE. Yes, Mr. Speaker.

My question is, the bill does permit a person to go to any person who is licensed as a physician regardless of whether he has any specialty? I am asking if that is correct?

Mr. SCHMITT. I have answered it several times. Perhaps not to your satisfaction but to my satisfaction I think I have answered that question.

Mr. McCUE. Would the gentleman state the answer?

Mr. SCHMITT. Restate the question.

Mr. McCUE. May a prospective customer go to any licensed physician or must he go to a person with a speciality?

Mr. SCHMITT. Yes.

You are only allowed to ask the same question 17 times.

Mr. McCUE. I will ask it one more time. May a person go to any licensed physician?

Mr. SCHMITT. May a person go to any licensed physician?

Mr. McCUE. Yes.

Mr. SCHMITT. Yes.

Mr. McCUE. Thank you.

Mr. Speaker, I believe you stated that a person may go directly to a hearing aid dealer. May a hearing aid dealer come directly to his house?

Mr. SCHMITT. May a hearing aid dealer do what?

Mr. McCUE. Come directly to the customer's house?

Mr. SCHMITT. Yes.

Mr. McCUE. Well, then, would such a hearing aid dealer who is going house to house be equipped with various hearing aid devices, batteries, and, of course, the sheath of waivers for the customer to sign? Would that be proper equipment for this door-to-door "fuller brush" hearing-aid-dealer-type salesman?

Mr. SCHMITT. The dealer would be registered under this act and would give him the right to approach a customer to sell him a hearing aid. However, it would require a fitter who would pass this certain examination set up by the Department of Health in Pennsylvania, and then he becomes registered as a fitter and he would be the one who would qualify to determine the ear mode, the shape and the type of hearing aid the person would use.

The hearing aid dealer is not necessarily a fitter and the hearing aid dealer would not actually do the fitting. He would have to have a fitter working for him or with him and he would be registered the same as the hearing aid dealer.

Mr. McCUE. Mr. Speaker, in regard to fitting, what

type of equipment would a person have to provide for himself?

Mr. SCHMITT. Well, it would have to be set down by the Department of Health who would determine the type of equipment to be used for testing the ears and making the necessary ear modes, et cetera.

Mr. McCUE. In your opinion, is it necessary that this bill be implemented by additional departmental regulations?

Mr. SCHMITT. Yes.

Mr. McCUE. I thank the gentleman.

Mr. Speaker, I stand opposed to House bill No. 1880 in its present form for the reason that this is not a consumer protection bill, but is a hearing aid dealer protection bill. The main difference that I see right now is that a hearing aid dealer must have in his little black bag of sales equipment a sheath of papers which provides a waiver. The customer is no better off than he is under the present law, except that he signs this waiver and he is not required to go to a physician. It may be true that he is advised to go but many persons are advised to go to see a doctor and they may or they may not. They may still be victimized by a hearing aid dealer, and I am not even using the word "unscrupulous" because the hearing aid dealer is selling equipment. He is selling hardware. It comes for a certain price and he takes a commission on it. The more devices he sells, the greater his commission. This is the old free enterprise system. I see nothing wrong with this system in the sale of automobiles, refrigerators, stoves, jewelry, clothing, and various things like that. But this is a device. This is a problem which persons have and they want to have their problems solved. This bill does not solve the problem. This is not a consumer bill, and I think it would be a farce for this assembly to enact this legislation and say that we have a consumer bill.

Furthermore, the chief sponsor indicated that this bill in itself is not complete but that there must be additional administrative regulations which will be used to put to the public. I think that we should be going in the opposite direction in putting the control of matters again in the representatives of the people in the General Assembly rather than in the hands of the executive and, therefore, urge defeat of this bill.

#### MOTION TO RECOMMIT HOUSE BILL No. 1880

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

Mr. RITTER. Mr. Speaker, I move that House bill No. 1880, printer's No. 2658, be recommitted to the Committee on Consumer Protection for the purpose of further study.

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

Mr. SCHMITT. Mr. Speaker, I oppose the motion. We have put a great deal of time and effort into this bill, and it is a step in the right direction. It might not be perfect, but it certainly is better than anything we have on the books today. I would oppose that move to recommit.

The SPEAKER. Does the gentleman, Mr. Shane, desire to be recognized on the motion?

Mr. SHANE. Yes, Mr. Speaker, simply to say that justice has been defined as the tolerable accommodation

of competing interests. I feel this bill represents that kind of accommodation; it is not perfect.

I urge the members to vote "no" on the motion to recommit.

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

LEAVE CANCELLED

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

Mr. O'CONNELL. Mr. Speaker, a leave of absence was requested earlier today, but I would like the record to show that I am now present on the floor of the House.

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

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

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

YEAS—13

DeMedio	Levi	Ritter	Wilt, R. W.
Dieiz	McCue	Seltzer	Zeller
Fryer	Noye	Shelhamer	Zord
Hasay			

NAYS—167

Abraham	Geasey	Lynch	Ryan
Anderson, J. H.	Geisler	Manderino	Saloom
Arthurs	George	Manmiller	Salvatore
Bennett	Giammarco	McCall	Scheaffer
Beren	Gillespie	McGinnis	Schmitt
Berlin	Gillette	McLane	Schweder
Berson	Gleeson	Mebus	Scirica
Bonetto	Goodman	Menhorn	Shane
Bradley	Green	Milanovich	Shuman
Brandt	Greenfield	Miller, M. E.	Shupnik
Brunner	Grieco	Miller, M. E., Jr.	Sirianni
Burns	Gring	Milliron	Smith, E.
Butera	Halverson	Miscevich	Smith, L.
Caputo	Hamilton, J. H.	Moehlmann	Stahl
Cessar	Haskell	Morris	Stapleton
Cianciulli	Hayes, S. E.	Mrkonic	Stout
Cimini	Hepford	Mullen, M. P.	Taddonio
Cohen	Hill	Mullen	Taylor
Cole	Hopkins	Musto	Thomas
Cowell	Hutchinson, A.	Myers	Toll
Crawford	Hutchinson, W.	Novak	Trello
Cumberland	Irvis	O'Brien	Ustynoski
Davies	Itkin	O'Connell	Vroon
Deverter	Johnson, J.	O'Keefe	Wagner
DeWeese	Katz	Pancoast	Wansacz
Dicarlo	Kelly, A. P.	Parker, H. S.	Wargo
Dininni	Kelly, J. B.	Perry	Weidner
Dombrowski	Kernick	Petrarca	Westerberg
Dorr	Kistler	Plevsky	Whelan
Doyle	Klingaman	Pitts	Wiggins
Dreibelbis	Knepper	Polite	Williams
Englehart	Kolter	Pratt	Wilson
Fawcett	Kowalyszyn	Prendergast	Wilt, W. W.
Fee	Kusse	Pyles	Wojdak
Fischer	LaMarca	Rappaport	Worrlow
Fisher	Laudadio	Ravenstahl	Wright
Flaherty	Laughlin	Reed	Yohn
Foster, A.	Lederer	Renninger	Zearfoss
Foster, W.	Lehr	Renwick	Zeller
Freind	Letterman	Richardson	Zord
Gallagher	Lincoln	Rieger	Zwick
Gallen	Logue	Ruggiero	
Garzia			Fineman, Speaker

NOT VOTING—23

Barber	Gleason	O'Donnell	Spencer
Bellomini	Hammock	Oliver	Turner
Bittle	Hayes, D. S.	Perri	Valicenti
DiDonato	McClatchy	Rhodes	Walsh, T. P.
Dumas	McGraw	Ross	Yahner
Eckensberger	McIntyre	Shelton	

So the question was determined in the negative and the motion was not 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—185

Abraham	Gallagher	McCall	Salvatore
Anderson, J. H.	Gallen	McClatchy	Scheaffer
Arthurs	Garzia	McGinnis	Schmitt
Barber	Geasey	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.	Shupnik
Bonetto	Goodman	Milliron	Sirianni
Bradley	Green	Miscevich	Smith, E.
Brandt	Greenfield	Moehlmann	Smith, L.
Brunner	Grieco	Morris	Stahl
Burns	Gring	Mrkonic	Stapleton
Butera	Halverson	Mullen, M. P.	Stout
Caputo	Hamilton, J. H.	Mullen	Taddonio
Cessar	Haskell	Musto	Taylor
Cianciulli	Hayes, S. E.	Myers	Thomas
Cimini	Hepford	Novak	Toll
Cohen	Hill	Noye	Trello
Cole	Hopkins	O'Brien	Ustynoski
Cowell	Hutchinson, W.	O'Connell	Valicenti
Crawford	Irvis	O'Keefe	Vroon
Cumberland	Itkin	Pancoast	Wagner
DeMedio	Johnson, J.	Parker, H. S.	Wansacz
Deverter	Katz	Perri	Wargo
DeWeese	Kelly, A. P.	Perry	Weidner
Dicarlo	Kelly, J. B.	Petrarca	Westerberg
DiDonato	Kernick	Plevsky	Whelan
Dieiz	Kistler	Pitts	Wiggins
Dininni	Klingaman	Polite	Williams
Dombrowski	Knepper	Pratt	Wilson
Dorr	Kolter	Prendergast	Wilt, R. W.
Doyle	Kowalyszyn	Pyles	Wilt, W. W.
Dumas	Kusse	Rappaport	Wojdak
Eckensberger	LaMarca	Ravenstahl	Worrlow
Englehart	Laughlin	Reed	Wright
Fawcett	Lederer	Renninger	Yohn
Fee	Lehr	Renwick	Zearfoss
Fischer	Letterman	Rhodes	Zeller
Fisher	Levi	Richardson	Zord
Flaherty	Lincoln	Rieger	Zwick
Foster, A.	Logue	Ross	
Foster, W.	Lynch	Ryan	Fineman, Speaker
Freind	Manderino	Ruggiero	
Fryer	Manmiller	Saloom	

NAYS—7

Davies	Hasay	McCue	Shuman
Dreibelbis	Hutchinson, A.	Ritter	

NOT VOTING—11

Gleason	Laudadio	Oliver	Walsh, T. P.
Hammock	McGraw	Spencer	Yahner
Hayes, D. S.	O'Donnell	Turner	

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.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1696

Mr. COHEN moved that the vote by which HOUSE BILL No. 1696, printer's No. 2138, entitled:

An Act amending the act of March 31, 1937 (P. L. 160, No. 43), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; \*\*\*" further providing for the appointment of members to the commission.

was defeated on final passage on this day be reconsidered. Mr. GARZIA 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. 1696 PLACED ON FINAL PASSAGE  
POSTPONED CALENDAR

Mr. COHEN moved that HOUSE BILL No. 1696, printer's No. 2138, be placed on the final passage postponed calendar.

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

ANNOUNCEMENTS BY THE SPEAKER

The SPEAKER. An announcement for the benefit of the membership of the House: The Humetrics Corporation is sponsoring free electrocardiogram screening today between 12 and 5 p.m. The examination will be given to men in the office of the legislative nurse in the basement. Women legislators are invited to take this free examination in room 519.

The Chair is also pleased to announce that one of our members has sired a new tax deduction. Representative Mike Schweder's wife has given birth to an 8-pound 5-ounce boy—Robert Emmett Schweder.

Congratulations, Mike.

QUESTION OF INFORMATION

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

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

The SPEAKER. The gentleman will state it.

Mr. WILSON. Mr. Speaker, we have on the calendar, on page 17, House bill No. 770. I have been trying to get copies from the bill room for at least the last 30 days to see what this bill proposes to do. I wonder if somebody could explain to me where we could obtain copies of House bill No. 770.

The SPEAKER. Will the chief clerk please make arrangements to see that the gentleman, Mr. Wilson, obtains the necessary copies of the bill in question?

Mr. WILSON. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is welcome.

CONCURRENCE IN SENATE AMENDMENTS  
TO HOUSE BILL No. 2050

Mr. IRVIS called up for concurrence in Senate amendments, from page 16 of today's calendar, House bill No. 2050, printer's No. 3207.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED  
FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 2050

An Act amending the act of December 30, 1974 (P. L. 1160, No. 369), entitled "Capital Budget Act for Fiscal Year 1973-1974, Highway Project Itemization Supple-

ment," adding projects in Armstrong and Luzerne Counties.

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 Bill, page 3, lines 1 through 3, by striking out all of said lines; line 4, by striking out after "Section" the number "3" and inserting in lieu thereof "2"

On the question,  
Will the House concur in the amendments made by the Senate?

Mr. IRVIS. Mr. Speaker, I move that the House do concur in the amendments made by the Senate to House bill No. 2050.

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—180

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

NAYS—4

Katz	Milliron	Noye	Ferri
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NOT VOTING—19

Barber	Dumas	McIntyre	Stout
Bennett	Gleason	O'Donnell	Turner
Crawford	Hammock	Ross	Walsh, T. P.
DeMedio	Hayes, D. S.	Shelton	Yahner
Dreibelbis	McGraw	Spencer	

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.

### EDUCATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1976, printer's No. 3209**, entitled:

An Act amending the "Medical Practice Act of 1974," approved July 20, 1974 (P. L. 551, No. 190), providing for licensure of graduates of foreign medical schools upon completion of certain requirements and providing for the establishment of programs of clinical training in hospitals and making an appropriation.

On the question,

Will the House agree to the bill on third consideration?

#### BILL RECOMMITTED

Mr. IRVIS moved that House bill No. 1976 be recommitted to the Committee on Appropriations.

Motion was agreed to.

### CONDOLENCE RESOLUTION INTRODUCED

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

Mr. DIETZ. Thank you, Mr. Speaker.

I rise to bring to the attention of the members of this House a privileged resolution.

The SPEAKER. The Chair understands that this resolution concerns a former member of this chamber who passed away.

The clerk read the following resolution:

#### HOUSE OF REPRESENTATIVES

#### RESOLUTION

WHEREAS, Marl H. Garlock passed away on Tuesday, March 30, 1976. Mr. Garlock, a businessman and dairy farmer in Fulton County, served with distinction in the House of Representatives from 1954 to 1960. He then served two years as Senate Librarian. Mr. Garlock was active in church and civic organizations; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn the passing of Marl H. Garlock, and extends its heartfelt condolences to his wife, his daughter and his four sons; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Marl H. Garlock, R. D. McConnellsburg, Pennsylvania 17233.

CLARENCE E. DIETZ

(Members stood in silence.)

The SPEAKER. The resolution is unanimously adopted.

### REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority floor leader.

Mr. IRVIS. Mr. Speaker, I move that this House now be declared in recess for purposes of lunch. We are to return at 1:45 p.m.

The SPEAKER. The Chair recognizes the minority floor leader.

Mr. BUTERA. Mr. Speaker, we are going to request a brief caucus.

Mr. IRVIS. A Democratic caucus is not—I repeat, is not—necessary at this time.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. I request the Republican members to proceed to the caucus room at 1:15 p.m. for a brief caucus.

### LEGISLATIVE CITATIONS ADOPTED

Mrs. KERNICK, chairman of Select Committee on Legislative Citations, presented citations, which were read, considered, adopted, and forwarded to the following recipients:

Mr. and Mrs. Robert Steele, 131 Shisler Avenue, Aldan, Pennsylvania 19018.

Mr. and Mrs. Sam Lucca, 207 West Plumstead Avenue, Lansdowne, Pennsylvania 19050.

Kevin Bray, 6085 Cherry Hill Road, Harrisburg, Pennsylvania 17111.

George M. Yocum, West Mt. Vernon, Lansdale, Pennsylvania 19446.

Lansdale Kiwanis Club, Lansdale, Pennsylvania 19446.

Church of God, 1900 Valley Forge Road, Lansdale, Pennsylvania 19446.

North Penn High School Marching Knights Band, North Penn High School, 1340 Valley Forge Road, Lansdale, Pennsylvania 19446.

George W. Knipe, Oak Park, Lansdale, Pennsylvania 19446.

Mark S. Gregory, 2421 Poplar Road, Havertown, Pennsylvania 19083.

Josten's Inc., 333 School Lane, Telford, Pennsylvania 18969.

Mr. and Mrs. Olin M. Leidy, 161 West Cherry Lane, Souderton, Pennsylvania 18964.

Harvey Cronrath, Salfordville, Pennsylvania 18958.

Trout School.

Mary Weis, Amy Williamson, and Coach Claire Rahn, Emmaus High School, Emmaus, Pennsylvania 18049.

Milton Victor Frey, 369 Broad Street, Emmaus, Pennsylvania 18049.

Emmaus High School Boys' Swim Team, Emmaus High School, Emmaus, Pennsylvania 18049.

Mr. and Mrs. Edgar Gottschalk, 4778 Andrews Road, Hampton, Pennsylvania.

Mr. and Mrs. Amos Stuckey, 862 Ninth Avenue, Brack-enridge, Pennsylvania 15014.

The Special Weapons Company of the Pennsylvania State Guard, Erie County.

Father Gennaro J. Leone, Our Lady of Mt. Carmel Church, Roseto, Pennsylvania 18013.

Mr. and Mrs. Paul R. Alwood, 1517 Stanton Street, York, Pennsylvania 17404.

Mr. and Mrs. Benjamin B. Stewart, Sr., 1477 West Princess Street, York, Pennsylvania 17404.

Mr. and Mrs. Edgar L. Kratz, 601 Orvilla Road, Hatfield, Pennsylvania 19440.

The Class of 1976, North Penn High School, 1340 Valley Forge Road, Lansdale, Pennsylvania 19446.

John Weidman and Roger Hammer.

Mr. and Mrs. Victor Hamilton-Weir, 502 Maryland Avenue, Erie, Pennsylvania 16505.

Monsignor Martin Flaherty, 1615 Union Street, McKeesport, Pennsylvania 15132.

Duane Seese, Chief of Police, One McClelland Avenue, Dravosburg, Pennsylvania 15034.

Sergeant Shenk, Lancaster, Pennsylvania.

Sergeant John L. Finger, Lancaster, Pennsylvania.

Wayne William Winters, Spangler, Pennsylvania.

Terrance Lawrence Chura, Spangler, Pennsylvania.

Victor C. Diehm, Sr., Frederick Drive, Conyngham, Pennsylvania 18219.

Richard Driver, Hughesville High School, West Cemetery Street, Hughesville, Pennsylvania 17737.

Rex Lutz, Montoursville Area High School, 100 North Arch Street, Montoursville, Pennsylvania 17754.

Rick Snyder, Montoursville Area High School, 100 North Arch Street, Montoursville, Pennsylvania 17754.

Titusville Business and Professional Women's Club, c/o Dorothy Bitters, 421 North Monroe Street, Titusville, Pennsylvania 16354.

Monsignor James A. Coyle, Queen of the Universe Catholic Church, Trenton Road, Levittown, Pennsylvania 19056.

Elizabeth R. Carroll, 189½ West Lippincott Street, Philadelphia, Pennsylvania 19133.

John A. Thompson, Darby, Pennsylvania 19023.

Alex Tannas, 118 Mohawk Drive, Arnold, Pennsylvania 15068.

Donald A. Benson, 1501 Vernon Street, Harrisburg, Pennsylvania 17104.

Clyde Gray, 2519 North Sixth Street, Harrisburg, Pennsylvania 17110.

Mr. and Mrs. Harry W. Knittle, 317 Noble Street, Kutztown, Pennsylvania 19530.

Mr. and Mrs. C. Lloyd Thompson, c/o The Henry Infirmary, Lutheran Home, Topton, Pennsylvania 19562.

Mr. and Mrs. Laurence Stahler, 223 East Arch Street, Fleetwood, Pennsylvania 19522.

The Darby-Colwyn Girls Varsity Basketball Team, Darby-Colwyn Senior High School, Summit and Greenway Avenues, Darby, Pennsylvania 19023.

Court Vandergrift 1008, Catholic Daughters of America, Vandergrift, Pennsylvania 15690.

Delmar Coss, Mars, Pennsylvania 16046.

Mrs. William McCanch, R. D. 2, Mars, Pennsylvania 16046.

Charles Abernethy, R. D. 2, Valencia, Pennsylvania 16059.

Fred Frankhouse, Groninger Apartments, Port Royal, Pennsylvania 17082.

Mr. and Mrs. Samuel Daniels, 217 Parade Street, Erie, Pennsylvania.

Mr. and Mrs. Casimir J. Twaroski, 520 East Avenue, Erie, Pennsylvania.

Mr. and Mrs. Albert McDevitt, Rose Crest Drive, Monroeville, Pennsylvania 15146.

Michael Kellar, 129 Wilson Avenue, Havertown, Pennsylvania 19083.

Leo P. Clark, 2420 Rosewood Lane, Havertown, Pennsylvania 19083.

Edmund L. Thomas, 3847 Eliot Road, Erie, Pennsylvania 16508.

Mr. and Mrs. Adam Laudeman, 164 East Main Street, Ringtown, Pennsylvania 17967.

Charles R. Shuman, M.D., 111 Delene Road, Jenkintown, Pennsylvania.

John L. Bomba, D.D.S., c/o Temple University Health Sciences Center, School of Dentistry, Philadelphia, Pennsylvania 19140.

### RECESS

The SPEAKER. The Chair now declares the House in recess until 1:45 p.m.

### AFTER RECESS

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

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

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Mr. WOJDAK **HOUSE BILL No. 2404**

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), making editorial changes and further providing for payment of administrative costs of the Standardized Driver Education Program.

Referred to Committee on Education.

By Mr. WRIGHT **HOUSE BILL No. 2405**

An Act amending the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," approved December 19, 1974 (P. L. 973, No. 319), further defining "Agricultural reserve" to include golf courses.

Referred to Committee on Finance.

By Messrs. A. K. HUTCHINSON and PETRARCA  
**HOUSE BILL No. 2407**

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further regulating the late filing fee on applications for renewal of licenses.

Referred to Committee on Liquor Control.

By Messrs. BENNETT, BRUNNER, BONETTO,  
O'CONNELL, GEESEY, DORR, BUTERA,  
DOMBROWSKI and DeWEESE

**HOUSE BILL No. 2408**

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining "tangible personal property" with respect to mobile homes and industrializing housing, and further providing for the imposition of the tax thereon.

Referred to Committee on Finance.

By Mr. BUTERA **HOUSE BILL No. 2409**

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), requiring the filing of a written statement asserting continuing disability.

Referred to Committee on State Government.

By Messrs. WAGNER and HASAY

**HOUSE BILL No. 2410**

An Act to provide for the levying of an intrastate electrical energy tax on electricity generated in the Commonwealth used outside the power district generating the electricity; for a credit to the gross receipts tax of the district generating the electricity; and imposing powers and duties on the Department of Revenue.

Referred to Committee on Finance.

By Messrs. WAGNER, KUSSE and THOMAS

**HOUSE BILL No. 2411**

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for notice of and sale to political subdivisions of certain police equipment and communication equipment.

Referred to Committee on Law and Justice.

By Messrs. PIEVSKY, RIEGER, GLEASON,  
LETTERMAN and RAPPAPORT

**HOUSE BILL No. 2412**

An Act amending the State Harness Racing Law, approved December 22, 1959 (P. L. 1978, No. 728), providing for free admissions to races.

Referred to Committee on State Government.

By Messrs. ZEARFOSS, FREIND, BERSON, STAHL  
and DOYLE

**HOUSE BILL No. 2413**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the crime of theft by government officials and employees.

Referred to Committee on Judiciary.

**HOUSE RESOLUTIONS INTRODUCED  
AND REFERRED**

By Messrs. TADDONIO and PETRARCA

**RESOLUTION No. 264**

A special committee of five members be appointed by the Speaker of the House to hold hearings and investigate the charges and determine if the best interests of Pennsylvania's deaf children are being adequately served and to recommend appropriate legislative action.

Referred to Committee on Rules.

By Messrs. SHELHAMER, SHUMAN, RENWICK,  
ARTHURS and S. E. HAYES **RESOLUTION No. 265**

The House of Representatives directs the Chief Clerk to compile the prayers of Chaplain David R. Hoover and the guest chaplains during the 1975 and 1976 sessions of the General Assembly.

Referred to Committee on Rules.

By Messrs. O'BRIEN, GOODMAN, DeWEESE,  
WRIGHT and BURNS **RESOLUTION No. 266**

The Speaker of the House of Representatives direct the Mines and Energy Management Committee to investigate the fuel adjustment clause for natural gas utilities to determine the fairness of said clause and to study possibilities of correcting any inequities and to recommend legislation action, if any is needed.

Referred to Committee on Rules.

By Messrs. WILSON, IRVIS, MEBUS and Mrs. KELLY  
**RESOLUTION No. 267**

The Joint State Government Commission study and investigate the administration and operation of the professional licensing boards with a view to ascertaining whether they are adequately carrying out their powers and duties and providing the regulation to serve the

public and the professions regulated for which they were created.

Referred to Committee on Rules.

**HOUSE BILL SIGNED BY SPEAKER**

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

**HOUSE BILL No. 2050**

An Act amending the act of December 30, 1974 (P. L. 1160, No. 369), entitled "Capital Budget Act for Fiscal Year 1973-1974, Highway Project Itemization Supplement," adding projects in Armstrong and Luzerne Counties.

Whereupon,

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

**COMMITTEE REPORTS**

The SPEAKER. Without objection, the Chair returns to reports of committees.

The Chair hears no objection.

**BILLS REREPORTED**

**HOUSE BILL No. 144**

By Mr. WOJDAK

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania authorizing payments of increased retirement benefits to beneficiaries of members.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 545**

By Mr. WARGO

An Act providing for the creation of medical districts as bodies corporate and politic in counties, cities, boroughs, townships and towns within this Commonwealth; providing for the election of boards of medical district directors; prescribing the rights, powers and duties of such boards, including the power to borrow money and issue bonds therefore; and imposing powers and duties upon the Secretary of Health and the Secretary of the Commonwealth.

Rereported from Committee on Rules.

**HOUSE BILL No. 1366**

By Mr. WOJDAK

An Act making an appropriation to the Department of Agriculture to support the National Plowing Contest and Pennsylvania Agricultural Progress Days in the bicentennial year of 1976.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 748 (Amended) By Mr. WOJDAK**

An Act amending the "Juvenile Act," approved December 6, 1972 (P. L. 1464, No. 333), further defining "child," "delinquent act" and "deprived child," making editorial changes, placing certain duties on courts and the Department of Justice, further providing for detention under certain circumstances for regional detention facilities and for certain shelter care situations.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 1819**

By Mr. WOJDAK

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further defining occupational disease to include fractionation area employees who develop hepatitis.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 1952**

By Mr. WOJDAK

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further excluding certain income from earned income taxation.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 2044**

By Mr. WOJDAK

An Act amending "The Borough Code," approved February 1, 1966 (1965, P. L. 1656, No. 581), authorizing an additional levy with court approval for general purposes.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 2115**

By Mr. WOJDAK

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), referred to as the Intangible Personal Property Tax Law, providing that the tax shall not apply to property held by members of the immediate family.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 2198**

By Mr. WOJDAK

An Act amending the act of September 2, 1961 (P. L. 1177, No. 525), entitled "An act fixing the salaries and compensation of members of certain boards and commissions, and repealing inconsistent acts," increasing the salary of the chairman and board members of the Pennsylvania Board of Probation and Parole and making editorial changes.

Rereported from Committee on Appropriations.

**HOUSE BILL No. 2227**

By Mr. WOJDAK

An Act providing for the operation of the School of Veterinary Medicine of the University of Pennsylvania as an integral part of the Commonwealth system of higher education; providing for delivery of services by the School of Veterinary Medicine to owners of animals in the Commonwealth; providing for public representation on the board of Overseers of the School of Veterinary Medicine; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed by the General Assembly; providing for the auditing of expenditures from said appropriations; requiring the President of the University of Pennsylvania and the Dean of the School of Veterinary Medicine to make an annual report of the operations of the School to the Governor and to the General Assembly.

Rereported from Committee on Appropriations.

**SENATE BILL No. 493**

By Mr. WOJDAK

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled Local Tax Collection Law, changing provision relating to discounts and penalties on taxes.

Rereported from Committee on Appropriations.

**RESOLUTIONS REPORTED AS COMMITTED****HOUSE RESOLUTION No. 144**

By Mr. WARGO

The Joint State Government Commission be directed to study the problems of the apparel industry and to recommend legislation beneficial to the Commonwealth of Pennsylvania through incentives or assistance to the industry.

Reported from Committee on Rules.

**HOUSE RESOLUTION No. 263**

By Mr. WARGO

The House of Representatives of the Commonwealth of Pennsylvania urges the Bureau of Corrections and the Justice Department to immediately cease in their efforts to abandon the diagnostic and classifications centers at the State correctional institutions in Rockview, Huntingdon and Dallas, Pennsylvania.

Reported from Committee on Rules.

**BILLS REPORTED FROM COMMITTEES****HOUSE BILL No. 2257 (Amended) By Mr. BERSON**

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania by providing for additional judges for the Superior Court, changing certain provisions relating to confirmation and initial terms, and further providing for the president judge of the Superior Court.

Reported from Committee on Judiciary.

**SENATE BILL No. 1359**

By Mr. WOJDAK

An Act amending the act of June 28, 1947 (P. L. 1062, No. 455), entitled "An act providing for the issuance and sale of bonds by the Commonwealth of Pennsylvania for the construction of public buildings; . . .," providing for the transfer of unneeded moneys from the Public Building Construction Fund to the Public Building Construction Sinking Fund and further providing for the abolishment of both funds after payment of all outstanding obligations.

Reported from Committee on Appropriations.

**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 move the following bills from the table for the purpose of rereferral to the Appropriations Committee for fiscal notes, and I so move:

House bill No. 1007;  
House bill No. 1088;  
House bill No. 1672;  
House bill No. 2006;  
House bill No. 2007;  
House bill No. 2373; and  
Senate bill No. 867.

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

**BILLS REMOVED FROM TABLE FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

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

House bill No. 1477;  
House bill No. 1478;  
House bill No. 2142;  
House bill No. 2228;  
Senate bill No. 1011;  
House bill No. 2090; and  
House bill No. 2091.

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

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

### CONSUMER PROTECTION COMMITTEE MEETING

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

Mr. SCHMITT. Mr. Speaker, may I have the permission of the Chair to make a brief announcement?

The SPEAKER pro tempore. Permission is granted.

Mr. SCHMITT. Mr. Speaker, I would like to announce to the members of the Consumer Protection Committee that we will be meeting in room 140, the caucus room, right after the termination of the floor session today.

### CALENDAR

#### CONSUMER PROTECTION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 2060, printer's No. 2852**, entitled:

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), prescribing further criteria and standards for the setting of rates; and permitting the implementation of lifeline rates.

On the question,

Will the House agree to the bill on third consideration?

#### MOTION TO RECOMMIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Goodman. Does the gentleman wish to make a motion in connection with House bill No. 2060?

Mr. GOODMAN. Mr. Speaker, I would like to make a motion to recommit House bill No. 2060 to the Committee on Mines and Energy Management.

The SPEAKER pro tempore. The gentleman from Schuylkill, Mr. Goodman, has moved that House bill No. 2060 be recommitted to the Committee on Mines and Energy Management.

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

Mrs. GILLETTE. Mr. Speaker, I oppose the motion to recommit this bill to the Mines and Energy Management Committee. Our Subcommittee on Public Utilities of the Consumer Protection Committee has been giving much consideration to this bill from the first of this session. The Committee on Mines and Energy Management has been studying fuel contracts and fuel costs, but they have not dealt with anything in the public utility law. For that reason, I think that the bill has been given complete study and it is ready for a vote. It addresses a critical issue, and I would urge the members to vote against recommitment.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Mrs. Kelly.

Mrs. KELLY. Mr. Speaker, I also rise to oppose the recommitment of this bill. There has been a lot of work done on the bill. I think we should go ahead and have the opportunity to vote on such a very good piece of legislation. Your constituents will bless you for it.

Thank you.

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

Mr. IRVIS. Mr. Speaker, I urge the members to vote in the negative on the motion so that we may get along with the business of the day. This is an important piece of legislation. It is late in the year. We now have to make the hard decisions and this is one of them. I would ask for a negative vote on the motion.

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

Mr. TRELLO. Mr. Speaker, I have been up here for 17 months, and due to the fact that I do not have any opposition, I will not be called a freshman next year and I might have the privilege of calling other Representatives freshmen.

But I come from local government. I was a councilman for 12 years back home. Since I have been up here for 17 months, all I have heard is, let us do something about the high cost of utilities.

Now I know that the Health and Welfare Committee and Mrs. Gillette have put a lot of time in a lot of hearings on this bill. I really do not know if this bill is going to solve all of our problems, but it is a step forward; it is a beginning.

If you are really sincere, instead of just all of this talk that we have been hearing up here in Harrisburg, if you are really sincere about trying to do something about the high utility rates and doing something for our senior citizens back home, whom I hear from every day, and the people on low incomes, you will give the PUC—Public Utility Commission—a chance to work something out. I urge everybody to vote positive on this bill and to vote "no" on recommitment.

Let me clarify myself: Vote "no" on recommitment and "yes" for the bill; "no" on recommitment.

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

The SPEAKER. The House now has before it a motion for recommitment. The members desiring to address the House will confine themselves to the motion.

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

Mr. MEBUS. I will step down now, Mr. Speaker. I want to debate the bill, but the gentleman's remarks, I felt, were such that I was going to respond to them. I will wait, if the motion fails.

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

Mr. GALLEN. Mr. Speaker, I know that you have just arrived in the Chair and I think that we do have a lot of important business in front of us, but I think that Mr. Trello was allowed entirely too much latitude with regard to the recommitment motion.

The SPEAKER. The Chair thanks the gentleman.

The question before the House is on the motion for recommitment.

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

Mr. GOODMAN. Mr. Speaker, I realize we are debating recommitment, but in the remarks that Mr. Trello made about the high cost of utilities, I think it should be answered that this in no way brings down the total cost



of providing electrical service to the consumers of Pennsylvania. It is, rather, a re-rating of the rate structure.

The SPEAKER. The Chair apologizes to the gentleman for interrupting, but the Chair would have to insist that debate be confined at this time to the motion in spite of Mr. Trello's remarks. The present occupant of the Chair was not in the Chair at that time, and in view of the length of the calendar that we have in front of us for this afternoon, the Chair would have to insist on compliance with the rules.

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

Mr. VROON. Mr. Speaker, on the motion for recommittal, I strongly recommend an affirmative vote for this very reason: The lifeline concept is currently in effect; it is being applied by the Public Utility Commission. This is not going to give them permission. They apparently have permission now because the Philadelphia Electric Corporation, in the last rate application, was given an increase with the provision that the lifeline rate be established. It is currently in effect, so there is no real hurry about shoving this bill along.

I would further state that as a member of both the Consumer Protection Committee and as a member of the Subcommittee on Public Utilities, I do not consider the amount of time spent on this bill to have been adequate at all.

Now in view of the fact that there really is no hurry and in view of the fact that this is a very important bill, I think further study by another committee, which is so closely related and relevant to the subject, is very much in order, so I highly recommend an affirmative vote.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Gillette.

Mrs. GILLETTE. Mr. Speaker, again I would like to ask for a "no" vote on the motion to recommit. Public hearings were held. We have met with the PUC commissioners and the chairman. Commissioner O'Bannon and Commissioner Johnson, as well as Chairman Carter, have advised us they need this legislation, and I would request a "no" vote on the recommitment.

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

The yeas and nays were required by Mr. GOODMAN and Mrs. GILLETTE and were as follows:

YEAS—93

Anderson, J. H.	Gallen	McCall	Seltzer
Arthurs	Geesey	McClatchy	Shelhamer
Beren	Goodman	McCue	Shuman
Bittle	Grieco	McGinnis	Sirianni
Brandt	Gring	McLane	Smith, E.
Butera	Halverson	Mebus	Smith, L.
Cessar	Hamilton, J. H.	Milanovich	Spencer
Cimini	Hasay	Moehlmann	Stahl
Crawford	Hayes, S. E.	Noye	Stout
Cumberland	Hepford	O'Brien	Thomas
Davies	Hill	O'Keefe	Vroon
Deverter	Hopkins	Pancoast	Wansacz
DeWeese	Hutchinson, W.	Parker, H. S.	Weidner
Dietz	Katz	Perri	Westerberg
Dininni	Kelly, J. B.	Pitts	Whelan
Dorr	Kistler	Polite	Wilson
Doyle	Klingaman	Pyles	Wilt, R. W.
Dreibelbis	Knepper	Reed	Wilt, W. W.
Eckensberger	Kusse	Rieger	Worrlow
Fisher	Letterman	Ryan	Yohn
Foster, A.	Levi	Salvatore	Zearfoss
Foster, W.	Lynch	Scheaffer	Zeller

Freind Fryer                      Manmiller                      Schweder                      Zord

NAYS—97

Abraham	Garzia	Menhorn	Ruggiero
Barber	Gelsier	Miller, M. E.	Saloom
Bellomini	George	Miller, M. E., Jr.	Schmitt
Bennett	Giammareo	Milliron	Scirica
Berlin	Gillespie	Miscevich	Shane
Berson	Gillette	Morris	Shelton
Bonetto	Gleeson	Mrkoncic	Shupnik
Bradley	Green	Mullen, M. P.	Stapleton
Brunner	Greenfield	Mullen	Taddonio
Burns	Haskell	Musto	Taylor
Caputo	Irvls	Novak	Toll
Cianciulli	Itkin	O'Connell	Trello
Cohen	Johnson, J.	Perry	Ustynoski
Cowell	Kelly, A. P.	Petrarca	Valicenti
DeMedio	Kernick	Plevsky	Wagner
Dicarlo	Kolter	Pratt	Walsh, T. P.
DiDonato	Kowalshyn	Prendergast	Wargo
Dombrowski	Laudadio	Rappaport	Wiggins
Dumas	Laughlin	Ravenstahl	Williams
Englehart	Lederer	Renninger	Wojdak
Fawcett	Lehr	Renwick	Zwick
Fee	Lincoln	Rhodes	
Fischer	Logue	Richardson	Fineman,
Flaherty	Manderino	Ritter	Speaker
Gallagher	McIntyre	Ross	

NOT VOTING—13

Cole	Hutchinson, A.	Myers	Turner
Gleason	LaMarca	O'Donnell	Wright
Hammock	McGraw	Oliver	Yahner
Hayes, D. S.			

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

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

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

Mr. LAUGHLIN. Mr. Speaker, I have an amendment to the bill.

DECISION OF CHAIR RECONSIDERED

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

PHOTOGRAPHS TO BE TAKEN

The SPEAKER. The Chair is extending permission to Mr. Pat Bennic of UPI to take photographs on the House floor today.

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

Amend Bill, page 5, by inserting after line 30:  
Section 2. The authority of the commission with regard to lifeline rates as provided in section 301(c) shall expire one year from the effective date of this act, unless extended by act of the General Assembly.

Amend Sec. 2, page 6, line 1, by striking out "2." and inserting: 3.

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

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

Mr. LAUGHLIN. Mr. Speaker, Mrs. Gillette has done an outstanding job on this piece of legislation, and the

Subcommittee on Public Utilities of the Consumer Protection Committee has held numerous meetings.

Mr. Speaker, in line with my amendment, I am asking the House membership to vote a one-year period of time in which the PUC will have to act on the authorization that we are presenting in this particular legislation.

The reason for that is that a number of the members of the commission, on their appearances at the hearings, indicated to us that they did not know just exactly how this legislation was going to affect the consumer, nor did they know how they were going to implement it at that time. I think to give the PUC a blank, open-end invitation to continue the program beyond any great length of time would be doing a disservice to the consumer and a disservice to the legislature.

We are always talking about having oversight and we are always talking about checking things out within the departments of the House as well as within the departments of the administration. I would hope that the membership would vote favorably on this amendment and give them a 1-year period of time in which to get something done, get back to us, and let us know how it is going to affect our particular constituents. In that way we would be able to continue or, if they had failed to do so, then their authorization would lapse. I ask all of the members to vote in the affirmative.

Thank you.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Gillette.

Mrs. GILLETTE. Thank you, Mr. Speaker.

I know the intent of Mr. Laughlin's amendment is a good one, but I oppose it because I really do not think a year is enough time to actually have facts and figures as to how this will work out. In the first place, the bill calls for notice and public hearing before anything is done on lifeline. That possibly will take months.

I think the bill, if it were passed, would be implemented gradually. As the utilities come in for rate increases, I would think then the commission would request that they include a lifeline rate in their tariff. This, of course, will take time, and if we were to end their jurisdiction on the lifeline concept within a year, it could cause a lot of problems at the PUC and with the utility companies. So I do not support the amendment.

Thank you.

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

Mr. COWELL. Mr. Speaker, would the author of the amendment submit to questioning?

The SPEAKER. Will the gentleman from Beaver, Mr. Laughlin, consent to interrogation?

Mr. LAUGHLIN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

In line with the comment that was made by Mrs. Gillette, I would like to clarify for the record the intent of this proposed amendment. I am wondering if the commission perhaps 6 months from now approves for utility ABC a tariff that included a lifeline rate, would that lifeline rate and that total tariff become null and void a year from now or would only their authority to approve other new lifeline rate tariffs become null and void?

Mr. LAUGHLIN. Mr. Speaker, the amendment deals strictly with the amount of time that would be available

for the PUC to deal with this particular regulation. It would have nothing whatsoever to do with the actual work that the PUC had put into effect during that time.

Mr. COWELL. Thank you, Mr. Speaker.

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

Mr. SHANE. I have a footnote for what Mrs. Gillette said. Different utility companies have a different mix of power sources—nuclear, oil and coal—and different percentages. So each one presents a unique problem. I would suggest that it is probably administratively impossible to get through all of these utilities in 1 year with all the accoutrements of public hearings, et cetera, and do an equitable and fair job in appraising a lifeline policy with the individual and unique circumstances of each utility. Therefore, I suggest a "no" vote.

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

Mr. LAUGHLIN. Mr. Speaker, with the amounts of rate increases that are being put before the PUC year in and year out for the last few years, I believe there is ample time within a year to have at least a regulation set and a rate set for probably just about 8 out of 10 of those that are appearing, and then we can at least justify what is being done in their instance. I do not think that the argument presented by Mr. Shane is valid in that respect.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. LAUGHLIN and Mrs. GILLETTE and were as follows:

YEAS—108

Anderson, J. H.	Gallen	McClatchy	Salvatore
Beren	Geasey	McCue	Scheaffer
Bittle	Goodman	McGinnis	Schweder
Bradley	Grieco	McLane	Seltzer
Brandt	Gring	Mebus	Shelhamer
Brunner	Halverson	Milanovich	Shuman
Burns	Hamilton, J. H.	Miller, M. E.	Sirianni
Butera	Hasay	Miller, M. E., Jr.	Smith, E.
Cessar	Haskell	Milliron	Smith, L.
Cimini	Hayes, S. E.	Miscevich	Stahl
Crawford	Hepford	Moehlmann	Taddonio
Cumberland	Hill	Mrkonic	Thomas
Davies	Hopkins	Noye	Ustynoski
Deverter	Hutchinson, W.	O'Brien	Vroon
Dietz	Katz	O'Connell	Wagner
Dintznl	Kelly, J. B.	O'Keefe	Wansacz
Dorr	Kistler	Pancoast	Weldner
Doyle	Klingaman	Perri	Whelan
Dreibelbis	Knepper	Petrarca	Wilson
Eckensberger	Kolter	Pitts	Wilt, R. W.
Fawcett	Kusse	Polite	Wilt, W. W.
Fischer	Laughlin	Pratt	Worrlow
Fisher	Lehr	Pyles	Yohn
Foster, A.	Letterman	Renninger	Zearfos
Foster, W.	Levi	Ritter	Zeller
Freind	Lynch	Ryan	Zord
Fryer	Manmiller	Saloom	Zwilk

NAYS—80

Abraham	Gallagher	Manderino	Rieger
Arthur	Garzia	McCall	Ross
Barber	Geisler	McIntyre	Schmitt
Bellomini	George	Menhorn	Scirica
Bennett	Grammarco	Morris	Shane
Berlin	Gillespie	Mullen	Shelton
Berson	Gillette	Musto	Shupnik
Caputo	Gleason	Myers	Stapleton
Cianciulli	Green	Novak	Stout
Cohen	Greenfield	O'Donnell	Taylor
Cole	Hutchinson, A.	Oliver	Toll
Cowell	Irvin	Perry	Trello
DeMedio	Itkin	Pievsky	Valicenti

DeWeese	Kelly, A. P.	Prendergast	Walsh, T. P.
Dicarlo	Kernick	Rappaport	Wargo
DiDonato	Kowalyszyn	Ravenstahl	Wiggins
Dombrowski	LaMarca	Reed	Wojdak
Dumas	Laudadio	Renwick	
Englehart	Lederer	Rhodes	Fineman,
Fee	Lincoln	Richardson	Speaker
Flaherty	Logue		

NOT VOTING—15

Bonetto	Johnson, J.	Ruggiero	Williams
Gleason	McGraw	Spencer	Wright
Hammock	Mullen, M. P.	Turner	Yahner
Hayes, D. S.	Parker, H. S.	Westerberg	

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

The SPEAKER. For what purpose does the gentleman from Chester, Mr. Vroon, rise?

Mr. VROON. Mr. Speaker, I would like to comment on the bill.

The SPEAKER. The Chair will recognize the gentleman at the proper time.

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

Bill as amended was agreed to.

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

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

Mr. VROON. Mr. Speaker, I wonder if Mr. Wojdak is in the House and if he would agree to a short interrogation.

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

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. VROON. Mr. Speaker, do you have a fiscal note on this bill, sir?

Mr. WOJDAK. Yes, Mr. Speaker.

Mr. VROON. Would you please tell us the total cost and give us a brief summary and breakdown of that cost?

Mr. WOJDAK. Mr. Speaker, the committee, as I understand it, had requested a fiscal note from us. The bill as it was presently structured at that time had no additional cost.

Mr. VROON. No additional cost? And is that still your opinion?

Mr. WOJDAK. Pardon?

Mr. VROON. Is that still your opinion, your position?

Mr. WOJDAK. Yes, Mr. Speaker.

Mr. VROON. Okay. Thank you very much, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, I would like to make a very poignant comment about this very subject.

The SPEAKER. The gentleman may proceed.

Mr. VROON. The State of Pennsylvania is one of the largest users of energy in the state. When we say we have no cost, this is a lot of humbug. The State of Pennsylvania is going to incur a tremendous amount of increased costs in its electric bills because of this lifeline

bill, and I would suggest that if we really want to consider this properly, we should get a fiscal note which considers the additional cost to the state and the extra bills that they are going to have to pay for electric power.

MOTION TO RECOMMIT

Mr. VROON. Mr. Speaker, would I be in order to ask for this bill to be recommitted to the Appropriations Committee for a proper fiscal note?

The SPEAKER. The gentleman, Mr. Vroon, has made a motion that House bill No. 2060 be recommitted to the Committee on Appropriations for the purpose of a fiscal note.

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

Mr. WOJDAK. Mr. Speaker, I am going to oppose that motion. The bill has been in the Appropriations Committee, and the fiscal note as we have prepared it indicates there will be no additional cost. I do not know what kind of cost Mr. Vroon was referring to that would result from the passage of this bill.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Gillette.

Mrs. GILLETTE. Mr. Speaker, I, too, oppose the motion to recommit to the Appropriations Committee. We do not get fiscal notes when the utilities increase their rates or put on fuel charges, and there is no reason why we should get one on this. It does not cost the state any money to have this bill passed, and what the Public Utility Commission does is another matter. No one can say it is going to increase the bills, so I would oppose that motion.

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

Mr. VROON. Mr. Speaker, I would like to have a brief rebuttal on the last remarks of these last two people. I would like to point out the fact that Mr. Wojdak apparently does not realize what the implications of this bill are.

When you put a lifeline block on the lowest users of electric power, you automatically pass that additional cost on to the larger users of electric power. Now the State of Pennsylvania is one of those larger users of electric power. Do not let anybody tell me—

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

The SPEAKER. Will the gentleman, Mr. Vroon, yield?

Mr. VROON. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I would suggest that the gentleman is arguing beyond the confines of his motion.

I would suggest to the gentleman respectfully that he and all others at the microphone today would do well to stay within the confines of the matter at hand so that we may expedite the business of this House.

Mr. VROON. I am only saying, Mr. Speaker, that there is—

Mr. IRVIS. Mr. Speaker, I do not intend to argue with the gentleman. I am suggesting that at this moment. I trust he will take it as a suggestion.

The SPEAKER. The Chair recognizes Mr. Vroon.

Mr. VROON. Mr. Speaker, I will cease debating on this point. I just wanted to bring out the fact that there is inevitably additional cost involved here to the state, and I think for that reason, we ought to recommit it to the Appropriations Committee for an investigation of that cost.

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

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

YEAS—71

Anderson, J. H.	Freind	Kusse	Seltzer
Beren	Gallen	Levi	Sirianni
Bittle	Geesey	Manmiller	Smith, E.
Brandt	Goodman	McClatchy	Smith, L.
Butera	Grieco	McCue	Stahl
Cessar	Gring	McGinnis	Stout
Cimini	Halverson	Mebus	Thomas
Crawford	Hamilton, J. H.	Miller, M. E., Jr.	Ustynoski
Cumberland	Hasay	Moehlmann	Vroon
Davies	Haskell	O'Connell	Weidner
Deverter	Hayes, S. E.	Pancoast	Westerberg
Dietz	Hill	Parker, H. S.	Whelan
Dininni	Hopkins	Perri	Wilt, R. W.
Dorr	Hutchinson, W.	Polite	Wilt, W. W.
Fischer	Kelly, J. B.	Renninger	WorriLOW
Fisher	Kistler	Ryan	Zearfoss
Foster, A.	Klingaman	Salvatore	Zord
Foster, W.	Knepper	Scheaffer	

NAYS—115

Abraham	Geisler	McLane	Ritter
Arthurs	George	Menhorn	Ross
Barber	Giammarco	Milanovich	Saloom
Bellomini	Gillespie	Miller, M. E.	Schmitt
Bennett	Gillette	Milliron	Schweder
Berlin	Gleeson	Miscevich	Scrica
Berson	Green	Morris	Shane
Bradley	Greenfield	Mrkonic	Shelhamer
Brunner	Hutchinson, A.	Mullen, M. P.	Shelton
Burns	Irviss	Mullen	Shuman
Caputo	Itkin	Musto	Shupnik
Cianciulli	Johnson, J.	Myers	Stapleton
Cohen	Katz	Novak	Taylor
Cole	Kelly, A. P.	O'Brien	Toll
Cowell	Kernick	O'Donnell	Trello
DeMedio	Kolter	O'Keefe	Valicenti
DeWeese	Kowalshyn	Oliver	Wagner
Dicarlo	LaMarca	Perry	Walsh, T. P.
DiDonato	Laudadio	Petrarca	Wansacz
Dombrowaki	Laughlin	Pievsky	Wargo
Doyle	Lederer	Pratt	Wiggins
Dreibelbis	Lehr	Prendergast	Wilson
Dumas	Letterman	Rappaport	Wojdak
Eckensberger	Lincoln	Ravenstahl	Yohn
Englehart	Logue	Reed	Zeller
Fee	Lynch	Renwick	Zwikel
Flaherty	Manderino	Rhodes	
Fryer	McCall	Richardson	Fineman,
Gallagher	McIntyre	Rieger	Speaker
Garza			

NOT VOTING—17

Bonetto	Hepford	Pyles	Turner
Fawcett	McGraw	Ruggiero	Williams
Gleason	Noye	Spencer	Wright
Hammock	Pitts	Taddonio	Yahner
Hayes, D. S.			

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

On the question recurring,  
Shall the bill pass finally?

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

Mr. VROON. Mr. Speaker, now I must take up the cudgels against this bill on the basis of principle. This bill tries to achieve something which is quite radical and

different and it is a departure from usual procedure. This bill inserts into a rate-making structure a social welfare program and as such it does it very poorly.

Just by way of illustration, let me tell you that I live in a very substantial home in Valley Forge. It is an 11-room house; it is a very substantial house. And because I am in the area of Philadelphia Electric, believe it or not, I am one of the prime recipients of the benefit of this life-line rate. Is that the intention of this bill? I do not think you really want me to get the benefit of this. And verily I will say to you, I do not need that benefit.

It illustrates the point that in trying to benefit a small percentage of citizens—maybe as much as 20 percent of our citizens will be benefited by this—80 percent of unworthy citizens will also benefit from this. This falls into the category of people who have large homes and low use. Now low use and low income are not coincidental in this case. There are many wealthy people who do not use very much electric power, and there are a good many poor people who have large families who use a lot of electric power. Then we have the unfortunate aspect of hospitals, stores and industry, factories and stores and businesses all over our state paying the larger ante for electric power just for the purpose of helping 20 percent, at the most, of those people who we say fall into the category of senior citizens and poor people.

Believe me, Mr. Speaker, I would be the first one to say let us help these people in need, but I would also be very strong to state to you that I want to help these people in need on a proven basis and on a direct basis. We can do more to help people in need if we choose a different method. If we choose a method such as energy stamps, for example, we are getting right to the core of the need. And if we put it on the basis of proven need, then we know that this need is going to be taken care of properly and we can do better by the people who are really in need.

This way we are wasting money by letting 80 percent of the population enjoy lower rates in the first block, who do not need it. I think this is utterly ridiculous.

Now let us be very careful to consider one other thing. Do you think you are helping people by doing this? I daresay you are not. When you pass higher costs on to the consumer, you are not helping these poor people. They are having to buy their products at higher costs. When you put higher energy costs onto business, their product costs increase, and the users of these products are very largely lower income people because they spend a larger percentage of their income to live.

So I would say very definitely this bill is ill conceived. This bill does not achieve the purpose we want it to achieve.

I want to help these people, but I can think of a million and one better ways to do it than this. I strongly urge a "no" vote on this bill.

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

Mr. A. C. FOSTER. Mr. Speaker, will the lady, Mrs. Gillette, consent to interrogation?

The SPEAKER. Will the lady, Mrs. Gillette, consent to interrogation?

Mrs. GILLETTE. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. A. C. FOSTER. Mr. Speaker, what would be the

impact of this bill upon someone with an all-electric home?

Mrs. GILLETTE. Just as under the current PUC regulations, they do take these things into consideration. I am sure that these people would receive a special rate just as they now do, Mr. Speaker.

Mr. A. C. FOSTER. When you get to the bottom line of their electric bill, under the so-called lifeline bill, do you think that their electric bill will be greater than it is at the present time?

Mrs. GILLETTE. That depends entirely on the way the PUC commissioners implement this legislation, if they do. I cannot answer that. It probably will be going up anyway because our utilities have been increasing and we are hearing these television commercials telling us that they are going to continue to go up. So I do think we should help somebody out.

Mr. A. C. FOSTER. Mr. Speaker, do you feel that for someone in the income strata of, say, \$9,500 with an all-electric home and with several children this bill will be beneficial to that family?

Mrs. GILLETTE. I think if the bill is properly implemented, it would be beneficial to all residential users. That is my opinion.

Mr. A. C. FOSTER. To all residential users?

Mrs. GILLETTE. Right.

Mr. A. C. FOSTER. Mr. Speaker, that concludes my questioning. I would like to make a brief statement.

The SPEAKER. The gentleman is recognized.

Mr. A. C. FOSTER. Mr. Speaker, I think the lady's argument falls on the rules of logic, because she states that the bill will be beneficial to all residential users. I think a basic axiom is that the whole is the sum of all its component parts. You are saying that everyone, all residential users, will benefit from this bill, and that is an impossibility unless you are going to the premise that business and industry could then absorb the entire load. This is a completely false premise. I submit to you that for the middle-income families who in many cases are the great users of electricity, these people—at least potentially—are going to be whacked right between the eyes with this bill if it is implemented.

I had a discussion last night with a gentleman from the AFL-CIO who had written me, sent me, a special delivery letter on this bill. I talked to him about it and asked him the impact that it was going to have on union members, many of whom live in all-electric homes. After talking about it, his statement was: Well, Mr. Foster, send me a copy of the bill. If what you say is true, I might reconsider my thoughts on this.

I think there are a lot of people who had better reconsider their thoughts, because we are proceeding here on the premise that we are doing something for the little people, for the little person, but in all too many instances this is the very individual who is a great user of electric current, and we had better think very seriously about what we do on this bill. I voted for recommitment so we could have this serious thought. Now I have no alternative but to ask for a negative vote.

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

Mr. TRELLO. Mr. Speaker, could I interrogate my very good friend and colleague, Mr. Vroon?

The SPEAKER. Maybe he will not be such a good friend after you get through with the interrogation.

Will the gentleman, Mr. Vroon, consent to interrogation? Mr. VROON. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. TRELLO. Mr. Speaker, you indicated in your statement that approximately 80 percent of the people who would benefit from the lifeline would be people in a category who would not really need the relief. How do you arrive at those figures?

Mr. VROON. If you will take a rough calculation of senior citizens, you will probably come to something like 10 percent. If you take a rough calculation of poor people, you will come to another 10 percent. Now even a lot of these senior citizens are not poor and not in need, so I think it is safe to say that the outer perimeter of the group we are talking about is 20 percent. I would be glad to be corrected, Mr. Speaker, if you have better information.

Mr. TRELLO. Well, I have not had an investigation on it, but the only thing that I know is that in my district the rate of senior citizens is approximately 18 percent and the rate of people on welfare or assistance is about 20 percent. So I am talking about 38 percent of the people in my district who are either 65 years old or older or are living on a very low and fixed income with assistance.

That is the extent of my interrogation. I would like to make a statement now, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, I think there is a gross misunderstanding about this lifeline bill, House bill No. 2060. I think one of the members of the PUC—and for the first time in 2 or 3 years we do have a full board—has indicated to me that this bill is the type of bill that they would like to have studied for a period of a year or so to make sure that they can implement it properly.

Now there are other states that have a lifeline thing similar to what we have right here, and they want to study the states that already have this program. They are not doing a darn thing about it right now, but they want to try and do something about the high cost of utilities right now, and I think we ought to give them that opportunity—the year or so to find out what is best suited to help the people who really need it. I would like to have everybody vote in favor of this bill.

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

Mr. WHELAN. Mr. Speaker, I rise to oppose the bill and I would like to make a brief statement as to why.

Although I voted for the amendment and I think the 1-year trial period is a good approach, I still feel it will be too easy to continue to pass this legislation next year and continue the program.

There are several reasons that I am against it. First of all, I think the coal and oil users will be penalized by paying higher prices for goods and services than they are now presently being charged with.

Two, I think our business climate in Pennsylvania is already at one of its all-time low ebbs, and to put this bill in effect would penalize them even further, placing them at competitive disadvantages with their competitors in other states near our Commonwealth.

A recent study completed by the Chamber of Commerce indicates that we rank 42nd out of 50 in business climate in the Commonwealth of Pennsylvania. Only yesterday, Chairman Edgar Spear noted that he was building a new steel plant for U.S. Steel in Texas. When asked the ques-

tion, are you moving to Texas because you do not like the climate or the business climate in Pennsylvania, to paraphrase Mr. Spear, he said, the political climate of Pennsylvania prevented consideration of any expansion in the State of Pennsylvania.

I think that is an indication that we do not need to lose any more business or industry in the state.

Who will be penalized by the lifeline bill? I think the middle-income taxpayer will be penalized the most for this bill. He is the person who pays the bills for his kids' education because he cannot afford to get a scholarship. He is law abiding. He pays back the loans that he borrows for his kids' education. He is a steelworker, a business clerk, a schoolteacher, a druggist, a labor leader, a farmer and/or legislator. He is a fellow whose wife works so that he can make ends meet, so that he can pay his taxes and buy the goods and services and pay the mortgage payment on his three-bedroom home, which very possibly might be heated by electricity.

Maybe a few poor people and a few senior citizens will benefit from the lifeline rates, but by and large the few who will benefit will be benefiting at the expense of the majority of the people in the State of Pennsylvania, the middle-income families.

What have we done for the middle-income taxpayer? In my opinion, we have done nothing. In my case I pay approximately \$650 a year for electricity in my four-bedroom home. As the bill was originally drafted with a 500-kilowatt-hour block, my bill would go to approximately \$1,000, about a 40-percent increase.

Now the only thing electric in my home is that I cook with electricity and I have electric hot water heat. So if I am going up 40 percent, think about those people who have all-electric homes. Costs will be borne by hospitals, schools, nursing homes, municipalities, apartment houses, industrial plants, which I mentioned earlier, and small businesses.

I would like to give you some figures that I just obtained from the Pennsylvania Electric Company. I had asked them to give me some figures on various businesses and individual homes.

A motel in my district using 7,100 kilowatts, if we use the 500 block, goes from \$181 a month to \$420 a month; an all-electric home goes from \$1,773 annually to \$2,651, an increase of some 55 percent, or \$900 a month; the local farm in my district goes from \$1,930 to \$3,085; the municipal building in my borough goes from \$98 to \$160—all strong examples of how this bill will increase costs to you and me, the middle-income taxpayer.

While the intent of this bill is good on its surface, I feel it will hurt the vast majority of us. I believe that if you check the cost of your own home's electricity and your neighbor's home on electricity, you will find that under a 500-kilowatt block or some similar-type block, your rates of electricity will go up significantly, probably in the 20- to 30-percent range.

The Harrisburg Patriot used an analogy last week when they said that it would be very much like paying \$1.50 for the first gallon of gasoline and \$2 for each gallon thereafter. I submit to you that it will be similar in our case.

I would like to conclude by saying that while we have helped, I think, in a great many cases—the senior citizen, the poor person in our Commonwealth—we have done absolutely nothing for the middle-income taxpayer who

has been completely abused. And I think that rather than a lifeline rate, this may very well be an anchor-line rate around the middle-income taxpayer's neck. I would urge you to vote "no" on this bill.

Thank you very much.

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

Mr. SHANE. One of the favorite rhetorical exercises on the floor of this House is to set up an imaginary straw man that does not exist in the bill and then proceed to pummel that straw man and try to knock him down. I suggest that is precisely what is happening this afternoon with House bill No. 2060.

House bill No. 2060 does not—I repeat, not—require the Public Utility Commission to establish lifeline rates; it simply broadens the criteria. And I read from the bill—should anybody choose or care to read—line 20, page 5:

In determining whether rates are just and reasonable the commission shall consider the cost of service, value of service, conservation of natural resources used in the production or generation of utility service, and the protection and promotion of the public health, safety and welfare.

It simply says the PUC shall consider those factors. It does not say the PUC has to do anything about it.

Next paragraph:

The commission may,—

I underscore the word "may"—

after notice and hearing, require or permit each gas, electric or steam heat utility to file a tariff which includes a lifeline rate designed to promote the conservation of natural resources; such lifeline rate shall be a reduced rate applicable to the initial block of a rate design or rate structure.

Now this says the PUC may do such-and-such to promote the conservation of resources. It does not say the PUC must do something. We have heard a great variety of horror-story hypotheticals, and I submit to you, Mr. Speaker, that that is all they are—scare stories and hypotheticals—because this bill is permissive only. It is vastly diluted from its original form. It simply says the PUC may take additional criteria into account; namely, conservation of natural resources and the public health, safety and welfare.

One of the things that has not been mentioned in debate up to this point is that our current rate structures in utilities encourage waste—encourage waste of natural gas, encourage waste of electricity.

Now nobody is suggesting that we are going to completely discard the concept of rates being tied to cost of service.

The only thing that is a possibility, not an absolute necessity, is an adjustment in the bottom rate block. Nobody is suggesting that we charge Alcoa the same rate for electricity as we charge a middle- or low-income householder. We realize that this would drive Alcoa out of the state. All we are saying is that in the bottom block of rate structure, perhaps some equity can be done. You tell me if you think these following figures are fair: From 1963 to 1971 the monthly cost for 250 to 500 kilowatt-hours of electricity rose an average of 12 to 13 percent, while the cost for 1,000 kilowatt-hours rose only 10 percent. For gas, the monthly price of 9,000 cubic feet

from 1962 to 1972 rose 19 percent, while that for 14,000 cubic feet rose only 16 percent.

So you see the rate increases. The percentage of rate increase for the lowest block has been rising faster than the rate increase for higher blocks. Now is that fair to the person who is on a fixed income, retirement and social security?

Mr. Speaker, I believe you are sophisticated enough to maintain at the same time two separate concepts. The one concept is that, yes, in general, public utility rates should be tied to cost of service. If Alcoa is using 1 million kilowatt hours of electricity per month to make aluminum, a high energy intensive product, we are obviously going to recognize economies of scale. We do now, and any sensible person will in the future. We are not going to charge Alcoa the same amount we charge a householder who uses 1,500 kilowatt hours.

All we are saying is that it seems unfair that the percentage rate increases in the bottom block, where those retired people on pensions are, go up higher than the higher rate blocks and is not equitable. We are simply giving the PUC broader criteria to do something about it. Nothing more than that. No amount of straw men can obfuscate the fundamental fact that this bill is permissive only. I urge a "yes" vote.

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

Mrs. KERNICK. Thank you, Mr. Speaker.

I rise to support this bill. I think there have been a lot of statements made pro and con but not necessarily based on fact. This bill reminds me of a new pair of shoes. You do not know whether they are going to fit or whether they are going to pinch until you try them on.

Due to Mr. Laughlin's amendment to this bill, we have a year to decide whether they will pinch or not. If they do, this House has the authority to nullify this action today.

Thank you.

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

Mr. COHEN. Mr. Speaker, there is a lot of opposition to this bill on the fundamental ground of the lifeline principle being in opposition to pricing principles. Some people fear that establishing a principle of low prices for low electric use will establish a precedent for use in industry of low prices for low consumption.

Mr. Speaker, abolishing low prices for low electric use is totally distinguishable from abolishing low prices for use of any industrial product.

With the vast energy shortage facing Pennsylvania and the United States in the years ahead, there is a strong public interest in providing incentives for low energy use. The failure to provide incentives for low use of electricity can well lead to a need for new power plants, which will in turn lead to higher rates. Higher electric use leading to expensive new power plants leading to higher rates is the evil this bill seeks to correct. It explains Mrs. Gillette's belief that this bill is strongly in the interest of each Pennsylvania family.

Lifeline is far preferable to energy stamps. The last thing Pennsylvania needs at this time is another expensive bureaucracy, administering another expensive program. I urge support of this bill.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, wish to speak in favor of this bill. As Mr. Shane suggested, there has been a tremendous amount of speculation, particularly on the part of the opponents of this bill. We have heard questions raised about the cost to those who own all-electric homes. We heard it suggested that there might be tremendous cost to state government. Those charges and those suggestions simply are not substantiated by what this bill actually says.

For people to suggest those extreme possibilities, it requires them to read into this bill things that are not stated therein. We are forced to read into the bill or to assume that a certain lifeline block will be established. It is not in this bill. We are forced to assume that there will be a certain cost differential between the lowest and the highest usage areas.

We are forced to assume that the lifeline concept is going to be applied across the board and that the cost differential will be applied across the board among residential consumers, small businesses and large industry. None of these assumptions is substantiated by what this bill actually says.

As a couple of speakers have already stated, this is simply permissive language and is permissive in the sense that it speaks to a concept.

I think it is important that we begin to do that. I think it is important that we pass this bill because I think we need to force the PUC in this state to begin to look at other concepts with respect to the pricing of utilities in this Commonwealth.

We have a Joint State Government Commission Task Force that has been looking at these issues, among other issues, during the past few months. It has come to our attention, and I think it has stood out more than anything else, that this state is very, very delinquent in looking at other types of concepts. Most states throughout these United States are far ahead of us in terms of experimenting with, in terms of taking a look at, other types of concepts.

I think it is important that we send a message to the Public Utility Commission that we want them, we are going to encourage them, to look at some of these alternatives.

Now we are not shoving a lifeline concept down anybody's throat. And as Mr. Shane again said, we are not telling the PUC that they must implement a lifeline concept. I think what we are saying though is that we are not satisfied with a pricing structure in this Commonwealth that right now rewards those who tend to use more utilities than those who use less and rewards them by giving them a lower cost per unit.

I think we are saying that we are not satisfied with a system that especially hits hard the residential consumer who has to use a certain amount of utility, be it natural gas, electricity or whatever to heat their home or to cook their food. I think what we are saying to the PUC is that we are dissatisfied with these things and we want you to look at these other alternatives, among which might be a lifeline concept.

The opponents of the bill have taken a number of different postures. I cannot help but think of one opponent who spoke twice, and that particular speaker, in speak-

ing in favor of recommitment, got up and said, we do not need this bill. Let us recommit it because the PUC can already do this. And then after that motion to recommit was defeated, that speaker got up and seemingly spoke out of the other side of his mouth and told us about how bad this bill was going to be and told us about the terrible ramifications in terms of its being a welfare measure and the cost impact on various types of income groups.

I do not know whether the PUC today has the authority to implement a lifeline concept. I think that most of us know that to some extent they have already begun to look at it though. And to some extent on a very informal basis, I suppose, they are already working with some utility companies and I guess to some extent have even implemented a limited lifeline concept working with a couple of utility companies in this Commonwealth.

So maybe they already have the authority. Maybe that speaker was correct initially. If they already have that authority though, nonetheless it is important that we tell them that we are very much interested, we, the legislature, is very much interested in this concept and we want you to proceed further in this exploration. And if, in case, they do not already have that authority, then, as I suggested earlier, it is most appropriate that we tell them, we are giving it to you; this is the mandate not to impose lifeline concept, but to look at lifeline concept, experiment with it, and in the process, I think, take a close look at other possible rate structures that this state, again, today has pretty much ignored.

Thank you very much, Mr. Speaker.

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

Mr. STAHL. Mr. Speaker, regarding Mr. Shane's comments, frankly, I think that Mr. Shane has missed the whole point of the arguments that we are making. He blasts our hypothetical questions that we have for this bill, yet his hypothesis is equally all wet.

He forgets the fact that there was a prior printer's number to this bill. He forgets about the Philadelphia Electric rate case. Let me expound on that, if I can.

The Philadelphia Electric rate case was before the PUC, and the PUC said to the Philadelphia Electric Company that they shall come back with lifeline rates. Now, we know what the intention of the PUC is in this area. Obviously, the bill does not say that they are required to do this, because they are going to do it anyway.

The reason that this bill was changed from the prior form to this particular form is so that it would hide the issue; that we could not prove to you that it is going to cost you and your average taxpayer more; that we could prove to you that your poor people, a large number of them, are going to suffer under this kind of legislation.

California has a lifeline rate. Their experience with the lifeline formula does not work. It has not worked no matter what they have done to improve the system and it does not help the people the lifeline rates were purported to help; those are the poor people and senior citizens. It helps all classes of people.

We try to explore in committee these various aspects and we were not able to.

Further, I question all the sponsors of this legislation. Why did we not take a look at the whole spectrum of fuel cost for poor people? We did not take a look at coal costs. We did not take a look at fuel oil costs. We did not take a look at what ramifications this means to the

already overburdened municipalities which are strapped for funds and whose school districts are raising their millage rates by leaps and bounds year after year. We did not take a look at that. We did not answer those questions. We did not even invite those people to testify. They did not even know how much this bill was going to affect them.

What are we afraid of? Why are we afraid to look at fuel stamps? Are we afraid that that is the real answer to the problem and that it is going to cost us some money?

I submit that the bill has not received the attention which its sponsors say it has got. I submit that the hypotheses that we have raised are valid hypotheses.

Thank you, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, just a short comment: Mr. Shane talked about a straw man, and he is saying this is just a "may" bill. Now, Mr. Speaker, do not be kidded by this kind of talk. I submit to you that this concept is being put into practice this very moment. It is in effect already. I am affected by it. The Philadelphia Electric has been ordered to use the lifeline concepts.

So, Mr. Speaker, let us not be fooled by this straw-man talk. This is definitely an attempt to legalize for the benefit of the PUC what they have already put into effect. There is no doubt whatsoever as to their intent. It is only too apparent because they have done it already without our blessing, if you will.

So let us not put the argument on that basis, but let us talk mainly on the basis of who is really being helped here and how much better could we do it elsewhere and in other ways. That is really the issue here; not the straw man.

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

Mr. LaMARCA. Mr. Speaker, perhaps I have missed some of the import of the conversation. As I have stated, Mr. Speaker, it is possible that I have missed the wisdom that I am sure is engrained in the comments of some of my colleagues, but when I look at a bill such as this one, I have to reduce it to simplicity.

I support this bill. Because, as I understand this bill now—and no one has yet disputed it—the gas and electric utility rates currently in effect give a break to the big user and the rate is higher to the little guy. Now there is supposed to be a reason for this, and I fail to see it. It really amounts to discounting, I suppose, and I can understand discounting.

If I go in to buy one case of beer and I chase the guy inside the cooler and he comes back out and puts it in my car, it is a certain rate. If I were to walk up and say I want 100 cases, I do not want it cold, I want them all at once, and I am going to pay you cash. I can understand under those circumstances, that the owner of the establishment would give me a better rate. But when I use electricity and I am supposed to be assessed for that electricity—what it costs to build a building; what it costs to maintain the service; what it costs to supply the electricity—and then you tell me that I have got to pay more because I do not use as many, I simply do not understand.

We are saying today that gas and utility rates today have got to cost you more unless you use an amount over and above. Why? I have not heard anyone tell me why.



Does it cost more money to produce that electricity? Some people may think so, but I doubt it, the way it is stored up.

Some people tell us we have to worry about the business climate, and maybe that is true, but that is little consolation to me, the little user.

The man who made the analogy with reference to gas says that is like paying so much for the first gallon and then after that you pay a lot more. Well, that is just the opposite. If you are going to assess me a great deal for that one gallon, and then if I buy more than one, you are going to charge me a lesser rate—the service is the same. The pump is in there and the gas is coming out and it takes the same attendant; it is the same situation—why should I be penalized for having bought one item?

A half loaf of bread costs more in the store because the packaging is involved, because the handling is involved. You buy a bigger loaf, you get a discount. But should that apply to electricity?

You have got that wire hooked up to your house just as they have that wire hooked up to that factory. Why should I, when I attempt to conserve, when I attempt to save, be penalized? That is exactly what is happening.

If I try to save, if I try to conserve or if any other individual home consumer tries in this country, in Pennsylvania, he is penalized. We are saying, do not save, do not conserve. But we say to the factory—and you have seen many large consumers with their buildings lighted on every floor at night because some janitor is sweeping through there. He is not sweeping throughout, but they do not have to worry about saving—you get a cheaper rate. I have to worry about it and I have to pay a higher price.

This bill will alleviate that problem, and I ask support for the bill.

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

Mr. TRELLO. Mr. Speaker, I hope someday I will be able to express myself as good as my former colleagues, but I have one short thing to say.

You know, I have heard some opposition to this bill that it will not do anything; it needs more study; it will create havoc, and so on and so forth. I wonder where these people were when they made these statements, when the utility companies broke their contracts on coal and gas and raised them and forgot about the contracts and paid these high costs for fuels and added them onto the fuel-adjustment clause.

I think this is a step forward. It will not solve the problem. There is no pill that you can take to make it go away and there is probably no instant solution, but I think this is a step forward to find out where it is and to do something about it, and I urge everybody to vote for it.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I, too, rise in support of House bill No. 2060. It is a difficult decision for all the members and I recognize it. But it is a decision which I have made on the basis of the fact that, in my opinion, this bill gives us the best chance that we have had to benefit the small consumer who has, up until now, very little voice at his defense before the Public Utility Commission.

I would strongly suggest that with the amendment which has been inserted in the bill which gives us a

report within a year, there is really no one on the floor of this House so tied to the utilities or so concerned with their welfare that he or she can afford to turn his or her back on the small constituent consumer, and I would urge the support of this bill.

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

Mr. DININNI. Mr. Speaker, I will keep it brief. I would just like to answer a few comments that Mr. LaMarca made, and in fact, also the majority leader.

We are hurting the small consumer. Just stop and look back. Who is using the kilowatt hours? The people who were talked into building a house totally electric. These are the people who are getting the discount—the average person, apartment dwellers—where they are paying the utility cost.

If you look back over the past 6 or 7 years or even 10, you will find the greatest percentage was built totally electric. So you are really hitting the small guy.

When it comes to these big office buildings, you go over and look at the rate structure. They do not get a discount, absolutely not. The only ones who do are the ones who are on total electric heating and lighting.

Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Thank you, Mr. Speaker, just to correct a statement that the majority leader made.

I do not know how he intended it, but I do not think a "yes" or "no" vote on this bill has anything whatsoever to do whether someone is, as he put it, closely tied to a utility company. As a legislator of this body, I have yet to hear from any utility company on this bill. And I do not want any vote to be so interpreted as a fact that I have been or anybody here has been lobbied by utility companies. As a matter of fact, the utility companies, the people who produce the electricity and the gas, will not suffer at all, as I understand the intentions of the Public Utility Commission in seeking to attempt to implement this legislation, should we pass it. They will still be able to earn their fair return under the rate structure law which presently is on our books. This in no way affects, changes, modifies, increases or decreases the amount of return which a utility company may earn. We are in no way changing the rate of return, a part of the public utility law.

What we are arguing, I think, and quite properly so, is the method by which we should accomplish the worthy goal that this legislation seeks to put forth. That goal is to assist those on fixed incomes and those who are of lesser means from an ever-increasing fuel bill. I think we all have that common goal.

The question is whether, in accomplishing the goal, we are not giving benefits to people other than people who are poor and who are on fixed incomes. The next question that follows is, could we not do this or attain this worthy goal of helping the fixed-income and poor people in some other method which would permit us to spread more dollars among the truly needy without hurting the people in the middle, and the people who produce jobs, and the hospitals and the schools, all of whom use more than 500 kilowatts or whatever magical figure would be arrived at by the Public Utility Commission? That is what we are arguing here.

There is just as much sincerity in a "no" vote as there is in a "yes" vote, and the goal is common. I just think it has been made very clear, both in public hearings as well as in communications which we have all received, that in trying to help people who are of lesser means, perhaps you are going to hurt people whom we do not have to hurt. If we would just confine ourselves to those who are truly needy, we can help them more than we might do if the Public Utility Commission would implement this legislation. That is the issue and that is where the debate should be confined.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Gillette.

Mrs. GILLETTE. Mr. Speaker, I first want to say that House bill No. 2060, printer's No. 2852, is not a bill aimed at welfare recipients or low-income people. It is not a welfare measure. It is a measure aimed at making it economically attractive for people to conserve energy and in bringing about a more equitable rate structure to our public utilities.

I think the rate structure in use today was the structure that was put into effect 40 years ago when fuel was very cheap and plentiful. There was no cost on the use of water except for pumping it in and out of a plant, and therefore the utility companies could give reduced rates to people who used large amounts of energy. This is not true today. The great costs are in generating and producing the fuel and running the plants. It is not in servicing the small customer.

It seems all the opponents to this bill try to make it a welfare measure. This it is not. It is to bring a change in our present rate structure. It does not mandate any changes, and the whole thrust of the bill is simply to give the Public Utility Commissioners a little more authority, the authority to look into these rates to see if changes cannot be made so that rates could be fairer to the small user. I would hope that members support this bill.

Thank you.

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

Mr. GALLEN. Mr. Speaker, I do not think it is proper for any member of this House, no matter what his position, to impugn the motives of any other member when he is voting on any issue that is before this House.

#### MOTION TO RECOMMIT

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

Mr. O'CONNELL. Mr. Speaker, I am reminded here today of a battle that went on for a long time in this House of Representatives and it referred to the no-fault insurance problem. That generated a lot of heat by my constituents and by a lot of people in this Commonwealth because it was actually projected to them as the kind of legislation that would be helpful to those people on the lower levels who would need it.

That is one of the few votes in this House of Representatives that I yielded to because of the overwhelming amount of mail that I received from my constituents. But I tell you here and I tell them now, I wish I had that vote back and it would be a lot different, because it did not do anything for them. I am suggesting here today that this bill is not going to do what it is intended to do

and it is nothing but a cruel promise, if Mr. Shane's statements are correct.

First of all, if it is a "may" bill and its discretion is up to the PUC, there is no guarantee that those people who are to be helped will be helped. Finally, it is going to, in my case, help me because I have a summer home and I pay a stand-by charge and I will be relieved of paying that stand-by charge, one that I could not really quarrel with. But it is going to create some problems in some other areas that are rather unfair.

The truth of the matter is that if you want to get down to the nuts of the problem, the entire rate structure for everyone across this Commonwealth has to be considered, and, more importantly, the tax structures upon the utilities have to be considered. The unfair tax burden that they have now placed upon them is something that we should address ourselves to. They are taxed differently than any other corporation in this Commonwealth as to the gross tax and the property realty tax and the fuel tax, and everytime there is an increase in this Commonwealth of a rate, be it by a fuel adjustment or be it by one that is granted by the PUC through the regular channels, there is additional money thrown into the coffers of the Commonwealth to the tune of about 4½ percent.

If you really want to get down to the problem, you will stop this charade, as I would call it or refer to it, and get down to the real problem and address yourselves to the problem so that the utility rates would be fair and equitable. What you are intending to do here is charge me, because of my vote, with being inconsiderate of the low- and moderate-income people. I will tell you, Mr. Laughlin probably had an excellent amendment, but in that year we will discover exactly what we discovered in the no-fault and there will be penalties that we cannot correct. I should think that this bill ought to be recommitted to the Committee on Mines and Energy, and I so move, and only those in their seats should be voting.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Gillette.

Mrs. GILLETTE. Mr. Speaker, was that motion not voted on previously?

The SPEAKER. There was a prior motion to recommit to the Committee on Appropriations.

Mrs. GILLETTE. There was also one to Mines and Energy.

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

Mr. DOMBROWSKI. Mr. Speaker, Mr. Goodman had earlier suggested that.

#### PARLIAMENTARY INQUIRY

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

Mr. O'CONNELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'CONNELL. Mr. Speaker, if that is creating a problem, I would like to submit a motion to reconsider the vote by which that recommitment failed.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. O'Connell, moves that the vote be reconsidered by which the motion to recommit to the

Committee on Mines and Energy Management previously failed.

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

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

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

NAYS—96

Anderson, J. H.	Fryer	Manmiller	Seltzer
Arthurs	Gallen	McCall	Shelhamer
Beren	Geesey	McClatchy	Shuman
Bittle	Goodman	McCue	Sirianni
Brandt	Grieco	McGinnis	Smith, E.
Burns	Gring	McLane	Smith, L.
Butera	Halverson	Mebus	Stahl
Cessar	Hamilton, J. H.	Miller, M. E.	Stout
Cimini	Hasay	Moehlmann	Thomas
Crawford	Haskell	Noye	Ustynoski
Cumberland	Hayes, S. E.	O'Brien	Vroon
Davies	Hepford	O'Connell	Wansacz
Deverter	Hill	O'Keefe	Weidner
Dinanzi	Hopkins	Pancoast	Westerberg
Dietz	Hutchinson, W.	Parker, H. S.	Whelan
Dorr	Katz	Perri	Wilt, R. W.
Doyle	Kelly, J. B.	Pitts	Wilt, W. W.
Dreibelbis	Kistler	Polite	WorriLOW
Eckensberger	Klingaman	Pyles	Wright
Fawcett	Knepper	Renninger	Yohn
Fisher	Kusae	Ryan	Zearfoss
Foster, A.	Letterman	Scheaffer	Zeller
Foster, W.	Levi	Schweder	Zord
Freind	Lynch		

YEAS—94

Abraham	Geisler	Menhorn	Ritter
Barber	George	Milanovich	Ross
Bellomini	Giammarco	Miller, M. E., Jr.	Ruggiero
Bennett	Gillespie	Milliron	Saloom
Berlin	Gillette	Miscevich	Schmitt
Berson	Gleeson	Morris	Shanc
Bonetto	Green	Mrkonic	Shelton
Bradley	Greenfield	Mullen	Shupnik
Brunner	Hutchinson, A.	Mullen, M. P.	Stapleton
Caputo	Irvls	Musto	Taddonio
Cianciulli	Itkin	Myers	Taylor
Cohen	Johnson, J.	Novak	Toil
Cole	Kelly, A. P.	Oliver	Trello
Cowell	Kernick	Perry	Valicenti
DeMedio	Kolter	Petrarca	Wagner
DeWeese	Kowalyahyn	Plevsky	Walsh, T. P.
Dicarlo	LaMarca	Prendergast	Wargo
DiDonato	Laudadio	Rappaport	Wiggins
Dombrowski	Laughlin	Ravenstahl	Wilson
Dumas	Lederer	Reed	Wojdak
Englehart	Lehr	Renwick	Zwikl
Fischer	Lincoln	Rhodes	
Flaherty	Logue	Richardson	Fineman, Speaker
Gallagher	Manderino	Rieger	
Garzia	McIntyre		

NOT VOTING—13

Fee	McGraw	Salvatore	Turner
Gleason	O'Donnell	Scirica	Williams
Hammock	Pratt	Spencer	Yahner
Hayes, D. S.			

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

On the question recurring,  
Shall the bill pass finally?  
(Members proceeded to vote.)

VOTES CHALLENGED

Mr. RYAN. Is Mr. Ross on the floor of the House?  
The SPEAKER. Mister who?  
Mr. RYAN. Ross, R-O-S-S, Ross.

The SPEAKER. Is Mr. Ross in the hall of the House?  
Mr. RYAN. Mr. Ross, Mr. Speaker.

The SPEAKER. Is Mr. Ross in the hall of the House?  
If the gentleman is not present, will someone strike his vote from the board?

Mr. RYAN. Is Mr. Cole on the floor of the House, Mr. Speaker?

The SPEAKER. Is Mr. Cole in the hall of the House?  
If the gentleman, Mr. Cole, is not present, will someone strike his vote from the board?

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

Mr. GIAMMARCO. Mr. Speaker, is Mr. Salvatore on the floor of the House? Is Mr. Perri on the floor of the House?

The SPEAKER. Will someone please strike Mr. Perri and Mr. Salvatore? Will someone please strike the votes of the gentlemen?

The Chair would remind the members that only those persons present in the hall of the House are permitted to be recorded.

Mr. RYAN. Mr. Speaker, Mr. Ross and Mr. Cole.

The SPEAKER. There is Mr. Ross.

Will the clerk open up the machine of Mr. O'Donnell so that the gentleman, Mr. O'Donnell, may be recorded?

Mr. RYAN. Mr. Cole?

The SPEAKER. Will someone strike the vote of Mr. Cole?

Mr. RYAN. Mr. Speaker, I understand that the machines are locked and that is part of the problem.

The SPEAKER. The clerk will strike the vote from the board.

The members will proceed to vote again.

(Members proceeded to vote again.)

VOTES CHALLENGED

Mr. RYAN. Is Mr. McIntyre on the floor of the House, Mr. Speaker?

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

Will someone please strike the vote of Mr. McIntyre? Will someone please strike the vote of the gentleman?

Mr. RYAN. Is Mr. Rieger on the floor of the House?

The SPEAKER. Mister who?

Mr. RYAN. Mr. Rieger.

The SPEAKER. Is Mr. Rieger on the floor of the House?

The gentleman, Mr. Rieger, is present. The gentleman's presence is noted.

Mr. RYAN. Mr. Speaker, I just wanted to wake him up.

McIntyre again.

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

Will someone please strike the gentleman's vote from the board? Will someone strike Mr. McIntyre's vote?

Mr. RYAN. Mr. Milanovich?

The SPEAKER. Mr. Lederer, will you be kind enough to strike Mr. McIntyre's vote from the board?

Mr. RYAN. Mr. Milanovich?

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

Will someone strike Mr. Milanovich's vote from the board.

Mr. RYAN. Mr. Speaker, I understand that he was present.

The SPEAKER. The Chair thanks the gentleman.

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

Table listing names of members who voted 'YEAS' (102 total). Includes names like Abraham, Barber, Bellomint, Bennett, Berlin, Berson, Bradley, Brunner, Burns, Caputo, Cianciulli, Cohen, Cowell, DeMedio, DeWeese, Dicarolo, DiDonato, DiDonato, Dombrowski, Doyle, Dumas, Eckensberger, Englehart, Fischer, Flaherty, Gallagher, Garzia, Gelsler, George, Giammarco, Gillespie, Gillette, Gleeson, Greenfield, Irvis, Itkin, Johnson, J., Kelly, A. P., Kernick, Kolter, Kowalshyn, LaMarca, Laudadio, Laughlin, Lederer, Lehr, Lincoln, Logue, Lynch, Manderino, McCall, Menhorn, Milanovich, Miller, M. E., Miller, M. E., Jr., Milliron, Misceovich, Morris, Mrkonie, Mullen, M. P., Mullen, Musto, Myers, Novak, O'Donnell, O'Keefe, Oliver, Perry, Petrarca, Plevsky, Prendergast, Rappaport, Ravenstahl, Reed, Renninger, Rhodes, Richardson, Rieger, Ritter, Ross, Ruggiero, Saloom, Schmitt, Seirica, Shane, Shelton, Shupnik, Stapleton, Taddonio, Taylor, Toll, Trello, Valicenti, Wagner, Walsh, T. P., Wargo, Wiggins, Williams, Wilson, Wojdak, WorriLOW, Zwiki, Fineman, Speaker.

NAYS—84

Table listing names of members who voted 'NAYS' (84 total). Includes names like Anderson, J. H., Arthurs, Beren, Bittle, Brandt, Butera, Cessar, Cimlin, Crawford, Cumberland, Davies, Deverter, Dietz, Dinnin, Dorr, Dreifelbis, Fawcett, Fisher, Foster, A., Foster, W., Freind, Fryer, Gallen, Geesey, Goodman, Green, Grieco, Gring, Halverson, Hamilton, J. H., Hassay, Haskell, Hayes, S. E., Hepford, Hill, Hopkins, Hutchinson, A., Hutchinson, W., Kelly, J. B., Klingaman, Knepper, Kusse, Letterman, Levi, Manmiller, McCue, McGinnis, McLane, Mebus, Moehlmann, Noye, O'Brien, O'Connell, Pancoast, Parker, H. S., Pitts, Polite, Pyles, Renwick, Kistler, Ryan, Salvatore, Scheaffer, Schweder, Seltzer, Shelhamer, Shuman, Strianni, Smith, E., Smith, L., Stahl, Stout, Thomas, Ustynoski, Vroon, Wansacz, Weldner, Westerberg, Whelan, Wilt, R. W., Wilt, W. W., Yohn, Zaller, Zord.

NOT VOTING—17

Table listing names of members who did not vote (17 total). Includes names like Bonetto, Cole, Gleason, Fee, Hammock, Hayes, D. S., Katz, McClatchy, McGraw, McIntyre, Perri, Pratt, Spencer, Turner, Wright, Yahner, Zearfoss.

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 FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. ECKENBERGER the House resumed consideration on final passage of House bill No. 1375, printer's No. 3183, entitled:

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.

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

RECONSIDERATION OF VOTE ON HOUSE BILL No. 1375

Mr. ITKIN moved that the vote by which HOUSE BILL No. 1375, printer's No. 3183, entitled:

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.

was agreed to as amended on third consideration on Wednesday, May 12, 1976, be reconsidered.

Mr. LINCOLN seconded the motion.

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

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

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

Amend Title, page 1, line 15, by removing the period after "SALARIES" and inserting: and abolishing certain police magistrate courts in the City of Pittsburgh.

Amend Bill, page 18 by inserting between lines 14 and 15:

Section 2. (a) Except the housing court, the police magistrate courts in the City of Pittsburgh are abolished.

(b) The records and proceedings of a police magistrate court abolished in subsection (a) are hereby transferred to the district magistrate court, or other appropriate court, having venue and jurisdiction.

(c) No case or proceeding shall be dismissed by virtue of this act.

Section 3. All acts or parts of acts, local, special or general and all Home Rule Charters or parts thereof are repealed in so far as they are inconsistent herewith.

Amend Sec. 2, page 18, line 15, by striking out all of said line and inserting:

Section 4. Section 1 of this act relating to salaries shall take effect immediately; and, the remainder of this act shall take effect in six months.

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

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

Mr. ITKIN. Mr. Speaker, what my amendment would do would be to abolish the police magistrate—

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

Mr. LINCOLN. To make a motion, Mr. Speaker.

The SPEAKER. What is the gentleman's motion?

Mr. LINCOLN. Mr. Speaker, am I correct in assuming that we are reconsidering House bill No. 1375?

The SPEAKER. We are now considering an amendment to House bill No. 1375.

Mr. LINCOLN. No; we are working on House bill No. 1375 on a new printer's number as is, right?

The SPEAKER. We are working on House bill No. 1375, printer's No. 3183.

Mr. LINCOLN. I make a motion at this time that we revert to the prior printer's number.

The SPEAKER. The gentleman's motion is out of order. There is an amendment on the floor.

Mr. LINCOLN. I would like to know why the rules state that a motion always takes precedence?

The SPEAKER. The gentleman's motion is in essence an amendment, and there is an amendment before the House.

Mr. LINCOLN. I would like to be recognized after Mr. Itkin then, please.

The SPEAKER. The Chair will recognize the gentleman in order.

The gentleman, Mr. Itkin, may proceed.

Mr. ITKIN. Mr. Speaker—

#### PARLIAMENTARY INQUIRY

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

Mr. BELLOMINI. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELLOMINI. Mr. Speaker, once a bill is voted upon and passed, is not the proper procedure to reconsider the vote on the bill before any amendments are offered?

The SPEAKER. The bill had received third reading in this House and the bill was moved to the final passage postponed calendar, which posture it is presently in on the calendar. A motion was made to reconsider the vote by which the bill passed third consideration. That motion was adopted and the bill is now on second consideration, and an amendment has been offered, which is in order.

Mr. BELLOMINI. Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Bellomini.

Mr. BELLOMINI. Mr. Speaker, another inquiry: I do not follow the Speaker's parliamentary procedure. If a bill is voted on and passed, then the only thing that is on the floor of the House is reconsideration of the vote and not any amendments offered to the bill.

The SPEAKER. The bill was not voted upon on final consideration.

Mr. BELLOMINI. Yes, it was, sir.

The SPEAKER. No. The bill was voted upon a third time, not final passage.

Mr. BELLOMINI. 147 to 47.

The SPEAKER. Was there not a reconsideration motion to reconsider the vote by which this bill passed?

Mr. BELLOMINI. That is the question, Mr. Speaker.

The SPEAKER. So that motion was properly adopted by the House and the bill appears on the calendar again for final passage.

Mr. BELLOMINI. Not for a reconsideration for the bill again?

The SPEAKER. The Chair is unable to hear the gentleman.

Mr. BELLOMINI. Would it not be proper to reconsider the vote again at this time and not offer any amendments to the bill?

What I am trying to reach for is that if we are going

to vote for this bill once, the only thing that I can see that is on the floor of the House is reconsideration of the vote and no amendments can be offered to the bill.

The SPEAKER. The gentleman is in error. The bill in its present posture may be amended.

The Chair recognizes the gentleman from Lebanon, Mr. Moehlmann. For what purpose does the gentleman rise?

Mr. MOEHLMANN. I believe I might clear it up. A check of the records, I think, would indicate that on May 12 the bill was passed finally by the House, but later on in the day on May 12, reconsideration of that vote was made.

The SPEAKER. Which the Chair has already stated. The Chair has already stated that fact.

The bill is properly before the House for consideration of amendments at this time.

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

Mr. ITKIN. Mr. Speaker, what this amendment would do is to abolish the police magistrate system in the city of Pittsburgh. I have to clarify this particular type of minor judicial officer to the House because no one else in the Commonwealth except the city of Pittsburgh has a dual system for the minor judiciary.

When the minor judiciary article was written in the state constitution, the city of Pittsburgh was then apportioned with magisterial districts, and each among several wards. Each district within the city of Pittsburgh has now a district justice of the peace. However, we still have the vestige of an old system, which allows the mayor to appoint police magistrates, and these police magistrates handle all criminal complaints filed by and through the police department, also all traffic citations and meter maid violations or violations in the parking and traffic code.

As a consequence, we, in the city of Pittsburgh, are paying our district justices, in most instances, the maximum of \$16,500 a year because they represent large populated wards of the city. However, they have nothing to do because the Pittsburgh police file their complaints with the police magistrates and file their traffic citations with the Pittsburgh Traffic Court. There is no reason in my mind that the district justices in the city of Pittsburgh cannot handle the same job that we expect of any other district justice throughout this Commonwealth. We expect them to hear criminal complaints. We expect them to act on traffic violations and, for that, we do provide them with compensation, and, in fact, this bill tries to increase that compensation. In my mind, it is very, very important that prior to giving an increase to magistrates in the city of Pittsburgh or district justices in the city of Pittsburgh, we provide them with the workload consistent with the salaries that we are now considering for those district justices.

In addition and probably the most important issue is that no other community in the Commonwealth, outside of Philadelphia, I believe, has any cost related to the minor judiciary; that is, the salary of your district justice is paid by the state, and your cost relative to the office of operating for that district justice is paid by the county.

The city of Pittsburgh, in 1975 of last year, paid \$358,000 of the Pittsburgh taxpayers' dollars to have this dual system. In addition, the state provided each of the

district justices within the city of Pittsburgh, the salary to which they were entitled under law, and the county provided them with the space and office help commensurate with their office.

As a consequence, we now have the mechanism as everyone else has for handling minor judicial problems and complaints that come before a minor judiciary. They are invested with the same power and authority that any other district justice has throughout the Commonwealth and is required to have all the prerequisite experience and qualifications to hold that office.

We can save the taxpayers of the city of Pittsburgh approximately \$358,000 by making this change. And we are now paying for these district justices and we are paying for their staff and the maintenance of their offices, too. I feel that it is long overdue that we make this change and save the city of Pittsburgh's taxpayers this unnecessary burden.

We keep on talking about the bureaucracy of government, duplicity and everything else. Well, here is a prime example of something that was retained, something that is not needed, and something that should be abolished.

Thank you.

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

Mr. CAPUTO. Mr. Speaker, will the gentleman, Mr. Itkin, consent to a brief interrogation?

Mr. ITKIN. Yes, I will, Mr. Speaker.

Mr. CAPUTO. Mr. Speaker, has the gentleman's research indicated how many city police magistrates there are in the city of Pittsburgh?

Mr. ITKIN. Mr. Speaker, there are today six police magistrates appointed by the mayor; a chief magistrate, four police magistrates and one housing court magistrate.

Mr. CAPUTO. Mr. Speaker, does the gentleman know the salaries paid to those men?

Mr. ITKIN. Yes, Mr. Speaker, the chief magistrate is paid \$16,981; the four police magistrates and the housing court magistrate are paid \$15,790 a year.

Mr. CAPUTO. Now, Mr. Speaker, the gentleman indicated that the adoption of this amendment would save the city of Pittsburgh approximately \$380,000. Is that correct?

Mr. ITKIN. No, that is not correct, Mr. Speaker. In 1975 \$358,000 was expended out of Pittsburgh's taxpayers' funds for this purpose.

Mr. CAPUTO. Did the figures that the gentleman received indicate income in any of these courts?

Mr. ITKIN. Mr. Speaker, no, my figures do not indicate income, but I would like to point out that whatever income is required under law to the local municipalities, certainly would be benefited by the city of Pittsburgh. In other words, even though we eliminate these police magistrates, whatever fines are due to the city of Pittsburgh because of statute would be then provided to the city of Pittsburgh.

Mr. CAPUTO. Mr. Speaker, does the gentleman know how many cases were handled in these magistrate courts in any one year?

Mr. ITKIN. Mr. Speaker, I do not have that information.

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

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

Mr. CAPUTO. Mr. Speaker, I rise to oppose the amendment. This amendment comes at a very, very late time in consideration of the minor judiciary bill. I dare say that no input or investigation was made by the committee handling this particular legislation which would determine whether or not the citizens of the city of Pittsburgh would have benefited by having their police magistrate courts. I would point out to the members of this House that the city courts sit every day in the week including Sunday. They have night court and traffic court, as well as each day, on Wednesday nights and they have night court every night to handle arraignments, the posting of bonds and other matters necessary in connection with arrests.

The court is used exclusively by the Pittsburgh city police, and I would point out that if these cases were sent to the various district magistrates who are located in different parts of the city, that it would take time and expense of the police officer as well as the person filing information to go to these various locations, and that the police would be compensated for this travel time and would be compensated for the time they were away from their jobs.

I would like to also point out to the members of this House that the police magistrates who are included in this amendment are located on the mezzanine and fourth floors of the city safety building, which also houses the police department, and that the convenience of the court in securing warrants, search warrants, arrest warrants, holding arraignments and everything is well worth the expenditure made by the citizens of the city of Pittsburgh, and I urge that this House reject the amendment and vote "no" on the amendment.

Mr. ITKIN. Mr. Speaker, nothing in this amendment would prohibit, and in fact I am confident of, the president judge of the court of Common Pleas of Allegheny County assigning and transferring district justices within the city to hear complaints at some central location. The courts now have that power to operate the minor judiciary in an efficient way by requesting and transferring district justices on a rotation basis to serve in some place where there is more business than the district justice of that particular area can handle. In fact, now the district justices have been used in night court to augment the police magistrate system. But what is happening here is—and I would like to make this perfectly clear—the cost borne by this system is paid exclusively by the taxpayers of the city of Pittsburgh.

No other municipality has to accept that obligation in providing minor judicial service to its police, and we can accomplish the same in Pittsburgh with our district magistrates, and the president judge does have the power to lease space, to rotate, to assign, in fact, if necessary, to assign a central location, but will save the city of Pittsburgh's taxpayers \$358,000 a year, something which other communities outside of Pittsburgh do not have to bear. It is simple that it is a redundancy and it will amount to a cost savings to the city of Pittsburgh's taxpayers of some \$358,000 a year.

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

Mr. CAPUTO. Mr. Speaker, first of all I would say that if the presiding judge decided to use his facilities of the city of Pittsburgh, someone would have to pay the

rental space. That, too, would be for the citizens of that district.

Number two, Mr. Itkin pointed out there are six city police magistrates affected by this bill at an average pay—and it is less than that—of \$16,000. The way I figure it, it is only \$96,000. Now the difference between \$96,000 reflected in salaries and \$358,000 cited by Mr. Itkin represents payroll, represents people working, represents employes of the city of Pittsburgh. Mr. Speaker, if this amendment is adopted those people will be out of a job. And the common pleas court and the president judge who seek to replace them by assigning district magistrates to do the same work will have to hire a corresponding number of employes to handle the case-load. I can see no savings, but I can see inconvenience and an elimination of a system that has proven worthy in the city of Pittsburgh since, I believe, 1915, when they were first appointed, and I ask once again that the House reject this amendment.

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

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

YEAS—38

Anderson, J. H.	Fischer	Hutchinson, W.	Sirianni
Bradley	Foster, A.	Itkin	Smith, L.
Brandt	Fryer	Klingaman	Stahl
Crawford	Gallen	Kolter	Taddonio
Davies	George	Lehr	Thomas
Deverter	Gring	Noye	Wilt, R. W.
Dietz	Haskell	Parker, H. S.	Yohn
Dorr	Hayes, S. E.	Pyles	Zeller
Doyle	Hill	Renwick	Zord
Eckensberger	Hutchinson, A.		

NAYS—151

Abraham	Giammarco	Mebus	Ryan
Arthurs	Gillespie	Menhorn	Saloom
Barber	Gillette	Milanovich	Salvatore
Bellomini	Gleason	Miller, M. E.	Scheaffer
Bennett	Goodman	Miller, M. E., Jr.	Schmitt
Beren	Greenfield	Milliron	Schweder
Berlin	Green	Miscevich	Scirica
Berson	Grieco	Moehlmann	Seltzer
Bittle	Halverson	Morris	Shanc
Bonetto	Hamilton, J. H.	Mrkonjic	Shuman
Brunner	Hasay	Mullen, M. P.	Shupnik
Burns	Hepford	Mullen	Smith, E.
Butera	Hopkins	Musto	Stapleton
Caputo	Irviss	Myers	Stout
Cessar	Johnson, J.	Novak	Taylor
Cianciulli	Katz	O'Brien	Toll
Cimint	Kelly, A. P.	O'Connell	Trello
Cohen	Kelly, J. B.	O'Donnell	Ustynoski
Cole	Kernick	O'Keefe	Valicenti
Cowell	Kistler	Oliver	Vroon
Cumberland	Knepper	Pancoast	Wagner
DeMedio	Kowalshyn	Perri	Walsh, T. P.
DeWeese	Kusse	Perry	Wansacz
Dicarlo	LaMarca	Petrarca	Wargo
Dininni	Laudadio	Pievsky	Weidner
Dombrowski	Laughlin	Pitts	Whelan
Dreibelbis	Lederer	Polite	Wiggins
Dumas	Letterman	Prendergast	Williams
Englehart	Levi	Rappaport	Wilson
Fawcett	Lincoln	Ravenstahl	Wilt, W. W.
Fee	Lynch	Reed	Wojdak
Fisher	Manderino	Renninger	Worrlow
Flaherty	Manmiller	Rhodes	Wright
Foster, W.	McCall	Richardson	Zearfoss
Freind	McClatchy	Rieger	Zwinkl
Gallagher	McGinnis	Ritter	
Garzia	McIntyre	Ross	
Geesey	McLane	Ruggiero	Fineman, Speaker
Getsler			

NOT VOTING—14

DiDonato	Logue	Shelhamer	Turner
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Gleason	McCue	Shelton	Westerberg
Hammock	McGraw	Spencer	Yahner
Hayes, D. S.	Pratt		

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

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

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

Amend Title, page 1, lines 8 through 15, by striking out all of said lines and inserting:

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 powers and duties on such administrator; requiring certain liability insurance; and making repeals.

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

ARTICLE I

Preliminary Provisions

Section 101. Short Title.—This act shall be known and may be cited as the "Magisterial District Reform Act."

Section 102. Application.—Except for magisterial districts in cities of the first class and counties of the first class, this act shall apply to all magisterial districts in this Commonwealth.

Section 103. Definitions.—As used in this act: "Board" means the administrative board known as the "Minor Judiciary Education Board" established by this act.

"Court" means the Supreme Court of Pennsylvania or the court of common pleas for each judicial district under the direction of the Supreme Court of Pennsylvania.

"Department" means the Department of Education.

"District justice" means a justice of the peace elected or appointed to a term of office on or after January 1, 1970.

"Political subdivision" means a city of the second class, a city of the second class A, city of the third class, borough, incorporated town and townships of the first or second class or any similar general purpose unit of government hereafter created by the General Assembly.

"Population" means the number of persons residing within a political subdivision or part thereof as determined by the then current Federal decennial or Federal special census.

"Population density" means the number of persons residing within a political subdivision or part thereof as determined by dividing said number by the land area expressed in square miles as determined in the official publication by the Bureau of Statistics of the Department of Commerce.

ARTICLE II

Magisterial Districts and Compensation

Section 201. Classification of Magisterial Districts.—(a) Second class counties.—The classes of magisterial districts in judicial districts coextensive with counties of the second class shall be determined as follows:

(1) Magisterial districts of the first class shall have a population density of more than 5,000 persons per square mile and a population of not less than 65,000 persons.

(2) Magisterial districts of the second class shall have a population density of more than 500 persons per square mile and a population of between 22,500 and 65,000 persons.

(3) Magisterial districts of the third class shall have a population density of more than 200 persons per square

mile and a population of between 12,000 and 22,500 persons.

(4) Magisterial districts of the fourth class shall have a population density of more than 70 persons per square mile and a population of between 7,500 and 12,000 persons.

(5) Magisterial districts of the fifth class shall have a population density of less than 70 persons per square mile and a population of between 4,000 and 7,500 persons.

(b) Other counties.—The classes of magisterial districts in judicial districts not coextensive with counties of the first class or counties of the second class shall be determined as follows:

(1) Magisterial districts of the first class shall have a population density of more than 1,000 persons per square mile and a population of not less than 15,000 persons.

(2) Magisterial districts of the second class shall have a population density of more than 400 persons per square mile and a population of not less than 4,000 persons.

(3) Magisterial districts of the third class shall have a population density of less than 400 persons per square mile and a population of not less than 4,000 persons.

(4) Magisterial districts of the fourth class shall have a population density of less than 400 persons per square mile and a population of between 2,000 and 4,000 persons. The number of magisterial districts of the fourth class within a judicial district shall not be increased.

Section 202. Reestablishment of Magisterial Districts.—(a) General rule.—In each year following that in which the Federal decennial census is officially reported as required by Federal law the court shall reestablish the number, boundaries and classes of magisterial districts within each judicial district except:

(1) The first judicial district.  
 (2) Any judicial district where a community court has been established and not discontinued.

The number, boundaries and class of magisterial districts within each judicial district shall be revised from time to time as required for the efficient administration of justice within each magisterial district.

(b) Discontinuance of community court.—The court upon the discontinuance of a community court shall establish the number, boundaries and classes of magisterial districts within the judicial district embracing such discontinued community court. Such action shall be completed prior to the first Monday of January of the odd-numbered year next following the primary election at which the discontinuance of the community court is approved.

(c) Standards for establishment of magisterial districts.—In the case of a political subdivision containing within its boundaries two or more magisterial districts, the court shall divide the political subdivision into magisterial districts as nearly equal as possible in population and area, and the court may presume that the population density of each part of a political subdivision is the same population density as for the whole political subdivision. The court in establishing the number and boundaries of magisterial districts shall not subdivide political subdivisions unless either:

- (1) the political subdivision contains two or more non-contiguous parts; or
- (2) the political subdivision contains within its boundaries two or more magisterial districts, in which case wards or other election districts of the political subdivision shall not be subdivided.

Section 203. Number of Justices.—There shall be one district justice for each magisterial district established.

Section 204. Priority of Judicial Business.—A district justice shall devote the time necessary for the prompt and proper disposition of the business of his office, which shall be given priority over any other occupation, business, profession, pursuit or activity. He shall not use or permit the use of the premises established for the disposition of his magisterial business for any other occupation, business, profession or gainful pursuit. No district justice shall hold any other elected or appointed public office in the Commonwealth. All district justices shall be subject to the Canons of Ethics applied to judges of the courts of common pleas of this Commonwealth in so far as such canons apply to salaries, full-time duties and conflicts of interest.

Section 205. Retired District Justices.—Retired district

justices, who retire subsequent to January 1, 1976, may be eligible for recall to duty by the district justice administrator at the same per diem salary as paid to a district justice serving outside of the elected magisterial district.

A qualified retired district justice, who wishes to be recalled for duty, shall register with the district justice administrator and agree to abide by any rules and regulations set forth by the administrator.

Retired district justices shall not include district justices defeated for reelection by the electorate, nor shall it include any district justice who was suspended or removed from office.

Section 206. Compensation.—(a) Annual compensation.—A district justice shall receive an annual salary of \$18,000 paid by the Commonwealth in monthly installments. The court of common pleas of the judicial district in which the district justice presides shall certify the number of district justices within the judicial district to the State Treasurer.

(b) Expenses while temporarily assigned.—Any district justice temporarily assigned to sit outside the political subdivision in which such justice's magisterial district is located shall be paid by the county, in which magisterial district the justice is temporarily assigned to, the actual, accountable expenses, not to exceed \$44 per day, and mileage at 15¢ per mile for each day as such justice is so assigned.

Section 207. Mandatory Liability Insurance.—Every district justice shall be covered by an errors and omissions liability insurance policy to be purchased by the Commonwealth in such amounts as are set forth by the Supreme Court. In meeting its obligation under this section, the Commonwealth shall purchase one policy covering all district justices within the Commonwealth.

The cost of such liability insurance shall be equally divided between the Commonwealth and the individual district justices.

Section 208. Offices.—The district justice shall establish an office or offices within the magisterial district in locations approved by the president judge of the court of common pleas in compliance with standards and rules prescribed by the Supreme Court.

Reasonable costs and expenses incident to the establishment, maintenance and operation of offices of district justices as approved by the president judge of the court of common pleas and the county commissioners in compliance with standards and rules prescribed by the Supreme Court shall be paid by the county in which the offices are located.

Section 209. Disposition.—(a) Costs.—Costs collected by a district justice shall be paid monthly to the Commonwealth in amounts as prescribed in subsection (b), and the balance shall be paid monthly to the county in which the magisterial district is located. Costs paid to the Commonwealth shall be credited to the General Fund. Costs paid to the county shall be retained by the county for its use.

(b) Commonwealth share.—Amounts payable to the Commonwealth:

(1) Summary convictions, except motor vehicle cases .....	\$ 5.00
(2) Summary convictions, motor vehicle cases other than (3) below .....	\$ 5.00
(3) Summary convictions, motor vehicle cases, hearing demanded .....	\$ 5.00
(4) Misdemeanor .....	\$ 7.00
(5) Felony .....	\$ 8.00
(6) Assumpsit or trespass involving	
(i) \$100 or less .....	\$ 2.50
(ii) More than \$100 but not more than \$300 ..	\$ 5.00
(iii) More than \$300 but not more than \$500 ..	\$ 7.50
(iv) More than \$500 .....	\$10.00
(7) Landlord-tenant proceeding .....	\$10.00
(8) Order of execution .....	\$10.00
(9) Issuing a search warrant .....	\$ 7.00

ARTICLE III

Powers and Duties

Section 301. Powers of District Justices.—Every district justice shall have power to issue every lawful process to or to be served or enforced by system and related person-



nel and to make such lawful orders as his official business may require.

Section 302. Seal.—Each magisterial district shall have a seal, which shall be in the custody of the district justice elected or appointed for such district. The official acts of the district justice shall be authenticated therewith. There shall be engraved on the seal such inscription as may be specified by general rule.

Section 303. Jurisdiction.—Except as otherwise provided, district justices shall, under procedures prescribed by general rule, have jurisdiction of the following matters:

(1) All civil claims wherein the sum demanded does not exceed \$2,000, exclusive of interest and costs, in the following classes of cases:

(i) actions in assumpsit, except cases where the title to real estate may be in question;

(ii) actions in trespass, including all forms of trespass and trespass on the case; and

(iii) actions for fines and penalties by any government agency.

A plaintiff may waive a portion of the claim of more than \$2,000 so as to bring the matter within the jurisdiction of a district justice. Such waiver shall remain effective except upon appeal by either party or when the judgment is set aside upon certiorari.

(2) All summary offenses, except those within the jurisdiction of an established and open traffic court.

(3) All violations under the provisions of section 1037 of the act of April 29, 1959 (P. L. 58, No. 32), known as "The Vehicle Code," provided the following criteria are met:

(i) the violation is a first offense;

(ii) no personal injury resulted from the violation;

(iii) no property damage resulted from the violation; and

(iv) the defendant pleads guilty.

The arresting authority shall transmit a copy of the charge of any violation of section 1037 of "The Vehicle Code," to the county clerk of courts within five days after the preliminary arraignment. Within ten days after the disposition, the district justice shall certify the disposition to the county clerk of courts.

(4) All violations under the provisions of Title 18 (Crimes and Offenses) of the act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes which are classified as misdemeanors of the third degree, except violations under sections 4303, 4321, 4323 and 5103 of Title 18, provided the following criteria are met:

(i) the misdemeanor is not the result of a reduced charge;

(ii) the defendant pleads guilty; and

(iii) any personal injury and/or property damage is less than \$100.

(5) Matters arising under the act of April 6, 1951 (P. L. 69, No. 20), known as "The Landlord and Tenant Act of 1951," which are stated therein to be within the jurisdiction of a justice of the peace.

(6) As commissioners to preside at arraignments, fix and accept bail, issue warrants and perform duties of a similar nature including the jurisdiction of a committing magistrate in all criminal proceedings.

(7) All matters jurisdiction of which is vested in district justices by any statute.

Section 304. Venue and Process.—(a) Venue.—The venue of a district justice concerning matters over which jurisdiction is conferred by section 303 shall be as prescribed by general rule.

(b) Process.—The process of the district justice shall extend beyond the limits of the magisterial district to the extent prescribed by general rule.

Section 305. Lien of Judgment.—No judgment of a district justice shall in any manner operate as a lien on real property until a transcript of the record showing a final judgment of a district justice has been filed in the manner prescribed by general rules in the office of the clerk of the court of common pleas of the county where the property is situated, or in the office of the clerk of the branch of the court of common pleas embracing such county. After such entry the judgment shall, from the date of such entry, be a lien upon property to the same

extent that judgment recovered in the court of common pleas is a lien. No such transcript shall be filed until after 30 days after the entry of final judgment by the district justice. No execution against real estate shall be issued by a district justice.

ARTICLE IV

Costs

Section 401. Criminal Cases.—The costs to be charged by the minor judiciary in every criminal case, except as hereinafter provided, shall be as follows:

(1) Summary conviction, except motor vehicle cases .....	\$16.00
(2) Summary convictions, motor vehicle cases, other than (3) below .....	\$10.00
(3) Summary convictions, motor vehicle cases, hearing demanded .....	\$15.00
(4) Misdemeanor .....	\$20.00
(5) Felony .....	\$25.00

Such costs shall include all charges including the costs of postage and registered mail and the costs of giving a transcript to the prosecutor or defendant, or both, if requested.

Section 402. Payment of Summary Conviction Costs by County.—(a) Division of costs.—In every case of summary conviction in which the evidence is not sufficient to convict and the defendant is dismissed, the costs thereof shall be borne by the county if the prosecutor is a police officer engaged as such in the employ of this Commonwealth or of any of its political subdivisions. In all other cases, the costs shall be paid by the prosecutor or by the defendant if so permitted by law.

(b) County to pay where default.—In every case of summary conviction in which the defendant is convicted and sentenced to jail in default of the payment of the fine and costs imposed, the costs of prosecution shall be paid by the county.

(c) County of the second class.—In any case before a salaried magistrate where costs are payable by a county of the second class, the costs chargeable to the county shall be one-half of the costs set forth in section 401.

Section 403. Civil Cases.—The costs to be charged by the minor judiciary in every civil case, except as hereinafter provided, shall be as follows:

(1) Assumpsit or trespass involving \$100 or less ....	\$10.00
(2) Assumpsit or trespass involving more than \$100 but not more than \$300 .....	\$15.00
(3) Assumpsit or trespass involving more than \$300 but not more than \$500 .....	\$20.00
(4) Assumpsit or trespass involving more than \$500 .....	\$25.00
(5) Landlord and tenant proceeding .....	\$25.00
(6) Order of execution .....	\$15.00

Such costs shall include all charges including, when called for, the costs relating to depositions and interrogatories and the costs of postage and registered mail, except the costs of a transcript of every proceeding on appeal or certiorari (including affidavit, bail and certificate), which shall be \$2.50 per transcript.

Section 404. Unclassified Costs or Charges.—The costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1) Order for relief or removal of pauper .....	\$3.00
(2) Order to seize goods for maintenance of wife or children .....	\$3.00
(3) Entering transcript of judgment from another member of the minor judiciary .....	\$3.00
(4) Certificate to obtain land warrant .....	\$3.00
(5) Marrying each couple, making record thereof, and certificate to the parties .....	\$5.00
(6) Swearing and affirming county, township, or other public officer, each officer .....	\$3.00
(7) Probating accounts .....	\$3.00
(8) Issuing a search warrant .....	\$10.00

Section 405. Federal Cases.—The costs to be charged by the minor judiciary for services under the laws of the United States shall be as follows:

(1) For certificate of protection .....	\$2.00
(2) For certificate of lost protection .....	\$2.00
(3) Warrant .....	\$2.00

(4) Commitment .....	\$2.00
(5) Summons for seamen in admiralty case .....	\$2.00
hearing thereon .....	\$2.00
(6) For certificate to clerk of the district court to issue admiralty process .....	\$2.00
(7) For affidavit of claims and copies thereof .....	\$2.00
(8) Affidavit of defense .....	\$2.00

## ARTICLE V

## Education

Section 501. Minor Judiciary Education Board; Department of Education.—There shall be appointed by the Governor with the consent of two-thirds of the members elected to the Senate an administrative board composed of seven members to be known as the "Minor Judiciary Education Board." Three of the members of the board shall be members of the bar of the Pennsylvania Supreme Court, three of the members shall be district justices or judges of the Traffic Court of the City of Philadelphia, and one member shall be a lay citizen. Three members shall be appointed for terms of five years, three members shall be appointed for terms of four years, and one member shall be appointed for a term of three years, and until their successors have been appointed and qualified. Thereafter each appointment shall be for a term of five years and until a successor has been appointed and qualified. Four members of the board shall constitute a quorum; and, no action of the board shall be valid unless it shall have the concurrence of at least four members. Each member shall be paid \$50 for each day or part thereof upon which he attends a board meeting, or performs any duty assigned to him by the chairman; and, he shall be reimbursed for reasonable traveling or other expenses incurred incident to such attendance and to such assigned duty. The board shall organize by electing a chairman. The board shall prescribe and approve the subject matter and the examination for the course of instruction and training required by the Constitution of the Commonwealth of Pennsylvania and this act. The department shall serve as the administrative officers of the board and in such capacity shall, subject to the direction of the board, administer the course of instruction and training and conduct the examination.

Section 502. Course of Instruction.—District justices shall complete a course of training and instruction in the duties of their offices as required by the Constitution of the Commonwealth of Pennsylvania and successfully pass an examination prior to filing a nominating petition for a candidacy in a primary election for the office of district justice, which course of training and instruction shall not exceed four weeks in duration and shall consist of a minimum of 40 hours of class instruction in civil and criminal law including evidence, procedure, summary proceeding, and laws relating to motor vehicles. The department shall make the course of instruction available at such times as determined by it and the board, so as to insure that any district justice, to be elected or appointed may qualify to assume office as soon as possible. By regulation the board shall direct the department to conduct the course at such time, at such places and in such manner as it shall prescribe.

In addition to those required by the Constitution of the Commonwealth of Pennsylvania and this act to complete the course of training and instruction and successfully pass an examination prior to filing a nominating petition for a candidacy in a primary election for the office of district justice, any interested person may apply to the department to be enrolled in the course of instruction and take the examination, subject to such rules and regulations as the department with the approval of the board may determine. Any such interested person who successfully completes the course and passes the examination shall secure an appropriate certificate from the department and file same as set forth in section 505.

Section 503. Costs.—The course of training and instruction required by the Constitution of the Commonwealth of Pennsylvania and this act shall be provided at the expense of the Commonwealth. Until such person has successfully completed the course of training and instruction

and passed the examination, he shall not file any nominating petition for the office of district justice anywhere in the Commonwealth.

Section 504. Rules and Regulations.—The department shall, with the approval of the board, have the power to promulgate such rules and regulations as are necessary to carry out its duties under this act.

Section 505. Completion of Course.—Upon the successful completion of the course of training and instruction and examination, the department shall issue a certificate in the form prescribed by the board, certifying that such person is qualified to perform his duties as required by the Constitution of the Commonwealth of Pennsylvania. Such certificate shall be filed in the office of the prothonotary of the county in which the district justice resides. In the event that an appointed district justice as required by the Constitution of the Commonwealth of Pennsylvania and this act to successfully complete such course, has failed to obtain and file such certificate in the proper prothonotary's office within nine months after his appointment, said office of district justice or judge shall be vacant, such vacancy to be filled as otherwise provided by law, and in the case of justice of the peace, said office shall be abolished.

Section 506. Continuing Education Requirement.—Every district justice shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the board.

## ARTICLE VI

## District Justice Administrator

Section 601. Office of District Justice Administrator.—There is hereby established within the Administrative Office of Pennsylvania Courts a branch office to be known as the Office of District Justice Administrator to be supervised by such person as the Supreme Court shall appoint to act as administrator.

Section 602. Powers and Duties.—The district justice administrator shall have the following powers and duties:

- (1) to be responsible for the prompt and proper disposition of the business of all district justices;
- (2) to perform all functions now carried out by the court administrator;
- (3) to require and receive reports from the various judicial districts relating to the utilization of the district justices in the judicial districts;
- (4) to transfer the various district justices to other judicial districts on a temporary basis in an effort to remove any backlog of cases. Any transfers made under this paragraph shall be subject to the approval of the president judge of the judicial district from which the district justice is being temporarily transferred;
- (5) to prescribe forms to be used by district justices;
- (6) to make such rules and regulations as are necessary to the efficient functioning of the Office of District Justice Administrator; and
- (7) to employ such individuals as approved by the Supreme Court to implement the provisions of this act.

## ARTICLE VII

## Miscellaneous Provisions

Section 701. Repealers.—(a) Specific repealers.—

- (1) The act of January 7, 1952 (P. L. 1841, No. 492), known as the "Minor Judiciary Fee Bill."
- (2) The act of December 2, 1968 (P. L. 1131, No. 352), known as the "Magisterial Districts Act," in so far as it relates to district justices and magisterial districts outside of cities and counties of the first class.
- (3) The act of February 24, 1970 (P. L. 53, No. 22), known as the "Minor Judiciary Education Act," in so far as it relates to district justices.

(b) General repealer.—Any act or part of an act inconsistent with the provisions of this act is repealed to the extent of the inconsistency.

Section 702. Effective Date.—This act shall take effect July 1, 1976.

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

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

Mr. ECKENSBERGER. Mr. Speaker, when we voted on House bill No. 1375 approximately 2 weeks ago, I was very much dismayed as to the action that we took regarding that piece of legislation. I got a number of comments from members who indicated that they really were not certain as to what issues we were voting on that day and at that particular time. And it would seem to me that, while I do not deserve any more attention at this microphone than any other member deserves, these issues are sufficiently critical that each of us should be advised as to precisely what it is we are voting on.

First of all out of the context of the issues which I present to the House now, I wish to assure each member that the issues involved in this bill represent a major portion of the work and interest of the Committee on Law and Justice. Members on both sides of the aisle, members of the committee, worked diligently in an effort to resolve the problems which are so obvious to many of us amongst and in the district magistrates' system that now operates in the Commonwealth.

Mr. Speaker, I know that what we are about to present in the way of solutions to these issues will not be acceptable to each and every member, but I repeat that we have done the best that we can do with regard to the problems which are apparent to us.

What we did about 2 weeks ago was simply to give an across-the-board salary increase to all district magistrates in the Commonwealth, without addressing ourselves to those problems which do exist. All we did was to continue with the very same problems.

At this time, Mr. Speaker, in the amendments which I now offer, I proposed to restore to House bill No. 1375 substantially all that we removed with four minor—perhaps in some instances major—exceptions. And if you have a copy of the amendment before you, you have undoubtedly observed by this time that there are arrows placed on various pages of the amendment. Those arrows represent the changes that we will be making in the original provisions of House bill No. 1375 if we decide to adopt this amendment.

Before I go to those changes, Mr. Speaker, I want to point out to the members the fact that there are a number of noncontroversial reforms which we ripped out of this bill, which I have not heard anyone complain about, and I see no reason why we cannot all agree that these reforms ought to be inserted into the bill.

First of all, Mr. Speaker, in the original provisions of House bill No. 1375, as with this amendment, we expand the jurisdiction of the magistrates. We go to \$2,000 in civil cases; we permit them to handle cases of driving while under the influence in a limited set of circumstances; we permit them to decide fully all cases that we identify in the Crimes Code as misdemeanors of the third degree. In addition to that we have increased the costs in these cases, particularly in motor vehicle cases, so that those increased costs can pay for the salary increases which we hoped would ultimately be adopted. Believe it or not, we ripped out those increased costs which would have paid for the salary increases for which some members voted last time. Now it seems to me that those provi-

sions ought to be inserted in the bill without any question whatsoever.

With regard to the more controversial issues, let me take the pages of the amendment that you have in front of you. If you would first refer to page 3 where the arrow is indicated, I will try to explain what we have done here. And this is a controversial portion of the amendment.

One of the issues that the committee grappled with was the question of whether or not magistrates, who would be receiving a salary as we have indicated in the bill, should be full time and should they be prohibited from having other employment. I think we may differ fifty-fifty in this one. I am sure we can get a lot of different expressions as to what ought to be done here. Personally, I would like to see a magistrate be full time, have no other employment. But I think as a practical matter we would be precluding certain people from holding these positions who can do a fine job as a magistrate.

So consequently we would insert in this bill language which adopts the Supreme Court rule with regard to other employment. And if you look at page 3, section 204, at the bottom of that page we merely state—and we are reciting the Supreme Court rule in effect that says—that no other outside interest can affect the magistrate in the performance of his duty. He must give priority to the performance of those duties and obligations. He cannot hold any other elective or appointive position, but this does not preclude the magistrate from having some other type of employment. While many of us agree that maybe we ought to go that route, I think, as a practical matter, we cannot.

That is the first alteration in House bill No. 1375, as you had originally had it before you the first time we voted on the bill.

The second change that we are making is on page 4; two points. The first is a noncontroversial point. I know that many members were concerned about the fact that compensation would have been paid bimonthly as House bill No. 1375 had stated. Without any question, that was an error in the printing of the bill. The committee simply missed it, and we believe that they ought to be paid monthly, as they are now paid. We are not changing that, but this amendment would alter the situation so that they would continuously be paid on a monthly basis.

We are changing the compensation. And I recognize that this also may be one of the more controversial parts of this amendment and bill. We are saying that instead of going to \$19,500, that all magistrates go to \$19,500, as we originally proposed, they all be paid \$18,000. You might recommend that they stay at, or the maximum be at, \$16,500. If we did that, then we would not be giving any increase to those who are already at the maximum, and in view of the additional responsibility that we purport to give in this piece of legislation, I think that even those at the maximum ought to be given some increase. We are proposing then by this amendment that all magistrates be paid a salary of \$18,000.

The next change that is proposed by this amendment is found on page 9. One of the more perplexing issues that we had before the committee, and I know that each of you has struggled with, is the question of how we are going to even out this caseload. We know that there are discrepancies now, inequities. Some magistrates handling many, many cases are getting low salaries. Others who

are getting high salaries are handling fewer cases. How do we resolve that problem?

One of the proposals that we had in the committee, and which I think the committee thought was a workable proposal, is embodied in this section 601 on page 9. We say let us create a state district court administrator. I think, as a practical matter, we already have one anyway. But give him the power to transfer those magistrates who do not have the caseload into those areas where they need help to clear up the backlog of cases.

You may question the feasibility of that proposal. The committee, I believe, is of the opinion that it will work or at least we ought to give it the opportunity to work. And I know that some of you had been concerned about the fact that local administrators would be thereby stripped of some power, maybe even put out of a job.

In order to somehow accommodate that situation, we are making this change on page 9: that the statewide administrator, district court administrator, can transfer a justice only if the president judge of the judicial district where the magistrate comes from approves of it. So that that president judge would have a veto on whether a particular district magistrate in his own judicial district should be transferred out of that district. I think, Mr. Speaker, that offers a fair compromise to control somewhat the indiscriminate transfer of one district magistrate over another or from one district to another.

Mr. Speaker, I respectfully suggest to all the members that these amendments are offered out of the good faith of all the members of the committee who worked diligently in an effort to try to come up with answers to the problems that are undoubtedly facing the people who are now district magistrates. I respectfully request that all of us join in support of these amendments and stand ready to respond to any questions.

Thank you, Mr. Speaker.

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

Mr. BELLOMINI. Mr. Speaker, I would like to interrogate the gentleman, Mr. Eckensberger.

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

Mr. ECKENSBERGER. Yes, Mr. Speaker.

The SPEAKER. The gentleman indicates that he consents to interrogation.

The gentleman may proceed.

Mr. BELLOMINI. On page 3, section 204, priority of judicial business. Mr. Speaker, it says: "He shall not use or permit the use of premises established for the disposition of his magisterial business for any other occupation, business, profession or gainful pursuit." But it does not say in this section as to the hours that his business will be open to the public and his constituents. The man can have a 10-hour job during the daytime and then open up his business in the evenings. It is not spelled out in this section as to what hours and how his hours should be permitted to work. Am I correct in saying so?

Mr. ECKENSBERGER. Yes, that is correct, but that is also true under the present law.

Mr. BELLOMINI. Would you repeat, as you said before, is it true that you said you would like to see a full-time job as a DJ—district justice?

Mr. ECKENSBERGER. I think that is most desirable, in the same manner that we require common pleas court judges and appellate court judges to be full time and not

have any other interests. I think that is a lofty ideal. I do not know that we can attain it at this level.

Mr. BELLOMINI. All right. Thank you.

Now page 4, section 206, compensation. Presently the bill actually said \$19,500. Has it been changed to \$18,000?

Mr. ECKENSBERGER. Yes, Mr. Speaker. It has been changed to \$18,000, as it is indicated on that page.

Mr. BELLOMINI. I would like to point out to the legislature today that there are 412 district justices in the Commonwealth, and the minimum pay is \$7,500 and the maximum is \$16,500. I have a list of magistrates, showing 38 are receiving the minimum and approximately, just to show the variation, 99 members are receiving the maximum. Now under this present section, would you admit that those on minimum salary would get an increase of approximately \$10,000, whereas those receiving the maximum salaries are now going to receive only \$1,500?

Mr. ECKENSBERGER. Mr. Speaker, that would be true if this were purely a salary-increase bill, but, as I pointed out at the beginning, there are a number of reforms that we propose in this bill: expanding the jurisdiction of all magistrates, making them subject to transfer to other districts in the event that their caseload does not justify their full-time presence in their own district. I think the fact that we are changing, really in effect, the concept of the job. It goes much beyond the simple idea of getting a pay increase for magistrates.

I know that many opponents of what we are trying to do have used that as a means of arguing against our proposals, that somebody earning now, let us say, \$8,000 is going to get an increase in salary of, say, \$10,000, if we go to \$18,000. If you are just talking about a salary increase, that is true. But we are not talking about that. We are talking about reforms. What we believe are right—

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

Mr. W. W. WILT. Mr. Speaker, I am interested in listening to this debate and, honestly, you cannot hear it.

The SPEAKER. The gentleman is correct. It is virtually impossible to hear the interrogation.

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

Mr. BELLOMINI. Mr. Speaker, you do admit that the maximum receive over \$10,000 increase and the minimum receive only \$1,500, do you not, sir?

Mr. ECKENSBERGER. In the context of the bill—

Mr. BELLOMINI. No, yes or no?

Mr. ECKENSBERGER. I mean if you want to play courtroom—

Mr. BELLOMINI. No. I just want to know, yes or no. I do not want to go into detail. You have it spelled out in the bill.

Mr. ECKENSBERGER. I am not talking about a salary-increase bill. I do not know if you are.

I am not talking about a salary-increase bill, Mr. Speaker.

Mr. BELLOMINI. No. I am talking about the salary; that is all. I am not trying to get into a contest of court procedure. I just want to ask a question. Is there not such a difference between an increase in the minimum of \$10,000 and the maximum of only \$1,500? That is the only question that I want to ask.

Mr. ECKENSBERGER. I am sorry, I did not hear all the words.

Mr. BELLOMINI. The fact is, the minimum salary that JP's—justices of the peace—are receiving today and with this section that you put in this reform bill, it would increase them approximately \$10,000 for the minimum and just \$1,500 for the ones who are in the maximum bracket?

Mr. ECKENSBERGER. Yes, but you are comparing apples with oranges. You are talking about an entirely different job. When we assign a salary of \$18,000 to a district magistrate, we are talking about adopting it with all the reforms. You are talking about a magistrate now being subjected to being potentially uprooted from his own district and transferred to possibly the other side of the Commonwealth. I certainly think that somebody who stands ready to perform in almost any part of the Commonwealth is entitled to receive a compensation in the same manner that other magistrates are performing. Essentially they are all going to be working the same hours anyway. I assume that each president judge and every judicial district will establish rules for the hours that they must have their offices open and when they must be available.

Again, I am not talking about a salary increase. I am sorry that we have to approach this matter in that light. I do not. If you are going to insist that this is nothing but a salary-increase bill, then unfortunately we will be unable to resolve the inequities that exist.

Mr. BELLOMINI. Mr. Speaker, that is not true now. What I was trying to point out to my colleagues in the House is the fact that there is a salary increase and it is not an inequitable increase and deviated by the fact that some people are being paid such a low figure and some people a high figure. I am just using the percentage ratio.

I would like to point out to you on page 9 that under section 601, pertaining to office of district justices and powers and duties of the administrator, there is no need for either of these sections as this has already been mandated by the constitutional provisions of 1969. Paragraphs 1 through 9 of section 602 in your amendments provide for these provisions. Am I right?

Mr. ECKENSBERGER. There are 7 subdivisions of section 602 and subparagraph 4 empowers the district magistrate to transfer a district magistrate from one magistrate district to another out of his county. I doubt that any constitutional provision provides that or prohibits it.

Mr. BELLOMINI. As the section provides actually in section 601, paragraph 4, it says, "approval of the presiding judge." Should there be a conflict of interest between the court administrator and the presiding judge, how would that be handled then?

Mr. ECKENSBERGER. I am not sure what you mean by conflict of interests. If the president judge feels that the caseload of a given magistrate in his judicial district is substantial enough to retain him, I assume that he would veto the transfer of that district magistrate out of the county or out of that judicial district.

Mr. BELLOMINI. Well, may I ask this question? Then under the present court administrator and his assistants, do they need legislation to perform these duties? Have they been given this authority by the Supreme Court?

Mr. ECKENSBERGER. Mr. Speaker, to the best of my knowledge, they do have authority to transfer a magistrate within the judicial district or within a county, but

not beyond the county lines or judicial district lines, and I think that is necessary.

Mr. BELLOMINI. All right. Thank you.

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

Mr. BELLOMINI. Mr. Speaker, I rise to oppose these amendments offered to House bill No. 1375 and still retain the present salary increases. First, I feel as though \$3,000 across the board would justify an equitable increase for the district justices that they well deserve.

As you will notice in the bill there are also cost increases. Now to maintain cost increases, the reform in this bill designates and leaves the cost in the county such as it is now and the rest of the money comes downstate. Now with the workload in the area and the increase in cost, we feel and the district justice in our area feels as though some of that cost should be retained in our counties. That is one part of the reform on which we have disagreement.

In dealing with the Vehicle Code, such as section 1037—and for those who do not know what section 1037 is, it has to do with drugs and alcoholism—it is now a case where it is going to be disposed of in front of the district justice. Presently, we all know that it goes to court and the first offender would probably be placed on an Accelerated Rehabilitation Disposition Program and then there would be the striking of the records as to the conviction in the case.

In this case here, if it should be right, this section here provides that anyone convicted of section 1037 will deal with the district justice. And there is no provision in this section here to provide the district justice with any authority to put whoever is convicted on the basis of an ARD Program, which I think is a very fine program that was instituted throughout the Commonwealth.

I rise at this time, Mr. Speaker, because I feel as though we should compensate our district justices of the Commonwealth with a \$3,000 increase across the board. Everybody would then be equal as far as the increase in salary. But this type of reform should be studied with more than just this committee. I think the people who should be involved should be the district justices themselves, but I find, in the east part of the Commonwealth, that they are opposing this reform.

Thank you, Mr. Speaker.

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

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

Mr. McCUE. Mr. Speaker, will Mr. Eckensberger stand for interrogation?

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

Mr. ECKENSBERGER. I shall, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates he shall.

Mr. McCUE. Mr. Speaker, as I understand, at the present time the number of magisterial districts is determined by the local courts of common pleas, is this correct?

Mr. ECKENSBERGER. I think that is correct, Mr. Speaker.

Mr. McCUE. And as I understand under the present law, the compensation for the magistrate depends upon a

formula of population density per square mile. Basically, is this correct?

Mr. ECKENSBERGER. Basically, yes.

Mr. McCUE. Under your amendments, if there is a minimum salary provided for magistrates, is there anything to prevent the local judges from multiplying the magisterial districts so that a county who has presently four justices of the peace could by order of local court have 8, 12, 15 or 20 in the same county at the minimum salary each?

Mr. ECKENSBERGER. I do not know the answer to your question, except to say that I doubt that any president judge would indiscriminately create additional district magistrate posts if he felt that there was no need for them.

Mr. McCUE. Mr. Speaker, this may be true, but I am asking, in your amendment would there be any statement in the law which would prevent the local courts from multiplying the number of districts and therefore the number of justices?

Mr. ECKENSBERGER. There is nothing in the amendment that prevents it, no. But then again I am not so sure that it will not change existing law. I do not know if that is an issue.

Mr. McCUE. I thank the gentleman.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Crawford, Mr. Haskell.

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

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

Mr. ECKENSBERGER. I shall, Mr. Speaker.

The SPEAKER pro tempore. He indicates he shall. The gentleman may proceed.

Mr. HASKELL. Mr. Speaker, 2 questions. The first deals with section 206, on page 4, section (b) under "Expenses While Temporarily Assigned."

It states in the amendment, if I understand it correctly, that the justice, if he is to sit temporarily in another district, will get mileage of 15 cents per mile for each day that he is in that other district. I do not understand how you can justify the 15 cents per mile per day.

Mr. ECKENSBERGER. It would be for those miles that he travels in that given day.

Mr. HASKELL. All right. If he is transferred, say, from northwestern Pennsylvania to southeastern Pennsylvania, why should he not just receive mileage to and from and not mileage each day that he is there?

Mr. ECKENSBERGER. Well, if he does not travel in a given day, he would not be given any mileage for that day.

Mr. HASKELL. Mr. Speaker, I do not think it clearly states that in the amendment. I think there is some confusion here. As I understand the amendment, the way it reads is that if a magistrate is assigned out of his county for, say, 3 days, he gets 15 cents per mile per day each day he is out of that county, whether he travels back and forth. Is that correct, Mr. Speaker?

Mr. ECKENSBERGER. It is. It is still based on the number of miles that he would travel on any given day.

Mr. HASKELL. My second question, Mr. Speaker, deals with section 204, on page 3, under "Priority of Judicial Business." The amendment states that the magistrate shall not permit the use of his premises for any other occupation, business, profession or gainful pursuit. I am

sure the gentleman is aware that in many cases the district magistrate's office is used as an election polling place. The election officials are paid; in other words, "gainful pursuit." Would this amendment preclude the use of magisterial offices as polling places?

Mr. ECKENSBERGER. We have merely quoted here the Supreme Court rule that presently exists. So however that is interpreted today, I would assume the same interpretation under this amendment if it were adopted.

Mr. HASKELL. Thank you, Mr. Speaker. No further questions.

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

Mr. GILLESPIE. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if Mr. Eckensberger would stand for a brief interrogation?

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

Mr. ECKENSBERGER. Yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GILLESPIE. Mr. Speaker, section 204, I would just like it stated for the record what this means. My interpretation is that if an attorney should be an elected district justice, can he practice law outside his duties of the district justice?

Mr. ECKENSBERGER. It is my opinion that this amendment does not preclude that.

Mr. GILLESPIE. Would you mind explaining the Canons of Ethics applied to judges of the courts of common pleas of this Commonwealth in so far as salaries? That is where I have the hangup, with salaries, full-time duties and conflicts of interest.

I think we could. It is a little gray there, and I would just like to establish for the record that they can. Would you do that?

Mr. ECKENSBERGER. Yes. I would say that as long as they have no conflict in the carrying out of their duties as a magistrate, it certainly seems to me that they would be permitted to handle other cases as a lawyer.

Mr. GILLESPIE. Thank you, Mr. Speaker.

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

Mr. DREIBELBIS. Mr. Speaker, I would like to have permission to ask Mr. Eckensberger a question, please.

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

Mr. ECKENSBERGER. Yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DREIBELBIS. In regards to the compensation, Mr. Speaker, as I see it the person who has the minimum salary of, let us say, \$7,500, if you will allow me to create a hypothetical, and you were raising his salary to \$18,000, let us assume that he is only half busy. Apparently by his salary of \$7,500, he apparently would not have been full time. So by being busy only half of the time, let us assume that allowed him to be available for duty 100 days out of the year in another area. With that he could earn another \$4,400. So, therefore, the district justice who presently makes \$7,500 could go clear to \$22,500, while the fellow who was busy now making \$16,500 would get merely to \$18,000. I do not understand if that is fair.

Mr. ECKENSBERGER. I am not sure where all those

numbers come from, Mr. Speaker. He would be earning the same salary as all other magistrates. Now he does get reimbursed for expenses in going to this other district where he will sit, in the same manner as we get reimbursed for expenses. I think that it is conceivable that he may have some time where he might be sitting in the courtroom, his own courtroom, and nothing may be happening. I can conceive of that. Hopefully, that will not happen too frequently. I do not know that we can really resolve all of the questions that can be posed with regard to the operation of this system. I recognize that there may be some loopholes, but I am still convinced that the overall thrust of what we are doing will offset those inequities that sporadically will occur.

Mr. DREIBELBIS. Finally, Mr. Speaker, would you really believe that your amendment as drawn treats fairly the situation of the increase in salary, regardless of whether you call it a salary bill or not, between the \$7,500 justice and the \$16,500 justice?

Mr. ECKENSBERGER. Well, let me ask you a question: Do you feel that a magistrate who works 8 hours a day, 5 days a week, in X county should be paid any more or less than another magistrate who works 8 hours a day, 40 hours a week, in Y county?

This is the way that I see it. Each magistrate will be substantially putting in the same amount of time, and I think that you could very easily follow up with this example: How many of us in this House are worth \$15,600, how many are worth \$25,000, how many are worth only \$5,000? I do not know. Somebody suggests that we might be worth \$50,000. But, at any rate, Mr. Speaker, I think since we are trying to level out the caseload, it certainly seems to me that they all ought to be on a par.

Mr. DREIBELBIS. The last question I would have then would be in regards to the veto power of the district justice leaving the county for where he is originally assigned. If this veto power were exercised, would he not have to leave and would he still receive the \$18,000?

Mr. ECKENSBERGER. I am not sure that I follow your question. Are you asking, if the president judge of his judicial district vetoes it, what sanctions may he be confronted with for not going to the other district? Is that your question?

Mr. DREIBELBIS. Yes.

Mr. ECKENSBERGER. I do not see any sanctions because we give the power to the president judge to veto that transfer, and that ends that transfer situation right there.

Mr. DREIBELBIS. I see. Okay.

Thank you.

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

Mr. RITTER. Mr. Speaker, one of the speakers had commented on what was to prevent, under this amendment, a judge from doubling the number of districts, and the answer to it is, probably nothing. But there is nothing under present law to prohibit him from doing the same thing. I might point out that originally when we created the Magisterial District Act, there were 595 magistrates, and as of today there are 577. Some have been reduced because of retirement, some have simply not filed for the office and the districts have been abolished. I think the problem is that you will not find an overabundance of districts, but rather a continual

decrease as the caseload increases on each individual magistrate.

If you do not accept Mr. Eckensberger's amendment, what you are saying in effect is that you want to provide that \$3,000 for all magistrates but there will be no provisions to realize the additional revenue. And 577 magistrates at a \$3,000 increase would cost this Commonwealth \$1,731 million. That is an expense, I submit, Mr. Speaker, that we cannot afford. Mr. Eckensberger's amendment, in addition to providing an increase in salary, provides the means to realize the additional revenue. That in effect does not cost the Commonwealth of Pennsylvania anything to provide an equitable salary for people who are members of the minor judiciary.

I think if you look at the amendment in its context, this is a reform of a system which is good but could be better, and I think that the amendment certainly needs to be accepted. There are a lot of provisions in here with which people can quarrel, but unless you have been in the system—and Mr. Eckensberger spent 12 years in the system; I have spent 12 years in the system; and there are other members in this chamber who were members of the minor judiciary once upon a time—and as we who are not experts in another field rely on those who are experts, I would beg the members of this House to listen to some of us who consider ourselves to be experts, having spent a considerable number of years in the area. This reform package is needed; this amendment is needed. If you intend to do anything at all other than complain about the system, then accept this amendment that Mr. Eckensberger has proposed and you will get meaningful reform in the entire minor judiciary system; you will realize additional revenue that will pay for the salaries that are contemplated; and you will also at the same time recognize that there are some dedicated people in this system presently. If you think it is easy to live on \$15,600, then try living on a heck of a lot less and being required, as they are in my county, to be full time. It is very, very difficult. These people are asking for no more than what is just and what is right and, in addition to that, they themselves are asking to clean up the system and make it better. I ask for an affirmative vote on the amendment.

The SPEAKER pro tempore. For the benefit of those members wishing to speak on this bill, the order of recognition for the next few minutes will be: the gentleman from Blair, Mr. Wilt; the gentleman from Erie, Mr. Dombrowski; the gentleman from Dauphin, Mr. Reed; the gentleman from Allegheny, Mr. Fisher; the gentleman from Lancaster, Mr. Brandt; and the gentleman from Butler, Mr. Arthurs.

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

Mr. W. W. WILT. Mr. Speaker, may I ask a question of Mr. Eckensberger, please?

The SPEAKER pro tempore. Will the gentleman, Mr. Eckensberger, submit to interrogation?

Mr. ECKENSBERGER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. W. W. WILT. Mr. Speaker, on page 4 of the amendment, section 205, concerning the retired district justices, if the magistrate retires during his term, say in the middle of his term, under this amendment he could

continue to serve until his successor is appointed, is that correct? Or he could be assigned to other jurisdictions?

Mr. ECKENSBERGER. I do not know that I heard everything you said. Was your question, Mr. Speaker, if a district magistrate retires in the middle of his term—

Mr. W. W. WILT. Because of age, yes.

Mr. ECKENSBERGER. —because of age, can he continue to serve in that district?

Mr. W. W. WILT. Yes. Until a successor is appointed.

Mr. ECKENSBERGER. I would assume that the answer to that is yes.

Mr. W. W. WILT. Then after that, if he qualifies and with the approval of the administrator, he could serve another jurisdiction?

Mr. ECKENSBERGER. Any retired district justice who wants to be recalled to duty can offer his name for a list and, providing he abides by all the rules and regulations, apparently he can be appointed if that moves the court to do so.

Mr. W. W. WILT. Thank you, Mr. Speaker.

Now one more question: There are some counties—and it is true in our situation in Blair County—where there is an effort to get a third judge because of the extremely heavy caseload. If this amendment should be adopted—and I believe that we have eight district justices in Blair County—in your opinion would the additional jurisdiction that the district justices would have reduce the caseload to where possibly we could continue with two common plea judges?

Mr. ECKENSBERGER. Mr. Speaker, it is my opinion that one of the beneficial effects of adopting the reforms which we proposed here will be to reduce caseloads at the common pleas level. It is conceivable then that those counties, who may now think they need an additional judge, no longer need one.

Mr. W. W. WILT. Thank you, Mr. Speaker.

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

Mr. DOMBROWSKI. Mr. Speaker, I am going to ask for a 5-minute recess now so that I can discuss something with Mr. Eckensberger.

The SPEAKER pro tempore. Would the gentleman consent to permitting others who wish to speak on the bill to speak while you are having your consultation with Mr. Eckensberger?

Mr. DOMBROWSKI. Would you make the motion? It would be all right with me, Mr. Speaker, provided that they did not bother Mr. Eckensberger while we are talking to him.

The SPEAKER pro tempore. All right, I will recognize only those who do not wish to interrogate him.

Mr. DOMBROWSKI. Thank you, sir.

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

Mr. FISHER. Mr. Speaker, I would like to interrogate Mr. Eckensberger, so I will wait until Mr. Dombrowski is done.

The SPEAKER pro tempore. The Chair will return to the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Brandt. He is also in consultation.

The Chair recognizes the gentleman from Butler, Mr. Arthurs, who also wishes consultation.

The House will be at ease for 5 minutes.

### BILL REPORTED FROM COMMITTEE

**HOUSE BILL No. 2354** (Amended) By Mr. BERSON

An Act amending the act of September 19, 1974 (P. L. 644, No. 210), entitled "An act exempting physicians and nurses from certain liability when participating in a mass immunization project approved by the Pennsylvania Department of Health," extending the provisions of the act to certain societies, facilities, agencies and clinics.

Reported from Committee on Judiciary.

### REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 153

Mr. BERSON presented the Report of the Committee of Conference on House bill No. 153.

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

The time of the recess having expired and the dinner hour fast approaching, may we proceed with the business of the day?

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

Can the gentleman from Lancaster, Mr. Brandt, proceed without an interrogation of the sponsor of the amendment?

Mr. BRANDT. Yes, Mr. Speaker.

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

Mr. BRANDT. Mr. Speaker, I heartily agree with the amendments proposed by Mr. Eckensberger. However, Mr. Speaker, there are certain sections of this amendment that are very controversial and causing quite a bit of concern, and with good reason for it. I pose the question to the Chair: Can this amendment be divisible?

The SPEAKER pro tempore. Will the gentleman please repeat?

Mr. BRANDT. Can this amendment be divisible?

The SPEAKER pro tempore. The Chair rules that the amendment is divisible.

Mr. BRANDT. Thank you, Mr. Speaker.

I would like to divide the question on the title page of the bill where it reads: "Amend bill, page 18, lines 1 through 15, by striking out all of said lines and inserting".

The SPEAKER pro tempore. Well, what is the gentleman's query?

Mr. BRANDT. Well, I would like to vote on that issue separately, Mr. Speaker.

If I may proceed, Mr. Speaker, with a bit of information—

The SPEAKER pro tempore. The Chair would advise the gentleman that the particular division that he requests is impossible since the lines on the title page that the gentleman refers to reveal the entire bill and, if we vote on that separately, there will be nothing left. It is possible to divide other sections of the amendment for a separate vote.

Mr. BRANDT. Mr. Speaker, with the indulgence of the Chair, what we would like to do is to, in essence, delete section 206 on page 4, which addresses itself to



the salary, but keep the present language which is presently in House bill No. 1375.

The SPEAKER pro tempore. The Chair advises the gentleman that he should then make a motion to amend the amendment by inserting the present language of the bill into section 206 of the amendment.

Mr. BRANDT. I so move.

#### PARLIAMENTARY INQUIRY

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

Mr. DOMBROWSKI. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOMBROWSKI. Mr. Speaker, I think Mr. Brandt is asking to eliminate section 206, but I think we just want to eliminate paragraph (a) of section 206.

The SPEAKER pro tempore. Is the gentleman correct, Mr. Brandt? Did you only wish to amend section 206, subparagraph (a), of the amendment?

Mr. BRANDT. I agree, Mr. Speaker.

The SPEAKER pro tempore. It has been moved by the gentleman from Lancaster, Mr. Brandt, that the amendment of the gentleman, Mr. Eckensberger, be amended, by inserting the language on page 18 of House bill No. 1375 into section 206, subparagraph (a), under "compensation." Is that correct?

Mr. BRANDT. Would you repeat that again, Mr. Speaker?

The SPEAKER pro tempore. It has been moved by the gentleman from Lancaster that the amendments offered by Mr. Eckensberger be amended by inserting the language on page 18 of House bill No. 1375 into section 206, subparagraph (a), of the gentleman's amendment.

Mr. BRANDT. That is correct.

The SPEAKER pro tempore. The members will then proceed to vote. Those voting in favor of the amendment to the amendment will vote "aye." Those opposed to the amendment to the amendment will vote "no."

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

Mr. McCUE. A point of clarification, Mr. Speaker.

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

Mr. McCUE. Would the Chair please read the words upon which we are now voting?

The SPEAKER pro tempore. I will repeat it again. The gentleman from Lancaster moves that the amendment be amended by inserting the language on page 18 of House bill No. 1375, printer's No. 3004, into section 206, subparagraph (a), of the gentleman's amendments.

Mr. BRANDT. That is correct.

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. McCUE. Mr. Speaker, would the Chair please read those words which are on page 18 so that we know upon that which we are voting?

The SPEAKER pro tempore. I am sure that the members have a copy of House bill No. 1375 on their desks and are capable of reading it.

Mr. McCUE. Mr. Speaker, would someone who has a copy of that on his desk please read it for my benefit?

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

Mr. RITTER. Mr. Speaker, if I can, I think what Mr. Brandt is attempting to do is to relieve the language in the bill which calls for a \$3,000 raise for all magistrates and, at the same time, adopt the rest of Mr. Eckensberger's amendment, and also remove the portion of Mr. Eckensberger's amendment which raises salaries to \$18,000. Is that correct?

Mr. BRANDT. That is correct.

The SPEAKER pro tempore. The Chair would disagree. That is not quite totally accurate. The gentleman is attempting to give a \$3,000 increase by his amendment to the amendment instead of the flat \$18,000. The vote now is only on the amendment to the amendment. It does not adopt the entire amendment.

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

Mr. McCUE. Would the gentleman, Mr. Brandt, stand for interrogation?

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

Mr. BRANDT. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. McCUE. Mr. Speaker, what is the effect of your amendment to the amendment?

Mr. BRANDT. The effect of the amendment would be that we keep the same pay schedules that we have now for magistrates but increase the base by \$3,000 and put a limit on it, put a maximum on the salary.

Mr. McCUE. What will the maximum be, Mr. Speaker?

Mr. BRANDT. The maximum, under this bill, will be \$19,500.

Mr. McCUE. What, then, will be the minimum salary?

Mr. BRANDT. The minimum salary will be \$10,500.

Mr. McCUE. Then if this amendment to the amendments would prevail, the same formula as exists under present law would be the law. Is that correct?

Mr. BRANDT. That is right, Mr. Speaker.

Mr. McCUE. I thank the gentleman. I support the amendment to the amendments.

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

Mr. ECKENSBERGER. Mr. Speaker, I would suggest that the members vote in the affirmative on the amendment.

On the question,

Will the House agree to the amendment to the amendments?

The SPEAKER pro tempore. For the information now of the members on what the vote will be: On the amendment of the gentleman, Mr. Eckensberger, to section 206 (a), it is moved by the gentleman, Mr. Brandt, that all of the language beginning with "Annual compensation" in section 206 and ending with "the judicial district to the State Treasurer" shall be eliminated, and that the language of House bill No. 1375, page 18, line 5, beginning with "A district justice" down to line 13, "(\$10,500)." shall be substituted in place of it.

Those in favor of the amendment to the amendments will vote "aye." Those opposed to the amendment to the amendments will vote "no."

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

The yeas and nays were required by Messrs. BRANDT and SCIRICA and were as follows:

YEAS—177

Anderson, J. H.	Gallen	McCall	Saloom
Arthurs	Geesey	McClatchy	Salvatore
Barber	Geisler	McCue	Scheaffer
Bellomini	George	McGinnis	Schmitt
Bennett	Giammarco	McIntyre	Schweder
Beren	Gillespie	McLane	Scirica
Berlin	Gillette	Mebus	Seltzer
Bittle	Gleeson	Milanovich	Shane
Bradley	Goodman	Miller, M. E.	Shelhamer
Brandt	Green	Miller, M. E., Jr.	Shelton
Burns	Greenfield	Milliron	Shupnik
Butera	Grieco	Moehlmann	Sirianni
Caputo	Gring	Morris	Smith, E.
Cessar	Halverson	Mullen, M. P.	Smith, L.
Cianciulli	Hamilton, J. H.	Mullen	Spencer
Cimini	Hasay	Musto	Stahl
Cohen	Haskell	Myers	Stapleton
Coie	Hayes, S. E.	Noye	Stout
Cowell	Hepford	O'Brien	Taddonio
Crawford	Hill	O'Connell	Taylor
Cumberland	Hopkins	O'Donnell	Thomas
Davies	Hutchinson, A.	O'Keefe	Trelo
DeMedio	Hutchinson, W.	Oliver	Ustykoski
Deverter	Irviss	Pancoast	Vroon
DeWeese	Johnson, J.	Parker, H. S.	Wagner
Dicarlo	Katz	Perri	Walsh, T. P.
DiDonato	Kelly, A. P.	Perry	Wansacz
Dietz	Kelly, J. B.	Petrarca	Wargo
Dininni	Kistler	Pievsky	Weldner
Dombrowski	Klingaman	Pitts	Whelan
Dorr	Knepper	Polite	Wiggins
Doyle	Kolter	Pratt	Williams
Dreibelbis	Kowalyszyn	Prendergast	Wilson
Dumas	Kusse	Pyles	Wilt, R. W.
Eckensberger	LaMarca	Rappaport	Wilt, W. W.
Englehart	Laudadio	Ravenstahl	Wright
Fawcett	Lederer	Reed	Yohn
Fee	Lehr	Renninger	Zearfoss
Fischer	Letterman	Renwick	Zeller
Fisher	Levi	Rhodes	Zord
Foster, A.	Lincoln	Rieger	Zwilk
Foster, W.	Logue	Ritter	
Freind	Lynch	Ross	
Fryer	Manderino	Ruggiero	Fineman, Speaker
Gallagher	Manmiller	Ryan	

NAYS—13

Abraham	Itkin	Menhorn	Novak
Bonetto	Kernick	Miscevich	Shuman
Flaherty	Laughlin	Mrkonje	WorriLOW
Garzia			

NOT VOTING—13

Berson	Hayes, D. S.	Toll	Westerberg
Brunner	McGraw	Turner	Wojdak
Gleason	Richardson	Valicenti	Yahner
Hammock			

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

QUESTION OF PERSONAL PRIVILEGE

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

Mr. GARZIA. I rise to a question of personal privilege. The SPEAKER pro tempore. The gentleman will state it.

Mr. GARZIA. Mr. Speaker, on the Brandt amendment to the Eckensberger amendments to House bill No. 1375, I voted in the negative. I wish to be recorded in the affirmative.

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

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

Mr. REED. Mr. Speaker, inasmuch as through side-bar conferences and other discussions, the matter of salaries for district justices has apparently been rectified to the satisfaction of at least most members here on both sides of the aisle, it would be appropriate, therefore, for the House, in addition to increasing the salary in the manner that was already provided in House bill No. 1375 before us, to include the various reforms of the district justice system which are outlined and have been enumerated by Mr. Eckensberger. So we have, so to speak, the best of both sides of the discussion here today, and I would hope that the membership will give an affirmative vote for both the salary raise and the magisterial reform.

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

Mr. ARTHURS. Mr. Speaker, I understand there is an amendment to the amendment to be offered. Would you want me to yield for that?

The SPEAKER pro tempore. There is another amendment to an amendment?

Mr. ARTHURS. Yes, sir.

The SPEAKER pro tempore. I would request that the gentleman yield.

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

Mr. SCIRICA. Mr. Speaker, I have an amendment that Mr. Eckensberger has agreed to.

When we passed the new Crimes Code 2 years ago, we inadvertently left out a provision of the 1939 Penal Code that allowed district justices to obtain restitution from people pleading guilty or convicted of crimes within their jurisdiction.

The Supreme Court administrator has received many calls from district justices expressing and asking for an opinion as to whether or not they have the power to order restitution. What this amendment to the amendment would simply do is to restore the language of the 1939 Penal Code and make it clear that district justices do have the power to order restitution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Eckensberger. Does the gentleman consent to the amendment?

Mr. ECKENSBERGER. Yes, Mr. Speaker.

The SPEAKER pro tempore. Has the gentleman from Lehigh read the amendment to the amendments?

Mr. ECKENSBERGER. I am satisfied, Mr. Speaker, that we are reinserting something into this bill which we should have inserted in the Crimes Code and I am certainly in accord with it.

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

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

Amend Bill, page 10, by inserting between lines 29 and 30:

Section 306. Restitution.—(a) Restitution authorized.—In addition to the punishment prescribed by law for an offense within the jurisdiction of a district justice to

convict and sentence a defendant, upon conviction of the defendant of the offense the district justice may order the defendant to compensate the victim of the criminal conduct for the damage or injury that he sustained.

(b) Authority of district justice.—In determining whether to order restitution the district justice:

(1) Shall consider:

(i) The financial means of the defendant.

(ii) The extent of injury suffered by the victim.

(iii) Such other matters of record as he deems appropriate.

(2) May order restitution in a lump sum, by monthly installments, or according to such other schedule as he deems just.

(3) May at any time alter or amend any order of restitution made pursuant to this section.

(c) Payment and records.—Restitution shall be made by the defendant to the district justice. The district justice shall forward to the victim the property or payments made pursuant to the restitution order. The district justice shall maintain records of the restitution order and its satisfaction.

(d) Enforcement of order.—Whenever the defendant shall fail to make restitution within 20 days to a district justice as ordered, the district justice shall declare the defendant in contempt of court and forward the case to the court of common pleas. Upon receipt of the contempt decision from a district justice, the court shall order a hearing to determine if the defendant is in contempt of court.

(e) Civil remedies preserved.—No order of restitution shall debar the owner of the property or the victim who sustained personal injury, by appropriate action, to recover from the defendant as otherwise provided by law, provided that any civil award shall take into account the money paid under the order of restitution.

On the question,

Will the House agree to the amendment to the amendments?

Amendment to the amendments was agreed to.

On the question recurring,

Will the House agree to the amendments?

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

Mr. ARTHURS. I would like to make an inquiry of Mr. Eckensberger.

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

Mr. ECKENSBERGER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. ARTHURS. This is for clarification of the record, Mr. Speaker, and it deals with a district justice who does have a part-time job. What I am interested in is, if a district justice does hold a part-time job and this position might require him to have 4 or 6 hours a day away from the district justice duties. Now when and if his caseload becomes too heavy for him to carry including this part-time job that he has, is he required to do away or to give up this job and do his district justice work, or can a district justice be brought in from another area to take the overload?

Mr. ECKENSBERGER. The only way I can respond is by posing a question to you, Mr. Speaker, and that is: Does the part-time job prevent him from giving priority to his judicial caseload?

Mr. ARTHURS. In my particular hypothetical, yes. Say he is committed to a 4- or 6-hour-a-day job, yes.

Mr. ECKENSBERGER. Well, I do not know if I can give you a flat answer to your supposition. It would seem to me that it would be something that must be

determined by the president judge in that particular judicial district. If he is of the opinion that he is not giving priority performance to fulfilling his obligations as a district magistrate, then I think there are certain options available to the president judge, not the least of which would be to cite his case to the disciplinary board which is created by the Supreme Court.

Mr. ARTHURS. So you say that the decision would go then to the president judge in the area to make this determination?

Mr. ECKENSBERGER. I think, Mr. Speaker, he certainly would have some say in the ultimate disposition of the case that you pose. If he prefers to refer it to the disciplinary board at the state level, under the jurisdiction of the Supreme Court, I assume that he could do that also, in which event it would then be settled if the magistrate decided to retain the part-time position and not give it up.

Mr. ARTHURS. One more question, Mr. Speaker: Is it your intent, with allowing part-time justices, that this district justice, if he were working from 7 o'clock in the morning until 12 o'clock noon or 1 o'clock, should he be allowed then to do his scheduling from 2 o'clock in the afternoon until 10 at night, or something like this?

Mr. ECKENSBERGER. Mr. Speaker, I think that is going to be determined by the president judge or the court in the judicial district where his office is held. It seems to me that it is done that way now. I see no reason why this bill or amendment would change it in any way.

If the court in that district rules that he must have his office open within given set hours, then I assume that he must so comply and, if he does not, he is in violation.

Mr. ARTHURS. Thank you, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, I would like to apologize to the House for raising a question at this late hour. I would like to ask Mr. Eckensberger a question concerning his amendment.

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

Mr. ECKENSBERGER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. CAPUTO. Mr. Speaker, under section 303, page 5 of the amendment, "Jurisdiction", it would seem to me that in this bill and this amendment, which probably forms a part of the original bill, jurisdiction is given to the district justices in drunken driving cases. Is that correct?

Mr. ECKENSBERGER. In what cases? I did not hear.

Mr. CAPUTO. Drunken driving cases.

Mr. ECKENSBERGER. Not completely, Mr. Speaker. First of all, right now under the law, every magistrate has jurisdiction over all cases arising under the Vehicle Code, except in the cases of misdemeanors and felonies, where the extent of their obligation is merely to find a prima facie case or in fact find the defendant not guilty. What we are saying is that we are going to extend that just a hair by saying that if a person charged with drunken driving, who has for the first time committed this offense where he is not involved in committing bodily injury to someone or there is no property damage and

the sentence would not exceed a year, that the district magistrate in that particular instance can accept a guilty plea, and only in that instance have we broadened the jurisdiction of the district magistrate. We are not giving him authority to decide the case finally, unless he decides there is no prima facie case under present law.

Mr. CAPUTO. I understand that one of the necessary components is a plea of guilty?

Mr. ECKENSBERGER. That is correct.

Mr. CAPUTO. However, my interrogation is directed to the practice prevalent in some counties throughout the state at the present time—and I am referring to the ARD programs—where if the district attorney accepts the plea of a person charged with drunken driving under violation of section 1037 of the Vehicle Code, he may be placed in the ARD program and does not lose his license and he does not get the mandatory 1-year suspension. Is that correct?

Mr. ECKENSBERGER. The answer, Mr. Speaker, is that the defendant should not plead guilty.

Mr. CAPUTO. Are you saying then that there would be concurrent jurisdiction, because in the ARD programs a defendant does, in effect, plead guilty, although it is not entered as a guilty plea on the clerk records?

Mr. ECKENSBERGER. It is my understanding, Mr. Speaker, that if a defendant in a case of the type that we are talking about enters a plea one way or the other at the district-magistrate level, he is free to enter any plea that he chooses to at the county-court level.

Mr. CAPUTO. Well, he could not plead guilty at the magistrate's level and then change his plea because he would never get into the criminal courts.

Mr. ECKENSBERGER. The plea would be entered as not guilty at the magistrate's level in those counties where that defendant believes that the ARD program would apply to him.

Mr. CAPUTO. Mr. Speaker, I think that this particular section— May I go to another section?

Mr. ECKENSBERGER. Yes, Mr. Speaker.

Mr. CAPUTO. On page 4, under section 209, disposition of costs, I am merely asking for clarification. The section indicates that the "Costs collected by a district justice shall be paid monthly to the Commonwealth in amounts as prescribed in subsection (b), and the balance shall be paid monthly to the county in which the magisterial district is located."

Under subsection (b) it defines Commonwealth share for certain items, \$5 on summary convictions.

At any rate, Mr. Speaker, it defines and describes the Commonwealth's share. Is there anything in that section which indicates what the balance is, the balance referred to in the beginning of the section?

Mr. ECKENSBERGER. Yes. The costs for all these cases are given in section 401, on page 6 of the amendment. I might add this, Mr. Speaker, also in the event that there might be some confusion about it: We are not taking any costs away from the county. The county will continue to get the same costs as they are now getting under cases of both criminal and civil.

Mr. CAPUTO. Mr. Speaker, is not the language—I agree there is some confusion—in section 209 somewhat ambiguous?

Mr. ECKENSBERGER. Mr. Speaker, is the gentleman referring to section 209?

Mr. CAPUTO. Yes. You are talking about disposition

of costs in particularly enumerated cases. You say part of it goes to the Commonwealth and part to the district, and there is no part for the districts in this case, is there?

Mr. ECKENSBERGER. Yes. We would say that the cost for example, in a summary conviction case, under the Motor Vehicle Code, would be increased to \$10. The \$5 that is presently collected by the magistrate in those cases presently goes to the county. That \$5 would still go to the county. The additional \$5, which represents the increase, would now be paid to the Commonwealth so that we might defer the costs and increase the salaries for magistrates.

Mr. CAPUTO. I appreciate what you are trying to do, but does it say that in that section?

Mr. ECKENSBERGER. It is my opinion that it does. It is the opinion of the Legislative Reference Bureau that it does.

Mr. CAPUTO. Is there anyplace in the bill that indicates the cost in the motor vehicle case is \$10?

Mr. ECKENSBERGER. Section 401, page 6, under Article IV. The paragraph is entitled "Criminal Cases", subparagraph 2, Summary convictions, motor vehicles cases, \$10. Where there is a hearing, it would be \$15.

MOTION TO TABLE

Mr. CAPUTO. Mr. Speaker, it would seem to me that it would be much clearer and make more sense if section 401 was given a different number and preceded section 209, because then you would have a definite cost set-up and then a distribution in accordance with the desires of the sponsors of the bill. However, that is a matter of easy adjustment, and I guess it can be understood.

Under the circumstances, however, because of the confusion raised by these two sections and the considerations this House should give to the disposition of drunken driving cases, I would now move to table the bill until we can prepare amendments to clarify those sections.

The SPEAKER pro tempore. Will the gentleman please repeat his motion?

Mr. CAPUTO. I move to table the bill until we can amend the two sections that I have discussed on the floor, Mr. Speaker.

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

Mr. ECKENSBERGER. Mr. Speaker, I respectfully request all members to vote in the negative.

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

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

YEAS—26

Abraham	Fischer	Menhorn	Ravenstahl
Barber	Flaherty	Miscevich	Shuman
Bellomini	Geisler	Mrkonic	Smith, L.
Bonetto	Gillette	Mullen	Trello
Caputo	Itkin	Novak	Valicenti
Cowell	Kernick	Perry	Wiggins
Dumas	Logue		

NAYS—167

Anderson, J. H.	George	McClatchy	Salvatore
Arthur	Giammarco	McCue	Scheaffer
Bennett	Gillespie	McGinnis	Schmitt
Beren	Gleeson	McIntyre	Schweder
Berlin	Goodman	McLane	Scirica

<b>Bittle</b>	<b>Green</b>	<b>Mebus</b>	<b>Seltzer</b>
<b>Bradley</b>	<b>Greenfield</b>	<b>Milanovich</b>	<b>Shane</b>
<b>Brandt</b>	<b>Grieco</b>	<b>Miller, M. E.</b>	<b>Shelhamer</b>
<b>Brunner</b>	<b>Gring</b>	<b>Miller, M. E., Jr.</b>	<b>Shupnik</b>
<b>Burns</b>	<b>Halverson</b>	<b>Milliron</b>	<b>Sirianni</b>
<b>Butera</b>	<b>Hamilton, J. H.</b>	<b>Moehlmann</b>	<b>Smith, E.</b>
<b>Cassar</b>	<b>Hasay</b>	<b>Morris</b>	<b>Spencer</b>
<b>Cianciulli</b>	<b>Haskell</b>	<b>Mullen, M. P.</b>	<b>Stahl</b>
<b>Cimini</b>	<b>Hayes, S. E.</b>	<b>Musto</b>	<b>Stapleton</b>
<b>Cohen</b>	<b>Hepford</b>	<b>Myers</b>	<b>Stout</b>
<b>Cole</b>	<b>Hill</b>	<b>Noye</b>	<b>Taddonio</b>
<b>Crawford</b>	<b>Hopkins</b>	<b>O'Brien</b>	<b>Taylor</b>
<b>Cumberland</b>	<b>Hutchinson, A.</b>	<b>O'Connell</b>	<b>Thomas</b>
<b>Davies</b>	<b>Hutchinson, W.</b>	<b>O'Donnell</b>	<b>Toll</b>
<b>DeMedio</b>	<b>Irvs</b>	<b>O'Keefe</b>	<b>Ustynoski</b>
<b>Devertor</b>	<b>Johnson, J.</b>	<b>Oliver</b>	<b>Vron</b>
<b>DeWeese</b>	<b>Katz</b>	<b>Pancoast</b>	<b>Wagner</b>
<b>Dicario</b>	<b>Kelly, A. P.</b>	<b>Parker, H. S.</b>	<b>Walsh, T. P.</b>
<b>DiDonato</b>	<b>Kelly, J. B.</b>	<b>Perri</b>	<b>Wansacz</b>
<b>Dietz</b>	<b>Kistler</b>	<b>Petrarca</b>	<b>Wargo</b>
<b>Dininni</b>	<b>Klingaman</b>	<b>Plevsky</b>	<b>Weidner</b>
<b>Dombrowski</b>	<b>Knepper</b>	<b>Pitts</b>	<b>Whelan</b>
<b>Dorr</b>	<b>Koiter</b>	<b>Polite</b>	<b>Williams</b>
<b>Doyle</b>	<b>Kowalshyn</b>	<b>Pratt</b>	<b>Wilson</b>
<b>Dreifelbis</b>	<b>Kusse</b>	<b>Prendergast</b>	<b>Wilt, R. W.</b>
<b>Eckensberger</b>	<b>LaMarca</b>	<b>Pyles</b>	<b>Wilt, W. W.</b>
<b>Englehart</b>	<b>Laudadio</b>	<b>Rappaport</b>	<b>Wojdak</b>
<b>Fawcett</b>	<b>Laughlin</b>	<b>Reed</b>	<b>Worrlow</b>
<b>Fee</b>	<b>Lederer</b>	<b>Renninger</b>	<b>Wright</b>
<b>Fisher</b>	<b>Lehr</b>	<b>Renwick</b>	<b>Yohn</b>
<b>Foster, A.</b>	<b>Letterman</b>	<b>Rhodes</b>	<b>Zearfoss</b>
<b>Foster, W.</b>	<b>Levi</b>	<b>Rieger</b>	<b>Zeller</b>
<b>Freind</b>	<b>Lincoln</b>	<b>Ritter</b>	<b>Zord</b>
<b>Fryer</b>	<b>Lynch</b>	<b>Ross</b>	<b>Zwilk</b>
<b>Gallagher</b>	<b>Manderino</b>	<b>Ruggiero</b>	
<b>Gallen</b>	<b>Manmiller</b>	<b>Ryan</b>	<b>Fineman,</b>
<b>Garzia</b>	<b>McCall</b>	<b>Saloom</b>	<b>Speaker</b>
<b>Geesay</b>			

NOT VOTING—10

<b>Berson</b>	<b>Hayes, D. S.</b>	<b>Shelton</b>	<b>Westerberg</b>
<b>Gleason</b>	<b>McGraw</b>	<b>Turner</b>	<b>Yahner</b>
<b>Hammock</b>	<b>Richardson</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 amendments?

AMENDMENTS DIVIDED

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

Mr. CAPUTO. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAPUTO. In the amendments before the House, I would like to know whether or not section 303, subsection 3, is divisible from the overall amendment?

The SPEAKER pro tempore. The Chair would rule that section 303, subsection 3, is divisible.

Mr. CAPUTO. Mr. Speaker, I would like to ask that this be divided from the general amendment so that we can discuss the divisibility of that particular section.

The SPEAKER pro tempore. The Chair having ruled that the amendment is divisible, the question now before the House is whether or not, on page 5 of the gentleman's amendment, section 303, subsection 3, shall be adopted.

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

Mr. CAPUTO. I move that article III, section 303, subparagraph 3, which deals with giving jurisdiction to the minor judiciary in drunken driving cases, be deleted from the amendment.

Mr. Speaker, I think that anyone who is charged with drunken driving or violations of section 1037 and who had available to him competent counsel would naturally

plead not guilty to the charge before a magistrate, when an ARD program or some other program which would not cost him his driver's license for a year would be available to him. I think that it is redundant and unnecessary to extend this jurisdiction to the magistrate.

The SPEAKER pro tempore. The Chair would suggest to the gentleman that he does not need a motion to delete this from the amendment, because the only question now pending before the House is whether or not to adopt section 303, subparagraph 3, of the amendment. Those agreeing with Mr. Caputo will vote "no." Those disagreeing will vote "yes."

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

Mr. ECKENSBERGER. Mr. Speaker, I do not see any harm in having this particular provision in the bill. In fact, I consider it to be one of the reform measures. If a defendant wants to elect or seek the benefits of an ARD program, all he need do is plead not guilty when he gets into the common pleas level. You are starting all over again, and it seems to me that he can get the benefit of the ARD program, if one is applicable. I see no problem in leaving this language in the bill. I would hope the members would vote in the negative.

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

Mr. BONETTO. Mr. Speaker, I have been informed by the Senate that a section of the section on drunken driving has been amended in the new code, and they are going to be voting on it either tomorrow or Tuesday of next week.

I think it is wrong to have this section in the amendment and I would like to support my colleague, Mr. Caputo, in having it removed. I find it awfully foolish to have a new code sitting in the Senate waiting to come over here for concurrence and, in the meantime, having a bill or amendment in this House changing the Criminal Code, particularly the Vehicle Code as is provided under section 3. For that reason, I am asking the members of this General Assembly to vote in the affirmative with Mr. Caputo and have this amendment removed.

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

Mr. POLITE. Mr. Speaker, I rise in opposition to taking out section 303. It seems to me that we are always waiting for the other body to act. We can act on this today, and when it gets over to the Senate, let them remove it.

Thank you, sir.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LaMARCA. Mr. Speaker, I do not want to add to the confusion, but I was under the impression that the matter before the House would be to adopt the amendment of Mr. Eckensberger, and if you are with Mr. Eckensberger, you should be calling for an affirmative vote. And if you adopt Mr. Bonetto or Mr. Caputo's posi-

tion, the vote should be negative. If I am incorrect, I would like to be corrected.

The SPEAKER pro tempore. The gentleman is correct. The only question before the House is whether to adopt section 303, subsection 3, of the amendment. Those who agree with the gentleman from Lehigh, Mr. Eckensberger, will vote "yes." Those who agree with the gentleman, Mr. Caputo and Mr. Bonetto, will vote "no."

On the question,  
Will the House agree to Part I of the amendments?

The yeas and nays were required by Messrs. ECKENSBERGER and BONETTO and were as follows:

YEAS—130

Anderson, J. H.	Garzia	McClatchy	Scheaffer
Barber	Geesey	McCue	Schmitt
Bennett	George	McGinnis	Schweder
Berlin	Gleeson	McLane	Seltzer
Berson	Goodman	Mebus	Shane
Bittle	Green	Milanovich	Shelhamer
Bradley	Greenfield	Miller, M. E.	Shuman
Brandt	Grieco	Miller, M. E., Jr.	Shupnik
Burns	Gring	Milliron	Sirianni
Butera	Hamilton, J. H.	Moehlmann	Smith, E.
Cessar	Hasay	Morris	Smith, L.
Cianciulli	Haskell	Musto	Spencer
Cimini	Hayes, S. E.	O'Brien	Stahl
Cole	Hepford	O'Connell	Stapleton
Crawford	Hill	O'Keefe	Taddonio
Cumberland	Hutchinson, W.	Pancoast	Taylor
Davies	Irvis	Parker, H. S.	Thomas
Deverter	Johnson, J.	Perri	Toll
DeWeese	Katz	Petrarca	Ustynoski
Dietz	Kelly, J. B.	Plevsky	Vroon
Dorr	Kistler	Pitts	Wagner
Dumas	Klingaman	Polite	Weidner
Eckensberger	Knepper	Pratt	Whelan
Fawcett	Kusse	Pyles	Wilt, R. W.
Fee	Laudadio	Reed	Wilt, W. W.
Fischer	Laughlin	Renninger	Wojdak
Flaherty	Lederer	Renwick	Wright
Foster, A.	Lehr	Ritter	Yohn
Foster, W.	Levi	Ross	Zearfoss
Freind	Lincoln	Ryan	Zeller
Fryer	Manderino	Saloom	Zord
Gallagher	Manmiller	Salvatore	Zwilk
Gallen	McCall		

NAYS—63

Abraham	Fisher	Lynch	Rhodes
Arthurs	Geisler	McIntyre	Rieger
Bellomint	Giammarco	Menhorn	Ruggiero
Beren	Gillespie	Miscevich	Scirica
Bonetto	Gillette	Mrkonic	Stout
Brunner	Halverson	Mullen, M. P.	Trello
Caputo	Hopkins	Mullen	Valcenti
Cohen	Hutchinson, A.	Myers	Wansacz
Cowell	Itkin	Novak	Wargo
DeMedio	Kelly, A. P.	Noye	Wiggins
Dicarlo	Kernick	O'Donnell	Williams
DiDonato	Kolter	Oliver	Wilson
Dininni	Kowalshyn	Perry	Worrilow
Dombrowski	LaMarca	Prendergast	
Doyle	Letterman	Rappaport	Fineman,
Dreibelbis	Logue	Ravenstahl	Speaker
Engelhart			

NOT VOTING—10

Gleeson	McGraw	Turner	Westerberg
Hammock	Richardson	Walsh, T. P.	Yahner
Hayes, D. S.	Shelton		

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

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

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

Mr. A. C. FOSTER. Will the gentleman, Mr. Eckensberger, consent to interrogation?

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. A. C. FOSTER. Mr. Speaker, I would just like to make certain on several points regarding the potential transfer of district magistrates to other areas of the state, before voting on the amendment.

If I have followed the sequence correctly, under the amendment, magistrates may now be transferred to any point of the Commonwealth with the president judge of the county consenting. Is that correct?

Mr. ECKENSBERGER. If it is so justified, yes.

Mr. A. C. FOSTER. If it is justified?

Mr. ECKENSBERGER. I do not think there would be an indiscriminate transfer of magistrates simply to transfer them.

Mr. A. C. FOSTER. My question would be: If such a transfer would take place, let us say, in some of our rural areas where the magistrate may be transferred from the central part of the state, say, to Erie or Scranton, who would then fill the office of that particular magistrate?

Mr. ECKENSBERGER. Well, if their caseload is so minimal that a transfer is justified, theoretically, when he returns he can then take care of that caseload. It is only a temporary transfer.

Mr. A. C. FOSTER. Yes, I understand. In many instances the caseload may not be particularly heavy, but, nevertheless, the people of that area would be somewhat inconvenienced by that transfer.

Mr. ECKENSBERGER. Inconvenience is a relative term.

Mr. A. C. FOSTER. Yes.

Mr. Speaker, I have no further questions. I would like to make a brief statement.

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

Mr. A. C. FOSTER. I have some misgivings over this particular section, but I feel that through the amendatory process we have arrived at a better product than we had previously.

I think possibly this is something that we can live with, at least in that it would not allow the indiscriminate transfer of the magistrates on a statewide basis. I would urge support on that basis.

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

Mr. ITKIN. Would Mr. Eckensberger consent to interrogation, 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. ITKIN. Mr. Speaker, this amendment calls for an increase in the costs collected by the district magistrates. What about the costs in the city of Philadelphia and the costs assessed by the police magistrates in Pittsburgh? Would they change under this bill?

Mr. ECKENSBERGER. I would say Pittsburgh, yes; Philadelphia, no.

Mr. ITKIN. Why would you say that Pittsburgh's police magistrates would have authority under this amendment to increase costs?

Mr. ECKENSBERGER. Well, Philadelphia is not in any way included or affected by this bill, as I see it, but Allegheny County would be.

Mr. ITKIN. But it says, "Costs collected by a district justice . . .," on page 4 of your amendment.

Mr. ECKENSBERGER. Well, the only response I can give you, Mr. Speaker, is that Philadelphia does not have district justices.

Mr. ITKIN. Well then, would we have nonuniform penalties and fines associated with the same class of crime throughout the Commonwealth?

Mr. ECKENSBERGER. I do not think so, Mr. Speaker.

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

Mr. RAPPAPORT. Would the gentleman from Lehigh, Mr. Eckensberger, yield for a moment?

Mr. ECKENSBERGER. I shall, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman from Allegheny, Mr. Itkin, also yield?

Mr. ITKIN. Yes, Mr. Speaker.

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

Mr. RAPPAPORT. Perhaps I can help the gentleman from Lehigh.

If one would read the Constitution of Pennsylvania, one would find that the Philadelphia municipal court is there enshrined in the judiciary article that was adopted in 1968. Therefore, we have no district justices in Philadelphia nor any of the procedures associated with them.

We have a separate constitutional court in Philadelphia, known as the municipal court, all the judges of which, with the exception of a few under a grandfather clause, are lawyers. It is a rather efficient court and does a lot of work and we are rather proud of it.

Thank you, Mr. Speaker.

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

Mr. ITKIN. The question I am asking, Mr. Speaker, is: Would there be a different fee in Philadelphia for the various classifications listed on page 4 from what it would be in the rest of the state if this amendment was adopted?

The SPEAKER pro tempore. Would the gentleman from Philadelphia, Mr. Rappaport, answer the question?

Mr. RAPPAPORT. To the best of my knowledge, that fee structure does not apply in Philadelphia, but there is a separate Act of Assembly that provides for it.

The SPEAKER pro tempore. Does that answer the gentleman's question?

Mr. ITKIN. Is that constitutional, Mr. Speaker?

#### 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. Mr. Speaker, if anyone cares to read the constitution, the courts in Pittsburgh, the police magis-

trate courts that the gentleman is talking about, are already mentioned and they are considered district magistrates under the provisions of this act.

The SPEAKER pro tempore. The Chair returns to the gentleman from Allegheny, Mr. Itkin. Does the gentleman still have a question?

Mr. ITKIN. Mr. Speaker, on page 6, section 401, of the amendments—"Criminal Cases"—it says that the cost will be charged by the minor judiciary in every criminal case. Would that apply to Philadelphia, Mr. Speaker?

The SPEAKER pro tempore. Will the gentleman from Lehigh, Mr. Eckensberger, attempt to answer the gentleman's question?

Mr. ECKENSBERGER. Mr. Speaker, do I understand the question to be: Will the costs be the same in Philadelphia as they are in the rest of the Commonwealth?

Mr. ITKIN. That is correct, Mr. Speaker.

The SPEAKER pro tempore. No, the gentleman's question is whether or not the cost schedule in Article IV of your amendment would apply to the municipal court in Philadelphia. I believe the answer is "no."

Mr. ECKENSBERGER. Very well, the Speaker has so responded.

The SPEAKER pro tempore. Is the gentleman from Allegheny, Mr. Itkin, satisfied?

Mr. ITKIN. Well, if you believe the answer is "no," okay.

Thank you.

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

Mr. BONETTO. Will the gentleman, Mr. Eckensberger, agree to interrogation, 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. BONETTO. On page 6, Article IV—on costs again—section (3) of that Article IV states: "Summary convictions, motor vehicle cases, hearing demanded . . . \$15.00." Is that above and beyond what we will charge under the new Vehicle Code?

Mr. ECKENSBERGER. Could you tell me what the new code—

Mr. BONETTO. Ten dollars. All costs to be charged by magistrates under the new code are \$10. Does that mean that the cost will be \$25 since this is going to the state or a portion of it is going to the state?

Mr. ECKENSBERGER. A portion of it would go to the state. The cost would be \$15 where there is a hearing.

Mr. BONETTO. Well, then what you have done in this particular instance, for example, going back to page 4, section (2), at the bottom of the page, where it says: "Summary convictions, motor vehicle cases other than (3) below . . . \$5.00." Am I to interpret that to mean that the \$15 cost that you have on page 6 is the total cost, with \$10 going to the county and \$5 going to the state?

Mr. ECKENSBERGER. That is correct.

Mr. BONETTO. All right.

Now may I ask this question: In cases where you have misdemeanors under the Vehicle Code, is the \$7, on page 5, which goes to the Commonwealth, over and above the \$10 that is being asked for under the Vehicle Code or does

that mean that the county then will only get \$3 and the state will get \$7?

Mr. ECKENSBERGER. The county presently will continue to get the same amount. At least that was the intention we had in preparing the bill.

Mr. BONETTO. Well, on page 6, you have for misdemeanors, \$20, of which \$7, according to page 5, under "Misdemeanor," will go to the state. Is that correct?

Mr. ECKENSBERGER. That means that the \$13 will go to the county, and that is presently what they are getting.

Mr. BONETTO. All right. That means, then, that the county would get \$3 more than what is in the new code at the present time.

Mr. ECKENSBERGER. In the new code, I do not know.

Mr. BONETTO. It is \$10. All costs are \$10.

Mr. ECKENSBERGER. Well, I am not sure of that. You are the author or had a lot to do with the code.

If it is all right with you, I will yield to Mr. Ritter, who indicates that he would like to respond to that.

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

Mr. RITTER. Mr. Speaker, on page 10 of the amendments, it takes care of what Mr. Bonetto is talking about. It says: "(3) (b) General repealer.—Any act or part of an act inconsistent with the provisions of this act is repealed to the extent of the inconsistency." Therefore, if the Motor Vehicle Code calls for a \$10 cost and this bill says it is \$15, the cost will be \$15, Mr. Speaker.

Mr. BONETTO. That is not what I am after. I am after what the county's share will be. I am interested in the fact that right now under the Vehicle Code all costs go to the county. What you have done under this particular amendment is shared that cost with the Commonwealth.

Mr. RITTER. No, Mr. Speaker, the costs have been increased.

Mr. BONETTO. That is right, and I am only checking to find out whether or not you are dipping into the \$10 that the county gets. That is all.

Mr. RITTER. No, Mr. Speaker, in no case are we.

Mr. BONETTO. All right.

On the question recurring,

Will the House agree to the balance of the Eckensberger amendments?

The yeas and nays were required by Messrs. ECKENSBERGER and BONETTO and were as follows:

YEAS—193

Abraham	Gallagher	McCall	Saloom
Anderson, J. H.	Gallen	McClatchy	Salvatore
Arthurs	Garzia	McCue	Scheaffer
Barber	Geesey	McGinnis	Schmitt
Bellomini	Geisler	McLane	Schweder
Bennett	George	Mebus	Scirica
Beren	Giammarco	Menhorn	Seltzer
Berlin	Gillespie	Milanovich	Shane
Berson	Gillette	Miller, M. E.	Shelhamer
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	Mrkonic	Spencer
Butera	Halverson	Mullen, M. P.	Stahl
Caputo	Hamilton, J. H.	Mullen	Stapleton
Cessar	Haskell	Musto	Stout
Cianciulli	Hayes, S. E.	Myers	Taddonto

Cimini	Hepford	Novak	Taylor
Cohen	Hill	Noye	Thomas
Cole	Hopkins	O'Brien	Toll
Cowell	Hutchinson, A.	O'Connell	Trello
Crawford	Hutchinson, W.	O'Donnell	Ustynoski
Cumberland	Irvis	O'Keefe	Valicenti
Davies	Itkin	Oliver	Vroon
DeMedio	Johnson, J.	Pancoast	Wagner
Deverter	Katz	Parker, H. S.	Wansacz
DeWeese	Kelly, A. P.	Perri	Wargo
Dicarlo	Kelly, J. B.	Perry	Weidner
DiDonato	Kernick	Petrarca	Westenberg
Dietz	Kistler	Pievsky	Whelan
Dininni	Klingaman	Pitts	Wiggins
Dombrowski	Knepper	Polite	Williams
Dorr	Kolter	Pratt	Wilson
Doyle	Kowalshyn	Prendergast	Witt, R. W.
Dreibelbis	Kusse	Pyles	Witt, W. W.
Dumas	LaMarca	Rappaport	Wojdak
Eckensberger	Laudadio	Ravenstahl	WorriLOW
Englehart	Laughlin	Reed	Wright
Fawcett	Lederer	Renninger	Yohn
Fee	Lehr	Renwick	Zearfoss
Fischer	Letterman	Rhodes	Zeller
Fisher	Levi	Richardson	Zord
Flaherty	Lincoln	Rieger	Zwickl
Foster, A.	Logue	Ritter	
Foster, W.	Lynch	Ross	Fineman, Speaker
Freind	Manderino	Ruggiero	
Fryer	Manmiller	Ryan	

NAYS—1

Hasay

NOT VOTING—9

Gleason  
Hammock  
Hayes, D. S.

McGraw  
McIntyre

Shelton  
Turner

Walsh, T. P.  
Yahner

So the question was determined in the affirmative and the balance of the Eckensberger amendments was agreed to.

THE SPEAKER (Herbert Fineman) IN THE CHAIR

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—178

Anderson, J. H.	Gallen	McClatchy	Salvatore
Arthurs	Garzia	McCue	Scheaffer
Barber	Geesey	McGinnis	Schmitt
Bellomini	Geisler	McIntyre	Schweder
Bennett	George	McLane	Scirica
Beren	Giammarco	Mebus	Seltzer
Berlin	Milanovich	Milanovich	Shane
Berson	Gleeson	Miller, M. E.	Shelhamer
Bittle	Goodman	Miller, M. E., Jr.	Shelton
Bonetto	Green	Milliron	Shupnik
Bradley	Greenfield	Miscevich	Sirianni
Brandt	Grieco	Moehlmann	Smith, E.
Brunner	Gring	Morris	Smith, L.
Burns	Halverson	Mullen, M. P.	Spencer
Butera	Hamilton, J. H.	Mullen	Stahl
Caputo	Hasay	Musto	Stout
Cessar	Haskell	Myers	Taddonto
Cianciulli	Hayes, S. E.	Novak	Taylor
Cimini	Hepford	Noye	Thomas
Cohen	Hill	O'Brien	Toll
Crawford	Hopkins	O'Connell	Ustynoski
Cumberland	Hutchinson, A.	O'Donnell	Valicenti
Davies	Hutchinson, W.	O'Keefe	Vroon
DeMedio	Irvis	Oliver	Wagner
Deverter	Johnson, J.	Pancoast	Wansacz
DeWeese	Katz	Parker, H. S.	Wargo



Dicarlo	Kelly, A. P.	Perri	Weldner
DiDonato	Kelly, J. B.	Perry	Westerberg
Dietz	Kistler	Petrarca	Whelan
Dininni	Klingaman	Pievsky	Wiggins
Dombrowaki	Knepper	Polite	Williams
Dorr	Kolter	Pratt	Wilson
Doyle	Kowalshyn	Prendergast	Wilt, R. W.
Dreibelbis	Kusse	Pyles	Wilt, W. W.
Dumas	LaMarca	Rappaport	Wojdak
Eckensberger	Laudadio	Reed	WorriLOW
Englehart	Lederer	Renwick	Wright
Fawcett	Lehr	Rhodes	Yohn
Fee	Letterman	Richardson	Zearfoos
Fisher	Levi	Rieger	Zeller
Foster, A.	Lincoln	Ritter	Zord
Foster, W.	Logue	Ross	Zwinkl
Freind	Lynch	Ruggiero	
Fryer	Manderino	Ryan	Fineman,
Gallagher	McCall	Saloom	Speaker

NAYS—16

Abraham	Flaherty	Laughlin	Pitts
Cole	Gillette	Manmiller	Ravenstahl
Cowell	Itkin	Menhorn	Shuman
Fischer	Kernick	Mrkonie	Trello

NOT VOTING—9

Gleason	McGraw	Stapleton	Walsh, T. P.
Hammock	Renninger	Turner	Yahner
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.

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

Mr. M. P. MULLEN. Mr. Speaker, will you check and see if there are any amendments, first?

The SPEAKER. Are there any amendments to be offered to Senate bill No. 1365?

SENATE BILL No. 1365 PASSED OVER TEMPORARILY

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

Mr. STAPLETON. Mr. Speaker, I believe Mr. Doyle has amendments. He has gone down to his office to get them.

The SPEAKER. This bill will be temporarily passed over.

LOCAL GOVERNMENT COMMITTEE MEETING RESCHEDULED

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

Mr. FRYER. To the members of the House Local Government Committee, the meeting time has been changed for our meeting tomorrow. It will be held at 10 o'clock in room 328, the minority room.

BUSINESS AND COMMERCE COMMITTEE MEETING RESCHEDULED

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

Mr. BENNETT. Mr. Speaker, for the information of the members of the Business and Commerce Committee, if it pleases the Chair, I would like to announce that the meeting for Thursday of this week has been canceled. It has been rescheduled for next Friday, June 3.

CONSUMER PROTECTION COMMITTEE MEETING RESCHEDULED

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

Mr. SCHMITT. I would like to mention, Mr. Speaker, that the Consumer Protection Committee meeting, which was scheduled for immediately after the conclusion of this session, has been recessed until 9:30 tomorrow morning.

STATE GOVERNMENT BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 2087, printer's No. 2694, entitled:

An Act amending the act of May 1, 1919 (P. L. 103, No. 79), referred to as the State Art Commission Law, providing a further exemption.

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—175

Abraham	Garzia	McGinnis	Salvatore
Anderson, J. H.	Geesey	McIntyre	Scheaffer
Arthurs	Geisler	McLane	Schmitt
Barber	George	Mebus	Schweder
Bellomini	Giammarco	Menhorn	Scitica
Bennett	Gillespie	Milanovich	Seltzer
Beren	Gillette	Miller, M. E., Jr.	Shane
Berlin	Gleason	Milliron	Shelhamer
Berson	Green	Miscevich	Shelton
Bittle	Greenfield	Moehmann	Shuman
Bradley	Grleco	Morris	Shupnik
Brunner	Gring	Mrkonie	Sirianni
Burns	Halverson	Mullen, M. P.	Smith, E.
Butera	Hamilton, J. H.	Mullen	Smith, L.
Caputo	Hasay	Musto	Spencer
Cessar	Haskell	Myers	Stahl
Cianciulli	Hayes, S. E.	Novak	Stapleton
Cimiri	Hepford	O'Brien	Stout
Cohen	Hopkins	O'Connell	Taddonio
Cole	Hutchinson, A.	O'Donnell	Taylor
Cowell	Hutchinson, W.	O'Keefe	Thomas
Crawford	Irvis	Oliver	Toll
Cumberland	Itkin	Pancoast	Trello
DeMedio	Johnson, J.	Perry	Ustynoski
Deverter	Kelly, A. P.	Petrarca	Valicenti
DeWeese	Kelly, J. B.	Pievsky	Vroon
Dicarlo	Kistler	Pitts	Wagner
DiDonato	Klingaman	Polite	Wansacz
Dietz	Kolter	Pratt	Wargo
Dininni	Kowalshyn	Prendergast	Weidner
Dombrowaki	Kusse	Pyles	Whelan
Dorr	LaMarca	Rappaport	Wiggins
Doyle	Laudadio	Ravenstahl	Williams
Dreibelbis	Laughlin	Reed	Wilt, R. W.
Dumas	Lederer	Renninger	Wilt, W. W.
Eckensberger	Lehr	Renwick	Wojdak
Englehart	Levi	Rhodes	WorriLOW
Fee	Lincoln	Richardson	Wright
Fisher	Logue	Rieger	Yohn
Flaherty	Lynch	Ritter	Zearfoos
Foster, A.	Manderino	Ross	Zeller
Foster, W.	Manmiller	Ruggiero	
Fryer	McCall	Ryan	Fineman,
Gallagher	McClatchy	Saloom	Speaker
Gallen			

NAYS—11

Brandt	Hill	Letterman	Parker, H. S.
Fischer	Kernick	McCue	Zord
Freind	Knepper	Noye	

NOT VOTING—17

Bonetto	Hammock	Miller, M. E.	Westerberg
Davies	Hayes, D. S.	Perri	Wilson
Fawcett	Katz	Turner	Yahner
Gleason	McGraw	Walsh, T. P.	Zwilk
Goodman			

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.

**EDUCATION BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1556, printer's No. 2917**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), making certain changes in regard to safety patrols.

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

NAYS—2

Burns	Knepper	NOT VOTING—12	
Davies	Hayes, D. S.	Perri	Wilson
Gleason	Katz	Turner	Yahner
Hammock	McGraw	Walsh, T. P.	Zwilk

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

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

**HOUSE BILL No. 1658 PASSED OVER TEMPORARILY**

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, Mr. Goodman said he had amendments. Does Mr. DiCarlo know anything about them?

The SPEAKER. This bill will be temporarily passed over.

**APPROPRIATION BILL ON FINAL PASSAGE POSTPONED**

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. IRVIS the House resumed consideration on final passage of **Senate bill No. 1365, printer's No. 1661**, entitled:

An Act amending the act of July 22, 1970 (P. L. 513, No. 178), entitled "Pennsylvania Cigarette Tax Act," deleting certain provisions relating to the disposition of funds.

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

The question is, Shall the bill pass finally?

**RECONSIDERATION OF VOTE ON SENATE BILL No. 1365**

Mr. DOYLE moved that the vote by which SENATE BILL No. 1365, printer's No. 1661, was agreed to on third consideration on March 31, 1976, be reconsidered.

Mr. DeMEDIO seconded the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, lines 3 and 4, by striking out "deleting certain provisions relating to" and inserting: further providing for

Amend Sec. 1 (Sec. 1202.1), page 1, line 16, by striking out the bracket before "until"

Amend Sec. 1 (Sec. 1202.1), page 1, line 16, by inserting a bracket before "1976"

Amend Sec. 1 (Sec. 1202.1), page 1, line 16, by inserting after "1976": 1977

Amend Sec. 1 (Sec. 1202.1), page 1, line 17, by striking out the bracket before "Cigarette"

Amend Sec. 1 (Sec. 1202.1), page 1, line 18, by inserting brackets before and after "1976" and inserting immediately thereafter: 1977

Amend Sec. 1 (Sec. 1202.1), page 2, line 1, by striking out the bracket after "No. 92)."

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

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

Mr. DOYLE. Mr. Speaker, these amendments would place this bill back in the same position as the legislation was in under the law as presently on the books, only it postpones the deletion entirely of the fund until 1 year hence, that is, until 1977. What the amendment would do would be to keep the parents' reimbursement fund alive, and beginning with July 1 of 1977 the cigarette tax moneys would again be pumped into the fund.

At the present time, litigation is wending its way up to the United States Supreme Court. I believe on May 10 or May 15 there was an adverse decision by the circuit court of appeals that the attorneys have 90 days within which to appeal to the United States Supreme Court, which I understand they will do.

Presently, the fund, therefore, is not in need of moneys to pay the parents and the moneys could be used this year for general fund purposes, but we want to keep the fund concept alive. When, as, and if the United States Supreme Court gives a favorable opinion, the money will be already there, being pumped into the fund to pay the parents.

The moneys in the fund will also be needed to pay whatever costs are incurred by the attorneys, both fees and court costs as well as some accounts payable by the authority. So it is necessary that we keep the fund, although we can use the moneys which have already been accumulated or will be accumulated in the next year for general fund purposes.

Thank you, Mr. Speaker.

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

Mr. M. P. MULLEN. Mr. Speaker, may I interrogate the gentleman, Mr. Doyle?

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

Mr. DOYLE. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. M. P. MULLEN. Mr. Speaker, let us go back on this bill just a little bit. If you recall last year, we had \$120 million in this particular fund. Is that not correct?

Mr. DOYLE. I will take your word for it.

Mr. M. P. MULLEN. And at that particular time we passed a bill similar to the bill that is now before us, and, as a result of that bill, the \$120 million was taken out of the fund and was put into the general fund. Is that correct?

Mr. DOYLE. The legislation passed with the Lincoln amendment in it. That is correct, with that amendment in it.

Mr. M. P. MULLEN. All right, the amendment that was put into the bill was the amendment which is the subject matter of the bill before us today. Is that not correct?

In other words, the Lincoln amendment that we are referring to was an amendment which would provide that beginning July 1 of this year we would then set aside 10 percent of the existing revenue yield from the cigarette tax fund for the purpose of meeting the contingent lia-

bility that would occur if the court would rule in our favor. That was the Lincoln amendment. That is the amendment that they are trying to delete from the bill now. In other words, if this bill were to pass without your amendment, what it would mean is that there would be no moneys being accumulated in a fund at all for any purpose whatever.

As I understand it, the purpose of your amendment is to postpone for another year the setting aside of money from the cigarette tax fund for the purpose of reimbursing the parents. Is that correct?

Mr. DOYLE. Yes, that is a fair statement.

Mr. M. P. MULLEN. Now what advantage do you see in your particular amendment? What does it do? For all practical purposes, I feel certain—and I think you do too—that the United States Supreme Court will rule by next June on the final determination as to whether the parents get the money or not.

Now, the only purpose of your amendment is to postpone this for another year. In other words, what you are saying is that instead of doing what we are supposed to do under existing law, under your amendment we will postpone it another year. So for all practical purposes, we will have a decision next year and no money. That is all your amendment will do.

Mr. DOYLE. No, no.

Mr. M. P. MULLEN. Well, what will it do then?

Mr. DOYLE. It will leave on the books and in the law of Pennsylvania that this is the area where we are going to get the money to pay the parents should the Supreme Court say that they may be paid. It will stay anyone from claiming that we had to raise taxes in Pennsylvania to pay those parents off, because the taxes that are being raised now will pay for that commitment that Pennsylvania has made.

This is where they are entitled to get their money. We leave it on the books, and when the Supreme Court says, yes, you may pay it, this is where the money will be paid from.

Mr. M. P. MULLEN. Well, Mr. Speaker, if we adopt your amendment, what you are telling the parents is that if the Supreme Court rules in their favor next year, they can wait another 5 years to get their money, because under the provisions of the existing law, we can only get approximately \$23 million from the cigarette tax fund.

Now it is going to take 5 years to get \$120 million, and this is why I oppose the bill. Do you not see the fallacy of your argument? It does not make any sense.

Mr. DOYLE. And the fallacy of your argument is, if you argue against the amendment, that you are saying we have to get all of the money from someplace else.

What I am saying is that at least we have this. I am not as familiar with the figures as you are, but I know that the money from the cigarette tax was earmarked for that fund and that is where it should stay until the Supreme Court adjudicates it one way or the other.

Are you arguing against the amendment?

Mr. M. P. MULLEN. Yes, I am arguing against the amendment because what, in fact, you are doing by your amendment, if I understand the amendment correctly, is telling the legislature to adopt your amendment and then to adopt the bill.

Mr. DOYLE. I did not say that.

Mr. M. P. MULLEN. Well, what does your amend-

ment do then? Everybody, or at least I think everyone, in the House, understands, as I understand it to be, that the effect of your amendment would mean, if your amendment would be adopted and goes into the bill and the bill would pass, that the money which would accumulate in the fund, which is \$23 million, would then be permitted to go into the general fund because that is what the bill says.

Mr. DOYLE. Yes, that is correct.

Mr. M. P. MULLEN. Well—

Mr. DOYLE. And I am saying that the concept of the fund should be kept alive.

As far as future funding is concerned, I do not know at that particular time how much will have to be paid out. As I say, you perhaps are more familiar with the figures than I am, but I do know that this money will be there. If we have to take more of the cigarette tax money for it or float bonds, or whatever, so be it.

You and I know that—and we heard it here on this floor last year—everyone who spoke on it said that they are committed to pay the money if it needs to be paid. I am just saying by the amendment that when it has to be paid, this is where we begin.

Mr. M. P. MULLEN. Well, Mr. Speaker, all I can say to you is that I think you misunderstand completely what the bill you are amending is trying to do. What the bill is trying to do, which you offered an amendment to, is to take the money which we are now entitled to under existing law, which would be approximately \$23 million, and put it in the general fund. What you are saying is, let us take the \$23 million and put it back into the general fund and then next year, next July, we will start another fund again. But next July is going to be too late because the decision will either be favorable or unfavorable by that time which will be rendered by the Supreme Court. So I do not think it is going to help the cause. If you are genuinely interested in helping the parents, you certainly would not offer this amendment, and that is my opinion.

Mr. DOYLE. Well, Mr. Speaker, are you saying that even if this amendment goes in and even if this money is accumulated this year or the bill itself is defeated, that there will be sufficient money in the fund to pay the parents next year?

Mr. M. P. MULLEN. No. I am saying this: It depends upon how the court rules. If the court indicates that the parents are entitled to the 2-year reimbursement, the amount due would be approximately \$120 million. If this bill is defeated—of course, I am against the bill—what that means is that we will have accumulated by next July 1—not this July 1 but by July 1, 1977—approximately \$23 million and we will still be short \$97 million. So, naturally, the question is, where are we going to get the \$97 million if the court rules in our favor?

Well, that is simple, because the revenue yield next year over and above the coming fiscal period will be approximately \$240 million. I do not want to take all of that \$240 million; I just want to take part of it, because we will have to use part of it for other purposes; for example, salary increases, fringe benefits, et cetera. All I am trying to do is trying to be fiscally responsible and trying to set aside moneys which would be badly needed in case the court rules in our favor and a contingent liability becomes real.

But what you are doing, Mr. Speaker—and I do not think you understand what you are doing, unless I am mistaken—is going along with the concept of this bill and saying, all right, let us pay the money into the general fund. If you do that, we will not have any money set aside next year. That is the effect of your amendment.

Mr. DOYLE. No, it would mean, even at best, if you are correct with your figures, that we would have to make up an additional \$23 million for the 1 year right now that we are talking about.

Mr. M. P. MULLEN. Yes, but why should we do that?

Mr. DOYLE. Now, if that is so, if that is simply just even a part of it, what you are saying is that you are not going to get all of the money to fund that this year out of this year's revenue from the cigarette tax money, and I am saying that that could be used in the interim for general fund purposes.

What I am saying by this amendment is that we will keep the fund alive—and the chances even now are worse than a fifty-fifty proposition of it being successful, and this is why I talked with the attorney trying the case for the parents—that the fund concept be kept alive so that there will be a channel to put the money in and a beginning to pay the fund.

I do not think it will take us 5 years to pay it off. I think we could do it in far less time with this as a beginning and then with the funds that we will have to find from someplace else.

Mr. M. P. MULLEN. Mr. Speaker, I have no further questions of the gentleman. I will just make a few remarks and then I will transfer it to Mr. Ryan.

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

Mr. M. P. MULLEN. Mr. Speaker, I am going to ask everyone to vote against Mr. Doyle's amendment because the effect of Mr. Doyle's amendment will be to help this bill pass without any money.

My argument is that his amendment would actually take \$23 million away from the parents and from our potential liability of the state.

I say, vote against the amendment and then vote against the bill, and the fund stays the way Mr. Doyle wants it to stay. If the bill is defeated, we have \$23 million. If Mr. Doyle's amendment goes in, we may have a bill, but we will not have any money.

Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, would Mr. Mullen consent to interrogation?

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

Mr. M. P. MULLEN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, I confess that I am somewhat confused at this point. As I understand it, what you are suggesting is that if Mr. Doyle's amendment goes in, it removes \$23 million from the fund.

Mr. M. P. MULLEN. That is correct. It does not eliminate the fund. What it does is postpone—

Mr. RYAN. It suspends it—

Mr. M. P. MULLEN. Yes.

Mr. RYAN. —for a year.

Mr. M. P. MULLEN. It postpones it for another year, so that is taking \$23 million away from us.

Mr. RYAN. If the Doyle amendment went in and the bill passed, what would be the effect of that?

Mr. M. P. MULLEN. The effect, as far as I am concerned, would be meaningless, because what it would do is it would take \$23 million away from us and put \$23 million into the general fund. We would have a meaningless bill on the books. It does not accumulate any money, and this is what we are talking about—money.

Mr. RYAN. If the Doyle amendment fails and the bill fails, what is the effect of that?

Mr. M. P. MULLEN. The effect of that is this: Beginning July 1 of this year, 10 percent of the existing yield from the cigarette tax fund will be set aside for this possible contingent liability. So next June 30—June 30, 1977—we would have \$23 million set aside in a separate fund for the purpose of paying the parents if the court were to rule in the parents' favor. Of course, if it did not rule in the parents' favor, what it would mean is that \$23 million would go back into the general fund next year.

Mr. RYAN. Mr. Speaker, I am guessing at this statement. I would guess that it was approximately a year ago or last summer that this problem came up initially of transferring money from the escrow fund?

Mr. M. P. MULLEN. Right. Last year at this time.

Mr. RYAN. Right. At that time, how much did we transfer out? Did we transfer out the entire amount that was in the fund at that time?

Mr. M. P. MULLEN. Yes, we did. However, when we passed that bill, Mr. Lincoln's amendment went into the bill, and that was in there to soften it up for everybody. What Mr. Lincoln's amendment in fact said was that beginning July 1 of this year, we would set aside 10 percent of the existing revenue yields from the cigarette tax fund.

Now the purpose of this bill before us is to eliminate Mr. Lincoln's amendment and to have no money set aside at all.

Mr. RYAN. Mr. Speaker, do you recall if, about the same time that we were discussing the amendment last year and the bill last year that did away with the fund, this was not the same time that I opposed a bill that dealt with the black lung fund and suggested that if a law did not pass or a bill did not pass in the Senate, that we would not have the money to fund it—this dealt with the workmen's compensation insurance bill—and it did turn out later on in the year that the money was not available and we had to create moneys because the law was not changed in time?

Mr. M. P. MULLEN. That is basically correct.

Mr. RYAN. Thank you, Mr. Speaker.

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

Mr. RYAN. Mr. Speaker, I agree with Mr. Mullen that the amendment should be defeated and the bill should be defeated. There is a potential obligation on the part of the Commonwealth of some \$120 million. There is no fund from which this money can be derived except what we have here today, and that is, a possible \$23-million fund. Mr. Doyle would suspend it. I suggest that this is wrong. I thought it was wrong a year ago when we

emptied that till while we still had the possibility of an obligation hanging over our heads.

Everyone of us in this room here today knows that we are in a tight fiscal situation. Should the Supreme Court come down and say that we have the obligation, I daresay that there are few of us here today who are prepared to vote for the taxes to create the \$120 million that would immediately be needed to pay off that debt. If we defeat this amendment and if we defeat the bill, then at least we are some \$23 million, and perhaps some \$46 million, into that obligation. For that reason, I would oppose both the amendment and, at the appropriate time, the bill.

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

Mr. WOJDAK. Mr. Speaker, may I interrogate the gentleman, Mr. Doyle?

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

Mr. DOYLE. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. WOJDAK. Mr. Speaker, are you aware that approximately 10 days ago the circuit court ruled against any moneys being paid from the parent reimbursement fund?

Mr. DOYLE. I mentioned that in my argument. They ruled not to overturn the lower district court, which was tantamount to continuing the injunction on the fund. That is essentially correct.

Mr. WOJDAK. Well, the effect of it is that no moneys could be paid from the parent reimbursement fund. Is that correct?

Mr. DOYLE. That is correct.

Mr. WOJDAK. Now in your statement you made earlier you referred to the Supreme Court's decision. Are you assuming the Supreme Court is going to hear this matter?

Mr. DOYLE. I am assuming that the attorney representing the parents will appeal it and that the Supreme Court will take jurisdiction.

It may be that the Supreme Court will deny acceptance of the case on the basis that the lower courts treated it summarily. I do not know that.

What I am saying is that, by the amendment, I want to keep the concept alive. That is all.

Mr. WOJDAK. If, in fact, the Supreme Court does not allow to hear this matter, the entire issue will become moot at that point, will it not?

Mr. DOYLE. Say that again.

Mr. WOJDAK. If in fact the Supreme Court does not grant leave to hear the matter, the issue is then dead, is that correct?

Mr. DOYLE. Not quite. There will be open to the litigants the argument before the Commonwealth Court of Pennsylvania and, if successful there, they could go back and ask the district court to remove the injunction, predicated upon the most recent decision from the Commonwealth Court of Pennsylvania of their own state court's interpreting the fund. So it is not positively dead.

Mr. WOJDAK. Mr. Speaker, would you, in fact, agree that your amendment is Mr. Lincoln's amendment, 1 year later?

Mr. DOYLE. That is correct, yes.

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

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

Mr. WOJDAK. Mr. Speaker, the amendment that Mr. Doyle is proposing is, in fact, the Lincoln amendment, 1 year later.

If you recall the arguments made by Mr. Mullen approximately a year ago, they were all contingent upon a favorable ruling from the Federal appellate courts. That decision, in fact, has been rendered and the decision is to the effect that no moneys can be paid from the parents reimbursement fund.

I am suggesting to the membership that if in fact we delay it another year, we are going to be facing the same issue next year for no good reason.

Now the urgency in passing this bill is this: The hole that you talk about, if in fact the \$23 million is now transferred to the general fund, the hole you are creating is not in the general appropriations bill but rather in the nonpreferred bills. Those nonpreferreds, as you all know, will affect our state-related universities or any particular nonpreferred appropriations that you may be interested in. Each one of them will be cut, and I believe the figure is going to be approximately 9 percent if in fact this money is not transferred.

What I am suggesting to the body is that we face the issue squarely, defeat the amendment, pass the bill, and put this issue to sleep once and for all.

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

#### AMENDMENTS WITHDRAWN

Mr. DOYLE. Mr. Speaker, I then have come to a decision, since the protagonists on either side are against the amendment, because I think what Mr. Wojdak just said is completely misleading. The money that is in this fund or will be accumulated in this fund does not belong to anyone in particular—the nonpreferreds, the welfare recipients, the State Police, or anyone else. I resent people saying that if this does not pass and if we do not get the money from the nonpublic school parents, then you will not get paid. I, therefore, am withdrawing the amendment, because what Mr. Ryan said is not true. My amendment does not take away \$23 million at all. Only if the bill passes will it take away the money. It is a precautionary measure. I am, therefore, withdrawing the amendment and asking everyone to vote “no” on the bill.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, line 4, by removing the period after “funds” and inserting: and otherwise providing for the disposition of the tax.

Amend Bill, page 2, by inserting between lines 1 and 2: Section 2. The act is amended by adding a section to read:

Section 1202.2. Valley Forge Veterans' Home.—One-fourth of one cent of tax imposed and collected under the provisions of this act is specifically appropriated to the Department of Military Affairs for payment of the operational and maintenance expenses of the State Veterans' Home at Valley Forge. Any funds uncommitted or unencumbered at the end of the fiscal year of the Commonwealth shall lapse.

Amend Sec. 2, page 2, line 2, by striking out “2.” and inserting: 3.

On the question,

Will the House agree to the amendments?

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

Mr. DeMEDIO. Mr. Speaker, my amendment simply adds another section to Senate bill No. 1365, section 1202.2, entitled, “Valley Forge Veterans' Home.—One-fourth of one cent of the tax imposed and collected under provisions of this act is specifically appropriated to the Department of Military Affairs for payment of the operational and maintenance expenses of the State Veterans' Home at Valley Forge. Any funds uncommitted or unencumbered at the end of the fiscal year of the Commonwealth shall lapse.”

Originally, this cigarette tax was passed for the funding of the Korean war bonus. When the Korean war bonus was fully paid, this tax was continued. So, it seems most appropriate that we should use some of this money now for the funding of a veterans' home at Valley Forge. This would enable us to get, at no cost to the Federal Government, a facility that is worth in excess of \$80 million. So I would ask and I strongly request bipartisan support for this amendment. I have taken this vehicle for accomplishing this, in view of the fact that a similar bill that was passed by this House by a vote of 184 to 7, still lies in one of the Senate committees where, I am told, it will never see the light of day. So, I request members on both sides to vote in the affirmative for this amendment.

Thank you, Mr. Speaker.

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

Mr. O'CONNELL. Mr. Speaker, I wonder if the chairman of the Appropriations Committee, Mr. Wojdak, would submit to a brief interrogation?

Mr. WOJDAK. Yes, Mr. Speaker.

Mr. O'CONNELL. Mr. Speaker, if this bill were to pass, would it affect the moneys that are available right now, the \$23 million that is reportedly available? Would it deplete that?

Mr. WOJDAK. Well, if the bill passes, the effect is to restore \$23 million to the general fund.

Mr. O'CONNELL. Available now in the fund that we are discussing in House bill No. 1365 is how much money?

Mr. WOJDAK. Approximately \$23 million.

Mr. O'CONNELL. And how much would this amendment deplete that amount?

Mr. WOJDAK. Twenty three million dollars.

Mr. O'CONNELL. This amendment?

Mr. WOJDAK. Oh, you mean the DeMedio amendment? I do not have a fiscal note on it. I understand the one-quarter of one cent is worth approximately \$3 million.

Mr. O'CONNELL. How much was that, sir?

Mr. WOJDAK. Three million dollars.

Mr. O'CONNELL. Three million dollars. It was my understanding that the \$23 million would remain and that this money would come out of next year's revenues; that the \$23 million would not be depleted or touched, and that this money would be set aside from revenues that were generated in the next fiscal year. Is that true or false?

Mr. WOJDAK. That is false.

Mr. O'CONNELL. I think there is a difference of opinion there.

Mr. WOJDAK. Will you excuse me? I am sorry, you were referring to the DeMedio amendment. Is that correct?

Mr. O'CONNELL. Right. That is right.

Mr. WOJDAK. The effect of that amendment would be to keep approximately \$3 million in the fund.

Mr. O'CONNELL. Of the next year's moneys? In other words, there is \$23 million now, and assuming that the tax regenerates the same amount of money, there would be \$46 million available. However, if the \$23 million was used in support of the nonpreferred appropriations, that would deplete that. But the DeMedio amendment would not diminish that amount of money?

Mr. WOJDAK. Excuse me. Yes, Mr. Speaker, the present fund balance is zero. There would be approximately \$23 million accumulated in the fund in the next fiscal year. The DeMedio amendment would not have an effect on the fund but would, in fact, earmark approximately \$3 million from the general fund for Valley Forge purposes.

Mr. O'CONNELL. Now, the question is then would that be a short fall of \$3 million in the nonpreferred appropriation?

Mr. WOJDAK. Yes, it would.

Mr. O'CONNELL. Assume that that were true and this amendment were to pass—we do not know and we cannot predict the actions of the other body—but assume that they disagree with the House's amendments and it were placed in a Conference Committee, would it be fair to ask what your position might be then?

Mr. WOJDAK. I could respond in this manner. Having had various conversations with the Senate leadership, I do not believe they would accept the DeMedio amendment or concur in that amendment.

Mr. O'CONNELL. You do not think they will concur in it?

Mr. WOJDAK. That is correct.

Mr. O'CONNELL. Which then is a fair question: There would be a Conference Committee?

Mr. WOJDAK. That is correct.

Mr. O'CONNELL. That is the point that I was trying to make here and that is what I was fearful about. I would like to support the DeMedio amendment. I would like to set that money aside for the operation of Valley Forge, but I do not want to be misled and, then, believe that I am doing what is right and, as a result of the other body's actions, be penalized. I think that that has to be taken into consideration when the judgments are made right at the present time.

Mr. WOJDAK. You might not only accomplish your purpose of the Valley Forge Hospital, but you may, in fact, hold up the passage, or it could hold up the passage of House bill No. 1365.

Mr. O'CONNELL. Okay, Mr. Speaker, thank you.

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

Mr. DeMEDIO. Mr. Speaker, I would like to clear up an apparent misunderstanding. This one-quarter of one cent comes from the total 13-cent cigarette tax which, as I understand it, earns \$256 million. So, we are not touching the apparent reimbursement fund. This comes from

all cigarette tax money and it is merely one-quarter of one cent.

Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, if I may, and I think we should, be completely honest about what we are trying to do, I wish to answer Mr. O'Connell. I think that we should not mislead anyone as to our intent. Now we passed the amount of money needed for Valley Forge in our last budget, the first budget that was presented. The second budget did not have it in there because the Senate would not go along with it. And the members of this House supported this.

Now what we really are doing is, in effect, giving the Senate a chance to either vote it up or down because they have not done it as yet. The Senate has had three bills over there now that they have got pigeonholed and not allowed to come before the Senate for a vote. We are amending an ongoing bill that has to come before that body, and to date they have been dodging the issue as far as the veterans' organizations in Pennsylvania. What we are doing, in effect, Mr. Speaker, right now is laying it on the line to those fellows. And I have to be honest with you, this is what we are doing. And whether they vote it up or down, at least we are going to find out that they are going to have to tell the truth to the veterans of Pennsylvania like the House has done.

The House has told the veterans the truth of how we feel, but the Senate has been dodging the issue. This is what it is all about and this is what we have to do to do it, Mr. Speaker. I think we should do it. Let them know and let them vote it up or down. Let them stop the phony operation they have been going through.

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

Mr. M. P. MULLEN. Mr. Speaker, I would like to interrogate Mr. DeMedio, please?

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

Mr. DeMEDIO. I will.

The SPEAKER. The gentleman will proceed.

Mr. M. P. MULLEN. The effect of your amendment, as I understand it, would be to set aside approximately \$3 million for the Valley Forge Hospital. Is that correct?

Mr. DeMEDIO. That is correct.

Mr. M. P. MULLEN. But in order to do that it would be necessary for this bill to pass? Right?

Mr. DeMEDIO. That is correct.

Mr. M. P. MULLEN. Well, do you understand what this bill does? Can you tell me what the bill does?

Mr. DeMEDIO. The bill abolishes the parent reimbursement fund. My amendment adds another section to the bill, if it passes, saying that one-quarter of one cent of the cigarette tax, the 13-cent cigarette tax, would be set aside for the operation of Valley Forge.

Mr. M. P. MULLEN. Well, do you understand what you are, in fact, doing? You are telling the parents who are entitled to get this money that if the court rules in their favor, there is not going to be any money. In order to try to solve your problem, you are just telling them to go jump in the lake.

Mr. DeMEDIO. I am sure that if the court says that,

that this legislature, being a responsible body, will come up with that money.

Mr. M. P. MULLEN. All right. I thank the gentleman. I have no further interrogation.

I would like to say this on the amendment: I ask everyone to vote against the amendment.

First of all, I am on the American Legion and Veterans of Foreign Wars Legislative Committee as he is. I think we have a responsibility to fund Valley Forge, but I do not think that we ought to fund Valley Forge to the detriment of the many, many parents who have expended moneys to educate their children. I think we are doing a great disservice to those parents.

Now as someone had stated earlier to Mr. DeMedio, moneys have already been provided in the budget which we sent over there for Valley Forge. Now what is going to happen here, as a practical matter, if Mr. DeMedio's amendment goes into this bill and the bill becomes law, is that when it goes over to the Senate, they are not going to concur; there is going to be a conference committee; and then Mr. DeMedio's amendment is going to be deleted. The bill will pass, deleting the fund of its proper funding, and then we will be in the bind that we were in at the beginning of this fiscal period, with no money to fund the contingent liability which is a possibility in the next fiscal period.

So I say that we ought to vote against the DeMedio amendment, not because it is not a good amendment—I agree with it 100 percent—but in voting for it, we are depriving other people of moneys they are entitled to for services rendered.

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

Mr. DOYLE. Mr. Speaker, would Mr. DeMedio consent to brief interrogation?

The SPEAKER. Will the gentleman from Washington, Mr. DeMedio, consent to interrogation?

Mr. DeMEDIO. Yes.

The SPEAKER. The gentleman may proceed.

Mr. DOYLE. Am I correct that the money you are going to take from the cigarette tax money revenues is going into the general fund now?

Mr. DeMEDIO. No. The quarter of one cent that I am requesting in my amendment has nothing to do with the amount of money that is in the parent reimbursement fund that would go into the general fund.

Mr. DOYLE. That is not my question, Mr. Speaker.

Mr. DeMEDIO. Would you repeat it, please?

Mr. DOYLE. The money that you are going to earmark for Valley Forge is presently, without being earmarked, going into the general fund. Is that correct?

Mr. DeMEDIO. I am trying to earmark money that is derived by the Commonwealth from its 13-cent cigarette tax. I am trying to take one-quarter of one cent of that money and appropriate it for the operation and maintenance of Valley Forge Veterans' Home.

Mr. DOYLE. And if the money is not appropriated for that purpose, where does the money go now, into the general fund?

Mr. DeMEDIO. Presently it is part of the \$256 million which goes into the general fund, yes.

Mr. DOYLE. So it does not make any difference if we call it the general fund or the cigarette tax; it all comes out of the same pot. Is that correct?

Mr. DeMEDIO. That is true.

Mr. DOYLE. All right. We have a commitment for the parent reimbursement fund of long standing. We do not have enough money, if Mr. Mullen's proposition is correct, to fund that. We will need perhaps that money in the future to make that fund solvent. So why monkey around now with earmarking this money for something else, making the general fund short, and having to get that money from someplace else? All you are doing is changing hats. It is the same thing.

Mr. DeMEDIO. I am sure that most of the members here realize the reason for my amendment. We have been told that if no action is taken by the Commonwealth on the facility at Valley Forge by June 30, the Federal Government will retract its offer to us, and I think that this body will be doing a serious disservice to the people of this Commonwealth if we permit this \$80-million facility to slip through the Commonwealth's fingers. That is why it is important that we find the vehicle to get the Senate to vote once and for all on whether or not they support the concept of a soldiers' home at Valley Forge or whether they are against it.

Mr. DOYLE. The vehicle could have been in the House, the general fund budget, or it could be in the Senate, the legislation that is over there. This is not the vehicle to do that with, and I urge a "no" vote on the amendment.

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

Mr. BURNS. Mr. Speaker, I would just like to ask either Mr. DeMedio or Mr. Wojdak, either one, and I guess I will ask Mr. DeMedio first: Mr. Speaker, my concern is that I would like to support your amendment, but, on the other hand, I would like nothing to happen to that \$23 million in the parochial school fund. Now what guarantee can you offer this General Assembly or myself that if I were to support your amendment, that one-quarter of one cent of the cigarette tax would come, for example, out of the one cent from the Johnstown flood of years ago? You know, how can I be guaranteed that that money, that \$3 million that you say is going to be generated, is not going to come from the \$23 million? That is my only question. That is my dilemma.

Mr. DeMEDIO. Well, I am just as concerned about the \$23 million as any member on the floor of this House, and I feel that if the court should hold as Mr. Mullen hopefully thinks it might—although I doubt that he believes that they are actually going to hold in favor of the parents, but should they hold in favor of the parents, which, as I say, is unlikely—then I think it is imperative upon this body to replace the \$23 million that it is now taking from the parent reimbursement fund and placing in the general fund.

But my quarter of one cent does not come from that \$23,500,000. My quarter of one cent comes from the entire tax, the 13-cent tax. It just happens that I have to use this bill as a vehicle to get the Senate to vote on whether or not it wishes to come up with the money necessary for the operation and maintenance of Valley Forge Veterans' Home.

Mr. BURNS. Let me ask you one other question, Mr. Speaker: Would it be possible to add to your amendment in some way to, let us say, take the one-quarter of one cent cigarette tax from the one penny that we put on for the 1955 flood or whatever we did and which has long been used up? You know, the bills have been paid—at least it is my understanding they have from that—and



we are still collecting that one penny. Would it be possible at all to take the one-quarter of one cent from that particular penny?

Mr. DeMEDIO. Well, I might point out, as I said previously, that this 13 cents includes a certain portion that was for the Korean war bonus and it still continues and it still goes on.

Now the quarter of one cent that we are requesting is going to be an annual amount to operate and maintain that veterans' home. All unencumbered and unused funds lapse and go back into the general fund. But I cannot guarantee you that this will not go on. In fact, it is intended to go on because this is a recurring expense. It will be a recurring annual expense that will have to be included in the budget.

Mr. BURNS. Thank you very much, Mr. Speaker.

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

Mr. PYLES. Mr. Speaker, I think we are confusing all of these accumulated taxes that have been raised over a period of time on cigarettes. The parent reimbursement fund was passed a number of years ago as an add-on to the taxes that were already on cigarettes. The amendment that Mr. DeMedio is proposing does not affect the parent reimbursement portion of the tax revenue collected on cigarettes.

As Mr. DeMedio pointed out, a number of years ago, back in 1954-55, one cent was added to cigarettes for the Korean bonus. That has been paid off and is now going into the general fund. Each time there has been a raise of the cigarette tax, it has been for a specific purpose. All we are asking in Mr. DeMedio's amendment is that one-quarter of one cent of the total cigarette tax collected today go to the Valley Forge Veterans' Home.

This amount of money is not all that is going to be generated once this Valley Forge Veterans' Home is established. The Federal Government has indicated a willingness to pay for 65 percent of the maintenance and operating cost of that home. It seems to me that we have got to take a stand once and for all, as we did in House bills Nos. 1515, 1516, and 1517, to make sure that the veterans in the Commonwealth of Pennsylvania, as they get older, have a place that the Commonwealth has set aside for them. This is an opportunity to do so.

The House bills that were passed last fall in this House are languishing over in the Senate. The way to get them moving is to pass Mr. DeMedio's amendment. I recommend a "yes" vote.

MOTION TO TABLE

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

Mr. ITKIN. Mr. Speaker, I make a motion now to table the bill with Mr. DeMedio's amendment.

Would you repeat my motion, Mr. Speaker?

The SPEAKER. You repeat it.

Mr. ITKIN. Mr. Speaker, I make a motion to table Senate bill No. 1365 with Mr. DeMedio's amendment.

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

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

Mr. WOJDAK. Mr. Speaker, I oppose that motion. Let us get on with this bill.

Mr. ITKIN. Mr. Speaker, I would like to discuss the tabling motion and my reasons for tabling.

The SPEAKER. The gentleman will proceed.

Mr. ITKIN. It seems to me, Mr. Speaker—

The SPEAKER. Will the gentleman yield? The Chair understands that this is not a debatable motion.

Mr. ITKIN. I am not debating. I was going to give the House my reasons for the tabling motion.

The SPEAKER. The discussion is not in order.

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

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

YEAS—13

Dicarlo	Itkin	Milanovich	Petrarca
Doyle	Lincoln	Miscevich	Saloom
Flaherty	McCue	Mrkonic	Wagner
Foster, A.			

NAYS—179

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

NOT VOTING—11

Cumberland	Hayes, D. S.	Pratt	Walsh, T. P.
Gleason	McGraw	Rhodes	Yahner
Hammock	Mullen	Turner	

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

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

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

Mr. ITKIN. Mr. Speaker, I would like to know how you can rule any discussion out of order on any motion which allows a discussion with respect to a tabling motion only to be within the framework of that motion?

You ruled me out of order without even hearing what I had to say. That is contrary to the rules of this House.

The SPEAKER. Mr. Itkin, rule 59 of this House says: "A motion to lay on the table is not debatable, is not subject to amendment and carries with it the main question and all other pending questions which adhere to it, except when an appeal is laid on the table." It was on the basis of rule 59 that the Chair ruled you out of order.

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I requested recognition at the time that Mr. Burns was on the floor and I think the problem that we all face right now is really kind of simple yet very complicated. You cannot have everything.

If you vote for the DeMedio amendment, you are taking care of the veterans' hospitals; you are taking care of the Wojdak threat that the nonpreferreds are in jeopardy, except you have reduced them by \$3 million; and at the same time you are stripping what money is available from the parent reimbursement fund. I believe that is the effect of the DeMedio amendment; that is, \$3 million comes out of the general cigarette tax. And then in order to pass the DeMedio amendment into law, you must pass Senate bill No. 1365 in its present shape, which means that in the passage of Senate bill No. 1365 you are stripping the parent reimbursement fund. Is that correct, Mr. Wojdak?

Mr. M. P. MULLEN. That is correct, Mr. Speaker. I will answer. That is correct 100 percent.

Mr. RYAN. Thank you.

Mr. WOJDAK. I did not hear that question, Mr. Speaker.

Mr. RYAN. Well, it is correct.

Mr. WOJDAK. Yes, but I would like to hear the question.

Mr. RYAN. The question and answer quickly, Mr. Speaker, was that if you go with the DeMedio amendments, you take care of the Valley Forge Hospital, but simultaneously in taking care of them, it is necessary to pass that amendment into law which requires the passage of Senate bill No. 1365 in its entirety, the effect of which is to take the \$23 million out of the parent reimbursement fund.

Mr. WOJDAK. Not to take it out, but not to put it into the parent reimbursement fund for the coming fiscal year.

Mr. RYAN. Well, whatever. All right, to do away with it.

So in answer to Mr. Burns' question, you cannot have everything. You have got to make a choice at this point. Bite the bullet and cast your vote.

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

Mr. M. P. MULLEN. I will only be brief and add on to what Mr. Ryan said. When the bill goes over to the Senate, they will nonconcur, and then it will go into a conference committee and his amendment will go out. He will be suckered out of that and we will lose what we are after. So I think it is a bad amendment. Vote "no."

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

Mr. ITKIN. Mr. Speaker, I think this is an inappropriate time to pass this bill for the following reasons, and I want to address myself to the members of the House.

The leadership obviously knows what is going on, but the rank and file obviously has been kept in the dark.

#### POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. DeMEDIO. Mr. Speaker, the only thing before this body is the amendment, and the gentleman is speaking on the bill and he is out of order.

The SPEAKER. The point of order is well taken. The question before the House, Mr. Itkin, is, Will the House agree to the amendment?

The Chair recognizes Mr. Itkin.

Mr. ITKIN. You know, I cannot understand that you cannot discuss the reasons before the fact for a tabling motion and you cannot discuss the reasons after the fact for a tabling motion. It fails my reasoning to understand how you can rule any discussion out of order in an attempt to provide rationale for this House to consider that type of action. You either have to allow it before or you have to allow it after.

The SPEAKER. Do you want to handle this one, Harry?

Mr. ITKIN. Put Harry up there. He treats me better.

The SPEAKER. The gentleman's point of order was well taken. There is nothing before the House at the moment but the question of whether or not the House will adopt the amendment offered by the gentleman, Mr. DeMedio.

Mr. ITKIN. Okay. I will tell you why we should not adopt Mr. DeMedio's amendment at this time.

The SPEAKER. If the gentleman will address himself to that question, the gentleman is in order.

Mr. ITKIN. Okay. The reason why we should not adopt this amendment or this bill at this time is because the Governor has before him the general appropriations bill. And while there has been a lot of rhetoric about how the budget will be imbalanced without this \$23½ million, there have been for quite some time rumors that the Governor is not satisfied with some of the appropriations inserted by the House in the conference committee on the GA bill and that he will probably blue-line certain items.

Now I think it is kind of ridiculous for us, the rank and file, to go ahead and pass and send to the Governor some \$23½ million before we know what he is going to take out of the GA bill. You see, it seems to me that we are protecting the integrity of this House and respecting its wishes when we find out from the Governor just what he is going to do with the GA bill and our particular line items—they are in there—and then consider whether we are going to give him the \$23½ million.

Now it seems very obvious to any intelligent mind that that is what has to be. So either you know, the leadership knows, what is going on with these items and

you are willing to go ahead with it, but we do not know. If it is true, share it with us. Let us know which of the pet projects that we have put in the bill are not going to make it.

The Governor is now—I think it is the 7th day he has had the bill. It seems to me the wisdom of this House—

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. GREENFIELD. Mr. Speaker, the gentleman was requested to speak on the amendment, and I have not heard one word regarding the amendment. Everything has been on the bill and some budget which we passed previously. Will the member please stick to the issue? And I call for the question.

The SPEAKER. The point of order is well taken. The gentleman will confine his remarks to the question before the House.

Mr. ITKIN. Mr. DeMedio wants to take \$3 million out of the cigarette tax, and that is going to depend on how much revenue is needed to balance the GA bill. It may be needed; it may not be needed. We do not know at this time, but we will know next week.

I suggest to the rank and file, if you want to concern yourselves about protecting your interests and what you fought to get into that GA bill, it would seem wisdom to prevail on your account to withhold support for this bill and Mr. DeMedio's amendment until next week, and then you have some bargaining chips. It is as simple as that.

MOTION TO TABLE

Mr. ITKIN. Mr. Speaker, I will now make the motion to table the bill with the DeMedio amendment.

The SPEAKER. The motion made by the gentleman, Mr. Itkin, is out of order. The motion had been made. The motion was defeated.

MOTION TO PLACE ON FINAL PASSAGE POSTPONED CALENDAR

Mr. ITKIN. Mr. Speaker, I move to place the bill on the final passage postponed calendar.

The SPEAKER. The gentleman, Mr. Itkin, moves that Senate bill No. 1365 be placed upon the final passage postponed calendar.

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

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

YEAS—64

Abraham	Foster, A.	Kistler	Saloom
Anderson, J. H.	Foster, W.	Klingaman	Salvatore
Beren	Freind	Lincoln	Scheaffer
Brandt	Gallen	McCue	Scirica
Burns	Geesey	McGinnis	Seltzer
Crawford	Gillespie	Mebus	Sirianni
Davies	Goodman	Miller, M. E., Jr.	Stapleton
DeWeese	Grieco	Miscevich	Taddonio
Dicarlo	Gring	Moehlmann	Taylor
Dietz	Hamilton, J. H.	Mrkonic	Vroon
Dininni	Hasay	Noye	Wagner
Dorr	Hepford	O'Connell	Weldner
Doyle	Hopkins	Pitts	Wilson
Fawcett	Hutchinson, W.	Renninger	Worrlow

Fisher	Itkin	Rhodes	Yohn
Flaherty	Kernick	Ryan	Zearfoss

NAYS—126

Arthurs	Giammarco	McLane	Ruggiero
Barber	Gillette	Menhorn	Schmitt
Bellomini	Gleeson	Milanovich	Schweder
Bennett	Green	Miller, M. E.	Shane
Berlin	Greenfield	Milliron	Shelhamer
Berson	Halverson	Morris	Shelton
Bittle	Haskell	Mullen, M. P.	Shuman
Bonetto	Hayes, S. E.	Musto	Shupnik
Bradley	Hill	Myers	Smith, E.
Brunner	Hutchinson, A.	Novak	Smith, L.
Butera	Irvis	O'Brien	Spencer
Caputo	Johnson, J.	O'Donnell	Stout
Cessar	Katz	O'Keefe	Thomas
Cianciulli	Kelly, A. P.	Oliver	Toll
Cimini	Kelly, J. B.	Pancoast	Trelio
Cohen	Knepper	Parker, H. S.	Ustynski
Cole	Kowalyszyn	Perri	Valicenti
Cowell	Kusse	Perry	Wansacz
DeMedio	LaMarca	Petrarca	Wargo
Deverter	Laudadio	Pievsky	Whelan
Dombrowski	Laughlin	Polite	Wiggins
Dreibelbis	Lederer	Prendergast	Williams
Dumas	Lehr	Pratt	Wilt, R. W.
Eckensberger	Letterman	Pyles	Wilt, W. W.
Englehart	Levi	Rappaport	Wojdak
Fee	Logue	Ravenstahl	Wright
Fischer	Lynch	Reed	Zeller
Fryer	Manderino	Renwick	Zord
Gallagher	Manmiller	Richardson	Zwinkl
Garzia	McCall	Rieger	
Geisler	McClatchy	Ritter	Fineman,
George	McIntyre	Ross	Speaker

NOT VOTING—13

Cumberland	Hayes, D. S.	Mullen	Walsh, T. P.
DiDonato	Kolter	Stahl	Westerberg
Gleason	McGraw	Turner	Yahner
Hammock			

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

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

Mr. SALOOM. Mr. Speaker, I must oppose this amendment and I would ask the members of the House to oppose the amendment. I do not believe the administration or the Senate leaders ever intend to appropriate any money to a soldiers' home at Valley Forge. The Senate leaders are telling the veterans of this state that they expect to open veterans' homes in unused state hospitals. Therefore, I would request the House to vote this amendment down.

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

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

YEAS—99

Anderson, J. H.	Foster, A.	McCall	Rhodes
Arthurs	Foster, W.	McClatchy	Ritter
Barber	Fryer	McCue	Ruggiero
Bennett	Gallen	McGinnis	Salvatore
Bittle	Geesey	McLane	Scheaffer
Bradley	George	Mebus	Shuman
Brunner	Hamilton, J. H.	Menhorn	Shupnik
Burns	Hasay	Milliron	Sirianni
Butera	Hayes, S. E.	Miscevich	Smith, L.
Cessar	Hepford	Moehlmann	Spencer
Cianciulli	Hopkins	Morris	Stout
Cimini	Hutchinson, A.	Mrkonic	Taylor
Cole	Irvis	Mullen	Vroon
Davies	Itkin	Musto	Wagner
DeMedio	Katz	Novak	Wargo
DiDonato	Kernick	Noye	Weldner
Dietz	Kistler	O'Connell	Whelan
Dininni	Klingaman	Perri	Wilson
Dombrowski	Kowalyszyn	Petrarca	Wilt, W. W.

Dorr	Kusse	Pitts	Wright
Dumas	LaMarca	Polite	Yohn
Eckensberger	Laughlin	Prendergast	Zearfoss
Fee	Levi	Pyles	Zeller
Fischer	Lynch	Reed	Zwilk
Flaherty	Manniller	Renninger	

NAYS—92

Abraham	Giammarco	McIntyre	Schweder
Bellomint	Gillespie	Milanovich	Scirica
Beren	Gillette	Miller, M. E.	Seltzer
Berlin	Gleeson	Miller, M. E., Jr.	Shane
Berson	Goodman	Mullen, M. P.	Shelton
Bonetto	Green	Myers	Smith, E.
Brandt	Greenfield	O'Brien	Stahl
Caputo	Grieco	O'Donnell	Stapleton
Cohen	Gring	O'Keefe	Thomas
Cowell	Halverson	Oliver	Toll
Crawford	Haskell	Pancoast	Trello
Cumberland	Hill	Parker, H. S.	Ustynoski
Deverter	Hutchinson, W.	Perry	Vaicenti
DeWeese	Johnson, J.	Plevsky	Wansacz
Dicarlo	Kelly, A. P.	Pratt	Wiggins
Doyle	Kelly, J. E.	Rappaport	Williams
Dreifelbis	Knepper	Ravenstahl	Wilt, R. W.
Englehart	Laudadio	Renwick	Wojdak
Fawcett	Lederer	Rieger	Worrlow
Fisher	Lehr	Ross	Zord
Freind	Letterman	Ryan	
Gallagher	Lincoln	Saloom	Fineman,
Garzia	Logue	Schmitt	Speaker
Gelsler	Manderino		

NOT VOTING—12

Gleason	Kolter	Shelhamer	Walsh, T. P.
Hammock	McGraw	Taddonio	Westerberg
Hayes, D. S.	Richardson	Turner	Yahner

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. MILANOVICH. Mr. Speaker, on the DeMedio amendment to House bill No. 1365, I would like to change my vote to the affirmative.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

Mr. M. P. MULLEN. Mr. Speaker, I would like to interrogate Mr. Wojdak.

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

Mr. WOJDAK. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. M. P. MULLEN. Mr. Speaker, I have a letter here from the Pennsylvania Association of Colleges and Universities, signed by John W. Oswald. I am going to read this letter to you and ask you for comments.

(Reading:)

The 118 members of the Pennsylvania Association of Colleges and Universities urge you to vote for passage of SB 1365 which will release \$23.5 million in cigarette tax revenues to the general fund. This money is absolutely essential to provide general fund appropriations for state-aided and state-related colleges and universities at the level recommended in the Governor's budget.

The Governor's recommendation for all institutions is modest, in no case exceeding a 4% increase . . . .

I will not read the rest of it; I think you get the drift of it. Is this basically what I heard you say a few minutes ago, that if you do not get this \$23½ million from the cigarette tax fund into the general fund, the nonpreferreds will have to be cut?

Mr. WOJDAK. That is correct, Mr. Speaker.

Mr. M. P. MULLEN. All right. Now I ask you this: A few weeks ago we sold \$50 million in bonds, and that money is lying over in the treasury now. Is that money going to be transferred to the general fund? That \$50 million, by the way, represents the proceeds of the sale of bonds, remember, when we passed emergency appropriations some time ago for the housing, and we had \$50 million in cash.

Mr. WOJDAK. Mr. Speaker, the proceeds from the sale of those bonds will be transferred to the general fund.

Mr. M. P. MULLEN. What are you going to use that \$50 million for?

Mr. WOJDAK. Well, let me finish my statement. As to when it will be transferred, I cannot answer it at this point.

Mr. M. P. MULLEN. Well, is it not true that that \$50 million is over and above the moneys that we have calculated or needed to fund the general fund bill as passed this House a couple of weeks ago and to fund the non-preferred bills that we were talking about? You said you only needed \$23½ million more to fund the nonpreferreds, and we already passed the general bill. This \$50 million is over and above those two figures, is it not?

Mr. WOJDAK. No; it is not.

Mr. M. P. MULLEN. Why is it not? What are you going to use the \$50 million for? Where did you calculate the \$50 million? In any projections that I have seen, you have not calculated that \$50 million.

Mr. WOJDAK. Mr. Speaker, if you recall, we took the money from the Housing Agency, it was our intent to return a portion of that. In addition, the GA bill that we passed here and the nonpreferred appropriations which we have not yet passed, we have calculated to be roughly \$280 million. What we had used to balance that entire figure was approximately \$40 million, and that would have covered various deficiency appropriations. It had been our intent not to pass any deficiency appropriations. The fact of the matter is that we have already passed \$31 million of deficiency appropriations, and part of that \$50 million will be used to balance those items.

Mr. M. P. MULLEN. I thank the gentleman.

I would just like to make a brief statement.

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

Mr. M. P. MULLEN. First of all, I studied this thing rather carefully and here is the situation as I see it and I want any one to refute it if they can.

I had, in my office last Friday, representatives from the University of Pennsylvania, from Drexel and other institutions. They told me substantially what I read to you here today. I said that was not true. I said there was approximately \$60 million to \$70 million floating around that is available for other appropriations. As a matter of fact, I feel certain that what they are going to try to do is use that money for some other purpose, which I am not going to discuss here now. But they would not believe me. So, I called up the budget office. I tried to get Charlie McIntosh, but he was not there. So I said, you fellas sold \$50 million in bonds a few weeks ago. Now where is the money?" They said it was in a bank. I said, is it going to be transferred to the general fund? Yes, they said, it was going to be transferred to the general fund. I said, for what purpose are you going to use that? Well, they said, you passed a deficiency appropriation bill last week,—which we did, you recall, for \$31 million—we are going to use that \$31 million for that purpose; we are going to take \$31 million out of that \$50 million to pay for the deficiency appropriation. I said, what about the balance? Well, no decision has been made on the balance.

Now I said to them, suppose that because of the unfavorable bond situation, you were unable to sell those bonds a couple of weeks ago. What would you have done? They would have done exactly what they intended to do; they never intended to use that for that specific purpose. They had that in mind for something else. What they were going to do is, they were going to take the lapses, which are going to occur near the end of the fiscal period, which will be anywhere from \$20 million and up, and that will pay for the \$30 million. So they are going to have approximately \$50 million left over. But, in addition to that \$50 million, they are going to sell more bonds in August. There are \$12 million more bonds that go into this fund, so they will have that \$50 million, plus the \$12 million, which will be \$62 million, plus the lapses. I think the lapses will be enough to take care of the deficiency appropriations.

So really, gentlemen, if any of you are going to vote for this bill because you believe this letter, I think that you are making a very foolish mistake. The money is there. Mr. Wojdak admitted in our interrogation that he only needed \$23½ million. But that is \$23½ million for the people in my district and your district, and he does not need it at all. They can fund the nonpreferreds as they had intended to do; they can fund the general appropriations bill; and they are still going to have \$62 million left over. Here are the facts. So do not let the institutions fool you fellows at all, because you are not going to have to wait long. I hope you take my word today, because if you do not take my word today, I am going to lose my \$23½ million, and then my word will not be any good a couple of weeks from now. So I ask you to vote against this bill. I am awfully disappointed at Mr. DeMedio's amendment going in, because he is not going to get anymore than the man in the moon, but what he did was try to destroy our purpose. So I ask you to vote against the bill.

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

Mr. WOJDAK. Mr. Speaker, on Mr. Mullen's analysis of the moneys to be available, I do not agree with the analysis. In figuring the total amount of moneys avail-

able for purposes of the general appropriations bill and the non-preferreds, we had included in that, despite what Mr. Mullen says, all the lapses, and he referred to \$20 million or \$21 million in lapses. That was figured into the total amounts of money available.

In addition, what was figured into the total amount of money available was \$40 million which the Governor had set aside for various deficiencies. We, in fact, had set out not to vote for any deficiencies, but rather, in fact, to use that \$40 million to cover the general appropriations bill in the various nonpreferred appropriations. What in fact happened was, \$31 million was passed by both Houses of this General Assembly. In addition, you must remember that the Housing Agency, the housing and redevelopment authorities, for 2 years now have not had an appropriation, and I know that they are waiting in the wings for an appropriation, as many members who are very concerned about that. They had been getting grants of anywhere from \$15 million to \$19 million in past years but have not received any moneys during the past 2 years. That is the wording in that fund which is going to have to be taken care of also, and I know there are people waiting for available moneys to care for those funds.

So despite the fact that Mr. Mullen ran through figures, very quickly, I should say, indicating to you that there is \$60-some million available, that in fact is not the case. What you are talking about is a hole of \$23 million in nonpreferreds. The \$50 million that he is referring to in bond sales and the additional moneys to be available from further bond sales, of which he estimates—and I believe it to be true—roughly \$12 million will be used for the \$31 million in the deficiency appropriation that we passed, plus the various moneys that we are going to need for the housing and redevelopment authorities fund. So I would urge an affirmative vote on this bill on the basis of what I initially said to you, that it will cover a \$23-million hole that we are looking at for purposes of funding the nonpreferreds, and among those are the various colleges and universities, and I urge an affirmative vote.

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

Mr. ITKIN. Mr. Speaker, Mr. Wojdak is absolutely correct. In my conversation with the Budget Secretary, Mr. McIntosh, he completely delineated the exact use of all the moneys that were recovered in the sale of bonds from the Pennsylvania Finance Housing Agency. Besides the \$31-million deficiency appropriation, it was the Governor's intention to return and restore \$12.65 million to the Housing and Urban Redevelopment Program under the Department of Community Affairs, which was reduced in order to provide for the moneys to obtain the bonds.

I am told, also, that the money is in the general fund; that the State Treasurer has received the payment for the notes that we had purchased from the Housing Finance Agency.

You put me in kind of a very difficult situation today and I wish that my tabling motion had passed. I would like to vote for the bill; I really would. I want to make sure that our colleges get their money and I support Mr. DeMedio. I think that homes should be built. I guess I am going to have to vote for it, unfortunately and regretfully.

Thank you.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—144

Anderson, J. H.	Geesey	McClatchy	Scheaffer
Arthurs	Geisler	McLane	Schweder
Barber	Giammarco	Mebus	Setrica
Bennett	Gleeson	Menhorn	Seltzer
Beren	Green	Milanovich	Shane
Berlin	Greenfield	Miller, M. E.	Shelhamer
Berson	Grieco	Miller, M. E., Jr.	Shelton
Bittle	Gring	Milliron	Shuman
Brandt	Halverson	Miscevich	Shupnik
Brunner	Hamilton, J. H.	Moehlmann	Strianni
Burns	Hasay	Morris	Smith, E.
Caputo	Haskell	Mullen	Smith, L.
Cassar	Hayes, S. E.	Musto	Spencer
Cianciulli	Hepford	Myers	Stahl
Cimini	Hill	Noye	Stout
Cohen	Hopkins	O'Brien	Taddonio
Cole	Hutchinson, A.	O'Connell	Taylor
Cowell	Irviss	O'Donnell	Thomas
Crawford	Itkin	Oliver	Toll
Cumberland	Johnson, J.	Pancoast	Ustynoski
Davies	Kelly, A. P.	Parker, H. S.	Wansacz
DeMedio	Kelly, J. B.	Perry	Wargo
Deverter	Kernick	Petrarca	Weldner
DeWeese	Kistler	Plevsky	Westerberg
DiDonato	Knepper	Pratt	Whelan
Dietz	Kolter	Prendergast	Wiggins
Dininni	Kowalyszyn	Pyles	Williams
Dreibelbis	Kuse	Rappaport	Wilt, R. W.
Dumas	LaMarca	Reed	Wilt, W. W.
Eckensberger	Laudadio	Rhodes	Wojdak
Englehart	Laughlin	Richardson	Zeller
Fee	Letterman	Rieger	Zord
Fischer	Levi	Ritter	Zwilk
Fisher	Logue	Ross	
Foster, W.	Manderino	Ruggiero	Fineman,
Fryer	Manmiller	Salvatore	Speaker
Gallagher	McCall		

NAYS—50

Abraham	Garzia	McGinnis	Saloom
Bonetto	George	Mrkonc	Schmitt
Bradley	Gillespie	Mullen, M. P.	Stapleton
Batera	Gillette	Novak	Trello
Dicarlo	Goodman	O'Keefe	Valicenti
Dombrowski	Hutchinson, W.	Perri	Vroon
Dorr	Katz	Pitts	Wagner
Doyle	Klingaman	Polite	Wilson
Fawcett	Lederer	Ravenstahl	Worrillow
Flaherty	Lehr	Renninger	Wright
Foster, A.	Lincoln	Renwick	Yohn
Freind	Lynch	Ryan	Zearfoss
Gallen	McCue		

NOT VOTING—9

Bellomini	Hayes, D. S.	McIntyre	Walsh, T. P.
Gleason	McGraw	Turner	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 with amendments in which the concurrence of the Senate is requested.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. RENNINGER. Mr. Speaker, I would like to be recorded in the affirmative on Senate bill No. 1365.

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

CONCURRENCE IN SENATE  
AMENDMENTS TO HOUSE BILL No. 175

Mr. IRVIS called up for concurrence in Senate amendments, from page 14 of today's calendar, House bill No. 175, printer's No. 3114.

SENATE MESSAGE

AMENDED HOUSE BILL  
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 175

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the Office of Consumer Advocate in the Department of Justice for a limited period; and imposing powers and duties.

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, lines 1 and 2, by striking out all of said lines and inserting immediately thereafter the following:

Amending the Act of April 9, 1929 (P. L. 177, No. 175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of state normal schools, or teachers colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," providing for the office of Consumer Advocate in the Department of Justice for a limited period; and imposing powers and duties.

Amend Title, page 1, line 24, by inserting a period after "duties" and by striking out all the remainder of said line; line 25, by striking out all of said line.

Amend Bill, page 2, lines 3 through 30, by striking out all of said lines; page 3, lines 1 through 30, by striking out all of said lines; page 4, lines 1 through 30, by striking out all of said lines; page 5, lines 1 through 30, by striking out all of said lines; page 6, lines 1 through 30, by striking out all of said lines; page 7, lines 1 through 17, by striking out all of said lines and by inserting immediately thereafter the following:

Section 1. The Act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," is amended by adding an article to read:

ARTICLE IX-A

OFFICE OF CONSUMER ADVOCATE

Section 901-A. Definitions.—As used in this article:

"Commission" means the Pennsylvania Public Utility Commission.

"Consumer" means any person (i) who makes a direct use or is the ultimate recipient of a product or a service supplied by any person or public utility subject to the authority of the commission or (ii) who may be a direct user or ultimate recipient of a product or service supplied by any person or public utility subject to the authority of the commission and may be affected in any way by any action within the authority of the commission. The term "consumer" includes any "person," "corporation" or "municipal corporation" as defined in Section 2 of the Act of May 28, 1937 (P. L. 1053, No. 286), known as the "Public Utility Law."

"Public Utility" means public utility as defined in Section 2(17), Act of May 28, 1937 (P. L. 1053, No. 286), known as the "Public Utility Law."

Section 902-A. Office of Consumer Advocate.—(A) There is hereby established within the Department of Justice an Office of Consumer Advocate to represent the interest of consumers before the Pennsylvania Public Utility Commission.

(B) The Office of Consumer Advocate shall be headed by a consumer advocate who shall be appointed by the [Attorney General with the approval of the Governor] Governor, by and with the advice and consent of two-thirds of the members elected to the Senate. The consumer advocate shall be a person who by reason of training, experience and attainment is qualified to represent the interest of consumers. Compensation shall be set by the Attorney General.

(C) No individual who serves as a consumer advocate shall, while serving in such position, engage in any business, vocation, other employment, or have other interests, inconsistent with his official responsibilities, nor shall he seek or accept employment with any "person" or "corporation," as defined in Section 2 of the Act of May 28, 1937 (P. L. 1053, No. 286), known as the "Public Utility Law," subject to the authority of the commission during the tenure of the appointment and for a period of two years after the appointment is served or terminated.

(D) Any individual who is appointed to the position of consumer advocate shall not seek election nor accept appointment to any political office during the tenure as consumer advocate and for a period of two years after the appointment is served or terminated.

Section 903-A. Assistant Consumer Advocate; Employees.—The Attorney General shall appoint attorneys as assistant consumer advocates and such additional clerical, technical and professional staff as may be appropriate, and may contract for such additional services as shall be necessary for the performance of his function. The compensation of assistant consumer advocates and such clerical, technical and professional staff shall be set by the Attorney General. No assistant consumer advocate or other staff employe shall, while serving in such position, engage in any business, vocation, other employment, or have other interests, inconsistent with his official responsibilities.

Section 904-A. Powers and Duties of the Consumer Advocate.—(A) In addition to any other authority conferred upon him by this act, the consumer advocate is authorized, and it shall be his duty, in carrying out his responsibilities under this act, to represent the interest of consumers as a party, or otherwise participate for the purpose of representing an interest of consumers, before the commission in any matter properly before the commission, and before any court or agency, initiating proceedings if in his judgment such may be necessary, in connection with any matter involving regulation by the commission or the corresponding regulatory agency of the United States whether on appeal or otherwise initiated.

(B) The consumer advocate may exercise discretion in determining the interests of consumers which will be advocated in any particular proceeding and in determining whether or not to participate in or initiate any particular proceeding and, in so determining, shall consider the public interest, the resources available and the substantiality of the effect of the proceeding on the interest of consumers. The consumer advocate may refrain from

intervening when in the judgment of the consumer advocate such is not necessary to represent adequately the interest of consumers.

(C) In addition to any other authority conferred upon him by this act, the consumer advocate is authorized to represent an interest of consumers which is presented to him for his consideration upon petition in writing by a substantial number of persons, who make direct use or are ultimate recipients of a product or service supplied by a person, corporation, or municipal corporation subject to regulation by the commission. The consumer advocate shall notify the principal sponsors of any such petition within a reasonable time after receipt of any such petition of the action taken or intended to be taken by him with respect to the interest of consumers presented in such petition. If the consumer advocate declines or is unable to represent such interest, he shall notify such sponsors and shall state his reasons therefor.

(D) Any action brought by the consumer advocate before a court or an agency of this Commonwealth shall be brought in the name of the consumer advocate. The consumer advocate may name a consumer or group of consumers in whose name the action may be brought or may join with a consumer or group of consumers in bringing the action.

(E) At such time as the consumer advocate determines, in accordance with applicable time limitations, to initiate, intervene, or otherwise participate in any commission, agency, or court proceeding, he shall issue publicly a written statement, a copy of which he shall file in the proceeding in addition to any required entry of his appearance, stating concisely the specific interest of consumers to be protected.

Section 905-A. Duties of the Commission.—In dealing with any proposed action which may substantially affect the interest of consumers, including but not limited to a proposed change of rates and the adoption of rules, regulations, guidelines, orders, standards or final policy decisions, the commission shall:

(1) Notify the consumer advocate when notice of the proposed action is given to the public or at a time fixed by agreement between the consumer advocate and the commission in a manner to assure the consumer advocate reasonable notice and adequate time to determine whether to intervene in such matter.

(2) Consistent with its other statutory responsibilities, take such action with due consideration to the interest of consumers.

Section 906-A. Savings Provision; Construction.—(A) Whenever the consumer advocate shall bring an action upon petition of a substantial number of persons or in the name of a consumer or group of consumers, any consumer represented therein shall have waived the right to initiate or intervene in that proceeding.

(B) Nothing contained herein shall be construed to impair the statutory authority or responsibility of the commission to regulate public utilities in the public interest.

Section 907-A. Reports.—The consumer advocate shall annually transmit to the Governor and the Attorney General and to the General Assembly and shall make available to the public an annual report on the conduct of the department. The consumer advocate shall make recommendations as may from time to time be necessary or desirable to protect the interest of consumers.

Section 2. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality and effectiveness of the remainder of this act and the applicability thereof to any persons and circumstances shall not be affected thereby.

Section 3. This act shall take effect in 60 days and shall expire June 30, 1979 unless the General Assembly extends its existence prior to April 1, 1979.

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, on the question of concurring in Senate amendments to House bill No. 175, printer's No. 3114, I ask that the vote be in the negative.

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—77

Abraham	Freind	Levi	Scirica
Anderson, J. H.	Gallen	Lynch	Seltzer
Bennett	Geesey	Manmiller	Sirianni
Beren	Grieco	McClatchy	Stahl
Bittle	Halverson	McCue	Thomas
Brandt	Hamilton, J. H.	McGinnis	Trello
Burns	Haskell	Mebus	Ustynoski
Butera	Hayes, S. E.	Miller, M. E., Jr.	Vroon
Cessar	Hepford	Moehlmann	Wagner
Cimni	Hill	Noye	Weldner
Crawford	Hopkins	O'Connell	Whelan
Davies	Hutchinson, W.	Pancoast	Wilson
Devorter	Katz	Parker, H. S.	Wilt, R. W.
Dietz	Kelly, J. B.	Perri	Wilt, W. W.
Dintini	Kistler	Polite	Worrlow
Dorr	Klingaman	Pyles	Wright
Fischer	Knepper	Renninger	Yohn
Fisher	Kusse	Ryan	Zearfoss
Foster, A.	Lehr	Scheaffer	Zord
Foster, W.			

NAYS—109

Arthurs	George	Menhorn	Ruggiero
Barber	Giammarco	Milanovich	Saloom
Bellomini	Gillespie	Miller, M. E.	Salvatore
Berlin	Gillette	Milliron	Schweder
Berson	Gleeson	Miscevich	Schmitt
Bradley	Goodman	Morris	Shane
Caputo	Green	Mrkonic	Shelhamer
Cianciulli	Greenfield	Mullen	Shelton
Cohen	Hasay	Musto	Shuman
Cole	Hutchinson, A.	Myers	Shupnik
Cowell	Irvis	Novak	Smith, E.
DeMedio	Itkin	O'Brien	Smith, L.
DeWeese	Johnson, J.	O'Donnell	Spencer
Dicarlo	Kelly, A. P.	O'Keefe	Taddonio
DiDonato	Kernick	Oliver	Taylor
Dombrowski	Kolter	Perry	Toll
Doyle	Kowalshyn	Petrarca	Valicenti
Dreibelbis	LaMarca	Pievsky	Wansacz
Dumas	Laudadio	Prendergast	Wargo
Eckensberger	Laughlin	Pratt	Wiggins
Engelhart	Lederer	Rappaport	Williams
Fawcett	Letterman	Ravenstahl	Wojdak
Fee	Lincoln	Reed	Zeller
Flaherty	Logue	Renwick	Zwikel
Fryer	Manderino	Richardson	
Gallagher	McCall	Rieger	Fineman,
Garzia	McIntyre	Ritter	Speaker
Geisler	McLane	Ross	

NOT VOTING—17

Bonetto	Hammock	Pitts	Turner
Brunner	Hayes, D. S.	Rhodes	Walsh, T. P.
Cumberland	McGraw	Stapleton	Westerbert
Gleason	Mullen, M. P.	Stout	Yahner
Gring			

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. 188

Mr. IRVIS called up for concurrence in Senate amendments, from page 14 of today's calendar, House bill No. 188, printer's No. 3206.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 188

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the term "tangible personal property" and exempting certain fish feed from the sales tax.

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 10, by inserting after "penalties" the following: "further providing for the term 'tangible personal property' and"

Amend Bill, page 1, by inserting after line 14 the following:

Section 1. Clause (M) of Section 201, Act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," amended August 31, 1971 (P. L. 362, No. 93), is amended to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

(M) "Tangible personal property." Corporeal personal property including, but not limited to, goods, wares, merchandise, steam and natural and manufactured and bottled gas for non-residential use, electricity for non-residential use, intrastate telephone and telegraph service for nonresidential use, spirituous or vinous liquor and malt or brewed beverages and soft drink; but the term shall not include household supplies purchased at retail establishments for residential consumption, including but not limited to, soaps, detergents, cleaning and polishing preparations, paper goods, household wrapping supplies and items of similar nature, or sanitary napkins, tampons or similar items used for feminine hygiene. Nor shall said term include steam, natural and manufactured and bottled gas, fuel oil, electricity or intrastate telephone or telegraph service when purchased directly by the user thereof solely for his own residential use. Nor shall said term include steam, natural and manufactured and bottled gas, fuel oil, electricity or intrastate telephone or telegraph service when purchased for residential use by a non-profit cooperative community housing corporation which for purposes of this section means a non-profit corporation:

(i) Having one and only one class of stock outstanding;

(ii) Each stockholder of which is entitled, solely by reason of his ownership of stock in the corporation, to occupy for dwelling purposes, a house, or an apartment in a building owned or leased by such corporation;

(iii) No stockholder of which is entitled (either conditionally or unconditionally) to receive any distribution out of earnings and profits of the corporation, except on a complete or partial liquidation of the corporation; and

(iv) Eighty per cent or more of gross income of which for the taxable year in which the taxes and interest are paid or incurred, is derived from tenant-stockholders.

Amend Bill, page 3, line 4, by striking out after "Section" the number "1" and inserting in lieu thereof "2" and by striking out after "204" all the remainder of said line; line 5, by striking out at the beginning of the line "No. 2), known as the "Tax Reform Code of 1971," and inserting immediately thereafter "of the act"

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, on the question of concurring in Senate amendments to House bill No. 188, printer's No. 3206, I ask that the vote be in the negative.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, prior to the vote, I wonder if Mr. Brunner or someone who is actively involved in House bill No. 188, printer's No. 3206, could explain the changes that the Senate made.

Mr. IRVIS. This is Mr. George's bill and we are taking a signal from him.

The SPEAKER. Is the gentleman, Mr. George, prepared to explain to the membership of the House the changes made by the Senate in House bill No. 188?

Mr. GEORGE. Mr. Speaker, I am not aware of the amendments that the Senate has put into this bill.

The SPEAKER. Give us the benefit of your enlightenment, Mr. George.

Mr. GEORGE. Concur with the majority leader that this go to the Conference Committee.

The SPEAKER. Would the gentleman explain what the Senate did?

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

Mr. O'CONNELL. I would like to briefly interrogate somebody in regards to this.

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

Mr. O'CONNELL. Let me do it this way, Mr. Speaker: It is my understanding that when this bill left the House, it had to do with the sales taxes that affected fish foods. The Senate amended this to delete the sales tax provision from the utilities in low-income housing and for people who are on low or moderate income.

On the basis of that proposal and on the basis of what this intends to accomplish, I would respectfully request concurrence.

**HOUSE BILL No. 188 PASSED OVER**

The SPEAKER. The Chair would respectfully suggest to both floor leaders that this bill be passed over.

Mr. IRVIS. There is no question about it, Mr. Speaker, we do have our signals crossed. I told the minority leader earlier, if there is any confrontation, we will simply back away from it.

Mr. O'CONNELL. Mr. Speaker, one comment: I think you are backing away from an opportunity to help the people you were pleading for earlier today. This is the chance to do it. You can put it up front now, up where it counts.

Mr. IRVIS. Mr. O'Connell, you sound positively political.

**CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 972**

Mr. IRVIS called up for concurrence in Senate amendments, from page 15 of today's calendar, House bill No. 972, printer's No. 3162.

**SENATE MESSAGE**

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned

**HOUSE BILL No. 972**

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," authorizing Pennsylvania Game Protectors to use a flashing or rotating red light on officially marked vehicles to stop and inspect vehicles for the illegal transportation or concealment of wild birds or wild animals protected by the act.

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 striking out after "marked" the words "Game Commission"

Amend Section 1, page 1, line 16, by inserting after "contrary," the words "active full-time salaried"; line 17, by striking out after "official" the word "Game"; line 18, by striking out at the beginning of the line "Commission" and by inserting after "vehicle" the words "owned by the Commonwealth"

Amend Section 2, page 2, line 6, by deleting after "Vehicles" the words "on Highways"; line 10, by inserting after "any" the words "active full-time salaried"

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 Senate amendments inserted to House bill No. 972, printer's No. 3162.

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	Garzia	McCue	Scheaffer
Anderson, J. H.	Geesey	McGinnis	Schmitt
Arthur	Gelsler	McLane	Schweder
Barber	George	Mebus	Scriva
Bennett	Giammarco	Milamovich	Saltzer
Beran	Gillespie	Miller, M. E.	Shane
Berlin	Gillette	Miller, M. E., Jr.	Shelhamer
Berson	Gleeson	Milliron	Shelton
Bittle	Goodman	Miscevich	Shuman
Bradley	Green	Moehmann	Shupnik
Brandt	Greenfield	Morris	Sirianni
Brunner	Grieco	Mrkonic	Smith, E.
Burns	Gring	Mullen, M. P.	Smith, L.
Butera	Halverson	Mullen	Spencer
Caputo	Hamilton, J. H.	Musto	Stahl
Cassar	Hankell	Myers	Stapleton
Cianciulli	Hayes, S. E.	Novak	Stout
Cimini	Hepford	Noye	Taddonio
Cohen	Hill	O'Brien	Taylor
Cole	Hopkins	O'Connell	Thomas
Cowell	Hutchinson, A.	O'Donnell	Toll
Crawford	Hutchinson, W.	O'Keefe	Trello
Davies	Irvis	Oliver	Ustynowski
DeMedio	Itkin	Pancoast	Valcenti
Deverter	Johnson, J.	Parker, H. S.	Vron
DeWeese	Katz	Perri	Wagner
Dicarlo	Kelly, A. P.	Perry	Wansacz
DiDonato	Kelly, J. B.	Petrarca	Wargo
Dietz	Kernick	Pievsky	Weidner
Dininni	Kistler	Pitts	Westerberg

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

NAYS—3

Hasay	LaMarca	Menhorn
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NOT VOTING—12

Bellomini	Gleason	McGraw	Turner
Bonetto	Hammock	McIntyre	Walsh, T. P.
Cumberland	Hayes, D. S.	Rhodes	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.

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 1490

Mr. IRVIS called up for concurrence in Senate amendments, from page 15 of today's calendar, House bill No. 1490, printer's No. 2966.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

HOUSE BILL No. 1490

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for additions to tax.

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 10, by striking out after "penalties" all the remainder of said line; line 11, by striking out at the beginning of the line "sales tax purposes and; line 12, by striking out at the beginning of the line "income"

Amend Bill, page 1, lines 15 through 23, by striking out all of said lines; page 2, lines 1 through 11, by striking out all of said lines;

Amend Bill, page 2, line 13, by striking out after "Section" the number "2." and inserting in lieu thereof "1."

Amend Bill, page 3, line 3, by striking out after "Section" the number "3." and inserting in lieu thereof "2."; line 14, by striking out after "Section" the number "4." and inserting in lieu thereof "3."

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, before I make the motion, let me interrogate the minority leader.

The SPEAKER. Will the minority leader consent to interrogation?

Mr. BUTERA. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. IRVIS. Mr. Speaker, is there an objection to non-concurrence on House bill No. 1490? I see that is Mr. Brunner's bill also.

I do not think Mr. Brunner is on the floor.

We are on page 15, and the question is whether we concur or nonconcur in amendments inserted by the Senate to House bill No. 1490.

Mr. Speaker, on the question of concurring in Senate amendments to House bill No. 1490, I ask that the vote be in the negative.

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—6

DiDonato	Ruggiero	Smith, L.	Spencer
Hutchinson, W.	Shelton		

NAYS—186

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

NOT VOTING—11

Bellomini	Hammock	Mullen, M. P.	Walsh, T. P.
Bonetto	Hayes, D. S.	Rhodes	Yahner
Gleason	McGraw	Turner	

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. 1928**

Mr. IRVIS called up for concurrence in Senate amendments, from page 15 of today's calendar, House bill No. 1928, printer's No. 3167.

**SENATE MESSAGE**

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned

**HOUSE BILL No. 1928**

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

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 9, by striking out all the remainder of said line; lines 10 through 13, by striking out all of said lines and by inserting in lieu thereof the following: any state employe who, on the effective date of this act, had been in provisional status since April 1 1975 shall assume the status of a probationary employe for a period of six months. After successful completion of this probationary period, such state employe shall be granted regular status: Provided, That no provisional status held by any person on April 1, 1976 shall expire before September 15, 1976.

Amend Section 2, page 2, line 24, by inserting a period after "immediately" and by striking out immediately thereafter all the remainder of said line; line 25, by striking out all of said line, line 26, by striking out all of said line.

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, on the question of concurring in Senate amendments to House bill No. 1928, I move that the House do 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—189**

Abraham	Garzia	McCall	Salvatore
Anderson, J. H.	Geesey	McClatchy	Scheaffer
Arthurs	Geisler	McCue	Schmitt
Barber	George	McGinnis	Schweder
Bennett	Giammarco	McIntyre	Scirca
Beren	Gillespie	McLane	Seltzer
Berlin	Gillette	Mebus	Shane
Berson	Gleeson	Menhorn	Shelhamer
Bittle	Goodman	Milanovich	Shelton

Bradley	Green	Miller, M. E.	Shuman
Brandt	Greenfield	Miller, M. E., Jr.	Shupnik
Brunner	Grieco	Milliron	Sirianni
Burns	Gring	Moehlmann	Smith, E.
Butera	Halverson	Morris	Smith, L.
Caputo	Hamilton, J. H.	Mrkonie	Spencer
Cassar	Hasay	Mullen	Stahl
Cianciulli	Haskell	Musto	Stapleton
Cimini	Hayes, S. E.	Myers	Taddonio
Cohen	Hepford	Novak	Taylor
Cole	Hill	Noye	Thomas
Cowell	Hopkins	O'Brien	Toll
Crawford	Hutchinson, A.	O'Connell	Trelio
Cumberland	Hutchinson, W.	O'Donnell	Ustynoski
Davies	Irvis	O'Keefe	Valicenti
DeMedio	Itkin	Oliver	Vroon
Deverter	Johnson, J.	Pancoast	Wagner
DeWeese	Katz	Parker, H. S.	Wansacz
Dicarlo	Kelly, A. P.	Perri	Wargo
DiDonato	Kelly, J. B.	Perry	Weidner
Dietz	Kernick	Petrarca	Westerberg
Dininni	Kistler	Pievsky	Whelan
Dombrowski	Klingaman	Pitts	Wiggins
Dorr	Knepper	Polite	Williams
Doyle	Kolter	Pratt	Wilson
Dreibelbis	Kowalshyn	Prendergast	Wilt, R. W.
Dumas	Kusse	Pyles	Wilt, W. W.
Eckensberger	LaMarca	Rappaport	Wojdak
Englehart	Laudadio	Ravenstahl	Worrlow
Fawcett	Laughlin	Reed	Wright
Fee	Lederer	Renninger	Yohn
Fisher	Lehr	Renwick	Zearfoss
Flaherty	Letterman	Richardson	Zeller
Foster, A.	Levi	Rieger	Zord
Foster, W.	Lincoln	Ritter	Zwikel
Freind	Logue	Ross	
Fryer	Lynch	Ruggiero	Fineman,
Gallagher	Manderino	Ryan	Speaker
Gallen	Manmiller	Saloom	

**NAYS—2**

Fischer                      Miscovich

**NOT VOTING—12**

Bellomini	Hammock	Mullen, M. P.	Turner
Bonetto	Hayes, D. S.	Rhodes	Walsh, T. P.
Gleason	McGraw	Stout	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.

**HOUSE RESOLUTION No. 177 ADOPTED**

Mr. IRVIS called up **HOUSE RESOLUTION No. 177**, printer's No. 3177, entitled:

Directing 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 the mother during pregnancy or used by either parent prior to conception or during a mother's pregnancy.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that the House do adopt House resolution No. 177.

On the question recurring,

Will the House adopt the resolution?

Resolution was adopted.

**HOUSE RESOLUTION No. 215 ADOPTED**

Mr. IRVIS called up **HOUSE RESOLUTION No. 215**, printer's No. 2809, entitled:

House urging landowners of the Commonwealth to take

measures to control the multiflora rose on their own land and to prevent its spreading.

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that the House do adopt House resolution No. 215.

On the question recurring,  
Will the House adopt the resolution?  
Resolution was adopted.

### CONSUMER PROTECTION BILL ON THIRD CONSIDERATION

Agreeable to order,  
The House proceeded to third consideration of House bill No. 2171, printer's No. 2853, entitled:

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

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

#### BILL RECOMMENDED

Mr. IRVIS moved that House bill No. 2171 be recommended to the Committee on Consumer Protection.  
Motion was agreed to.

### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that we remove from the table and place on the active calendar, House bill No. 412.

The SPEAKER. Will the gentleman's motion also embrace, from page 20, House bill No. 1858, and from page 21, House bill No. 2010?

Mr. IRVIS. Mr. Speaker, I include House bill No. 2010 on page 21 and House bill No. 1858 on page 20 in my motion to remove from the table.

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

### BILLS AND RESOLUTIONS NOT CALLED UP

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

Does the majority leader care to proceed with House bill No. 1658?

Mr. IRVIS. No; Mr. Speaker, the hour being after 7, I have talked with the chief sponsor and there is an amendment battle on this one. We will take this up tomorrow.

Mr. Speaker, may I make an announcement?

### HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. We shall be in session all day tomorrow, starting at 10:30. It will be necessary for you to be here.

There will be controversial votes taken up; for one, the question of whether or not we industrialize the workers in the mushroom farms. That will recur tomorrow and it will be voted on.

I have been asked also whether or not we shall be in session next week. We shall. I repeat, we shall be in session. We will begin on Tuesday of next week at 1 p.m. We will be in session at least Tuesday and Wednesday with the possibility of Tuesday, Wednesday and Thursday.

Mr. Speaker, I have no further business.

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Messrs. BELLOMINI, DOMBROWSKI, PIEVSKY, ABRAHAM, VALICENTI, TRELLO, MISCEVICH and NOVAK  
**HOUSE BILL No. 2414**

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), referred to as the State Harness Racing Law, further providing for free passes.

Referred to Committee on State Government.

By Messrs. BELLOMINI, DOMBROWSKI, PIEVSKY, VALICENTI, ABRAHAM, TRELLO, MISCEVICH and NOVAK  
**HOUSE BILL No. 2415**

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), referred to as the State Horse Racing Law, further providing for free passes.

Referred to Committee on State Government.

By Mrs. KELLY, Mrs. TOLL, Mr. USTYNOSKI, Mrs. FAWCETT, Messrs. OLIVER and MYERS  
**HOUSE BILL No. 2416**

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), further defining "device."

Referred to Committee on Health and Welfare.

By Mrs. KELLY, Mr. OLIVER, Mrs. TOLL, Messrs. USTYNOSKI and MYERS  
**HOUSE BILL No. 2417**

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), creating the Human Services Management Council and imposing powers and duties thereon.

Referred to Committee on State Government.

By Messrs. PERRY and BARBER  
**HOUSE BILL No. 2418**

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

Referred to Committee on State Government.

By Messrs. GOODMAN, WOJDAK, O'CONNELL, O'BRIEN, McLANE, WANSACZ, WARGO, SHUPNIK, MUSTO, WALSH, KLINGAMAN, W. D. HUTCHINSON, HASAY and McCALL  
**HOUSE BILL No. 2419**

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for boards of trustees of general hospitals.

Referred to Committee on Health and Welfare.

By Messrs. WEIDNER, WRIGHT, BURNS, WILSON, SHELHAMER, SALOOM, PETRARCA, FRYER, POLITE, KLINGAMAN and NOYE

**HOUSE BILL No. 2420**

An Act requiring the erection of fences surrounding stone quarries and imposing penalties.

Referred to Committee on Business and Commerce.

By Messrs. ARTHURS, WESTERBERG, FRYER, RENWICK, GEORGE, KUSSE, A. K. HUTCHINSON, L. E. SMITH, S. E. HAYES, DIETZ, LEVI, SPENCER, LETTERMAN, GREEN, CUMBERLAND, HASKELL, SHUMAN, BENNETT and R. W. WILT

**HOUSE BILL No. 2421**

An Act amending the "Child Protective Services Law," approved November 26, 1975 (No. 124), further providing for implementation.

Referred to Committee on Health and Welfare.

By Messrs. IRVIS, SHELTON, RIEGER, HEPFORD, FINEMAN, BENNETT, Mrs. KELLY, Messrs. CAPUTO, WOJDAK, PERRY, JOHNSON, RUGGIERO, BRANDT, ROSS, OLIVER, GREEN, DiCARLO, A. K. HUTCHINSON and RHODES

**HOUSE BILL No. 2422**

An Act fixing annual license and other fees for activities regulated by the Bureau of Professional and Occupational Affairs in the Department of State.

Referred to Committee on Professional Licensure.

By Mrs. CRAWFORD, Messrs. BERLIN, MEBUS, GILLESPIE and Mrs. FAWCETT

**HOUSE BILL No. 2423**

An Act providing for referenda to determine the will of the electorate in counties with regard to permitting certain Sunday trading.

Referred to Committee on Business and Commerce.

By Messrs. PETRARCA, SALOOM, SCHMITT, O'BRIEN and SHANE

**HOUSE BILL No. 2424**

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a unicameral General Assembly composed of one hundred fifty members.

Referred to Committee on State Government.

By Mr. HOPKINS

**HOUSE BILL No. 2425**

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for supplemental benefits for administrators.

Referred to Committee on State Government.

**HOUSE RESOLUTIONS INTRODUCED AND REFERRED**

By Messrs. ZWIKL, BENNETT, DOMBROWSKI, HALVERSON, LAUGHLIN, RITTER, L. E. SMITH and DeVERTER

**RESOLUTION No. 268**

The Speaker of the House of Representatives of the Commonwealth of Pennsylvania direct the Committee on Business and Commerce to investigate the reports that private businesses are currently required to make to various Commonwealth agencies and departments, and to recommend any changes that would ease the burden of paperwork now imposed upon private business.

Referred to Committee on Rules.

By Messrs. ARTHURS, W. W. WILT, E. H. SMITH, MANDERINO, O'KEEFE, GILLESPIE, O'CONNELL, GEESEY and GREEN

(Concurrent) **RESOLUTION No. 269**

The General Assembly of the Commonwealth of Pennsylvania memorialize Congress of the United States to reaffirm the stated national communications policy of "universal service," the provision of high-quality, low-cost telephone service to the maximum number of people.

Referred to Committee on Rules.

By Mr. GARZIA

**RESOLUTION No. 270**

The House of Representatives of the Commonwealth of Pennsylvania urges that the Domestic Short Haired Cat be designated as the official cat of the Commonwealth.

Referred to Committee on Rules.

**SENATE MESSAGE**

**HOUSE BILLS CONCURRED IN BY SENATE**

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

**HOUSE BILL No. 1644**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for an appropriation to certain tourist promotion agencies.

**HOUSE BILL No. 1645**

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," providing for an appropriation to certain tourist promotion agencies.

**HOUSE BILL No. 1650**

An Act amending the act of July 24, 1970 (P. L. 620, No. 208), entitled "Adoption Act," providing for certain changes relating to venue.

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

**SENATE MESSAGE**

**AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned

**HOUSE BILL No. 614**

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), entitled, as amended, "State Harness Racing Law," establishing a salary for the chairman and a per diem for the other members.

**HOUSE BILL No. 683**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions on restitution of victims of crimes and repealing part of an act relating thereto.

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

The SPEAKER. The bills will appear on the calendar.

## SENATE MESSAGE

## BILLS FOR CONCURRENCE

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

**SENATE BILL No. 995**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding the offense of theft of leased property.

Referred to Committee on Judiciary.

**SENATE BILL No. 1143**

An Act amending Title 20 (Decedents Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, adding provisions relating to multiple-party accounts.

Referred to Committee on Judiciary.

**SENATE BILL No. 1145**

An Act amending Title 20 (Decedents Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to provide for disclaimers; and conforming other provisions.

Referred to Committee on Judiciary.

**SENATE BILL No. 1147**

An Act amending Title 20 (Decedents Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for estate planning in incompetents' estates.

Referred to Committee on Judiciary.

**SENATE BILL No. 1244**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions for modifying or revoking a sentence of partial confinement.

Referred to Committee on Judiciary.

**SENATE BILL No. 1415**

An Act amending the act of November 30, 1967 (P. L. 658, No. 305), entitled, as amended, "Business Improvement District Act of 1967," making the act uniform for all municipal corporations and further providing for the method of imposing and collecting assessments for improvements.

Referred to Committee on Business and Commerce.

**SENATE BILL No. 1417**

A Supplement to the act of (P. L. , No. ), entitled "Motor License Fund Supplement to the General Appropriation Act of 1976," itemizing appropriations required from the Motor License Fund for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund moneys.

Referred to Committee on Transportation.

## WELCOMES

The SPEAKER. The Chair is pleased to recognize Mr. Ralph O'Gilbie, Ms. Iola Miller, Ms. Bernisa Brown, and students of Cooke Junior High School, who are here as guests of the gentlemen, Mr. Richardson and Mr. Hammock of Philadelphia.

The Chair wishes at this time to welcome to the halls of the House the members of the Pennsylvania Association of Courts of Initial Jurisdiction, the president, Joseph J. Maura of Lehigh County; the vice president, Clifford Yorks of Centre County; the district presidents, Betty Friedel of Elk; Norman Richards of Schuylkill; Richard Reeser of Lancaster; Leonard Olzinski, Luzerne; Carmen Perna, Cambria; the district directors, Julia Rozum, Cambria; Doria Dorminy, Berks; Paul Hardy, Dauphin; Alice Gregg, Clearfield and Donald Andrews, Lackawanna.

The Chair wishes to welcome to the hall of the House a class on legislative process from Penn State University Capital Campus, seated in the rear of the chamber. The instructor of this group is Dr. James Skok, who in years past has been a budget examiner for our State Bureau of Budget.

The Chair is pleased to welcome Mayor and Mrs. Joseph Battisto. Mr. Battisto is the mayor of Mt. Pocono Borough.

The mayor and his wife are here as the guests of the gentleman from Luzerne, Mr. Musto.

The Chair is pleased to welcome Mr. and Mrs. Michael Markowitz of Emmaus, Pennsylvania, who are the parents of two of our House pages, Michael and John Markowitz. They are accompanied by Michael's and John's sister, Michelle, and their aunt, Mrs. Mary Ertl.

They are here as the guests of the gentleman, Mr. Zeller, and the Lehigh County delegation.

The Chair would like to welcome to the hall of the House Mr. Edward Bono, Mr. Ray Denny, Mr. George Cowan, Mr. Richard Hankey, and Mr. Lowell Hancock, who are mushroom miners from Armstrong County and the guests of the gentleman from Armstrong, Mr. McCue.

The Chair is pleased to welcome district justices, Charles Dasch and Martin Keegan from Montgomery County, who are here as the guests of the delegation from Montgomery County.

## ADJOURNMENT

Mr. WIGGINS moved that this House do now adjourn until Wednesday, May 26, 1976, at 10:30 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 7:14 p.m., e.d.t.) the House adjourned.