

Legislative Journal

THURSDAY, JUNE 3, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 137

HOUSE OF REPRESENTATIVES

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

The SPEAKER (Herbert Fineman) IN THE CHAIR

PRAYER

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

Almighty and Everlasting Father, it is out of the treasures of the heart that the mouth doth speak. There is so much for which we need to be grateful, and we desire to express our gratitude for the many evidences of Thy bounty which we enjoy. Therefore, O God, we sing Thy praises, we extol Thy holy name, and we laud Thy glorious honor for all that Thou hast seen fit to share with us. We humbly beseech Thee to continue Thy guiding hand to us as a nation, to constantly counsel these stewards of Thine in the deeds Thou wouldst have them bring to maturity, and to always bestow upon us the blessings of Thine everlasting peace. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, June 2, 1976, will be postponed until printed.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Only those members in their seats will be permitted to be recorded.

The roll was taken and was as follows:

YEAS—188

Abraham	Garzia	McCue	Scheaffer
Anderson, J. H.	Geesey	McGinnis	Schmitt
Arthurs	Geisler	McIntyre	Schweder
Barber	George	McLane	Scirica
Bellomini	Giammarco	Mehus	Seltzer
Bennett	Gillespie	Menhorn	Shane
Beren	Gillette	Milanovich	Shelhamer
Berlin	Gleeson	Miller, M. E.	Shelton
Berson	Goodman	Miller, M. E., Jr.	Shuman
Bittle	Greenfield	Milliron	Shupnik
Bonetto	Grieco	Miscevich	Sirianni
Bradley	Halverson	Noehlmann	Smith, E.
Brandt	Hamilton, J. H.	Morris	Smith, L.
Brunner	Hasay	Mrkonic	Spencer
Burns	Haskell	Mullen, M. P.	Stahl
Butera	Hayes, S. E.	Mullen	Stroetgen
Caputo	Hepford	Musto	Stout
Cassar	Hill	Myers	Taddonia
Cianciulli	Hopkins	Novak	Taylor
Cirifini	Hutchinson, A.	Noye	Thomas
Cohen	Hutchinson, W.	O'Brien	Toll
Cowell	Irvis	O'Connell	Trelio
Crawford	Itkin	O'Keefe	Turner

Cumberland	Johnson, J.	Oliver	Uglynoski
Daries	Katz	Pancoast	Valicenti
DeMedio	Kelly, A. P.	Parker, H. S.	Vroon
Deverter	Kelly, J. B.	Perry	Wagner
DeWeese	Kernick	Perry	Wansacz
Dicarlo	Kistler	Petrarca	Wargo
DiDonato	Klingaman	Pjevsky	Weidner
Dietz	Knepper	Pitts	Westerberg
Dininni	Kolter	Polite	Whelan
Dombrowski	Kowalshyn	Pratt	Wiggins
Dorr	Kusse	Prendergast	Williams
Doyle	LaMarca	Pytes	Wilson
Dumas	Laudadio	Havenstahl	Wilt, R. W.
Eckensberger	Laughlin	Reed	Wilt, W. W.
Englehart	Lederer	Renninger	Wojdak
Fawcett	Lehr	Renwick	Worrlow
Fee	Letterman	Rhodes	Wright
Fischer	Levi	Richardson	Yohn
Fisher	Lincoln	Rieger	Zearfoss
Flaherty	Logue	Ross	Zeller
Foster, A.	Lynch	Ruggiero	Zwikel
Freind	Manderino	Ryan	
Fryer	Manmiller	Saloom	Fineman,
Gallagher	McCall	Salvatore	Speaker
Gallen	McClatchy		

NOT VOTING—15

Cole	Green	McGraw	Walsh, T. P.
Dreibelbitz	Gring	O'Donnell	Yanner
Foster, W.	Hammock	Rappaport	Zord
Gleason	Hayes, D. S.	Ritter	

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I request leaves of absence for Messrs. RAPPAPORT, GREEN and COLE for today's session. Mr. Cole's absence is due to his being in the hospital.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I request leaves of absence for Messrs. GRING, W. W. FOSTER and ZORD for today's session, and for Mr. D. S. HAYES for the week's session.

The SPEAKER. Without objection, leaves are granted.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY THE HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments non-concurred in by the House of Representatives to **HOUSE BILL No. 1817**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to vehicles and pedestrians.

And has appointed Messrs. LYNCH, SMITH and MAN-BECK, a committee to confer with a similar committee of the House of Representatives already appointed on the subject of the differences between the two Houses in relation to said bill.

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. 726

An Act amending the act of July 5, 1957 (P. L. 485, No. 276), entitled "An act for the protection of the public health and welfare and the prevention of fraud and deception in the manufacture or sale of packaged non-alcoholic drinks; ***, " further defining the content of sugar in certain non-alcoholic drinks.

HOUSE BILL No. 1332

An Act repealing the act of May 18, 1949 (P. L. 1451, No. 428), entitled "An act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; . . . , " transferring funds from the World War II Veterans' Compensation Fund into the General Fund.

Whereupon,

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

SENATE BILLS SIGNED BY SPEAKER

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

SENATE BILL No. 1394

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board 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.

SENATE BILL No. 1396

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

SENATE BILL No. 1398

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administration Fund to provide for the expenses of administering the Pennsylvania Workmen's Compensation Act and the Pennsylvania Occupational Disease Act 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.

SENATE BILL No. 1399

An Act making an appropriation to the Department of General Services out of various funds for payment of rental charges to The General State Authority.

SENATE BILL No. 1400

An Act making an appropriation to the Department of Environmental Resources out of various funds for payment of annual fixed charges in lieu of taxes to political subdivisions or school districts on lands acquired by the Commonwealth for Project 70.

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

CALENDAR

HOUSE BILL No. 2074 PASSED OVER TEMPORARILY

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

Mr. GARZIA. Mr. Speaker, I offered an amendment yesterday and it was turned over to the Appropriations Committee for a fiscal note. They were supposed to have it ready today, but I do not see it on my desk. We are waiting for a fiscal note on it.

The SPEAKER. This bill will be temporarily passed over.

HOUSE BILL No. 1377 PASSED OVER TEMPORARILY

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

Mr. KATZ. Mr. Speaker, I am waiting for the amendment to come down. I ordered it almost 2 days ago and it has not come down yet.

The SPEAKER. This bill will be temporarily passed over.

URBAN AFFAIRS BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1477, printer's No. 1738**, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), authorizing certain county officers in counties having a Home Rule Charter or optional form of government to organize State associations.

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—163

Abraham	Gallagher	Manmiller	Salvatore
Anderson, J. H.	Gallen	McCall	Scheaffer
Arthur	Garzia	McClatchy	Schmitt
Barber	Geesey	McGinnis	Schweder
Bellomini	Geisler	McLane	Scirica
Bennett	Giammarco	Mebus	Seltzer
Beren	Gillespie	Menhorn	Shane
Berlin	Gillette	Milanovich	Shelhamer
Bittle	Gleeson	Miller, M. E.	Shupnik
Bonetto	Goodman	Miller, M. E., Jr.	Sirianni
Bradley	Greenfield	Milliron	Smith, E.
Brandt	Grieco	Miscevich	Smith, L.
Brunner	Halverson	Moehlmann	Spencer
Burns	Hamilton, J. H.	Morris	Stahl
Butera	Hasay	Mrkonje	Stapleton
Caputo	Haskell	Mullen, M. P.	Stout
Cassar	Hayes, S. E.	Mullen	Taddonio
Cimini	Hill	Musto	Taylor
Cowell	Hopkins	Novak	Thomas
Crawford	Hutchinson, A.	Noye	Toil

Davies	Hutchinson, W.	O'Brien	Trelio
DeMedio	Irvis	O'Connell	Turner
Deverter	Itkin	O'Keefe	Ustynoski
DeWeese	Katz	Oliver	Vroon
Dicarlo	Kelly, A. P.	Pancoast	Wansacz
DiDonato	Kelly, J. B.	Parker, H. S.	Wargo
Dietz	Kistler	Perri	Weidner
Dininni	Klingaman	Petrarca	Westerberg
Dombrowski	Kowalyszyn	Pitts	Wilson
Dorr	Kusse	Polite	Wilt, R. W.
Doyle	LaMarca	Pratt	Wilt, W. W.
Dumas	Laudadio	Prendergast	Worrilow
Eckensberger	Laughlin	Pyles	Wright
Englehart	Lederer	Ravenstahl	Yohn
Fawcett	Lehr	Reed	Zearfoss
Fee	Letterman	Renninger	Zeller
Fischer	Levi	Rhodes	Zord
Fisher	Lincoln	Ross	Zwinkl
Flaherty	Logue	Ruggiero	
Foster, A.	Lynch	Ryan	Fineman,
Freind	Manderino	Saloom	Speaker

NAYS—4

George	Kernick	Renwick	Shuman
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NOT VOTING—36

Berson	Gring	McIntyre	Shelton
Cianciulli	Hammock	Myers	Valicenti
Cohen	Hayes, D. S.	O'Donnell	Wagner
Cole	Hepford	Perry	Walsh, T. P.
Cumberland	Johnson, J.	Pievsky	Whelan
Dreibelbis	Knepper	Rappaport	Wiggins
Foster, W.	Kolter	Richardson	Williams
Gleason	McCue	Rieger	Wojdak
Green	McGraw	Ritter	Yahner

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

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 1478, printer's No. 1739, entitled:

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing certain county officers in counties having a Home Rule Charter or optional form of government to organize State associations; and making an editorial change.

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—167

Abraham	Fryer	Manmiller	Scheaffer
Anderson, J. H.	Gallagher	McCall	Schmitt
Arthurs	Gallen	McClatchy	Schweder
Barber	Geesey	McGinnis	Scirca
Bellomini	Geisler	McLane	Seltzer
Bennett	Giammarco	Mebus	Shane
Beren	Gillespie	Menhorn	Shelhamer
Berlin	Gillette	Milanovich	Shupnik
Berson	Goodman	Miller, M. E.	Sirianni
Bittle	Greenfield	Miller, M. E., Jr.	Smith, E.
Bonetto	Grieco	Milliron	Smith, L.
Bradley	Halverson	Miscevich	Spencer
Brandt	Hamilton, J. H.	Moehlmann	Stahl
Brunner	Hasay	Morris	Stapleton
Burns	Haskell	Mrkonje	Stout
Butera	Hayes, S. E.	Mullen, M. P.	Taddonio
Caputo	Hepford	Mullen	Taylor
Cassar	Hill	Musto	Thomas
Cimini	Hopkins	Novak	Toll

Cowell	Hutchinson, A.	Noye	Trelio
Crawford	Hutchinson, W.	O'Brien	Turner
Cumberland	Irvis	O'Connell	Ustynoski
Davies	Itkin	O'Keefe	Vroon
DeMedio	Katz	Oliver	Wansacz
Deverter	Kelly, A. P.	Pancoast	Wargo
DeWeese	Kelly, J. B.	Parker, H. S.	Weidner
Dicarlo	Kistler	Perri	Westerberg
DiDonato	Klingaman	Petrarca	Whelan
Dietz	Kolter	Pitts	Wiggins
Dininni	Kowalyszyn	Polite	Wilson
Dombrowski	Kusse	Pratt	Wilt, R. W.
Dorr	LaMarca	Prendergast	Wilt, W. W.
Doyle	Laudadio	Pyles	Worrilow
Dumas	Laughlin	Ravenstahl	Wright
Eckensberger	Lederer	Reed	Yohn
Englehart	Lehr	Renninger	Zearfoss
Fawcett	Letterman	Rhodes	Zeller
Fee	Levi	Ross	Zord
Fischer	Lincoln	Ruggiero	Zwinkl
Fisher	Logue	Ryan	
Flaherty	Lynch	Saloom	Fineman,
Foster, A.	Manderino	Salvatore	Speaker
Freind			

NAYS—5

Garzia	Kernick	Renwick	Shuman
George			

NOT VOTING—31

Cianciulli	Gring	Myers	Shelton
Cohen	Hammock	O'Donnell	Valicenti
Cole	Hayes, D. S.	Perry	Wagner
Dreibelbis	Johnson, J.	Pievsky	Walsh, T. P.
Foster, W.	Knepper	Rappaport	Williams
Gleason	McCue	Richardson	Wojdak
Green	McGraw	Rieger	Yahner
	McIntyre	Ritter	

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.

STATE GOVERNMENT BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 2240, printer's No. 2947, entitled:

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 lost, misplaced or stolen tickets.

On the question,

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

The SPEAKER. The Chair recognizes the majority whip.

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

DECISION OF CHAIR RECONSIDERED

The SPEAKER. The Chair reconsiders its decision that the bill has been agreed to the third time.

On the question recurring,

Will the House agree to the bill on third consideration?

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

Amend Title, page 1, line 12, by removing the period after tickets and inserting: and further providing for the disposition of certain funds.

Amend Bill, page 2, by inserting between lines 24 and 25:

Section 2. Clause (3) of subsection (d) of section 16, of the act, amended December 30, 1974 (P. L. 1139, No. 364), is amended to read:

Section 16. Disposition and Appropriation of Funds Accruing under the Provisions of this Act.—* * *

(d) The balance of said moneys shall be paid into a fund known as the Pennsylvania Fair Fund. Moneys in the Pennsylvania Fair Fund are hereby appropriated to the Department of Agriculture and shall be distributed by the Secretary of Agriculture, annually, on or before the first day of March beginning with the year 1968, as follows:

* * *

(3) For reimbursement for each county agricultural society and independent agricultural society conducting races for two and three-year-old colts, and fillies, at their annual fair on which a maximum of [seven hundred dollars (\$700)] six thousand dollars (\$6,000) was paid [for each such race but not more than fifty-six hundred dollars (\$5,600)] for the total number of races which shall be not more than eight such races annually. Entrance fees collected for each such race shall not be included when computing the amount distributed by the Secretary of Agriculture under this subsection.

* * *

Amend Sec. 2, page 2, line 25, by striking out "2." and inserting: 3.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, this is an amendment that yesterday was being proposed by Mr. Green. Mr. Green is on leave for today because there has been a death in his family. He asked me if I would introduce the amendment when the bill was called up.

The amendment has been changed from yesterday to make it perfectly clear what the intention of the amendment is. Presently, moneys received from harness racing and from horse racing in Pennsylvania, by a certain designated percentage, go into what is known as the fair fund. That fund is distributed in a number of ways—to 4-H clubs, county agricultural societies, fair associations, agricultural research.

One of the categories of the distribution of that fund is listed in section 16 of the act, subsection (d) (3), where it indicates that the balance of said moneys shall be paid into the fund known as the Pennsylvania Fair Fund. "Moneys in the Pennsylvania Fair Fund are hereby appropriated to the Department of Agriculture and shall be distributed by the Secretary of Agriculture, annually, on or before the first day of March . . . as follows:", and one category says: "For reimbursement for each county agricultural society and independent agricultural society conducting races for two and three-year-old colts and fillies at their annual fair . . .", and then I will paraphrase. It indicates that \$700 can be paid for not more than eight races, which would mean that a maximum—and it states so in that section—of \$5,600 can be paid to any fair association holding racing.

The effect of Mr. Green's amendment, which I am proposing on his behalf, is to change the maximum amount of money that can be paid to any fair association or agricultural society, et cetera, that is holding racing at the county fairs, from \$5,600 to \$6,000, which is only a \$400 increase.

In addition to that, it is removing the maximum that can be paid for any one race, whereas in the present legislation it says that no more than \$700 can be paid on

any race. We are simply making a \$6,000 total limit to any fair, and if they want to spend that on four races and make the purse \$1,500 for each race, they are permitted to do that.

There are 24 fairs conducting racing, and it is only a maximum increase of \$400 per fair. We are talking about a cost, in this amendment, of \$9,600.

I would like to point out that these moneys from harness racing—and when we enacted horse racing and took moneys from horse racing and placed them also into the fair fund in the same percentage, this fund has grown—going under this category to the fairs for their racing programs have not grown because it was locked in at the \$5,600 maximum and the \$700 per race. We think it is fair that this amendment should be adopted and ask that the House do adopt this amendment.

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Yesterday I asked that this amendment be temporarily held until we could get some clarification. I was a little dubious on the language as to exactly what it did and I tried to read it yesterday like the bureaucrats of administrative agencies might read it. At one point it came up to where it could cost us \$1,017,600. So I am glad to know that Mr. Manderino changed the language to read exactly what he says it shall do. And I have no objection to the intent of what he wants it to do this morning, except I would like to ask Mr. Manderino a question, if he will consent to answer.

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

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. THOMAS. I, too, am aware of how the fair fund moneys are distributed—after every other agency of government—and I think this is quite important, Mr. Speaker. After the Department of Commerce, Revenue, the salaries of everybody concerned with race tracks, the Secretary of Agriculture gets 13 percent of the remaining moneys, while 87 percent of the remaining moneys goes into the general fund.

Now my chief concern this morning is that this particular act will not jeopardize any of the other ongoing programs in agriculture. Can you certify to me that in no way will this \$9,600, that we are giving to 24 race tracks or agricultural societies for these races across the Commonwealth jeopardize any of the other ongoing programs in agriculture?

Mr. MANDERINO. Mr. Speaker, my understanding is that the amount of money, as I say, spent by this particular increase is \$9,600. It is also my understanding that the balance of the money, as Mr. Thomas indicated yesterday, went to agricultural research. I am not sure that that is the case. I think the balance of the money may also go back to the Fair Association for capital improvements if there is money left.

The 13 percent that you say comes from harness racing is correct. But we also enacted, after harness racing, the horse racing in Pennsylvania, and at the time we enacted that, we added an additional 13 percent to this fund from horse racing. Presumably we doubled the fund. This particular category never received any benefit from

doubling that fund, whereas all other categories presumably have.

Mr. THOMAS. That did not exactly answer my question, and I can further clarify—

Mr. MANDERINO. I do not know the answer to your question. You are asking whether or not we are going to hurt any other program.

Mr. THOMAS. That is right.

Mr. MANDERINO. I am interested in the manner in which this program has been hurt by the fact that it has not increased with the fund. And I am saying all we are increasing it is \$10,000.

Mr. THOMAS. All right. I would like to support this amendment, but I want to make sure that it does not jeopardize any other program. And I can tell you or clarify for the members of this House what you just alluded to.

There are certain allocations from this 13 percent that agriculture gets that are fulfilled on an exact amount each year. And then research moneys get an amount not to exceed \$400,000 annually. If there is anything left above that \$400,000, it goes into the capital improvement fund, of which you spoke.

There could be a year when research would get \$115,000 because there is no more. There could be a year when it could get any other hypothetical figure, \$278,000 or anything under \$400,000.

Just yesterday the research committee held its meeting to decide which priority projects should be funded from these research moneys, and they had something like \$45,000 to spend in new moneys above the ongoing projects. What I want to be assured of is that we do not take this \$10,000 off the research moneys and wind up with something like \$35,000 instead of \$45,000. Research has been carried on at perhaps a half dozen different places in this Commonwealth out of this fund. It is not only on livestock and plants. It is for human health and welfare, too, the projects which are conducted with these moneys.

I am not against horses, but I am also for people. And until we get some clarification as to exactly what it does, I would have to oppose the amendment. I ask that you hold this amendment until the Department of Agriculture can fathom it. I just spoke to the Secretary of Agriculture 5 minutes before coming onto the floor of the House and he supports my position. He, too, would have to oppose it until he knows exactly how it affects every other program in agriculture and he says, "You may quote me from the floor."

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, in response, I can only say that the language that is before you—the \$700 maximum, the \$5,600 to fair associations—was the original language in the bill. That is the original language when harness racing was passed. We are now taking 13 percent and putting it into the fair funds from horse racing. Presumably, I am assuming that our money in the fair fund has more than doubled, which would mean that categories that are not hemmed in by dollar amounts have doubled in benefit from the fund.

This particular category has received nothing from the doubling of the fund. And I say in fairness that it ought to receive this meager \$400 increase, which

amounts to \$10,000 per year for 24 fair associations. And I stand by that, Mr. Speaker.

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

Mr. SHELHAMER. Mr. Speaker, would the gentleman, Mr. Manderino, consent to a brief interrogation?

The SPEAKER. Will the majority whip consent to interrogation?

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. SHELHAMER. I think essentially what you said, Mr. Speaker, is correct, except I would like to clarify one other point.

I do not have the amendment. The one I have evidently is an old one of Mr. Green's. But did I understand you to say this amendment would allow the same amount of payment or an increase with less races?

Mr. MANDERINO. No. It is my understanding from the fairs that have been in touch with Mr. Green that they are having difficulty getting horses to race at some of the fairs when they are limited to a \$700 purse.

All right. Now they realize that they do not want to receive a lot more money in purse money, but they are asking that from the \$5,600 maximum, if they can go to \$6,000, which is \$400 more per association. But they are asking that the \$700 limit be taken off so that if they can only get four races, they can pay \$1,500 in purses. If they had six races, they would pay a little more. If they held the full eight races, I do not know what the purse would be. You would have to divide it.

Yes, they would get a total of \$6,000 for their racing program and they would distribute that as best they could. I am sure that their interest would be to hold the highest number of races that they can with that dollar value in purses.

Mr. SHELHAMER. But is the effect of that amendment going to be to cut down the amount of races we are going to have at the fairs? That is my question. Is that not going to happen? You have less races now. You will take the money and just have less races.

Mr. MANDERINO. I do not think that it will, because at the fairs, of course, their interest is to have as many races as they can because it is an attraction. I am sure you know that.

What I am saying is that they have difficulty filling races, getting horsemen to ship in to a race, at a fair with a \$700 purse. They have difficulty.

We would be leaving to the fair association the amount of purse to pay depending upon what the market was calling for. But they could not get more than \$6,000. They are getting \$5,600 now.

Mr. SHELHAMER. Thank you.

Mr. Speaker, I believe the gentleman, Mr. Manderino, is correct in that the amount of money we are considering here is not going to substantially alter the research funds one way or another.

I am concerned though on another basis that the number of races may be reduced. I do wish we would have had more time to consider it. I think I am inclined to vote for it. If we have a problem, we are going to have to clear it up in the Senate.

I do not think it is going to reduce the amount of research funds since, for the last several years, we have been reaching the \$400,000; and this year we have a

surplus in the capital funds area. The one danger would, however, be if the amount of racing money were to be reduced in the future. Then we might see a deficiency.

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Yes, thank you again, Mr. Speaker.

Here is another one of the examples of where we get ourselves into dangerous positions.

This is a brand new proposal. It was thrust upon the members of this House just yesterday. In light of the fact that we do not have clarity on it this morning, I would certainly like to support the amendment. But I see no way that I can do so.

I wonder if Mr. Manderino would mind passing over the amendment until we get the clarity.

Mr. MANDERINO. Mr. Speaker, I would like to do that but the main bill that this amendment is attached to is a bill which has the interests of the pari-mutuel clerks at every track. A companion bill to it was passed yesterday.

We promised the sponsor of the bill that we would move the bill today, and I hope that the members of the House will support the amendment. I do not see any evils in the matter. I think Mr. Reno Thomas' question is to the contrary. I do not think that agricultural research is going to be hurt. Mr. Shelhamer has indicated that he does not think it is going to be hurt.

I think we ought to pass the amendment. But in any event, I would like to move the bill today. We have a commitment on that.

MOTION TO TABLE HOUSE BILL No. 2240

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Mr. Manderino would also not consider withdrawing his amendments so we can vote the bill.

Then I move that we table both the bill and the amendments.

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

Mr. ZELLER. I would request that we vote "no" against tabling because I am getting some information right now that does not go along with Mr. Thomas.

The SPEAKER. This is not a debatable motion, Mr. Zeller.

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

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

YEAS—81

Anderson, J. H.	Geesey	Mebus	Smith, E.
Beren	Grieco	Milanovich	Smith, L.
Bittle	Halverson	Miller, M. E.	Stahl
Brandt	Hamilton, J. H.	Miller, M. E., Jr.	Taddonio
Burns	Hasay	Moehlmann	Thomas
Butera	Hayes, S. E.	Noye	Turner
Cessar	Hepford	O'Connell	Ustynoski
Cimini	Hill	Pancoast	Vroon
Crawford	Hutchinson, W.	Parker, H. S.	Wagner
Cumberland	Katz	Perrl	Weidner
Davies	Kistler	Perry	Westerberg
Deverter	Klingaman	Pitts	Whelan
Dietz	Kusse	Polite	Wilson
Dininni	Lehr	Pyles	Wilt, R. W.
Dorr	Levi	Renninger	Wilt, W. W.
Fawcett	Lynch	Ryan	Worrilow

Fischer	Manmiller	Salvatore	Wright
Fisher	McClatchy	Scheaffer	Yohn
Foster, A.	McCue	Scirica	Zearfoss
Freind	McGinnis	Sirianni	Zord
Gallen			

NAYS—97

Abraham	Fryer	Manderino	Ross
Arthurs	Gallagher	McCall	Ruggiero
Barber	Garzia	McIntyre	Saloom
Bellomini	Geisler	McLane	Schmitt
Bennett	George	Menhorn	Schweder
Berlin	Giammarco	Milliron	Shane
Berson	Gillespie	Miscevich	Shelhamer
Bonetto	Gillette	Morris	Shelton
Bradley	Goodman	Mrkonic	Shuman
Brunner	Greenfield	Mullen, M. P.	Shupnik
Caputo	Haskell	Mullen	Stapleton
Cianciulli	Hutchinson, A.	Musto	Stout
Cohen	Irvis	Myers	Taylor
Cowell	Itkin	Novak	Toll
DeMedio	Kelly, A. P.	O'Brien	Trelo
DeWeese	Kernick	O'Keefe	Wansacz
Dicarlo	Kolter	Oliver	Wargo
DiDonato	Kowalyszyn	Petrarca	Wiggins
Dombrowski	LaMarca	Pratt	Wojdak
Doyle	Laudadio	Prendergast	Zeller
Dumas	Laughlin	Ravenstahl	Zwickl
Eckensberger	Lederer	Reed	
Englehart	Letterman	Renwick	Fineman,
Fee	Lincoln	Richardson	Speaker
Flaherty	Logue	Rieger	

NOT VOTING—25

Cole	Hammock	McGraw	Seltzer
Dreibelbis	Hayes, D. S.	O'Donnell	Spencer
Foster, W.	Hopkins	Plevsky	Valleenti
Gleason	Kelly, J. B.	Rappaport	Walsh, T. P.
Gleeson	Knepper	Rhodes	Williams
Green	Johnson, J.	Ritter	Yahner
Gring			

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

YEAS—128

Abraham	Fryer	McCall	Richardson
Arthurs	Gallagher	McClatchy	Rieger
Barber	Gallen	McLane	Ross
Bellomini	Garzia	Mebus	Ruggiero
Bennett	Geisler	Menhorn	Saloom
Beron	George	Milanovich	Schmitt
Berlin	Giammarco	Miller, M. E.	Schweder
Berson	Gillespie	Miller, M. E., Jr.	Scirica
Bonetto	Gillette	Milliron	Shane
Bradley	Goodman	Miscevich	Shelhamer
Brunner	Greenfield	Moehlmann	Shuman
Caputo	Grieco	Morris	Shupnik
Cessar	Hasay	Mrkonic	Stahl
Cianciulli	Haskell	Mullen, M. P.	Stapleton
Cimini	Hutchinson, A.	Mullen	Stout
Cohen	Irvis	Musto	Taylor
Cowell	Itkin	Myers	Toll
Davies	Kelly, A. P.	Novak	Trelo
DeMedio	Kelly, J. B.	O'Brien	Ustynoski
DeWeese	Kernick	O'Keefe	Valleenti
Dicarlo	Knepper	Oliver	Wansacz
DiDonato	Kolter	Parker, H. S.	Wargo
Dininni	Kowalyszyn	Perry	Whelan
Dombrowski	LaMarca	Petrarca	Wiggins
Dorr	Laudadio	Pratt	Wilt, R. W.
Doyle	Laudadio	Prendergast	Wojdak
Dumas	Laughlin	Pyles	Zeller
Eckensberger	Lederer	Ravenstahl	Zord
Englehart	Letterman	Reed	Zwickl
Fee	Levi	Renninger	
Fischer	Lincoln	Renwick	Fineman,
Fisher	Logue	Rhodes	Speaker
Flaherty	Manderino		
	Manmiller		

NAYS—51

Anderson, J. H.	Hamilton, J. H.	O'Connell	Taddonio
Bittle	Hayes, S. E.	Pancoast	Thomas

Brandt	Hepford	Perri	Turner
Burna	Hill	Pitts	Vroon
Butera	Hutchinson, W.	Polite	Wagner
Crawford	Kistler	Ryan	Weidner
Deverter	Klingaman	Salvatore	Wilson
Dietz	Kusse	Scheaffer	Wilt, W. W.
Fawcett	Lehr	Seltzer	Worrlow
Foster, A.	Lynch	Sirianni	Wright
Freind	McCue	Smith, E.	Yohn
Geesey	McGinnis	Smith, L.	Zearfoss
Halverson	Noye	Spencer	

NOT VOTING—24

Cole	Green	Katz	Ritter
Cumberland	Gring	McGraw	Shelton
Dreibelbis	Hammock	McIntyre	Walsh, T. P.
Foster, W.	Hayes, D. S.	O'Donnell	Westerberg
Gleason	Hopkins	Plevsky	Williams
Gleason	Johnson, J.	Rappaport	Yahner

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—147

Abraham	Gesler	McLane	Saloom
Arthurs	George	Menhorn	Salvatore
Barber	Giammarco	Milanovich	Scheaffer
Bellomini	Gillespie	Miller, M. E.	Schmitt
Bennett	Gillette	Miller, M. E., Jr.	Schweder
Beren	Goodman	Milliron	Scirica
Berlin	Greenfield	Miscevich	Seltzer
Berson	Grieco	Moehlmann	Shane
Bittle	Hamilton, J. H.	Morris	Shelhamer
Bonetto	Haskell	Mrkonic	Shuman
Bradley	Hutchinson, A.	Mullen, M. P.	Shupnik
Brunner	Hutchinson, W.	Musto	Smith, L.
Caputo	Irvis	Myers	Spencer
Cessar	Itkin	Novak	Stahl
Cianciulli	Katz	Noye	Stapleton
Cimini	Kelly, A. P.	O'Brien	Stout
Cohen	Kelly, J. B.	O'Connell	Taddonio
Cowell	Kernick	O'Keefe	Taylor
DeMedio	Kistler	Oliver	Toil
Deverter	Klingaman	Pancoast	Trello
DeWeese	Knepper	Parker, H. S.	Ustynoski
Dicarlo	Kolter	Perri	Valicenti
Dininni	Kowalyszyn	Perry	Vroon
Dombrowski	LaMarca	Petrarca	Wansacz
Dorr	Laudadio	Pitts	Wargo
Doyle	Laughlin	Polite	Whelan
Dumas	Lederer	Pratt	Wiggins
Englehart	Letterman	Prendergast	Wilt, R. W.
Fawcett	Levi	Pyles	Wojdak
Fee	Lincoln	Ravenstahl	Worrlow
Fischer	Logue	Reed	Yohn
Fisher	Lynch	Renwick	Zeller
Flaherty	Manderino	Rhodes	Zord
Freind	Manmiller	Richardson	Zwiki
Fryer	McCall	Ross	
Gallagher	McClatchy	Ruggiero	Fineman,
Gallen	McGinnis	Ryan	Speaker
Geesey			

NAYS—31

Anderson, J. H.	Garzia	McCue	Wagner
Brandt	Halverson	Mebus	Weidner
Burna	Hasay	Mullen	Westerberg
Butera	Hayes, S. E.	Renninger	Wilson
Crawford	Hepford	Sirianni	Wilt, W. W.
Dietz	Hill	Smith, E.	Wright
Eckensberger	Kusse	Thomas	Zearfoss
Foster, A.	Lehr	Turner	

NOT VOTING—25

Cole	Gleason	Johnson, J.	Rieger
Cumberland	Green	McGraw	Ritter
Davies	Gring	McIntyre	Shelton
DiDonato	Hammock	O'Donnell	Walsh, T. P.
Dreibelbis	Hayes, D. S.	Plevsky	Williams
Foster, W.	Hopkins	Rappaport	Yahner
Gleason			

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.

ANNOUNCEMENT

The SPEAKER. Before I forget, for the information of the membership of the House, next week will be a voting session week. Count on a minimum of 3 days. Next week will be a voting session week.

URBAN AFFAIRS BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 2090, printer's No. 2697, entitled:

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for county public defenders to organize a State association and the payment of certain expenses thereof.

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—152

Anderson, J. H.	Giammarco	Miller, M. E., Jr.	Shane
Arthurs	Gillette	Milliron	Shelhamer
Barber	Goodman	Miscevich	Shupnik
Bennett	Greenfield	Moehlmann	Sirianni
Beren	Grieco	Morris	Smith, E.
Berlin	Hamilton, J. H.	Mullen, M. P.	Smith, L.
Berson	Haskell	Mullen	Spencer
Bonetto	Hepford	Musto	Stahl
Bradley	Hill	Novak	Stapleton
Brandt	Hopkins	Noye	Stout
Brunner	Hutchinson, A.	O'Brien	Taddonio
Burna	Hutchinson, W.	O'Connell	Taylor
Butera	Irvis	O'Keefe	Thomas
Caputo	Itkin	Oliver	Toil
Cessar	Katz	Pancoast	Turner
Cimini	Kelly, A. P.	Parker, H. S.	Ustynoski
Cohen	Kelly, J. B.	Perri	Valicenti
Cowell	Kistler	Petrarca	Vroon
Crawford	Knepper	Pitts	Wagner
DeMedio	Kolter	Polite	Wansacz
DeWeese	Kowalyszyn	Pratt	Wargo
Dicarlo	LaMarca	Prendergast	Weidner
DiDonato	Laudadio	Pyles	Westerberg
Dininni	Laughlin	Ravenstahl	Whelan
Dombrowski	Lederer	Reed	Wiggins
Dorr	Lehr	Renninger	Wilson
Doyle	Letterman	Rhodes	Wilt, R. W.
Dumas	Logue	Richardson	Wojdak
Eckensberger	Lynch	Ross	Worrlow
Englehart	Manderino	Ruggiero	Wright
Fawcett	Manmiller	Ryan	Yohn
Fee	McClatchy	Saloom	Zearfoss
Fischer	McCue	Salvatore	Zeller
Foster, A.	McGinnis	Scheaffer	Zord

Freind	McLane	Schmitt	Zwilk
Fryer	Mebus	Schweder	
Gallagher	Menhorn	Scrica	Fineman,
Gallen	Milanovitch	Seitzer	Speaker
Geisler	Miller, M. E.		

NAYS—23

Abraham	Garzia	Hayes, S. E.	Mrkonic
Bellomini	Geesey	Kernick	Renwick
Deverter	George	Klingaman	Shuman
Dietz	Gillespie	Kusse	Trello
Fisher	Halverson	Levi	Wilt, W. W.
Flaherty	Hasay	McCall	

NOT VOTING—28

Bittle	Gleason	Lincoln	Rappaport
Cianciulli	Gleason	McGraw	Rieger
Cole	Green	McIntyre	Ritter
Cumberland	Gring	Myers	Shelton
Davies	Hammock	O'Donnell	Walsh, T. P.
Dreibelbis	Hayes, D. S.	Perry	Williams
Foster, W.	Johnson, J.	Pievsky	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.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. NOYE. On the last vote on House bill No. 2090, I was recorded in error. I would like to be recorded in the negative, please.

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 2091, printer's No. 2698, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further providing for county public defenders to organize a State association and for the payment of expenses thereof.

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—144

Anderson, J. H.	Geisler	Miller, M. E.	Shane
Barber	Giammarco	Miller, M. E., Jr.	Sheihamer
Bellomini	Gillette	Milliron	Shupnik
Bennett	Goodman	Moehlmann	Sirjanni
Beren	Greenfield	Morris	Smith, E.
Berlin	Griceo	Mullen, M. P.	Smith, L.
Berson	Hamilton, J. H.	Musto	Spencer
Bonetto	Haskell	Myers	Stapleton
Bradley	Hopkins	Novak	Stout
Brunner	Hutchinson, A.	O'Brien	Taddonio
Burns	Hutchinson, W.	O'Connell	Taylor
Buters	Irvis	O'Keefe	Toll
Caputo	Itkin	Oliver	Trello
Cassar	Katz	Pancoast	Turner
Cianciulli	Kelly, A. P.	Parker, H. S.	Ustynoski

Cimini	Kelly, J. B.	Perri	Valicenti
Cohen	Kistler	Petrarca	Vroon
Cowell	Knepper	Pitts	Wagner
Crawford	Kolter	Polite	Wansacz
Cumberland	Kowalshyn	Pratt	Wargo
DeMedio	LaMarca	Prendergast	Weidner
DeWeese	Laudadio	Pyles	Wheelan
Dicarlo	Laughlin	Ravenstahl	Wiggins
DiDonato	Lederer	Reed	Wilson
Dombrowski	Lehr	Renninger	Wilt, R. W.
Dorr	Letterman	Rhodes	Wojdak
Doyle	Lincoln	Richardson	Worrlow
Dumas	Logue	Ross	Wright
Eckensberger	Lynch	Ruggiero	Yohn
Engelhart	Manderino	Ryan	Zearfoss
Fawcett	Manmiller	Saloom	Zeller
Fee	McClatchy	Salvatore	Zord
Fischer	McGinnis	Schmitt	Zwilk
Flaherty	McLane	Schweder	
Foster, A.	Mebus	Scrica	Fineman,
Freind	Menhorn	Seitzer	Speaker
Gallagher	Milanovitch		

NAYS—36

Abraham	Fryer	Hepford	Mrkonic
Arthurs	Gallen	Hill	Noye
Bittle	Garzia	Kernick	Renwick
Brandt	Geesey	Klingaman	Scheaffer
Davies	George	Kusse	Shuman
Deverter	Gillespie	Levi	Stahl
Dietz	Halverson	McCall	Thomas
Dininni	Hasay	McCue	Westerberg
Fisher	Hayes, S. E.	Miscevich	Wilt, W. W.

NOT VOTING—23

Cole	Gring	Mullen	Ritter
Dreibelbis	Hammock	O'Donnell	Shelton
Foster, W.	Hayes, D. S.	Perry	Walsh, T. P.
Gleason	Johnson, J.	Pievsky	Williams
Gleason	McGraw	Rappaport	Yahner
Green	McIntyre	Rieger	

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.

HEALTH AND WELFARE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 9, printer's No. 3141, entitled:

An Act to promote the health and welfare of the people of the Commonwealth by controlling and regulating lead paint poisoning; prescribing the powers and duties of the Department of Health and the Department of Environmental Resources; authorizing lead analyses at State laboratories; creating the Interagency Coordinating Committee and the Advisory Committee; imposing restrictions; providing penalties and making an appropriation.

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 lady from Chester, Mrs. Crawford.

Mrs. CRAWFORD. Mr. Speaker, thank you very much.

I am rising to oppose the passage of this bill, not on the merits of what the bill intends to do because I am thoroughly in favor of preventing lead poisoning in our children. I am opposing it on the issue that this should not be a state-controlled matter. It can be done and is

being done in Pennsylvania on a local ordinance basis. Philadelphia has a lead paint program.

We are actually saying to the whole state that you are going to be put under a certain control, and as a result of this control, we are building another regulatory agency which will control the individual person to the extent, for instance, that in this area and in upstate Pennsylvania, rural Pennsylvania, we have a lot of auctions where old furniture is sold. Now I interpret this bill as meaning that someone would have to check to make sure that lead paint was not on that furniture before it was sold in order for it to be legal; otherwise, a criminal penalty could be brought against these people.

The other thing, as I mentioned before, is that we are giving the Secretary of Health and the Department of Environmental Resources more authority to set up another bureaucracy in order to administer a program which really is not going to do what we hope it is going to do.

When this bill was brought up in committee, I asked for the cost of the bill and a fiscal note on the bill. We were not given that fiscal note. I do not believe that members of a committee should vote a bill out of committee without knowing what it is going to cost the taxpayer.

Now I find that the Appropriations Committee amended the appropriation that was put in the bill from 300-and-some-thousand dollars up to \$1,750,000 to DER, the Department of Environmental Resources, and \$1,250,000 to the Department of Health.

Now I still say, this can be done on a local level. Enforcement can be done much better on the local level because there are spotty problem areas. The problem is not a widespread statewide problem, so that I say, let us let the local community do this and not the state, and that is why I am opposing it.

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

Mr. STAHL. I hope to speak to the people from Allegheny County and Philadelphia County in this particular debate.

I want to bring out something that you may not be aware of in this legislation. While we on the Committee of Health and Welfare—I believe all of us—want to solve the problem of lead paint poisoning, this bill creates serious problems rather than solving the problem of lead poisoning.

This bill will create more slums in the intercity areas, more untenanted houses in Philadelphia and Pittsburgh, in Reading, in Berks County, in Harrisburg. In every city in this Commonwealth more slums will be created, and I will tell you why.

It says in the bill that you cannot sell anything which contains lead paint. Now the Federal Government, through the HUD—Housing and Urban Development—program in Philadelphia now says that you cannot get an FHA—Federal Housing Administration—mortgage on a home which has lead paint in it. Those of you from Philadelphia now realize, I believe, that there are many homes which cannot be sold today because of the lead paint condition.

We estimate that if the state is successful in its program of identification of homes in the intercity areas that have lead paint, that within just a very few years

we will have a doubling of the number of untenanted houses in this Commonwealth. Now that is no light estimate, because the landlord is not about to go in and strip off the old lead paint with the revenues that he is getting, and then, after he has stripped it, put on new paint. He is just not about to do that.

If this bill would solve the problem of lead paint poisoning, I would be for it, irrespective of that, but it does not. Really, all it does is identify those areas that have lead paint. It does not solve the problem of pica—children eating nonfood substances.

MOTION TO RECOMMIT

Mr. STAHL. Because it is going to create more slums, I have to make a motion that I really do not want to make, and that is, to recommit the bill to the Committee on Health and Welfare for reconsideration of this problem.

I know we have had hearings on it, but we really have not solved the problem. Unless we are ready as the General Assembly to address the problem totally and stand up and not go along with something that is going to create more problems down the road, then we had better not act on this bill today. I so move.

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

Mrs. KELLY. Mr. Speaker, I oppose the motion. We have been playing around with this bill for a long time. It has been written and rewritten and studied and investigated, and I had the impression that we had a good bill, a bill that is very much needed, especially for the children of this Commonwealth.

Mr. Stahl had a lot to say in committee; he has a lot to say now; and he will always have a lot to say on every subject that comes up before the House.

I oppose this motion. I think we should vote it down and get along and vote for the bill which is very much needed for our Commonwealth, especially our children.

On the question,

Will the House agree to the motion?

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

YEAS—68

Anderson, J. H.	Geesey	Manmiller	Seltzer
Beren	Grieco	McCue	Sirianni
Bittle	Halverson	McGinnis	Smith, E.
Brandt	Hamilton, J. H.	Mebus	Smith, L.
Butera	Hasay	Moehlmann	Stahl
Cessar	Hayes, S. E.	Mrkonic	Taddonio
Cimini	Hill	Noye	Thomas
Crawford	Hutchinson, W.	O'Connell	Turner
Davies	Kelly, J. B.	Pancoast	Vroon
Devorter	Kistler	Parker, H. S.	Wagner
Dietz	Klingaman	Pitts	Westerberg
Dorr	Knepper	Polite	Whelan
Fawcett	Kuse	Prendergast	Wilt, R. W.
Fischer	Lederer	Rhodes	Wilt, W. W.
Foster, A.	Lehr	Ryan	WorriLOW
Freind	Levi	Salvatore	Yohn
Gallen	Lynch	Scheaffer	Zearfoss

NAYS—103

Arthurs	Gallagher	McClatchy	Ross
Barber	Garzia	McLane	Ruggiero
Bellomini	Geisler	Menhorn	Saloom
Bennett	George	Milanovich	Schmitt
Berlin	Giammarco	Miller, M. E.	Schweder
Berson	Gillespie	Miller, M. E., Jr.	Scirica
Bonetto	Gillette	Milliron	Shane

Bradley	Goodman	Miscevich	Shuman
Brunner	Greenfield	Morris	Shupnik
Burns	Haskell	Mullen, M. P.	Stapleton
Caputo	Hutchinson, A.	Mullen	Stout
Cianciulli	Irvin	Musto	Taylor
Cohen	Itkin	Myers	Toll
Cowell	Johnson, J.	Novak	Trello
DeMedio	Katz	O'Brien	Ustynoski
DeWeese	Kelly, A. P.	O'Keefe	Wansacz
Dicarlo	Kernick	Oliver	Wargo
DiDonato	Kolter	Perri	Wiggins
Dinanzi	Kowalyszyn	Petrarca	Wilson
Dombrowski	Laudadio	Pratt	Wojdak
Doyle	Laughlin	Pyles	Zeller
Dumas	Letterman	Ravenstahl	Zwick
Eckensberger	Lincoln	Reed	
Engelhart	Logue	Renninger	
Fee	Manderino	Renwick	Fineman,
Flaherty	McCall	Richardson	Speaker
Fryer			

NOT VOTING—32

Abraham	Green	McIntyre	Shelton
Cole	Gring	O'Donnell	Spencer
Cumberland	Hammock	Perry	Valicenti
Dreibelbis	Hayes, D. S.	Pievsky	Walsh, T. P.
Fisher	Hopford	Rappaport	Weldner
Foster, W.	Hopkins	Rieger	Williams
Gleason	LaMarca	Ritter	Yahner
Gleeson	McGraw	Shelhamer	Zord

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, I would like to interrogate someone, but I see that you are the main sponsor. Whom could I interrogate?

The SPEAKER. Is someone from the Health and Welfare Committee prepared to respond to interrogation? Will the lady, Mrs. Kelly, respond to interrogation?

Mrs. KELLY. Mr. Speaker, I would like to defer to Mr. DiCarlo because he sort of took the lead on this particular piece of legislation.

The SPEAKER. Will the gentleman, Mr. DiCarlo, respond?

Mr. DiCARLO. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. NOYE. Mr. Speaker, one of the things that concerns me about this bill is the effect that it may have on the ceramic industry in the State of Pennsylvania. The ceramic industry is one of the largest industries and one of the fastest-growing industries in the State of Pennsylvania. There are probably more people involved in making ceramics in Pennsylvania than in any other state in the United States, and a lead based paint of some kind must be used in the ceramic industry. Now what has been done to this bill so that it would not interfere with the ceramic industry?

Mr. DiCARLO. Mr. Speaker, originally when House bill No. 9 was introduced and referred to the Health and Welfare Committee, the gentleman's point would have been very well taken and would have caused problems with the ceramic industry. It would have caused problems with the lead paint industry and for those individuals who manufacture paint for, for example, boats and any outdoor uses. It would have caused problems for industries that do any type of embossing on glass and other materials. Because of this, the Health and Welfare Committee contacted the Pennsylvania Chamber of Commerce. We also brought in, under the direction of the

Chamber of Commerce, representatives from the ceramic industry of Pennsylvania, from the glass industry of Pennsylvania, and also from the paint manufacturers of Pennsylvania. We then amended the bill, and we excluded any parts of the language in the original bill which would have caused any prohibitions against the industries involved.

There is nothing in House bill No. 9 that will affect any of those areas in Pennsylvania. They are wholeheartedly protected under the present language that is in front of us.

Mr. NOYE. One last question, Mr. Speaker: Do the provisions of this bill conform to the Federal guidelines that were established?

Mr. DiCARLO. Yes, they do, Mr. Speaker.

Mr. NOYE. Thank you very much, Mr. Speaker.

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

Mr. STAHL. Mr. Speaker, could I interrogate anyone?

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

Mr. STAHL. Well, it might be the Appropriations Committee chairman as well on this particular question, as to whether the moneys appropriated herein, the \$3 million, are in the current or next year's budget.

The SPEAKER. The Chair does not see the gentleman, Mr. Wojdak, on the floor.

Mr. DiCARLO. Mr. Speaker, it is my understanding that the moneys are there and that is why the Appropriations Committee did, indeed, adjust the fiscal note and release the bill from committee.

Mr. STAHL. Is Mr. Wojdak going to be here?

The SPEAKER. The Chair has already indicated that the gentleman is not on the floor.

Mr. STAHL. Well, will he be here today? I would like to have a definite answer from the Appropriations Committee chairman.

Mr. DiCARLO. Mr. Speaker, if I can interject a remark again, that is the response I have gotten from Mr. Wojdak and members of the Appropriations Committee. That is why the bill is in front of the House.

Mr. STAHL. All right.

I would like to make some other remarks, Mr. Speaker. One of the things that I did not get into before is that on page 14 of the bill, DER is given the authority to go into a person's house, his dwelling, a constituent's home. If a neighbor who does not like him complains to DER, the department is allowed to go into that home and inspect that home.

After that, if the person refuses to remove lead paint—and I will read the language here—“. . . in cases where owners of premises fail to perform their duties . . . by refusing or delaying the removal of lead paint. . .”—the state may go in and perform the work and assess the cost of the removal of that lead paint against the owner.

That means that the state, without due process of law, without a court hearing, at their own discretion, can go into one of your constituent's homes and do the work and force that owner to pay through the assessment process. I do not think this is right.

Can you imagine a senior citizen in your district with limited resources being forced, under the threat of some big government bureaucracy, to take action which they can ill afford? They might only be getting social security.

I do not think that is right. I do not think that is what we want to do with this kind of legislation, but that is what it says here. I ask for a "no" vote.

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

Mr. DiCARLO. Mr. Speaker, the gentleman is misleading this body. That absolutely is not correct.

In the instance where the state would come in and do the work, it is only after the owner of the house has been cited for a lead paint violation. There is an appeal procedure within the bill that has to be followed. There is no infringement upon due process. That right is guaranteed.

As far as his fears about a senior citizen or a person on a low economic level, I brought that consideration to the attention of the committee, along with Mr. McClatchy, and we had a real fear. What we worked into the bill was that if a person is, indeed, below the poverty level—I think the term we use is "disadvantaged person"—a tax credit will be made by the local community to that person for whom the work is being done if he owns the property.

If a landlord is cited for a health violation, a health hazard, if the roof leaks, or for any of the other problems that we have in our present Landlord and Tenant Act, who can, indeed, afford to have the work done, the department will come in and enforce the law and make sure the violation is taken care of, and that is what we are asking.

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

Mr. LETTERMAN. Mr. Speaker, may I interrogate Mr. DiCarlo, please?

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

Mr. DiCARLO. Yes, Mr. Speaker.

Mr. LETTERMAN. Mr. Speaker, yesterday in caucus I asked the question as to how this bill will affect industry in my district. I have one of the largest paint shops in Pennsylvania that does work for the Piper Aircraft Corporation. If I understand it right, you are not allowed to sell, purchase, or own lead paint in Pennsylvania according to this bill. Is that right?

Mr. DiCARLO. No, it is not, Mr. Speaker. In fact, the Lord Corporation in Erie, Pennsylvania, is perhaps the largest bonding rubber supplier for aircraft companies and military installations. I assure you that we took care of that fear; there will be no infringement upon any manufacturer or wholesaler.

Mr. LETTERMAN. Do you remember if that language was in the bill before it was amended?

Mr. DiCARLO. I do not have the language in front of me. It did prohibit, indeed, the retail sale of lead paint. These problems that you are concerned with were taken care of and they were worked out in coordination with the Pennsylvania Chamber of Commerce.

Mr. LETTERMAN. Was this bill amended and changed just lately in committee?

Mr. DiCARLO. There were several extensive amendments that were offered in the Health and Welfare Committee. It was amended, and then it was sent to the Appropriations Committee which, I understand, amended the fiscal note.

Mr. LETTERMAN. And you absolutely feel safe to tell me that this will not affect any of my industries?

Mr. DiCARLO. Yes, I do, Mr. Speaker.

Mr. LETTERMAN. Thank you, Mr. Speaker.

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

Mr. MISCEVICH. Mr. Speaker, I would like to interrogate Mr. DiCarlo.

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

Mr. DiCARLO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. MISCEVICH. Mr. Speaker, we have quite a few bridges in our area, a highly industrialized section of Allegheny County, with many businesses that will not be allowed to purchase lead based paint, and all of our bridges are painted with lead based paint to preserve them. Now would this bill prohibit that?

Mr. DiCARLO. No, it would not, Mr. Speaker. In fact, that was one of the concerns that we dealt with because the Commonwealth of Pennsylvania is perhaps the largest supplier of this material because of all of the road construction that we do. There would be no problems at all with road or bridge repair.

Mr. MISCEVICH. How did you provide for private companies to buy lead based paint?

Mr. DiCARLO. Well, it is under the definition. I do not have the bill in front of me. I think we talk about retail distribution, and the companies that you are referring to deal with manufacturing and wholesale distribution.

Mr. MISCEVICH. Thank you, Mr. Speaker.

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

Mr. STAHL. Could I interrogate the gentleman, Mr. DiCarlo?

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

Mr. DiCARLO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. STAHL. Mr. Speaker, would you amplify your statement regarding the tax credit? How is the tax credit derived? Who is it applied against? Where does the money come from, et cetera? Would you amplify the language of the bill?

Mr. DiCARLO. Yes, Mr. Speaker. I do not have the bill in front of me, but I think on the last two pages of the bill it deals with that section.

The concern of the committee was for those low-income persons, or persons on fixed incomes who would not be able to afford to have the work done. If, indeed, they were found to be, under the regulations, low-income persons, the local taxing authority would give them a tax rebate not to exceed the amount of property tax they pay in their area. Of course, that would be refunded to the local taxing authority from the Commonwealth of Pennsylvania.

Mr. STAHL. Mr. Speaker, is there not in the Constitution of Pennsylvania something which says, in effect, that if we cause a local taxing body to lose income, the state must provide the difference of that amount?

Mr. DiCARLO. Mr. Speaker, yes, you are right, and if you will read the language of the bill, you will see that we dealt with that constitutional question in the last section of the bill.

Mr. STAHL. In your opinion, is the amount that we

have provided for here adequate to cover the cost of this bill?

Mr. DiCARLO. Mr. Speaker, I do not really know that. I cannot make an assessment on how great the problem of deleading is in Pennsylvania. I can only rely on the sources that the Appropriations Committee has in front of them, and evidently they have deemed that the fiscal note attached is appropriate.

Mr. STAHL. Did we not have information in committee which indicated the ultimate cost to the state if we were to absorb the cost of this bill? I will put it differently: Did we not have information of the total cost of removing lead paint in Pennsylvania?

Mr. DiCARLO. We had no specific information, Mr. Speaker.

Mr. STAHL. Well, as I recall, we did have such information and the information that we received was that the cost was in the hundreds-of-millions-of-dollars category. Now I do not have the figures in front of me, I will be honest with you, but the cost was in the hundreds-of-millions-of-dollars category. That was the information that we had in the committee debate.

Mr. DiCARLO. If the gentleman could inform me where that information came from and who provided it, I would like to be enlightened.

I remember that we did have discussion upon what the cost of deleading would be, and we found that those costs ran anywhere from, I believe, \$65 to \$300 per unit. We were able, after using the Philadelphia experience, to find that the average cost of the deleading process, at least in Philadelphia, has been about \$95 per unit.

Mr. STAHL. Mr. Speaker, now you do not mean to tell me that a home in Philadelphia can be delead for \$95?

Mr. DiCARLO. Mr. Speaker, I am telling you that because that is what has been given to us from the Philadelphia Department of Public Health or whoever does the inspections now.

Let us make another thing very plain to the membership here. When we are talking about deleading, our bill does not stipulate that we have to go in and actually burn and remove all the lead paint. We can actually cover lead paint too, and that means putting up paneling or any other surface, whether it be fiberboard or something else which, of course, is very, very reasonable to do.

Mr. STAHL. Mr. Speaker, I am finished with my interrogation.

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

Mr. STAHL. Mr. Speaker, first of all, if we are going to delead, it is going to cost more than \$95. That is ridiculous to assume. Heck, in Reading it is going to cost more than \$95 just for the materials to delead the paint.

In an average home you have all kinds of windows, you have all kinds of windowsills, you have doors, you have door frames and you have baseboards.

Mr. Speaker, it would cost you at least \$500 just to even start the project. The best estimates that I could get back home for deleading was in the neighborhood of several thousand dollars, because you are going to have to paint, and DER is going to determine whether or not you can cover it over. I can tell you that the covering

over of old paint is not going to be approved because of the very problem that exists today in many of these homes which were covered over with nonleaded paint, because the paint is so thick on these windowsills and what have you that they have chipped, and that is not going to be approved by DER. So they are going to have to remove it and take it down to the bare wood and repaint. That is a very expensive process.

As for Mr. DiCarlo's statement about the local government picking up the cost of this thing on the tax rebate, if the cost is several thousand dollars and the little old lady is paying \$200 a year in taxes, that is going to mean that she is not going to pay any taxes for 10 years.

Now I have not found a way in this bill yet whereby we have solved the problem of lead paint. It is going to create slums in the intercity area. I do not want to create slums in Pennsylvania. We have got enough problems with slums in Pennsylvania.

There was one other argument that I think was very appropriate. Perhaps in many of your areas you have garage sales. You cannot sell antiques or old furniture that may contain lead paint. It says specifically in this bill that that is a prohibited practice. You cannot sell any old furniture. Every antique auction in this Commonwealth can and should be stopped under this bill because most antique furniture was painted with lead paint, as you know if you know anything about antiques.

Now do we want to stop every antique auction in this state? Do we want to create more slums? I suggest that we do not. I suggest that this bill needs further study. I suggest that we vote down the bill.

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

Mr. DiCARLO. Mr. Speaker, again the gentleman has misled or is attempting to misstate some of the intentions of the bill. The antique auctioneers and dealers are not going to have any problem.

The main concept that we are trying to deal with is not little old ladies who may run into problems because they are living in lead-painted houses. I do not think there are going to be that many, and we have dealt with that problem with the tax credit. What we are worried about are the slum landlords in the Commonwealth of Pennsylvania who own old, dilapidated housing where roofs and ceilings are coming in, where plaster is chipping off, where lead paint chips are on the floors of the premises, and where kids are eating and ingesting this lead paint. What is happening is that nothing is being done to correct it, and we are trying to deal with the problem.

I think somebody earlier talked a little bit about what happens from the ingestion of lead paint. We are talking about the recurrence of mental retardation; we are talking about effects that may lead to cerebral palsy and other diseases of this type.

We feel that the investment that is being made is very, very worthwhile. We feel that we have come up with a bill, after many hours of study and review, that is a compromise with all parties involved. There is nothing that, indeed, will infringe upon any industry in this Commonwealth of Pennsylvania. We just feel that it is a good piece of legislation and we would ask you to pass it.

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

Mr. PERRY. Mr. Speaker, would Mr. Stahl submit to interrogation?

The SPEAKER. Would the gentleman, Mr. Stahl, consent to interrogation?

Mr. STAHL. Yes, I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. PERRY. Mr. Speaker, I would like to clarify the atmosphere as to what paint contains, inside and outside paint.

Do you have any idea when paint manufacturers stopped using lead pigment in interior paint?

Mr. STAHL. In interior paint? Most manufacturers stopped several years ago.

Mr. PERRY. In 1910.

Mr. STAHL. No, they did not.

Mr. PERRY. Sixty-five years ago—

Mr. STAHL. No.

Mr. PERRY. —for an economic reason. They use lithopone or titanium. Lithopone costs 8 cents a pound. If they used lead, which costs 15 cents a pound, it would take 15 pounds of lead to get the same coverage as 5 pounds of lithopone or 2 pounds of titanium dioxide. So there was no interior paint manufactured by known manufacturers which contained lead since 1910.

As far as exterior paint is concerned, do you have any idea when they stopped using lead in exterior paint?

Mr. STAHL. Mr. Speaker, obviously the gentleman has a point in mind. It is my understanding from the knowledge that I have been given by people who are in the industry, that it was only several years ago.

Mr. PERRY. In 1971 I sold my paint factory, and we and another were the only manufacturers at that time in the entire country that were still using lead in outside paint. All the national manufacturers, the big ones and the little ones, had discontinued the use of lead paint.

Now the only way you get lead paint poisoning—unless the paint was used years ago—is if someone, by mistake or ignorance, uses outside paint to paint inside.

The paint manufacturer economically saved \$2.50 to \$3 a gallon by using these other pigments. The Keystone Varnish Company, in 1908, manufactured the first lead-free flat paint for walls, and as far as the enamels for furniture, they use zinc and titanium; not lead. So, therefore, to find lead-based paint, you would have to catch a house that was painted years ago, maybe going back 10 or 15 years, where someone, by mistake, used outside paint to paint inside.

I do not know just how big a problem it is to remove lead, but for the information of this House, it has been about 60 years since manufacturers used lead in interior paints, and for an economic reason—they saved \$2.50 a gallon.

In 1971, my old company, Howell, and another were the last to use lead paint, and today no one is using lead pigment in either interior or exterior paint.

Thank you, Mr. Speaker.

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

Mr. ZEARFOSS. Mr. Speaker, would Mr. DiCarlo consent to answer one question for me, please?

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

Mr. DiCARLO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, are the fiscal impacts of this bill, as you have explained them, based on the assumption that it would cost only \$95 to delead a house?

Mr. DiCARLO. To be very honest with you, Mr. Speaker, I do not know how the Appropriations Committee did make that determination. I can only tell you, using the Philadelphia experience, that that has been the average cost in Philadelphia.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

Mr. Speaker, I have been informed that every house that was painted in Pennsylvania more than 15 years ago used lead-based paint for interior painting. The only way to remove that is by burning. Again, I have been informed that there is no way, with the cost and the expense of labor, to burn off that lead-based paint and that a house could be delead for less than \$1,000. I cannot see how we can vote on a bill that presumably used a figure of \$95 per unit for deleading process when we know that it is going to cost 10 times that much, at least, to do the job. How can we vote a bill that would provide for that kind of an expense to the Commonwealth when we do not provide for that kind of money in the bill?

MOTION TO TABLE

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni. Does the lady desire to debate the bill?

Miss SIRIANNI. No. The lady desires to table the bill.

The SPEAKER. The Chair would hope the lady would withdraw her motion and let us proceed to a disposition of the bill one way or another on final passage. There has already been a motion to recommit which was defeated. The Chair would assume that a motion to table would receive similar consideration. I think the members should have an opportunity to vote the bill up or down on final passage.

MOTION WITHDRAWN

Miss SIRIANNI. I do not think you are furnishing us with enough information, but I will withdraw my motion.

The SPEAKER. The Chair thanks the lady.

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—88

Barber	Garzia	Miller, M. E., Jr.	Schmitt
Bellommi	Geisler	Milliron	Schweder
Bennett	George	Mullen, M. P.	Seirica
Berlin	Giammarco	Musto	Shane
Berson	Gillespie	Myers	Shelton
Bonetto	Gillette	Novak	Shupnik
Bradley	Goodman	O'Brien	Stapleton
Brunner	Greenfield	O'Keefe	Stout
Burns	Irvis	Oliver	Toil
Caputo	Itkin	Perry	Trello
Cianculli	Johnson, J.	Petrarca	Ustynoski
Cohen	Kelly, A. P.	Pitts	Wansacz
DeMedio	Kolter	Pratt	Wargo
DeWeese	Kowalyszyn	Ravenstahl	Whelan
Dicarlo	Laudadio	Reed	Wiggins
DiDonato	Laughlin	Renninger	Wilson
Dombrowaki	Lincoln	Renwick	Wojdak

Doyle	Manderino	Richardson	Wright
Dumas	McCall	Rieger	Zwikel
Englehart	McLane	Ross	
Fee	Menhorn	Ruggiero	Fineman,
Flaherty	Milanovich	Saloom	Speaker
Gallagher	Miller, M. E.		

NAYS—94

Abraham	Gallen	Levi	Scheaffer
Anderson, J. H.	Geesey	Logue	Seltzer
Arthurs	Grteco	Lynch	Shelhamer
Beren	Halverson	Manmiller	Shuman
Bittle	Hamilton, J. H.	McClatchy	Strianni
Brandt	Hasay	McCue	Smith, E.
Butera	Haskell	McGinnis	Smith, L.
Cessar	Hayes, S. E.	Mebus	Spencer
Cimini	Hepford	Miscevich	Stahl
Cowell	Hill	Moehlmann	Taddonio
Crawford	Hopkins	Morris	Taylor
Cumberland	Hutchinson, A.	Mrkonjc	Thomas
Davies	Hutchinson, W.	Mullen	Turner
Deverter	Katz	Noye	Vroon
Dietz	Kelly, J. B.	O'Connell	Wagner
Dininni	Kernick	Pancoast	Weidner
Dorr	Kistler	Parker, H. S.	Westerberg
Eckensberger	Klingaman	Perri	Wilt, R. W.
Fawcett	Knepper	Polite	Wilt, R. W.
Fischer	Kusse	Prendergast	WorriLOW
Fisher	LaMarca	Pyles	Yohn
Foster, A.	Lederer	Ryan	Zearfoss
Freind	Lehr	Salvatore	Zeller
Fryer	Letterman		

NOT VOTING—21

Cole	Gring	O'Donnell	Valicenti
Dreibelbis	Hammock	Pievsky	Walsh, T. P.
Foster, W.	Hayes, D. S.	Rappaport	Williams
Gleason	McGraw	Rhodes	Yahner
Gleeson	McIntyre	Ritter	Zord
Green			

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

APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 1397, printer's No. 1720, entitled:

An Act providing for adoption of capital projects to be financed from current revenues of the Fish Fund, Boating Fund and the Game Fund.

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—180

Abraham	Gallagher	McCall	Schmitt
Anderson, J. H.	Gallen	McClatchy	Schweder
Arthurs	Garzia	McCue	Scirica
Earber	Geesey	McGinnis	Seltzer
Bellomini	Geisler	McLane	Shane
Bennett	George	Mebus	Shelhamer
Beren	Giammarco	Menhorn	Shelton
Berlin	Gillespie	Milanovich	Shuman
Berson	Gillette	Miller, M. E.	Shupnik
Bittle	Gleeson	Miller, M. E., Jr.	Sirianni
Bonetto	Goodman	Milliron	Smith, E.
Bradley	Greenfield	Miscevich	Smith, L.
Brandt	Grieco	Moehlmann	Spencer
Brunner	Hamilton, J. H.	Morris	Stahl
Burns	Hasay	Mrkonjc	Stapleton

Butera	Haskell	Mullen, M. P.	Stout
Caputo	Hayes, S. E.	Mullen	Taddonio
Cessar	Hepford	Musto	Taylor
Cianciulli	Hill	Novak	Thomas
Cimini	Hopkins	Noye	Toll
Cohen	Hutchinson, A.	O'Brien	Trello
Cowell	Hutchinson, W.	O'Connell	Turner
Crawford	Irvis	O'Keefe	Ustynoski
Cumberland	Itkin	Oliver	Valicenti
Davies	Katz	Pancoast	Vroon
DeMedio	Kelly, A. P.	Parker, H. S.	Wagner
Deverter	Kelly, J. B.	Perri	Wansacz
DeWeese	Kernick	Perry	Wargo
Dicarlo	Kistler	Petrarca	Weidner
DiDonato	Klingaman	Pitts	Westerberg
Dietz	Knepper	Polite	Whelan
Dininni	Kolter	Pratt	Wiggins
Dombrowski	Kowalshyn	Prendergast	Wilson
Dorr	Kusse	Pyles	Wilt, R. W.
Doyle	LaMarca	Ravenstahl	Wilt, W. W.
Dumas	Laudadio	Reed	Wojdak
Eckensberger	Laughlin	Renninger	WorriLOW
Englehart	Lederer	Renwick	Wright
Fawcett	Lehr	Richardson	Yohn
Fee	Letterman	Ross	Zearfoss
Fischer	Levi	Ruggiero	Zeller
Fisher	Lincoln	Ryan	Zwikel
Flaherty	Logue	Saloom	
Foster, A.	Lynch	Salvatore	Fineman,
Freind	Manderino	Scheaffer	Speaker
Fryer	Manmiller		

NAYS—1

Halverson

NOT VOTING—22

Cole	Hammock	O'Donnell	Ritter
Dreibelbis	Hayes, D. S.	Pievsky	Walsh, T. P.
Foster, W.	Johnson, J.	Rappaport	Williams
Gleason	McGraw	Rhodes	Yahner
Gleeson	McIntyre	Rieger	Zord
Gring	Myers		

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

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

JUDICIARY BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 412, printer's No. 2642, entitled:

An Act amending Title 20 (Decedents Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further defining incompetent; adding and changing provisions relating to guardians of incompetents.

On the question,

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

Amend Sec. 2, page 2, line 4, by inserting before "No. 293": P. L. 867,

Amend Sec. 2 (Sec. 5511), page 2, line 14 by inserting after "[guardian]": mental health and mental retardation

Amend Sec. 2 (Sec. 5511), page 2, line 15 by striking out "for the mentally retarded"

Amend Sec. 2 (Sec. 5511), page 2, line 15 by removing the period after "nominee" and inserting: and, in the case of a petition alleging infirmities of old age, the administrator of the area agency on aging, or his nominee and, in any case, the County Board of Commissioners or its nominee.

Amend Sec. 2 (Sec. 5511), page 2, line 24 by inserting after "[guardian]": mental health and mental retardation

Amend Sec. 2 (Sec. 5511), page 2, line 25 by striking

out "for the mentally retarded" and inserting: and in the case of a petition alleging infirmities of old age, the administrator of the area agency on aging, or his nominee

Amend Sec. 2 (Sec. 5511), page 2, line 27 by inserting after "[guardian]": mental health and mental retardation

Amend Sec. 2 (Sec. 5511), page 2, line 27 by inserting after "ADMINISTRATOR,": or his nominee, or the administrator of the area agency on aging, or his nominee

Amend Sec. 2 (Sec. 5511), page 2, line 28 by inserting after "retarded": or aged

Amend Sec. 2 (Sec. 5511), page 2, line 29 by inserting a bracket before "The"

Amend Sec. 2 (Sec. 5511), page 3, line 1 by inserting a bracket after "objects."

Amend Sec. 2 (Sec. 5511), page 3, line 24, by inserting between brackets before and after "Upon" and inserting immediately thereafter: After

Amend Sec. 2 (Sec. 5511), page 3, line 25, by inserting brackets before and after "may" and inserting immediately thereafter: shall

Amend Sec. 2 (Sec. 5511), page 3, line 25, by inserting after "physician": , psychologist or other appropriate professional

Amend Sec. 2 (Sec. 5511), page 4, line 20 by removing the comma after "INCOMPETENT" and inserting a semicolon

Amend Sec. 2 (Sec. 5511), page 4, line 27 by striking out "may" and inserting: shall

Amend Sec. 2 (Sec. 5511), page 4, line 28 by inserting after "him.": The alleged incompetent shall not be called as a witness without his prior consent and shall have the right to confront and cross examine all witnesses and to present evidence on his own behalf.

Amend Sec. 3, page 5, line 11 by inserting after "20": , the introductory paragraph of section 5515 amended December 10, 1974 (P. L. 867, No. 293),

Amend Sec. 3 (Sec. 5515), page 5, lines 18 through 23 by striking out all of said lines and inserting:

The provisions relating to a guardian of an incompetent and his surety shall be the same as are set forth in this code relating to a personal representative or a guardian of a minor and their sureties, with regard to the following:

Amend Sec. 3 (Sec. 5517), page 6, line 23 by striking out "may" and inserting: shall

Amend Sec. 3 (Sec. 5517), page 6, line 24 by inserting after "review": shall be conducted in the manner prescribed for the initial petition in section 5511 (relating to petition and hearing; examination by court-appointed physician) and

Amend Sec. 3 (Sec. 5517), page 6, line 25 by inserting after "reevaluation": as specified in section 5511

Amend Sec. 3 (Sec. 5517), page 6, line 26 by inserting after "[guardian]": mental health and mental retardation

Amend Sec. 3 (Sec. 5517), page 6, line 26 by inserting a period after "ADMINISTRATOR"

Amend Sec. 3 (Sec. 5517), page 6, line 26 by striking out "for the mentally retarded."

Amend Sec. 4 (Sec. 5519), page 7, line 14 by removing the comma after "INCOMPETENT" and inserting a semicolon

Amend Sec. 4 (Sec. 5519), page 9, by inserting between lines 4 and 5:

(4) Short-term plenary limited guardianship. In the event that the alleged incompetent may require plenary or limited guardianship for a short-term or one time decision, the court may designate the time limits based on the nature of the circumstances and situation.

Amend Sec. 4 (Sec. 5519.1), page 9, line 21 by striking out "guardian for the mentally retarded" and inserting: mental health and mental retardation administrator

Amend Sec. 4 (Sec. 5519.1), page 9, by inserting between lines 22 and 23:

(7) The administrator of the area agency on aging or his nominee.

Amend Sec. 4 (Sec. 5519.1), page 9, line 23 by striking out "(7)" and inserting: (8)

Amend Sec. 4 (Sec. 5519.1), page 9, by inserting between lines 24 and 25:

(9) In cases where the county mental health and men-

tal retardation administrator or the administrator of the area agency on aging is the petitioner, they shall only be selected as guardians as a last resort after reasonable efforts have been made to secure the services of the other enumerated persons.

Amend Sec. 6 (Sec. 5526), page 10, line 22 by striking out "When" and inserting: At least semi-annually or when

Amend Sec. 6 (Sec. 5526), page 10, line 30, page 11, lines 1 through 3 by striking out "UNLESS OTHERWISE DIRECTED BY THE COURT, A GUARDIAN OF" line 30, page 10 all of lines 1 through 3 on page 11 and inserting: except that the county mental health and mental retardation administrator or the administrator of the area agency on aging shall be served copies where appropriate. Such report shall include:

Amend Sec. 7 (Sec. 5531), page 12, line 10 by inserting brackets before and after "or" where it appears the first time and inserting immediately thereafter: and

Amend Sec. 7 (Sec. 5531), page 12, line 10 by inserting brackets before and after "earlier time or" and inserting immediately thereafter: other

Amend Sec. 7 (Sec. 5531), page 12, line 11 by removing the period after "court" and inserting: , but at least semi-annually.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. These amendments are agreed to, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

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

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

Amend Sec. 1 (Sec. 5501), page 1, line 14 by inserting after "RETARDATION,": developmental disability

Amend Sec. 2 (Sec. 5511), page 2, line 14 by striking out "mental retardation" and inserting: developmental disability

Amend Sec. 2 (Sec. 5511), page 2, line 15 by striking out "mentally retarded" and inserting: developmentally disabled

Amend Sec. 2 (Sec. 5511), page 2, line 24 by striking out "mental retardation" and inserting: developmental disability

Amend Sec. 2 (Sec. 5511), page 2, line 25 by striking out "mentally retarded" and inserting: developmentally disabled

Amend Sec. 2 (Sec. 5511), page 2, line 28 by striking out "retarded" and inserting: developmentally disabled

Amend Sec. 2 (Sec. 5511), page 4, line 8 by striking out "MENTAL RETARDATION" and inserting: developmental disability

Amend Sec. 3 (Sec. 5517), page 6, line 25 by striking out "mentally retarded" and inserting: developmentally disabled

Amend Sec. 3 (Sec. 5517), page 6, line 26 by striking out "mentally retarded" and inserting: developmentally disabled

Amend Sec. 4 (Sec. 5519), page 7, line 7 by striking out "MENTAL RETARDATION" and inserting: developmental disability

Amend Sec. 4 (Sec. 5519.1), page 9, line 21 by striking out "guardian for the mentally retarded" and inserting: administrator for the developmentally disabled

Amend Sec. 6 (Sec. 5526), page 11, lines 1 and 2 by striking out "MENTAL RETARDATION" and inserting: developmental disability

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

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

Mr. TADDONIO. Mr. Speaker, one of the definitions covered under the bill is "mentally retarded." What this amendment would do would be to extend the definition of the term to "developmentally disabled."

The reason for this is the fact that the bill is to cover the same people we think of as mentally retarded, but because of the legalistic implications of the medical diagnosis of mentally retarded, it has the effect of excluding many of the citizens whom we would like to include under this bill.

The mentally retarded comprise only 1 of perhaps 100 categories of developmentally disabled citizens of this Commonwealth who are in need of this kind of legal guardianship.

Take Western State School and Hospital, for example. Only 36 percent of the individuals there have mental retardation designated as the prime reason for their institutionalization. The balance have brain damage, autism, specific learning disabilities, and other neurological impairments as the prime reason for their institutionalization. The same ratio applies in the community concerning others who are covered by the provisions of the Mental Health and Mental Retardation Act of 1966.

Another discriminatory right-to-education situation will be created if this legislation is passed in its present form. Parents who do not wish to come under provisions for the mentally retarded, insofar as their multiple and otherwise handicapped children are concerned, will find themselves having to fight another 4-year battle to extend the provisions of the legislation to cover their dependents as well.

Mr. Speaker, I submit this amendment and I urge a "yes" vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. I suggest that the House would agree with the amendments, unless there are objections. We have none as sponsors of the bill.

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

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

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

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

YEAS—176

Abraham	Gallen	Manndler	Scheaffer
Anderson, J. H.	Garzia	McCall	Schmitt
Arthurs	Geesey	McClatchy	Schweder
Barber	Geisler	McGinnis	Scirica
Bellomini	George	McLane	Seltzer
Bennett	Giammarco	Mebus	Shane
Boren	Gillespie	Menhorn	Shelhamer
Berlin	Gillette	Mitanovich	Shelton

Berson	Goodman	Miller, M. E.	Shuman
Bittle	Greenfield	Miller, M. E., Jr.	Shupnik
Bonetto	Grieco	Milliron	Sirianni
Bradley	Halverson	Miscevich	Smith, E.
Brunner	Hamilton, J. H.	Moehlmann	Smith, L.
Burns	Hasay	Morris	Spencer
Butera	Haskell	Mrkonjc	Stahl
Caputo	Hayes, S. E.	Mullen, M. P.	Stapleton
Cessar	Hepford	Mullen	Stout
Cianciulli	Hill	Musto	Taddonio
Cimini	Hopkins	Novak	Taylor
Cohen	Hutchinson, A.	Noye	Thomas
Cowell	Hutchinson, W.	O'Brien	Toll
Crawford	Irvis	O'Connell	Trello
Davies	Itkin	O'Keefe	Turner
DeMedio	Johnson, J.	Pancoast	Ustynoski
Deverter	Katz	Parker, H. S.	Vroon
DeWeese	Kelly, A. P.	Perrl	Wansacz
Dicario	Kelly, J. B.	Perry	Wargo
DiDonato	Kernick	Petrarca	Weidner
Dietz	Kistler	Pitts	Westerberg
Dintnui	Klingaman	Polite	Whelan
Dombrowaki	Knepper	Pratt	Wiggins
Dorr	Kolter	Prendergast	Wilson
Doyle	Kowalyszyn	Pyles	Wilt, R. W.
Dumas	Kusse	Ravenstahl	Wilt, W. W.
Eckensberger	LaMarca	Reed	Wojdak
Englehart	Laudadio	Renninger	Worrtlow
Fawcett	Laughlin	Renwick	Wright
Fee	Lederer	Richardson	Yohn
Fischer	Lehr	Rieger	Zearfoss
Fisher	Letterman	Ross	Zeller
Flaherty	Levi	Ruggiero	Zwikel
Foster, A.	Lincoln	Ryan	
Freind	Logue	Saloom	Fineman,
Fryer	Lynch	Salvatore	Speaker
Gallagher	Manderino		

NAYS—3

Brandt	McCue	Wagner
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NOT VOTING—24

Cole	Green	Myers	Ritter
Cumberland	Gring	O'Donnell	Valicenti
Dreibelbis	Hammock	Oliver	Walsh, T. P.
Foster, W.	Hayes, D. S.	Plevsky	Williams
Gleason	McGraw	Rappaport	Yahner
Gleason	McIntyre	Rhodes	Zord

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

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

LOCAL GOVERNMENT BILL ON
THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 2044, printer's No. 2621, entitled:

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.

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—166

Abraham	Gallagher	McGinnis	Schmitt
Anderson, J. H.	Gallen	McIntyre	Schweder
Arthurs	Garzia	McLane	Scirica
Barber	Geesey	Mebus	Seltzer

Bellomini	Geisler	Menhorn	Shane
Bennett	George	Milanovich	Shelhamer
Beren	Giammarco	Miller, M. E.	Shelton
Berlin	Gillespie	Miller, M. E., Jr.	Shupnik
Berson	Gillette	Milliron	Sirianni
Bittle	Goodman	Miscevich	Smith, E.
Bonetto	Greenfield	Moehlmann	Smith, L.
Bradley	Grieco	Morris	Spencer
Brandt	Hamilton, J. H.	Mullen	Stahl
Brunner	Hepford	Mullen, M. P.	Stapleton
Burns	Hill	Musto	Stout
Butera	Hopkins	Myers	Taddonto
Caputo	Hutchinson, A.	Novak	Thomas
Cessar	Hutchinson, W.	Noye	Toll
Cimini	Irvis	O'Brien	Trello
Cohen	Itkin	O'Connell	Turner
Cowell	Katz	O'Keefe	Ustynoski
Crawford	Kelly, A. P.	Pancoast	Vroon
Davies	Kelly, J. B.	Parker, H. S.	Wagner
DeMedio	Kernick	Perri	Wansacz
Deverter	Kistler	Perry	Wargo
DeWeese	Klingaman	Petrarca	Weidner
Dicarlo	Knepper	Pitts	Westerberg
DiDonato	Kolter	Polite	Whelan
Dininni	Kowalshyn	Pratt	Wiggins
Dombrowski	LaMarca	Prendergast	Wilson
Dorr	Laudadio	Pyles	Wilt, R. W.
Doyle	Laughlin	Ravenstahl	Wilt, W. W.
Dumas	Lederer	Reed	Wojdak
Eckensberger	Lehr	Renninger	Worrilow
Englehart	Letterman	Renwick	Wright
Fawcett	Lincoln	Richardson	Yohn
Fee	Logue	Rieger	Zearfoss
Fisher	Lynch	Ross	Zeller
Flaherty	Manderino	Ruggiero	Zwikl
Foster, A.	Manmiller	Ryan	
Freind	McCall	Salvatore	Fineman,
Fryer	McClatchy	Scheaffer	Speaker

NAYS—13

Dietz	Haskell	Levi	Saloom
Fischer	Hayes, S. E.	McCue	Shuman
Halverson	Kusse	Mrkonic	Taylor
Hasay			

NOT VOTING—24

Cianciulli	Gleeson	McGraw	Ritter
Cole	Green	O'Donnell	Valicenti
Cumberland	Gring	Oliver	Walsh, T. P.
Dreibelbis	Hammock	Pievsky	Williams
Foster, W.	Hayes, D. S.	Rappaport	Yahner
Gleason	Johnson, J.	Rhodes	Zord

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

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

**STATE GOVERNMENT BILL ON
THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 33, printer's No. 1559**, entitled:

An Act amending the act of September 30, 1961 (P. L. 1778, No. 712), entitled "Lobbying Registration Act," revising the laws relating to lobbying and imposing penalties.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 2), page 6, line 28, by inserting after "TRAVEL,": other than to and from Harrisburg,

Amend Sec. 1 (Sec. 2), page 6, line 30, by inserting after "LOBBYING,": Expenses shall not be construed to mean the salaries or fees paid to or received by a lobbyist or the cost of a lobbyist maintaining office space.

Amend Sec. 1 (Sec. 2), page 7, lines 21 through 30, by

striking out "ENGAGE IN LOBBYING" in line 21 and all of lines 22 through 30; by striking out all of said lines and inserting:

(i) Is employed or engaged for compensation, by any other person or any partnership, committee, association, corporation or any other organization to advocate the passage or defeat of legislation by the General Assembly of the Commonwealth of Pennsylvania; or to advocate the approval or veto of legislation by the Governor or his staff or to advocate the officers or employes of any agency that the agency take or refrain from taking any formal action.

(ii) Any natural person who makes expenditures or incurs obligations in excess of three hundred dollars (\$300) in any month to advocate the passage or defeat of legislation by the General Assembly of the Commonwealth of Pennsylvania; or to advocate the approval or veto of legislation by the Governor or his staff; or to advocate the officers or employes of any agency that the agency take or refrain from taking any formal action.

(c) No person should be deemed a lobbyist who is an officer or employe of the Commonwealth or any political subdivision and is acting in his official capacity or solely because such person testifies before a committee of the General Assembly or solely because such person appeals as an attorney or a witness at a hearing open to the public held by any agency.

Amend Sec. 1 (Sec. 3), page 8, line 24, by striking out the bracket before "PARTNERSHIP,"

Amend Sec. 1 (Sec. 3), page 8, lines 26 and 27, by striking out "[] OR PERSONS BY WHOM HE IS COMPENSATED,"

Amend Sec. 1 (Sec. 3), page 8, line 30, by inserting a bracket before "AND"

Amend Sec. 1 (Sec. 3), page 8, line 30, page 9, line 1, by striking out "OR PERSONS IN WHOSE INTEREST HE HAS OR WILL ENGAGE IN LOBBYING," and inserting: the approval or veto of legislation, or the taking or refraining from taking of any formal action by an agency, its officers and employes and

Amend Sec. 1 (Sec. 3), page 9, line 1, by inserting a period after "EMPLOYMENT"

Amend Sec. 1 (Sec. 3), page 9, lines 1 through 3, by striking out "AND A BRIEF" in line 1, all of lines 2 and 3

Amend Sec. 1 (Sec. 3), page 9, lines 9 through 15, by striking out all of said lines

Amend Sec. 3 (Sec. 3), page 9, lines 23 through 30; page 10, lines 1 through 30; page 11, lines 1 through 5, by striking out "EVERY LOBBYIST REQUIRED TO" in line 23 all of lines 24 through 30; page 9; all of lines 1 through 30; page 10; all of lines 1 through 5, page 11 and inserting: Every lobbyist required to register in accordance with the provisions of section 3, shall within fifteen days after the end of each quarter of the calendar year file with the Chief Clerk of the House of Representatives and the Secretary of the Senate a sworn statement of the expenditures made and obligations incurred by him or any agent in connection with or relative to his activities as such lobbyist for the preceding quarter of the calendar year or fraction thereof. Such statements should separately state amounts spent for (i) travel other than travel to and from Harrisburg, (ii) meals, (iii) entertainment, (iv) the cost of communication to the General Assembly or to the Governor or his staff or to an agency, and (v) other expenditures connected with lobbying. In addition to stating the expenses incurred, the sworn statement shall identify by name and position any elected or appointed official or any other employe of the Commonwealth of Pennsylvania who receives any pecuniary benefit in connection with such lobbying in excess of three hundred dollars (\$300) in a calendar year as a result of expenses paid or obligations incurred by the lobbyist or his agent.

Amend Sec. 3 (Sec. 3), page 11, line 6, by striking out "D" and inserting: (b)

Amend Sec. 1 (Sec. 3), page 11, lines 12 through 23, by striking out "IT SHALL BE A" in line 12, all of lines 13 through 23

Amend Sec. 4 (Sec. 7.3), page 12, lines 14 through 29, by striking out all of said lines

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

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

Mr. ENGLEHART. Mr. Speaker, this is the lobbyist registration bill, and I have a rather complicated and long set of amendments which I would like to explain as briefly as possible.

The first amendment concerns page 6, the definition of expenses which must be reported by the individual lobbyist. Under my amendment, the expenses that would have to be reported would include travel expense outside the city of Harrisburg and not travel expense from wherever they live into Harrisburg, meals, entertainment, the cost of communication to the General Assembly, and any other expenses they incur. But it would not include their salaries or what they are paid by their employers; it would not include their office space maintenance and their secretaries.

The reason for the latter is that probably 99 percent of the people who lobby in the state capital do not lobby full time. In other words, for instance, the executive director of the Chamber of Commerce has many other duties to perform other than lobbying, and we would just create a nightmare to try to tell him or anyone else in the same category to segregate what part of his salary and office expense is connected with lobbying and what part is connected with his other duties as director of a statewide organization.

The second change comes on page 7 where we define what a lobbyist is. I do not really think the wording that we have chosen is any different from the wording of Senate bill No. 33. However, Senate bill No. 33 did make changes in the language under the definition we have been using for about 3 years, and we hesitate to start changing definitions for fear it is an attempt to bring someone in as a lobbyist whom we do not consider a lobbyist.

It is possible, under Senate bill No. 33 as written, that a president of a company in your district, who did not like one particular bill and wrote to several members of the legislature about it, could have been called a lobbyist. What we are trying to do is register the people who are employed by people or persons or corporations in the state to come to Harrisburg to influence legislation in the halls of the legislature, to persuade the Governor to veto or not veto bills, or to go to the Public Utility Commission or the Workmen's Compensation Board or the Labor Relations Board and persuade them to change regulations. When these people are paid to do this, we feel they should register so the public knows that they are here and why they are here and whom they are here for.

So we are returning to the original definition of a lobbyist as it always was—someone who, for compensation, advocates the approval of legislation or a veto by the Governor or a regulation by an agency. Then we have added any person who is not compensated for this type of work but who comes to Harrisburg and spends more than \$300 in a month doing it.

If the League of Women Voters or Common Cause, who do not work for pay, come to Harrisburg and spend more than \$300, then it would be correct that they register as a lobbyist even though they are not paid.

We have excluded from the definition of a lobbyist any employee of either the state government or any political subdivision who, in the course of official duties, comes to Harrisburg and attempts to influence legislation.

I know that this may be controversial. We feel that the public is interested in the persons who are down here for pay, trying to influence legislation, who do it either by entertaining legislators or by taking them somewhere to conventions, or whatever. We do not feel that the public is outraged by the fact that the state government, the Department of Labor, for instance, has someone in our halls talking to us about legislation. After all, it is a part of their job too. We are a cooperative group, between the executive and the legislature. We need the help of the executive branch to tell us when we are right and when we are wrong, and we often disagree with them. But I do not think that it comes as any shock to the public that there are people in state government who talk to us about legislation. That is the way it should be. A mayor of a city certainly has the right to come to Harrisburg and attempt to get things done for his city. The public is not outraged by it; they know it is going on. He does not come up and take us all to Lombardo's or to dinner or anything like that, but they are persuasive sometimes and sometimes they are not. So, we have excluded from the definition any employe of any government if he is doing it in the official course of his duties.

On page 8 comes the next change as to what the lobbyist is required to report. If the amendment passes, every 3 months the lobbyist is required to file a report with the chief clerk of the House or the chief clerk of the Senate, a statement of the expenses that he incurs in lobbying divided between his travel expense outside of Harrisburg, the meal expense, the entertainment expense, and the cost of communication expense. He is also required to register initially, giving his name and address and the name and address of the people who have hired him.

We have excluded from the requirement that he has to put in his initial registration a statement of what he is going to lobby about. We feel that this information is so obvious that there is no sense in putting it in the bill. If the Home Builders hire a person to come and lobby and he registers his name and his employer is the Home Builder, it is quite obvious that he is going to be lobbying on anything affecting the home-building industry. The Chamber of Commerce is going to lobby on anything that is affecting business; the AFL-CIO is going to lobby on anything affecting labor. If you put the requirement in that they tell what they are going to lobby about, that is exactly what they are going to say, and it is going to get into a gray area and create a nightmare for someone to come along and say, well, wait a minute, maybe that does not affect labor and maybe it does. We think that information is self-evident.

The next change comes on page 9 where there was a requirement that if a lobbyist did not register in accordance with the act, the employer was subject to a criminal penalty if he did not get him to register.

We think that the penalty in itself on a lobbyist who fails to comply and fails to register and fails to report is sufficient to guarantee that it will be done. If he fails, it is a misdemeanor; it is punishable by a heavy fine, possibly by jail sentence, plus he is sentenced by not being permitted to lobby for 3 years. We think that

penalty is sufficiently steep. Besides that, if an organization has an office in Pittsburgh, he really does not know if his lobbyist has registered; he has to assume that he did it right. It is up to us here in the legislature and those involved to be sure that he did it. So we do not think that it makes any sense for the employer to require the registration. The penalty on the lobbyist himself is sufficient.

On page 9 and 10, I just discussed what the reporting would be and what expenses he would have to report, but we have made one change. If a lobbying group spends on an individual—whether it is a member of the House or Senate, someone in the Governor's office or someone on a board or commission of the State—more than \$300 a year on that person, he must then report the name of the person and the amount that he spent. I do not know for sure whether \$300 is the right amount or not, but I can tell you what we are trying to do.

The lobbying group that takes people to Florida to play golf for a couple of weeks or to Bermuda in the winter and calls that lobbying is obviously going over \$300. We have no quarrel with the public knowing that they have been there and who went and who took them and why. But the occasional dinner meeting, the occasional dinner at the Penn Harris, where one organization will put a dinner on for all of us, we do not think that it is necessary to itemize the names of those who are involved. As a matter of fact, we will do nothing but actually prejudice legislation if this occurs, because someone could get the idea that simply because you had dinner with a lobbyist to discuss legislation and 2 weeks later you happen to vote in favor of his bill, which might have been very good, you were influenced by the fact that you went to dinner. I would hope that out of 203 in this chamber and 50 on the other side that no one yet has been persuaded by a simple dinner to either vote "yes" or "no" on any bill.

The last change comes on page 12, where Senate bill No. 33 permitted a civil action by anyone in the Commonwealth to enforce the provisions of the act. By the filing of a \$2,000 bond in Commonwealth court, any individual in the state can come in and try to enforce the act.

It might sound like a good idea, but nowhere that I know of in any criminal statute in Pennsylvania does this type of action exist. The Commonwealth court is already overloaded, from what we have heard. We have bills pending in Judiciary Committee to straighten out their jurisdiction. This adds problems to their calendars, but like any other criminal statute, it is the function of the attorney general and the district attorneys and the law enforcement agencies of the state to enforce criminal statutes. There are severe criminal penalties in the act, and any lobbyist who disobeys them is going to be subjected to the penalties, but we do not think that any individual in the state, by the filing of a \$2,000 bond, should be permitted to start trying to enforce criminal acts. I urge support of the amendments.

PARLIAMENTARY INQUIRY

AMENDMENTS DIVIDED

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

Mr. WILSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON. Mr. Speaker, I believe the amendment of the gentleman, Mr. Englehart, can be divided.

I would so request that it be divided as follows: On page 1 of his amendment, I would ask that the section designated as "c" be voted separately from the remainder?

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

The section designated as "c"—that is the third paragraph beginning with "no person" and ending with the word "agency"?

Mr. WILSON. That is affirmative.

The SPEAKER. All right, the Chair will accept that division.

Mr. WILSON. Mr. Speaker, I would ask the Chair, which of the now divided sections you would ask this House to vote on first?

The SPEAKER. Is the gentleman accepting that one provision?

Mr. WILSON. Yes.

The SPEAKER. Are you dividing this amendment into two parts?

Mr. WILSON. I have asked that it be divided into two parts?

The SPEAKER. Section "c" and then the remainder of the amendment?

Mr. WILSON. Yes, sir.

The SPEAKER. Okay.

The Chair will ask the membership to vote first on the balance of the amendment.

Mr. WILSON. May I be recognized, Mr. Speaker?

The SPEAKER. On the balance of the amendment?

Mr. WILSON. On the balance.

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

Mr. WILSON. Mr. Speaker, would the gentleman, Mr. Englehart, consent to interrogation?

The SPEAKER. Would the gentleman, Mr. Englehart, consent to interrogation?

Mr. ENGLEHART. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. WILSON. Mr. Speaker, you have done major surgery on this, so I am going to attempt to catch up with the impact of the amendment as you now describe it.

On page 8, if you would, line 30, I have gotten your amendment to now say that everything after "and" would be eliminated. In other words, "or persons in whose interest he has or will engage in lobbying." Is that correct? Your amendment removes that line and description as to the registration of a lobbyist?

Mr. ENGLEHART. That is correct. That particular line is eliminated, because up above it the language that had formerly been stricken has been reinserted.

The intent of our amendment on page 8 is to require the lobbyist to register his own name and address and the name and address of any person, partnership, committee, association, corporation or any other organization for whom he is employed.

Mr. WILSON. In other words, "person" would be now back in it and included? In other words, if he was representing or lobbying for a person, that would be back in?

Mr. ENGLEHART. That would be back in, that is correct. Plus any partnership, corporation or organization.

Mr. WILSON. On page 9, am I correct in assuming that everything on lines 23 through 30 and all of the next page is eliminated?

Mr. ENGLEHART. That is correct, and that has been replaced by the language on the second page of my amendment that begins, "every lobbyist required to register," et cetera.

Mr. WILSON. Okay.

I thank the gentleman. I just wanted to clear up what we are doing here. It is quite an extensive amendment.

Mr. Speaker, if I may, on the amendment.

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

Mr. WILSON. I would urge the House to oppose this amendment. In general, I think what we are doing here in this amendment is really just offering some pabulum in order to get a lobbyist bill passed. I really do not think that the effort is now going to be as tight as it should be and as tough as it should be. I do not think that the disclosures are going to be as good as they should be. I realize that it is perhaps slightly tighter than the law we have at the current time. But, as I read through it here, there are many sections that are definitely weakened, and I think that this General Assembly should oppose it. I cannot be more definitive because of the complexity of the issue, but what we have done here and what we are intending to do or what the gentleman is intending to do is gut the bill and offer a much weakened offering that would register the lobbyist. I would urge a "no" vote on it.

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

Mr. O'CONNELL. Mr. Speaker, I rise in support of the amendments. There has been a lot of consideration given to them. They are reasonable, and it has been to some degree a compromise. They are acceptable and they are workable within the limits that we would like to have considered by this House. To make them extremely stringent and to create a lot of additional problems does not really accomplish what we would like to do. This is a beginning and it is a decent beginning. It will accomplish what a lot of people in this House would attempt to accomplish and would like to see done. I, therefore, respectfully request support of the amendment.

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

Mr. REED. Mr. Speaker, I would urge the membership to reject the balance of the amendment on which we shall first vote, generally for the reasons expressed by Mr. Wilson. Some of the particular points which he did not allude to refer to the fact that the criminal penalties would be removed. There is, of course, generally throughout Senate bill No. 33, a substantial weakening of the intent of the legislation by adopting the balance of the amendment.

Specifically, I note the reference in the very beginning, "expenses shall not be construed to mean salaries or fees paid to or received by a lobbyist with the cost of the lobbyist maintaining space."

I think that it is incumbent upon us to know all the expenses that are connected with the representation of any special interest in Harrisburg, including those expenses which this amendment would exclude. I do not think that Mr. O'Connell is correct when he says that we

would be doing some improvement; it is a decent beginning. I think that we have an opportunity with the present Senate bill No. 33 in its present language, and therefore not the language of the amendment, to take a substantial and decisive step in a way in which I am sure that the public would applaud us. I think few people in this Commonwealth are impressed with the manner in which public interest and special interest engage in a constant and daily tug of war, particularly when the legislature is in session. It is no secret that many bills move in committee, come to the floor, get voted upon, get moved just generally in the legislative process, because somebody is helping to shepherd that bill. I do not specifically object to that shepherding or as we call it, "lobbying," except when it exceeds certain bounds where the special interest overrides public interest. Indeed the Constitution guarantees the right of any group or class of people or organization or interest to represent themselves in a free manner in a democratic process.

I think, though, that the amendment is aimed at taking some of the teeth out of the bill. It would be making a serious mistake if we were to adopt it.

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

Mr. SHANE. Mr. Speaker, I take bigger exception to some of the points that were made by the immediately prior speaker. I fervently believe that persons should lead by their example, not by their words. Secondly, I see some wisdom in the biblical maxim that says, "remove the log from your own eye before you remove the mote from your brother's eye." Therefore, on the matter of disclosure of income and expenses, I feel that it is outrageously hypocritical for us as legislators to expect lobbyists to reveal their total sources of income before we are willing to make such a public disclosure ourselves.

I feel the aura of self-righteousness that prevails around this point is almost stifling and I therefore think that this is a very practical amendment that balances the needs for reform in this area against the practicalities of implementing that reform. I do not feel, frankly, we should expect lobbyists to reveal all their sources of income until we ourselves are willing to do that. We should take the first step, if there is to be a first step taken in this area, and set the example and then require others to follow us. I feel that this amendment will make this bill much more workable and I urge all members to support it.

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

Mr. ZELLER. Mr. Speaker, I was kind of shocked to hear the last speaker mention that because last session I may have heard different words.

The thing is that section (c) which is amending section 1, page 7, says that "No person should be deemed a lobbyist who is an officer," and so on and so forth, "of the Commonwealth . . ."

The SPEAKER. The Chair would bring to the attention of the gentleman that we are now on the balance of the amendment. That amendment is not before the House at the moment.

Mr. ZELLER. Then can I refer to the fact that I want to see the whole entire—

The SPEAKER. The amendment has been divided, Mr. Zeller.

Mr. ZELLER. You have divided the amendment. Which one are you on?

The SPEAKER. We are on the balance of the amendment, which does not include paragraph (c), beginning with the words "No person should," and ending with the words "any agency."

Mr. ZELLER. In other words, I cannot even comment on it then?

The SPEAKER. The amendment is not before the House at the moment.

Mr. ZELLER. Okay. We will work it over later. Thank you.

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

Mr. O'CONNELL. Mr. Speaker, I concur with Mr. Shane, and the remarks of Mr. Reed are somewhat questionable.

I contend that this will go a long way to helping and assisting legitimate lobbyists. I consider most of them whom I have contact with in this House to be legitimate. Therefore, I do not think that this affects them.

Now, if you are speaking of the shady guy, you are never going to get him, and all the laws that you can ever enact are not going to get him.

So, what you are really doing is protecting persons. You are protecting the legislature and you are protecting the public. Those people who are involved in lobbying in an advocacy way for legislation or in opposition to it will be properly recorded as will their expenses. I think this is a fair and legitimate approach to a very difficult problem.

PARLIAMENTARY INQUIRY

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

Mr. W. W. WILT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. W. W. WILT. We are on paragraph (c) of Mr. Englehart's amendment. Is that correct?

The SPEAKER. No. We are on the balance of the amendment which excludes paragraph (c).

Mr. W. W. WILT. I am sorry. Excuse me.

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

Mr. WILSON. Mr. Speaker, I would just like to make a comment for the gentleman from Indiana, Mr. Shane, that I suppose I could call for this amendment because I have disclosed my sources of income. Maybe he should too.

The SPEAKER. That remark is entirely out of order. The gentleman knows that.

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

Mr. O'CONNELL. I have no further comments, Mr. Speaker.

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

Mr. ENGLEHART. Can I make one very brief comment about the comments of the gentleman, Mr. Reed?

I may have misheard him, but I thought he said we are trying to eliminate the criminal penalty in the statute. We are not. That is being left in here. It is still a mis-

demeanor, punishable by a fine of, I think, \$1,000, 3 months in jail, plus disqualification from being a lobbyist for 3 years.

Secondly, on the subject of salaries, the real problem is the one that I explained about the executive director, say, of the Keystone Coal Producers, who has many other functions other than lobbying. In a year when there is a lot of coal legislation pending in here, he may spend 3 or 4 months of his time in Harrisburg. In a year in which there was none, he may not be lobbying.

What you do is put up to the public a false image that in 1 year his salary was \$8,000 for lobbying, while the next year suddenly it got down to \$200. He has many other things to do, and we all know that.

The point the public wants to know is not how much the man makes, out of an ugly desire to see his income tax return: the point is, how much does he spend down here? That requirement is left in. What they spend down here will still be reported.

On the question,

Will the House agree to the balance of the amendments?

The yeas and nays were required by Messrs. ENGLEHART and WILSON and were as follows:

YEAS—151

Anderson, J. H.	Geisler	McClatchy	Scheaffer
Arthur	George	McGinnis	Schmitt
Barber	Giammarco	McLane	Schweder
Bellomini	Gleeson	Mebus	Seltzer
Bennett	Goodman	Milanovitch	Shane
Berlin	Greenfield	Miscevich	Shelhamer
Bittle	Grieco	Mochlmann	Shelton
Bradley	Holverson	Morris	Shuman
Brandt	Hamilton, J. H.	Mrkonic	Shupnik
Brunner	Hepford	Mullen, M. P.	Sirlanni
Butera	Hill	Mullen	Smith, E.
Caputo	Hutchinson, A.	Musto	Smith, L.
Cassar	Hutchinson, W.	Myers	Spencer
Cianciulli	Irvic	Novak	Stahl
Cimini	Johnson, J.	O'Brien	Stout
Cohen	Katz	O'Connell	Taddonio
Crawford	Kelly, A. P.	Pancoast	Taylor
Cumberland	Kelle, J. B.	Parker, H. S.	Thomas
Davies	Kernick	Perri	Toll
DeMedio	Kistler	Perry	Trello
Deverter	Klingaman	Petarca	Turner
DeWeese	Knepper	Plevsky	Ustynoski
DiDonato	Kolter	Pitts	Vroon
Dietz	Kowalyshyn	Polite	Wagner
Dinnini	Kusse	Pratt	Wansacz
Dombrowski	LaMarca	Prendergast	Wargo
Dorr	Laudadio	Pyles	Westerberg
Doyle	Laughlin	Ravenstahl	Whelan
Dumas	Lederer	Renninger	Wiggins
Eckensberger	Lehr	Renwick	Wilt, W. W.
Englehart	Letterman	Rhodes	Wojdak
Fawcett	Levi	Richardson	Worrilow
Fee	Lincoln	Rieger	Yohn
Fisher	Logue	Ross	Zearfoss
Foster, A.	Lynch	Ruggiero	Zwikel
Freind	Manderino	Ryan	
Fryer	Manmiller	Saloom	Fineman, Speaker
Gallagher	McCall	Salvatore	
Garzia			

NAYS—29

Abraham	Geesey	McCue	Scirica
Berson	Gillespie	Menhorn	Stapleton
Burns	Gillette	Miller, M. E.	Weidner
Cowell	Hasay	Miller, M. E., Jr.	Wilson
Dicarlo	Haskell	Milliron	Wilt, R. W.
Fischer	Hayes, S. E.	O'Keefe	Wright
Flaherty	Itkin	Reed	Zeller
Gallen			

NOT VOTING—23

Beren	Green	McIntyre	Valcenti
Bonetto	Gring	Noye	Walsh, T. P.
Cole	Hammock	O'Donnell	Williams
Dreibelbis	Hayes, D. S.	Oliver	Yahner
Foster, W.	Hopkins	Rappaport	Zord
Gleason	McGraw	Ritter	

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

The SPEAKER. The Chair now places before the House the second part of the amendment, which is paragraph (c). The paragraph designated with the small letter "c" in front of it on the first page of the amendment offered by the gentleman, Mr. Englehart.

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

Mr. WILSON. Mr. Speaker, this particular section, I think, is very simple. The members can read paragraph (c) which would, in fact, exclude any Commonwealth employe, political subdivision employe.

The only suggestion I have is that we defeat this. I will offer a subsequent amendment that would more fully describe a public employe who is, in fact, a lobbyist. I would ask the defeat of this section.

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

Mr. ZELLER. Mr. Speaker, I would like to interrogate Mr. Englehart.

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

Mr. ENGLEHART. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ZELLER. Correct me if I am wrong. What if under Act 195, the public employes' collective bargaining and wage agreement, we get hammered by employes who, acting as agents, come into the Capitol here and really work us over? They are receiving public funds. They are covered by an act and now they come in here lobbying. Do these people have to register?

Mr. ENGLEHART. If subsection (c) that we are talking about is enacted, the state employes or the state employes' union representatives who come in and lobby for more money for their salaries would be lobbying under the bill.

It is only when they act in their official capacity that they are not lobbying.

Mr. ZELLER. Thank you.

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

Mr. W. W. WILT. Mr. Speaker, may I interrogate the gentleman from Cambria, Mr. Englehart, please?

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

Mr. ENGLEHART. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. W. W. WILT. Under Senate bill No. 33 as it is presently written, would a person who lobbies for a particular department of state government, with a title of deputy secretary, who attends committee meetings and come to the offices of the various members, would that person be covered under this act? In other words, would they be required to meet the same provisions as a private lobbyist for a private interest?

Mr. ENGLEHART. No, they would not. Under the present wording of Senate bill No. 33, they would not, and under my amendment, they would not. Under Mr. Wilson's amendment, they would be.

Mr. W. W. WILT. Mr. Speaker, I would oppose this amendment. The most aggressive, the most elaborate, lobbying that I have been exposed to in my 14 years in this House has not been from the lobbyist of the private

interest; it has been from the lobbyists from the various departments of state government. I feel that they should be covered. Let us not be phony or false about it. If we are going to control lobbyists, let us try to control all lobbyists. I oppose this.

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

Mr. McCUE. Mr. Speaker, will the gentleman, Mr. Englehart, stand for interrogation?

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

Mr. ENGLEHART. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. McCUE. Mr. Speaker, would this provision under the exceptions include associations of local governments, the employes of the associations of local governments?

Mr. ENGLEHART. If my amendment is adopted, the associations of local governments would be lobbyists, because they are not here in an official capacity. They are here as an association. If my amendment is adopted, the county commissioner, himself, who comes to Harrisburg seeking laws one way or another in his official capacity for his county, is not a lobbyist.

Mr. McCUE. Mr. Speaker, if the county commissioner comes as a county commissioner and an association, but the commissioners are here personally and they are lobbying for an increase in pay for the county commissioners, would they be lobbyists?

Mr. ENGLEHART. They would then be lobbyists because it is not part of their official capacity to get themselves more money. Part of their official duties are to do things for their counties, not for themselves.

Mr. McCUE. Further along that line, Mr. Speaker, when the judges of the Commonwealth of Pennsylvania come to the legislature in support of an increase of pay for judges, are they lobbyists?

Mr. ENGLEHART. The judge would be in the same category as the county commissioner. If he comes down here and lobbies for more money for himself, that is not part of his official duties of being a judge. He would be a lobbyist.

Mr. McCUE. Then to extend it, would it be fair to say in summary that any employe of the Commonwealth or subdivision who comes to Harrisburg for a personal benefit to himself, although he has an official capacity and may be here on an expense account, he would be required to register as a lobbyist? Is that correct?

Mr. ENGLEHART. Well, it does not have anything to do with whether he has an expense account. If he comes here seeking the advocacy of legislation other than in his official capacity, he is a lobbyist, yes.

Mr. McCUE. I thank the gentleman.

Mr. ENGLEHART. But I might have to add one thing now: Under the definition of lobbyist, you have to do this for compensation, or if you come down on your own, you have to spend more than \$300 in a month before you have to register. So that an occasional trip by a single employe, whether it is of a company or a state or a county, is not going to require registration.

Mr. McCUE. Mr. Speaker, then in further clarification, in the case of the judges, supposing the State Association of Judges, or whatever the name is, agrees that one or two judges will come to Harrisburg in that capacity and they will have an expense account and perhaps even pay from the other judges in the Commonwealth, and he does

come down here and he does spend considerable time in trying to accomplish this purpose for the benefit of all the judges in the state, is he a lobbyist?

Mr. ENGLEHART. If he spends more than \$300 in a month, he is a lobbyist. If he is not spending over \$300 a month, he can come down here and talk to us until you know what freezes over. I do not think the public is upset by the fact that he is coming down here trying to get a raise for himself. They know they are here; we know they are here. The disease is, who is trying to buy us? That is what the bill covers.

Mr. McCUE. The other part of the question is on the compensation. If he receives compensation from his fellow associates, that would also include him.

Mr. ENGLEHART. If he gets compensation from his associates now, he is a lobbyist regardless. That is correct.

Mr. McCUE. I thank the gentleman.

The SPEAKER. The Chair recognizes the minority leader

Mr. BUTERA. Mr. Speaker, I rise in opposition to this part of the amendment.

We had a rather lengthy debate on this subject in the last session. I believe the bill which we passed regulating lobbyists, which died in the Senate, included a definition of inclusion of governmental lobbyists as those having to register. Most of us, I think, if polled in this House, and if we were asked in that poll to list the most effective or influential lobbyists, would include in our top three or top five categories, governmental lobbyists. We all know that to be a fact.

I believe in a recent poll by both major Philadelphia newspapers, those of us who responded to those questions so concluded that the governmental lobbyists were among those most influential. The problem with it is that the public does not even know they exist because they do not have to register, and the public is paying them.

It surprises me that there is any question, when we look at the pure definition of "lobbyist" or that we would even suggest that we not include those who are paid by funds that we appropriate.

The system which has developed, which has permitted the executive branch to run wild in the area of paid lobbyists to lobby the legislature is one which evolved over many, many years. It behooved the executive branch to fill a gap which existed when the legislature was understaffed, undermanned and could not cope with the myriad of problems that we are expected to cope with.

We have reversed that in the last 5 or 6 years to a point where, I think, we are adequately staffed. We do have adequate sources of information, and we no longer have to rely on the executive and the executive departments for the information which they properly provide for us.

We should place the executive lobbyists in their proper perspective. We should alert ourselves in the process of categorizing the governmental lobbyists the way they should be categorized, and that is, as a lobbyist. There is nothing wrong with being a lobbyist. We would alert ourselves as to how much money we are appropriating each year to be lobbied.

That is exactly what we are doing, and I think in obscuring this particular facet of any executive budget, we are doing ourselves a great disservice.

I think we are certainly at a point where we no longer need as many lobbyists as the executive employs. And I think we also have an obligation to disclose or have disclosed how many people are actually on the these kinds of payrolls.

It is beyond me that the legislative branch of government would not unanimously or almost unanimously agree to properly categorize the executive branch of government, particularly when they are, I think, the most effective lobbyists in that they produce the most pressure.

We have all seen it on so many issues. I just think that we are making a big mistake if we do not take this opportunity to force these people out into the open for our own benefit and for the public's knowledge.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Turner.

Mr. TURNER. I rise to oppose section (c) of the amendment and would desire to make some comments, please.

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

Mr. TURNER. Mr. Speaker, on or about February 27, 1976, I made a request of the Governor's office for a list of the recognized lobbyists in the state government operation. I have here in my hand a list of recognized lobbyists in most every branch or department of this Commonwealth. The list amounts to more than 30 people who, in the minds of the Governor's office, are lobbyists. I submit to you that I would almost be absolutely sure, if not sure, that each one of these individuals makes more than \$300 a month. Now, if their sole purpose is to influence legislators on their particular areas of concern, then I submit to you, Mr. Speaker, that they are lobbyists and should be included in this bill.

I subscribe to the comments of the minority leader when he said they, the departments, have a whale of a lot more influence on me and my constituents back home than any oil people, any gas people, any power people ever had. They are the people who can make it right or wrong with you and with your constituents back home.

I submit to you that these people are lobbyists and they should be in this bill, and if we do not do this, I think it is a real dereliction of duty and responsibility on our part not to include them. I firmly oppose section (c) where these people are exempt.

Thank you, Mr. Speaker.

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

Mr. ZEARFOSS. Mr. Speaker, would Mr. Englehart consent to brief interrogation?

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

Mr. ENGLEHART. I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, I would like to direct your attention to the language in section (c) that reads as follows: "No person should be deemed a lobbyist . . . solely because such person testifies before a committee of the General Assembly . . ."

The question is, if the lobbyist representing the Insurance Federation of Pennsylvania, clearly a lobbyist paid to do lobbying only, confines his activities to testifying before legislative committees—does nothing else in his lobbying effort, only testifies on legislation before legisla-

tive committees—would he no longer be considered a lobbyist under this bill and therefore not be required to register?

Mr. ENGLEHART. I do not believe so, Mr. Speaker, because I believe the person he is referring to is employed by the insurance industry to advocate the passage or defeat of legislation.

The purpose of this amendment is to say that if the only thing a man does—like a president of a company—is come down here and testify in front of a committee, that does not make him a lobbyist.

Mr. ZEARFOSS. Mr. Speaker, if you will accept my facts and give me an answer to that. I agree with what you are saying so far, Mr. Speaker, but let us assume that the Insurance Federation lobbyist does absolutely nothing other than appear before legislative committees. That is the only way he tries to influence legislation, and he does a lot of that. Every time there is an insurance bill or an insurance-related bill, he appears before either the House Consumer Protection Committee or the Senate Insurance Committee. He is there all the time; he is paid to do that, but that is all that he does. It is his only contact with the legislative process; it is the only way he attempts to influence legislation. Is that person who does nothing but appear before legislative committees no longer considered a lobbyist if this section (c) as now written goes into the bill?

Mr. ENGLEHART. Under the set of facts you have given me, you are correct, he would not be in there. But your facts are unreal. The Insurance Federation does—and so does every other group down here—a great deal more than just sit and listen to testimony and appear in front of committees. As soon as they mail a letter to a legislator, they are back in the category again. It is unreal to think that any lobbyist would sit down here and only testify.

Mr. ZEARFOSS. Mr. Speaker, I agree with what you are saying, except I can see a situation where, if this provision goes in, we create a loophole, and there will be lobbying done of that kind where that is the only lobbying done. It will be very effective lobbying. It will be the kind of lobbying that we should be controlling, and we will not have the means to control it anymore with this amendment. For that reason, I must oppose this amendment as it is now presented to us.

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

Mr. ENGLEHART. I would like to answer briefly some of the remarks of the minority leader. He stated that, in his opinion, some of the most effective lobbyists are the governmental lobbyists. This is probably true. But this is not the type of lobbying that the public is upset about.

The county commissioners of Westmoreland County, I am sure, did and will do a great deal of lobbying to get passed the New Stanton bills for the Volkswagen plant. Surely the public in Westmoreland County feels it is part of the job of those county commissioners to help get it done. This is a great boon to that county and to that part of Pennsylvania.

For the mayor of Philadelphia and the mayor of Pittsburgh, part of their duties obviously in their city is to do what they can through Harrisburg to help their city. The public expects this of them; they are not afraid of this. What the public is concerned about is, who is down here

running behind the scenes at dinner, et cetera, trying to influence to do things otherwise? This is what Senate bill No. 33 as amended seeks to regulate.

Now on the matter of lobbyists for the executive branch, remember that the amendments that have already been approved say that any person who seeks to change a regulation of an agency of this government is a lobbyist. Now part of our official duties as members of this House are to help run this government, and all of us in this room call agencies and say, you are having a hearing next week and I do not like this regulation you are going to put in. Now if you take Mr. Wilson's amendment and strike mine, you are making yourselves lobbyists, because you, as legislators, are trying to influence the executive branch to do something.

Your constituents are not concerned and upset because you are trying to get a rule changed in the government; that is part of your job. You are going to put yourselves in the category of running down to the chief clerk's office before you make the phone call to the agency and get yourself registered as a lobbyist. That is how ridiculous it can become.

I do not think the public is upset because people who are employed to run the government try to change it and make it work better or make it work worse. They are concerned about the private groups that come down here and spend money on us and on other things to try to get their cause done.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I dispute the gentleman's rebuttal of my remarks and I would like to know what his source would be for knowing that the public is not upset with governmental lobbyists lobbying the people's legislature. I do not think the people even know that there are paid lobbyists hired by the people in the various executive departments to lobby the people's legislature. And if the people did know the amount of lobbying pressure, as an example, placed upon us in 1974 when we were attempting to reform the Welfare Code, I think the people would have been very upset, because I think the people basically supported the changes we were trying to make.

The second example happened to me this week when I had an amendment proposed to a major bill before this House and a member, some obscure member—I do not even know who he is—of a department wrote an analysis of my amendment opposing it, mainly because the person did not understand the amendment and never spoke to me about it. But it is in one of those areas where the department has a great deal of influence—much more than we have—with the people who have been behind this bill. If the public knew that the actions of an obscure member of a staff somewhere in the executive department killed an amendment which I was going to offer which would save the public money, they would be very upset and they would want to know more about that.

That is all we are attempting to do. We are not attempting in any way to ascribe second-class citizenship to anyone who is hired for this purpose. What we are saying is that we should know who they are, what their purpose is, and how much they are costing the public.

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

Mr. ENGLEHART. Mr. Speaker, the gentleman is confusing his disappointment and his being upset because he lost a battle with what we are doing with lobbyists.

I cannot believe that the people of Pennsylvania could think that we sit down here in the legislature and are in total agreement all the time with everybody here. Of course we are not. That is what government is all about. I am sure that the minority now disagrees more with the administration than we do, because they are of different political parties. But we also have our disagreements.

I just do not believe that the public is upset because we are disagreeing, and I do not believe that this legislature has turned down an amendment solely because some obscure employe called us and said, do not do it. They have a right, in the operation of their jobs, to try to give their point of view to us, and we are not going to do our jobs if we do not listen to that point of view. We do not have to agree with them.

But I cannot believe that the public is so uptight and concerned because people in an agency are trying to do their job and trying to tell us, here are the laws you should pass to help us. That is not what I think the people are trying to tell us not to do.

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

Mr. ECKENSBERGER. Mr. Speaker, I wonder if Mr. Englehart would respond to a question.

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

Mr. ENGLEHART. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ECKENSBERGER. Mr. Speaker, if this amendment is adopted, what is your opinion as to the effect on representatives of state-related universities and colleges and state colleges, assuming that their present circumstances would still apply?

Mr. ENGLEHART. If the representative is considered a Commonwealth employe, if he is paid to come down here and influence, he would be a Commonwealth employe in his official capacity and he would not have to register.

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

On that basis, I cannot support the amendment. Thank you.

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

Mr. SHANE. I have to subscribe to the comments of Mr. Eckensberger. If we take Mr. Englehart's argument that the public is concerned about lobbyists from the private sector, I think we at least have to take it one step further and talk about the lobbyists for the colleges and universities within our Commonwealth.

I think some of my constituents, for example, are sometimes somewhat concerned about the amounts of money that some of these institutions get. I think that also the public has a legitimate concern with the lobbying activities of some of these folks who have the high-sounding title of vice president for governmental relations, which is an academic euphemism for lobbyist. I think the public probably does, at the very least, have a legitimate concern and interest in the activities of lobbyists for these state-related and, to some extent,

state-owned institutions, and therefore feel that they should be included within the full reach of this act.

I recognize that other legislative liaisons in departments of government have liaison functions that maybe could not be called lobbying. One of the functions that these legislative liaisons perform is to act as a source of information and feeder to the Governor's office about legislation being thought of or proposed in the departments, about the status of legislation, so that these legislative liaisons do have an informational function of feeding information to the chief executive. But I think this additional function does not diminish the rationale that would say that governmental lobbyists should come under the full reach of this act; in particular, at least the lobbyists for the state-related universities and the state-owned colleges. For that reason I support the attempt to include these individuals within the full reach of this act.

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

Mr. ENGLEHART. Mr. Speaker, I may have not quite given an accurate answer to Mr. Eckensberger. A Commonwealth-related university employe would not have to register because he is here in his official capacity. However, if he spent, in the course of a month, \$300 or more advocating legislation for his university, he would have to register.

Secondly, if the members of this House are so disturbed that the universities have people on their payrolls in the field of governmental relations, you have a little thing called an appropriation to that university, which is coming over here very shortly. You are the ones who give them the money to do it, nobody else. So do not express this wide-eyed surprise that they are on the payroll doing it. You have given them the money to do it ever since we have been here and you know it is going for that purpose. I do not think there is a kid in any of the colleges who does not know it is going on either. And they would not really be doing their job for their own university if they did not try to come down here and get their appropriation and get more and more and more every time.

The public, I am sure, knows that they want it. They expect us to be men enough to decide how much to give them, and they are not that worried that they are down here trying to persuade us.

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

Mr. FREIND. Mr. Speaker, Mr. Englehart, a few minutes ago, mentioned that he did not feel the citizens of the Commonwealth had a concern about governmental lobbyists. I think one of the main concerns of the citizens of this Commonwealth is how their taxpayers' dollars are being spent. This bill itself regulates the activities of lobbyists who spend the money, their own money and the money of their organizations. It would seem logical then, if we are going to do that, that we also regulate the activities of governmental lobbyists who are spending taxpayers' money. For that reason I oppose this amendment.

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

Mr. SHANE. Responding to the point about the public

knowing that the state-related universities have lobbyists, that is true, and nobody is saying that is not a legitimate activity. I think it is quite appropriate for these institutions to have a representative down here articulating their point of view. I think the critical point is that the public should have a right to know what amount of resources they spend in articulating that point of view, and those persons should be registered as lobbyists and should not wrap themselves in the academic robe and say that as an academic vice president for governmental relations they are not really a lobbyist. That is a totally delusionary posture.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Turner.

Mr. TURNER. Mr. Speaker, on the comments made by the gentleman, Mr. Englehart, that the public was not concerned about the lobbyist activities of the administration, I suggest even as a newspaperman that one reason perhaps that they are not concerned is because they have not been told. I doubt very much if the average voter in this Commonwealth understands—if this report is anywhere near accurate—that over \$500,000 is spent a year through the activities of the administration, be it Republican or Democratic, for lobbyist activities. We witnessed this on the floor of the House when the housing bill came before this Assembly and the very strong influence that was exacted by the Department of Community Affairs.

I suggest to you again that one of the reasons that perhaps the public may not be irate about this is because they do not know.

Thank you, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, I believe that Mr. Englehart has given the House a misunderstanding with reference to the situation involving the state-related schools.

The definition of lobbyist as is in his amendment as has been accepted by this House has two categories under which they must be registered: One, if somebody is employed or engaged for compensation, and, two, if the person expends more than \$300.

The exception for employes of the Commonwealth applies to both of those categories, not to just one. So it would seem to me that the exception would apply to the employe of the state-related school, whether they spent \$300 or whether they were employed or engaged for compensation to engage in lobbying.

ANNOUNCEMENT

The SPEAKER. For the information of the membership of the House, the Chair has extended permission to channel 11, Pittsburgh, to take film on the floor today.

The Chair recognizes the gentleman from Cambria, Mr. Englehart.

Mr. ENGLEHART. The gentleman, Mr. Yohn, has some merit in what he says. I would like it just spread on the record and included in the debate that the intent of my amendment would be that a Commonwealth-related employe who spends more than \$300 a month would be included as a lobbyist and should register. And I agree there are grounds for doubt in the way it is written.

One last point: If my amendment is defeated and Mr. Wilson's is adopted, the Governor's office is going to be the happiest of all, because you are going to have to register as a lobbyist before you dare call his office and ask him to either veto or not veto a bill.

On the question,
Will the House agree to paragraph "c" of the Englehart amendments?

The yeas and nays were required by Messrs. ENGLEHART and WILSON and were as follows:

YEAS—65

Bellomini	Gelsler	Manderino	Ross
Bennett	George	McCall	Ruggiero
Berlin	Giammarco	Menhorn	Schmitt
Berson	Gillespie	Milanovich	Shelhamer
Bradley	Goodman	Morris	Shupnik
Brunner	Greenfield	Mullen, M. P.	Stout
Caputo	Hutchinson, A.	Mullen	Taylor
Cianciulli	Irvic	Musto	Toll
Cohen	Itkin	Myers	Trello
DeMedio	Johnson, J.	Novak	Wansacz
DiDonato	Kelly, A. P.	O'Brien	Warco
Dombrowski	Kolter	O'Keefe	Wiggins
Doyle	Kowalshyn	Perry	Wojdak
Englehart	Laudadio	Petrarca	
Fee	Lederer	Pratt	Fineman,
Gallagher	Letterman	Ravenstahl	Speaker
Garzia	Logue	Renwick	

NAYS—107

Abraham	Gallen	McCue	Shane
Anderson, J. H.	Geesey	McGinnis	Shuman
Arthurs	Gillette	McLane	Sirianni
Beren	Grieco	Mebus	Smith, E.
Bittle	Halverson	Miller, M. E.	Smith, L.
Brandt	Hamilton, J. H.	Miller, M. E., Jr.	Spencer
Burns	Hasay	Millron	Stahl
Butera	Haskell	Miscevich	Stapleton
Cessar	Hayes, S. E.	Noehmann	Taddonio
Cimini	Hepford	Mrkonic	Thomas
Cowell	Hill	Noye	Turner
Crawford	Hopkins	O'Connell	Ustynski
Davies	Hutchinson, W.	Pancost	Vroon
Deverter	Katz	Parker, H. S.	Wagner
DeWeese	Kelly, J. B.	Perrit	Weidner
Dicarlo	Kernick	Pitts	Westerberg
Dietz	Kistler	Polite	Whelan
Dininni	Klingaman	Pyles	Wilson
Dorr	Knepper	Reed	Witt, R. W.
Eckensberger	Kusse	Renninger	Witt, W. W.
Fawcett	Lauthin	Ryan	Worrilow
Fischer	Lehr	Saloom	Wright
Fisher	Levi	Salvatore	Yohn
Flaherty	Lincoln	Scheaffer	Zearfoss
Foster, A.	Lynch	Schweder	Zeller
Fretnd	Manniller	Scrica	Zwickl
Fryer	McClatchy	Seltzer	

NOT VOTING—31

Barber	Gleeson	O'Donnell	Ritter
Bonetto	Green	Oliver	Shelton
Cole	Grig	Pievsky	Valicenti
Cumberland	Hammock	Prendergast	Walsh, T. P.
Dreibelbis	Hayes, D. S.	Rappaport	Williams
Dumas	JaMarca	Rhodes	Yahner
Foster, W.	McGraw	Richardson	Zord
Gleason	McIntyre	Rieger	

So the question was determined in the negative and paragraph "c" of the amendments was not agreed to.

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

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

Amend Sec. 1 (Sec. 2), page 7, by inserting after line 30:
The term "lobbyist" shall include any official, officer or employe of any political subdivision or the Commonwealth of Pennsylvania who regularly advocates the pas-

sage or defeat of legislation to any member of the General Assembly, the executive branch, or any regulatory agency of the Commonwealth. "Regularly" shall mean:

(1) attendance at sessions of the House and/or Senate more often than three times in any month for two consecutive months in any year;

(2) attendance at House and/or Senate committee meetings or public hearings more often than three times in any month for two consecutive months in any year; or

(3) any unsolicited communication, oral or written, with any member of the General Assembly, the executive branch or any regulatory agency more often than three times in any month for two consecutive months in any year, or any combination of items (1), (2) or (3) more often than three times in any month for two consecutive months in any year, shall be deemed lobbying and any person so engaged shall be deemed a lobbyist. Exceptions to the foregoing shall be only:

(i) legislative employes, or employes of the House and Senate;

(ii) executive cabinet officers, that is, for example, the Secretary of the Department of Environmental Resources, or head of any other State department, board or commission.

On the question,

Will the House agree to the amendment?

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

Mr. WILSON. Mr. Speaker, first let me apologize to Mr. Shane for my prior comment. I really did not mean to infer that he has some secret income that he should disclose. I meant all of us, Mr. Speaker. I would apologize for perhaps the inference on that one.

This amendment that I would offer, I think, solves all the problems of the original debate that we just heard. What it does, in short, is it further describes lobbyists. In other words, this amendment would be an additional description of a lobbyist.

It says, in short, that "lobbyist" shall include any official, officer or employe of any political subdivision or the Commonwealth of Pennsylvania who regularly advocates the passage or defeat of legislation to any member of the General Assembly," et cetera.

What I have done here is define "regularly." Regularly, in this amendment, would be as follows: you would have to attend a session of the House or Senate more often than three times in any one month for two consecutive months or attendance at a House or Senate committee meeting or public hearing more often than three times per month for two consecutive months, or unsolicited communication, oral or written, with any member of the General Assembly, executive branch, et cetera. Again, more often than three times per month for two consecutive months in any one year, or any combination of those.

I have excluded in this amendment, legislative employes, employes of the House and Senate, the executive cabinet officers, and I have given as an example the Department of Environmental Resources, or heads of any other state department, board or commission. In other words, if the secretary of DER wishes to come over here and tell me how he wants me to vote, okay. I know, fine, how much he is being paid.

Really what we want to know here is how much of public money is being paid to public employes to advocate the defeat or passage of legislation. If anybody feels that this is too strong, and so forth, I would suggest that you just consider the legislative record. We hardly meet three times a month for two months in a row in any one year. There is always that vacation in

there. I still think, contrary to Mr. Englehart's comment, that the legislature itself would be included in my amendment. I think that is really facetious and it is not an inclusion here. It does not say "elected officials"; therefore, the General Assembly would not be included in this amendment.

I think this is a good proposal. It lets your local official come up here several times if he is pushing for a certain piece of legislation; he can do it three times in any one month. He can do it ten times in any one month if he wants, just so he does not do it three times in two months in a row, each month two months in a row in any one year. He can come back again next year and come up 10 times if he wants another pay raise or whatever he wants. He can talk about his potholes; he can do anything he wants as a public official on an occasional basis, but not regularly. Also I would remind you that the Englehart amendment says that he has got to be compensated for this; he has got to be paid to lobby and he has got to expend more than \$300 to have to report his thing. I would urge the adoption of this amendment.

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

Mr. ENGLEHART. Mr. Speaker, the quarrel between us is really one concerning the Governor's office and the executive branch who send people down here to try to get us to do things, that they should register, and whether Penn State, Pitt and Temple employes should be registered. I think that is what we are trying to talk about.

Unfortunately, Mr. Wilson's amendment has things in here which are going to go far beyond it, which I really do not think you want. We have been arguing about what the public is uptight about. I do not think that anybody is going to disagree with me that the public is uptight because the legislature gets cute and tries to hide things. This is what Mr. Wilson's amendment does. An unsolicited communication to the executive branch more often than three times in a month from me, personally, is forbidden. I have to go register. But, very cutely we said, if your legislative employe does it, it is excluded. So, I tell my secretary, will you call the PUC and tell them that Representative Englehart, the chairman of the Democratic caucus, is highly interested in a regulation you are going to put in next week and he would be most upset if you did it. That is excluded because my secretary did it. But, if I do it more than three times a month, we are going to record it. And who is going to keep track of the telephone calls that we make? How about the school boards? They have a meeting every month, and there are usually five or six pieces of legislation vitally affecting their school district and the board secretary is told to write down here to us and tell us about it. That is going to be called lobbying. I honestly do not think that your school districts and your taxpayers are concerned because the secretary of the board is trying to tell us, we need your help to run our school district. That is not what the public is afraid of. And I ask you to oppose this amendment.

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

Mr. WILSON. Mr. Speaker, just in rebuttal to the gentleman, Mr. Englehart.

He started out his argument by saying that my amendment went far beyond what we intended. But he failed

to tell us what he meant by far beyond. He suggests that he is going to have his secretary call, because somehow or other he is going to be included, which I think again is a facetious argument.

It would seem to me that the gentleman says we have nothing to hide. We really must be hiding something if we cannot accept a generous latitude as I provide in my amendment. I would ask the support of this amendment.

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

The yeas and nays were required by Messrs. WILSON and ENGLEHART and were as follows:

YEAS—84

Anderson, J. H.	Hasay	Mebus	Smith, E.
Bittle	Haskell	Miller, M. E.	Smith, L.
Brandt	Hayes, S. E.	Miller, M. E., Jr.	Spencer
Burns	Hepford	Moehlmann	Stapleton
Butera	Hill	Mrkonic	Taddonio
Cessar	Hopkins	Noye	Thomas
Cimini	Hutchinson, W.	O'Connell	Turner
Crawford	Katz	Pancoast	Ustynoski
Cumberland	Kelly, J. B.	Parker, H. S.	Vroon
Davies	Kernick	Perri	Wagner
Deverter	Kistler	Pitts	Weidner
Dininni	Klingaman	Polite	Westerberg
Dorr	Knepper	Pyles	Whelan
Fawcett	Kusse	Renninger	Wilson
Fischer	Lehr	Ryan	Witt, R. W.
Fisher	Levi	Saloom	Witt, W. W.
Freind	Lynch	Salvatore	Worrlow
Gallen	Manmiller	Scheaffer	Wright
Geesey	McClatchy	Seltzer	Yohn
Grieco	McCue	Shuman	Zearfoss
Hamilton, J. H.	McGinnis	Sirianni	Zeller

NAYS—90

Abraham	Fryer	Lincoln	Reed
Arthur	Gallagher	Logue	Renwick
Bellommi	Carzia	Manderino	Ruggiero
Bennett	Geisler	McCall	Schmitt
Berlin	George	McLane	Schweder
Berson	Giammarco	Menhorn	Scirica
Bonetto	Gillespie	Milanovich	Shane
Bradley	Gillette	Milliron	Shelhamer
Brunner	Gleeson	Miscevich	Shupnik
Caputo	Goodman	Morris	Stahl
Cohen	Greenfield	Mullen	Stout
Cowell	Halverson	Mullen, M. P.	Taylor
DeMedio	Hutchinson, A.	Musto	Toll
DeWeese	Irvic	Novak	Trelle
Dicarlo	Itkin	O'Brien	Valcenti
Dietz	Kelly, A. P.	O'Keefe	Wansacz
Dombrowski	Kolter	Oliver	Wargo
Doyle	Kowalshyn	Perry	Wiggins
Eckensberger	LaMarca	Petrarca	Wojdak
Englehart	Laudadio	Plevsky	Zwikel
Fee	Laughlin	Pratt	
Flaherty	Lederer	Prendergast	Fineman,
Foster, A.	Letterman	Ravenstahl	Speaker

NOT VOTING—29

Barber	Gleason	McIntyre	Ritter
Beren	Green	Myers	Ross
Cianciulli	Gring	O'Donnell	Shelton
Cole	Hammock	Pappaport	Walsh, T. P.
DiDonato	Hoyes, D. S.	Rhodes	Williams
Dreibelbis	Johnson, J.	Richardson	Yahner
Dumas	McGraw	Rieger	Zord
Foster, W.			

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

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

Mr. REED. Mr. Speaker, would the gentleman, Mr. Englehart, consent to interrogation?

The SPEAKER. Would the gentleman, Mr. Englehart, consent to interrogation?

Mr. ENGLEHART. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. REED. Mr. Speaker, just one question. I would be interested to know if the bill as you have amended it says that if you do not spend more than \$300 per month, you do not, therefore, have to register as a lobbyist. Is that correct?

Mr. ENGLEHART. Not quite. If part of your job for compensation is to influence legislation with the governor or an agency, then you are a lobbyist. If you are doing it free, like the League of Women Voters and Common Cause, you do not get paid for doing it. Then you register if you spend more than \$300 a month.

Mr. REED. Is there any provision within the bill as you have amended it that provides for someone to check on someone who maintains they are doing the service free and they did not spend more than \$300 in one particular month? Is there anybody who—

Mr. ENGLEHART. I would presume that the chief clerk of the Senate and the chief clerk of the House would be the ones to try to supervise it.

By some strange coincidence, Mr. Speaker, the back of the House is full of lobbyists today.

The SPEAKER. That is dirty pool.

The Chair recognizes the gentleman from Warren, Mr. Kusse.

Mr. KUSSE. Mr. Speaker, would the gentleman, Mr. Englehart, consent to interrogation?

The SPEAKER. Would the gentleman, Mr. Englehart, consent to interrogation?

Mr. ENGLEHART. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. KUSSE. Mr. Speaker, I am sorry, but I still need clarification. You are saying that if a government employe or an officer of the Commonwealth spends more than \$300 in a month, he is a lobbyist?

Mr. ENGLEHART. Since we rejected both my amendment and Mr. Wilson's amendment, the original provisions of Senate bill No. 33 would apply. But we did take that part of my amendment that says if you spend more than \$300 in a month advocating passage or defeat of legislation, you are now a lobbyist. In response to Mr. Yohn, I told him that our legislative intent was to include that.

Mr. KUSSE. Well, then, I guess my question is: Is Governor Shapp a lobbyist for the Volkswagen Corporation?

Mr. ENGLEHART. Not as far as I know. I think he is a lobbyist for the people. He was elected for that.

Mr. KUSSE. It would seem to me that he advocated the passage of legislation that would involve spending an awful lot of taxpayers' money.

Mr. ENGLEHART. That is correct, and I would presume that the public was kind of delighted for his bringing a plant of 5,000 employes to southwestern Pennsylvania.

Mr. KUSSE. Thank you.

Mr. Speaker, a further remark?

The SPEAKER. The gentleman may proceed.

Mr. KUSSE. I think the word "lobbyist" has been much maligned, and I have to agree with the Speaker that I think maybe the taking of pictures was a little bit of dirty pool.

You know a lobbyist cannot defend himself. He sits back here and he has to be speechless. If one of us gets up on the floor and we say something bad about the press, the press can really take us to task for it. If we speak against someone of the bureaus or the departments of the Commonwealth, we can then maybe later be punished by losing some project. So I do not think that this is quite fair because I think lobbyists do us an awful lot of good.

I also think the words "special interest" is much maligned. I think we put all the special interests together and they are in the public interest. There is hardly a committee meeting that I attend that there is not some representative of some department of the Commonwealth there advocating a special interest, that which is of special interest to his department, whether it is the Department of Revenue, the Fish Commission, or whatever.

So, I have to agree with that old statement that Charlie Wilson made when he was being considered for Secretary of Defense, that which is good for General Motors maybe is good for the United States. I think maybe what some of the lobbyists advocate— Sure they are representing a special interest, but what we have to remember is that it is probably in the interest of the people too; just as Mr. Englehart pointed out that that which is in the interest of Volkswagen will turn out to be in the interest of the Commonwealth.

Thank you.

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

Mr. ECKENSBERGER. Mr. Speaker, would Mr. Englehart consent to interrogation?

The SPEAKER. Would the gentleman, Mr. Englehart, consent to interrogation?

Mr. ENGLEHART. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ECKENSBERGER. Mr. Speaker, could this bill conceivably cover the news media?

Mr. ENGLEHART. No, not the reporters. It could cover someone perhaps from the Newspaper Publishers Association who has been sent down here to advocate the passage or defeat of legislation, but not a reporter.

Mr. ECKENSBERGER. But what about their publications, say a newspaper that advocates a particular position?

Mr. ENGLEHART. That is not lobbying in the sense that this has been described in our bill.

Mr. ECKENSBERGER. It does not fit within the definition of any activity that a newspaper would engage in on a daily basis?

Mr. ENGLEHART. I do not believe so, no.

Mr. ECKENSBERGER. 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—174

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

NAYS—8

Anderson, J. H.	Halverson	Miscevich	Thomas
Foster, A.	Kusse	Mullen	Wilt, W. W.

NOT VOTING—21

Bonetto	Gring	Myers	Ross
Cole	Hammock	O'Donnell	Walsh, T. P.
Dreibelbis	Hayes, D. S.	Rappaport	Williams
Foster, W.	McGraw	Rhodes	Yahner
Gleason	McIntyre	Ritter	Zord
Green			

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 McKean, Mr. Westerberg. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. WESTERBERG. Mr. Speaker, I was recorded as voting "yes" on Senate bill No. 33, printer's No. 1559. I would like to be recorded in the negative, please.

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

RECONSIDERATION OF VOTE ON HOUSE BILL No. 9

Mrs. KELLY moved that the vote by which HOUSE BILL No. 9, printer's No. 3141, entitled:

An Act to promote the health and welfare of the people of the Commonwealth by controlling and regulating lead paint poisoning; prescribing the powers and duties of the Department of Health and the Department of Environmental Resources; authorizing lead analyses at State laboratories; creating the Interagency Coordinating Committee and the Advisory Committee; imposing restrictions; providing penalties and making an appropriation.

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. 9 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mrs. KELLY moved that HOUSE BILL No. 9, printer's No. 3141, be placed on the final passage postponed calendar.

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

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I would like to call to your attention the fact that one of our colleagues was recently honored by the Pennsylvania Association for Nonprofit Homes for the Ageing at its annual meeting. I am referring to Sherman Hill, who was a past chairman of the Health and Welfare Committee and presently is the minority chairman.

On May 5, at the annual meeting of the organization known as PANPHA, a plaque was given to Sherman, with the inscription as follows:

PANPHA honors and recognizes Honorable Sherman L. Hill for commitment and dedicated legislative leadership in the cause of quality health care for the elderly citizens of Pennsylvania.

Now it is unusual that we pause in our deliberations to pay our respects to one of our colleagues, but I think it is significant here that the association, or a special interest group that we have been speaking of, which has been thoroughly investigated, in some ways criticized and in some ways strengthened by Mr. Hill, has seen fit to honor him, and I think that it behooves all of us to take a moment to adopt a citation out of respect for Sherman Hill, because it is an unusual legislature that can deal so openly and honestly as Sherman has always done with a group who, at times, was an adversary of his. To receive an award from them, I think, deserves some special mention. I should like to offer the following citation, Mr. Speaker.

CITATION

HOUSE OF REPRESENTATIVES

WHEREAS, The Honorable Sherman L. Hill was honored by PANPHA in recognition of his commitment and dedication as well as his legislative leadership in the cause of quality health care for the elderly citizens of Pennsylvania; and

WHEREAS, Mr. Hill received this award as a result of his extensive and comprehensive investigation of the public assistance system, culminating with the House passage of significant welfare reform legislation. During the past two years, he was responsible for the undertaking and direction of a series of studies regarding the needs of the elderly for long term care and services. These studies have received national recognition from the United States Congress, from providers and from educators. Mr. Hill has long been an advocate of assuring high quality health care to everyone in the Commonwealth and he has been a leading activist in opposing legislation that will have adverse effects on the delivery of high quality care.

Now therefore the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to congratulate Representative Sherman L. Hill on his receipt of this award from PANPHA in recognition of his commitment and dedication in the cause of quality health care for the elderly citizens of Pennsylvania and expresses its hope that he will receive other deserved honors in the years to come from those who respect and admire him; and further directs that a copy of this citation be delivered to Honorable Sherman L. Hill.

ROBERT J. BUTERA
HERBERT FINEMAN

The SPEAKER. The citation is unanimously adopted.

The Chair recognizes the gentleman from Lancaster, Mr. Hill.

Mr. HILL. I certainly want to thank the members of the House for this recognition. All of you know that I am not seeking reelection and I had to do something for the plight of the elderly. I am going to be 65 this year, so I was perhaps preparing for my future.

But I want to say something about those reports on the nursing homes, and I think so often this kind of thing does not happen. I had complete cooperation from, first of all, the staff members who did an excellent job, from the members of the House, members of the Senate, from the nursing home people, from the Department of Health, the Department of Welfare, and everybody along the line really cooperated. I think that stands as a real tribute to good government. I would hope that anybody else who undertakes anything of this kind will get the same sort of cooperation that I have received. I tried to do everything on the affirmative, and I think that is sometimes where we make mistakes, because we approach people negatively. We did not do it at all in this.

So there is an awful lot of people who deserve that recognition rather than just myself.

Thank you very much.

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

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

Mrs. KELLY. I thank you, Mr. Speaker.

I just want to add to what Mr. Hill has said, and I find it a very opportune time to say it at this time.

In all of the years that I have been in this legislature—and I have been in the minority and the majority—never,

never have I worked with a person who has been more honest, sincere and fair in all pieces of legislation. I have admired him from the beginning. I admire him now, and all I can say is that I wish him and his lovely family many, many years of health and happiness.

Thank you.

ANNOUNCEMENT

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

Mr. IRVIS. Mr. Speaker, we will at this time break for lunch.

The SPEAKER pro tempore. We have some bills which I would like to refer first.

Mr. IRVIS. Yes, but before he does that, Mr. Speaker, let me make the announcement, because it is not necessary for the members to sit through the reading of the clerical business.

This afternoon we will be taking up House bill No. 2074 on page 1, and I trust that all of us will be ready to deal with Mr. Garzia's amendment. Those of you who are not familiar with it, I suggest that you get familiar with it during this lunch period.

On page 3, House bill No. 1377. Mr. Katz has an amendment to House bill No. 1377. I am informed that that has been distributed, so that will be available for debate. Is there some change in signals on that?

Mr. KATZ. I have not gotten them yet.

Mr. IRVIS. They are not distributed yet?

Mr. KATZ. No; they did not send them down yet.

Mr. IRVIS. All right, then we will call that up later in the afternoon instead of calling it up immediately after lunch.

Senate bill No. 1011 on page 4. House bill No. 748 on page 7. Mr. Kowalyshyn has an amendment to that bill. Senate bill No. 506 on page 8, House bill No. 835 on page 8, and House bill No. 1858 on page 9.

One addition which is not in print on your agenda is House bill No. 2257, that deals with the increase in the number of judges on the Superior Court. That is a constitutional amendment. There will be an amendment to that which will be offered by Mr. Scirica, I am told. That will be called up this afternoon. Senate bill No. 1, which will delight Mr. O'Connell, we are going to call that up for a final decision, and House bill No. 683 on page 14.

I would suggest that you be back on the floor promptly at 1:15, so that we may get you out of here as early as possible for your trips home.

I ask for a recess after the clerical business has been taken care of, Mr. Speaker, until 1:15. And I remind the members of the Rules Committee that we are to meet in my office immediately.

REPUBLICAN CAUCUS

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

Mr. BUTERA. Mr. Speaker, there is a need for a very brief Republican caucus immediately which should only require about 15 minutes.

I wonder if we could postpone the reconvening until 1:30, to give us time for a brief caucus?

Mr. IRVIS. No objection to that. That will be fine; 1:30 will be fine, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, I would like to clarify the majority leader's remarks.

I intend to offer amendments to House bill No. 835 and House bill No. 1858.

Mr. IRVIS. On page 8, House bill No. 835, we have it noted that you have an amendment.

House bill No. 1858 will not be called up today.

Nothing further then.

LEAVE OF ABSENCE

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

Mr. MANDERINO. Mr. Speaker, I request leave of absence for the gentleman, Mr. DiCARLO, for the balance of today's session.

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

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Messrs. M. E. MILLER, JR., GALLAGHER

and GEESEY

HOUSE BILL No. 2451

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, in which school provision shall be made for giving instruction in reading, writing, arithmetic, drawing, duties of citizenship, elementary manual training, ***" 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 Education.

By Messrs. M. E. MILLER, JR., GALLAGHER

and GEESEY

HOUSE BILL No. 2452

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, ***" changing the name of the school, and making editorial changes.

Referred to Committee on Education.

By Messrs. GREENFIELD and KATZ

HOUSE BILL No. 2453

An Act repealing certain highway projects in Philadelphia relating to the Northeast Expressway.

Referred to Committee on Transportation.

By Messrs. DOMBROWSKI, TAYLOR and DiCARLO

HOUSE BILL No. 2454

An Act amending the "Weights and Measures Act of 1965," approved December 1, 1965 (P. L. 983, No. 368), providing for method of sale of petroleum products.

Referred to Committee on Consumer Protection.

By Messrs. PETRARCA, A. K. HUTCHINSON,

KOLTER, SALOOM, MISCEVICH, SCHMITT,

LAUDADIO, VALICENTI, GARZIA, O'KEEFE,

TAYLOR, LEDERER, COHEN, Mrs. KERNICK, Messrs. NOVAK, ABRAHAM, SHUMAN, COWELL, MENHORN, RAVENSTAHL, TREILO, GIAMMARCO, CIANCIULLI, ZWIKL, MILLIRON, RICHARDSON, MYERS, BELLOMINI, DOMBROWSKI and SHANE **HOUSE BILL No. 2455**

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing legislative overview of contracts of the Department of General Services.

Referred to Committee on State Government.

By Mr. LEHR, Miss SIRIANNI, Messrs. M. E. MILLER, JR. and MILLIRON

HOUSE BILL No. 2459

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), changing the maximum charge for pensions against each member of the police force.

Referred to Committee on Urban Affairs.

By Messrs. BELLOMINI, MUSTO, DOMBROWSKI, PETRARCA and SALOOM **HOUSE BILL No. 2460**

An Act amending the act of April 25, 1921 (P. L. 276, No. 136), entitled, as amended, "An act requiring persons, partnerships, associations, or corporations advertising for or soliciting business as adjusters of claims within this Commonwealth for loss or damage arising out of policies of insurance, surety, or indemnity on property, persons, or insurable business interests within this Commonwealth, to be licensed by the Insurance Commissioner;*** and providing penalties," permitting public adjusters to advise, assist, negotiate, adjust and settle claims for any person making a claim for damages arising out of a policy of insurance.

Referred to Committee on Consumer Protection.

By Messrs. WRIGHT and BURNS

HOUSE BILL No. 2461

An Act relating to the expiration, continuation or re-enactment of boards, commissions and agencies.

Referred to Committee on State Government.

By Messrs. CAPUTO and CESSAR

HOUSE BILL No. 2462

An Act amending the act of July 12, 1961 (P. L. 566, No. 277), entitled "An act establishing and regulating the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth in counties of the second class and repealing certain act," further regulating prothonotary fees in courts of common pleas in counties of the second class.

Referred to Committee on Urban Affairs.

By Mrs. CRAWFORD, Mrs. KELLY, Messrs. DiCARLO, HILL, McCLATCHY, Mrs. FAWCETT, Mrs. TOLL, Messrs. McLANE, RHODES, BARBER, Miss SIRIANNI and Mr. LYNCH

HOUSE BILL No. 2463

An Act amending the "Adoption Act," approved July 24, 1970 (P. L. 620, No. 208), further providing for venue and termination of parental rights; adding provisions relating to performance of parental duties; preliminary approval of proposed adopting parents, and the best interest and welfare of the child; changing and adding provisions relating to illegitimate children; and changing age and residence requirements relating to consent.

Referred to Committee on Health and Welfare.

By Messrs. FRYER, RENWICK, LETTERMAN, HALVERSON, NOYE, GEORGE, SHELHAMER, SALOOM, PETRARCA and MYERS

HOUSE BILL No. 2464

An Act amending "The Fish Law of 1959," approved December 15, 1959 (P. L. 1779, No. 673), permitting temporary obstruction of fishways.

Referred to Committee on Game and Fisheries.

By Messrs. ANDERSON, BRANDT, Miss SIRIANNI and Mr. BRUNNER

HOUSE BILL No. 2465

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for the exclusion from taxes.

Referred to Committee on Finance.

By Messrs. DOMBROWSKI, VALICENTI, MUSTO, POLITE, HOPKINS, R. W. WILT, DiCARLO, RUGGIERO, BELLOMINI, TAYLOR, LETTERMAN, GILLESPIE, MYERS, PRENDERGAST, ARTHURS, FEE and HASKELL

HOUSE BILL No. 2466

An Act amending the "Child Labor Law," approved May 13, 1915 (P. L. 286, No. 177), further providing for employment certificates.

Referred to Committee on Labor Relations.

By Messrs. GEORGE, WARGO, SHUPNIK, RENWICK, McLANE, WANSACZ, CIANCIULLI, LETTERMAN, KOLTER, SHANE, TAYLOR, SHELHAMER, MANDERINO, GOODMAN, LINCOLN, GREEN, ABRAHAM, FRYER, MILLIRON, O'BRIEN, DOMBROWSKI, A. K. HUTCHINSON, PETRARCA and VALICENTI

HOUSE BILL No. 2467

An Act amending the "Surface Mining Conservation and Reclamation Act," approved May 31, 1945 (P. L. 1198, No. 418), further regulating the issuance of licenses to operate surface mines and providing for the protection of water supplies.

Referred to Committee on Mines and Energy Management.

By Mr. PITTS

HOUSE BILL No. 2468

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (1937 P. L. 2897, No. 1), further defining unemployed.

Referred to Committee on Labor Relations.

By Messrs. WAGNER and SHELHAMER

HOUSE BILL No. 2469

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for appropriations to certain fire departments and volunteer fire companies.

Referred to Committee on Local Government.

By Messrs. WAGNER and SHELHAMER

HOUSE BILL No. 2470

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), providing for payment of autopsy expenses.

Referred to Committee on Local Government.

By Messrs. BURNS, WRIGHT, WEIDNER and RENNINGER

HOUSE BILL No. 2471

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), further regulating the approval of plats; requiring zoning ordinances to implement comprehensive plans; repealing procedure upon curative amendments; changing time for final approval and notice; changing times and hearing requirements; making municipalities a party to appeals to zoning board; changing stay of proceedings and changing certain appeal procedures.

Referred to Committee on Local Government.

SENATE MESSAGE

BILL FOR CONCURRENCE

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

SENATE BILL No. 119

An Act amending the act of April 23, 1956 (P. L. 1510, No. 500), entitled, as amended, "Disease Prevention and Control Law of 1955," providing for serological testing to identify certain carriers of certain genetic diseases and the reporting and use of such tests.

Referred to Committee on Health and Welfare.

HOUSE BILL No. 2212 RECOMMITTED

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

Mr. IRVIS. Mr. Speaker, on page 9, I neglected to recommit House bill No. 2212, printer's No. 3165.

I now move to recommit this bill to the Committee on Business and Commerce. I think there is no objection from the Republican side at all on this.

On the question,

Will the House agree to the motion?

Motion was agreed to.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 573

Mr. DOYLE presented the report of the Committee of Conference on Senate bill No. 573.

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

RECESS

The SPEAKER pro tempore. Without objection, the Chair now declares this House in recess until 1:30 p.m.

The Chair hears no objection. This House is now in recess.

AFTER RECESS

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

THE SPEAKER (Herbert Fineman) IN THE CHAIR

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 675

The clerk of the Senate, being introduced, informed

that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to SENATE BILL No. 675, entitled:

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

And has appointed Messrs. MURPHY, ORLANDO and STAUFFER a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

HOUSE INSISTS ON AMENDMENTS NONCONCURRED IN BY SENATE

Mr. IRVIS moved that the House insist upon its amendments nonconcurred in by the Senate on SENATE BILL No. 675, printer's No. 1859, and that a Committee of Conference be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 675

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House: Messrs. FRYER, DeMEDIO and O'CONNELL.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 153

The clerk of the Senate, being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to SENATE BILL No. 153, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," creating the Crime Victim's Compensation Board, prescribing its powers and duties, providing for filing, consideration and payments of claims to persons who are victims of crimes, their dependents and survivors, providing for appeals.

And has appointed Messrs. HILL, MYERS and HAGER a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the difference existing between the two Houses in relation to said bill.

HOUSE INSISTS ON AMENDMENTS NONCONCURRED IN BY SENATE

Mr. IRVIS moved that the House insist upon its amendments nonconcurred in by the Senate on SENATE BILL No. 153, printer's No. 1852, and that a Committee of Conference be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE
ON SENATE BILL No. 153

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House: Messrs. IRVIS, ECKENBERGER and FREIND.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR

STATE GOVERNMENT BILL ON
THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 1011, printer's No. 1829, entitled:

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), entitled "State Horse Racing Law," further defining "thoroughbred horse racing"; further providing for refusal of admittance to and ejection of persons from race tracks and making an editorial change.

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—154

Abraham	Fryer	McCall	Schmitt
Anderson, J. H.	Gallagher	McClatchy	Schweder
Arthurs	Gallen	McCue	Scirica
Barber	Garzia	McGinnis	Seltzer
Bellomini	Geesey	McLane	Shane
Bennett	Geisler	Mebus	Shelhamer
Beren	George	Menhorn	Shelton
Berlin	Giammarco	Milanovich	Shupnik
Berson	Gillespie	Miller, M. E.	Smith, E.
Bittle	Gillette	Milliron	Spencer
Bonetto	Gleeson	Miscevich	Stahl
Brunner	Goodman	Mrkoncic	Stout
Burns	Greenfield	Mullen, M. P.	Taddonio
Butera	Halverson	Musto	Taylor
Caputo	Hasay	Novak	Thomas
Cassar	Haskell	Noye	Toll
Cianciulli	Hayes, S. E.	O'Brien	Trello
Cimini	Hopkins	O'Connell	Valicenti
Cole	Hutchinson, A.	O'Keefe	Vroon
Cowell	Johnson, J.	Oliver	Wagner
Cumberland	Katz	Pancoast	Wansacz
Davies	Kelly, A. P.	Parker, H. S.	Wargo
DeMedio	Kernick	Petrarca	Weidner
Deverter	Kistler	Plevsky	Westerberg
DeWeese	Klingaman	Pitts	Whelan
Dicarlo	Knepper	Polite	Wiggins
DiDonato	Kolter	Pratt	Williams
Dietz	Kowalyszyn	Prendergast	Wilson
Dininni	Kusse	Pyles	Wilt, R. W.
Dombrowski	LaMarca	Ravenstahl	Wilt, W. W.
Dorr	Laudadio	Reed	Wojdak
Doyle	Lederer	Renninger	Worriow
Dumas	Lehr	Renwick	Wright
Eckensberger	Letterman	Richardson	Yohn
Fawcett	Lincoln	Rieger	Zeller
Fee	Logue	Ross	Zwinkl
Fischer	Lynch	Ruggiero	
Fisher	Manderino	Ryan	Fineman,
Foster, A.	Manmiller	Saloom	Speaker

NAYS—9

Gleason	Morris	Shuman	Stapleton
Hepford	Rhodes	Smith, L.	Zearfoss
Irvis			

NOT VOTING—40

Bradley	Grieco	Levi	Rappaport
Brandt	Gring	McGraw	Ritter

Cohen	Hamilton, J. H.	McIntyre	Salvatore
Crawford	Hammock	Miller, M. E., Jr.	Scheaffer
Dreibelbis	Hayes, D. S.	Moehlmann	Sirianni
Englehart	Hill	Mullen	Turner
Flaherty	Hutchinson, W.	Myers	Ustynoski
Foster, W.	Itkin	O'Donnell	Walsh, T. P.
Freind	Kelly, J. B.	Perri	Yahner
Green	Laughlin	Perry	Zord

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

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. LAUGHLIN. Mr. Speaker, I was unable to get to my switch on Senate bill No. 1011. I would like to have been recorded in the affirmative.

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

The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. Mr. Speaker, I was unable to be at my switch when the vote on Senate bill No. 1011 was taken. I would like to be voted in the affirmative, please.

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

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

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

The SPEAKER. The gentleman will state it.

Mr. E. H. SMITH. I, too, was not in my seat when Senate bill No. 1011 was voted on. I would like to be recorded in the affirmative.

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

Mr. E. H. SMITH. Thank you.

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

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

The SPEAKER. The gentleman will state it.

Mr. ITKIN. Mr. Speaker, had I been in my seat, I would have voted "no" on Senate bill No. 1011, printer's No. 1829. I missed the vote because I was attending an Appropriations Committee meeting.

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

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

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

The SPEAKER. The gentleman will state it.

Mr. GRIECO. Mr. Speaker, I would like to be recorded as voting "yes" on Senate bill No. 1011.

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

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

Mr. RAVENSTAHL. Mr. Speaker, I would like to be recorded as voting "aye" on Senate bill No. 1011.

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

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

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

The SPEAKER. The gentleman will state it.

Mr. GRIECO. I was absent from my seat. I would like to vote in the affirmative on Senate bill No. 1011, printer's No. 1829.

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

The Chair recognizes the gentleman from Lancaster, Mr. Brandt. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. BRANDT. Mr. Speaker, on Senate bill No. 1011, I would like to be recorded in the affirmative.

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

JUDICIARY BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 506, printer's No. 525**, entitled:

An Act amending the act of August 16, 1951 (P. L. 1236, No. 283), entitled "An act authorizing the Supreme Court and the Superior Court to appoint and fix the compensation of reporters of their decisions and assistants and employees; . . .," removing the limitation on the salary of reporters.

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 Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, may I interrogate someone on this bill?

The SPEAKER. Who would the gentleman like to interrogate?

Mr. GARZIA. The chief sponsor, but he happens to be a Senator.

The SPEAKER. If you want to wait, I will call over to the Senate and ask them to send somebody over.

Mr. GARZIA. No, we do not want to wake them up.

Will Mr. Scirica answer some questions?

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

Mr. SCIRICA. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. GARZIA. If I understand the bill right, when the

judge grants a raise to someone, a clerk or whoever it is, is there a limitation on how much he can raise the salary or can it be just an unlimited amount of salary he can increase?

Mr. SCIRICA. Mr. Speaker, this bill, Senate bill No. 506, affects only the Supreme and Superior Courts in Pennsylvania. It does not affect the common pleas courts in the various counties.

Under present law, the salary of the court reporter of the Supreme and the Superior Court is fixed by statute at \$12,500. I believe the intention of the sponsor of this bill was to leave the question of the salaries of the reporters of those two courts in the hands of the courts themselves, and that they would appropriate the money out of the appropriation that we give them each year, rather than having to come back to the legislature each time they want to get a salary raise for their reporters. So I believe in answer to your question, I do not believe that the bill has any limitation on the amount of salary they can be paid.

Mr. GARZIA. Mr. Speaker, does the common pleas court reporter have a limitation on what they can be paid, or is it just open season, whatever they want to give them?

Mr. SCIRICA. Are you talking about the Supreme and Superior Court reporters?

Mr. GARZIA. I am talking about your county courts now.

Mr. SCIRICA. I do not know the answer to that, Mr. Speaker.

I think the salaries are determined by the salary board, which is comprised of the commissioners, I believe, the controller and the treasurer.

Mr. GARZIA. Now these court reporters are not under any commission or anything? It is strictly the judges who will decide what salary they are going to get?

Mr. SCIRICA. That is correct, because you see these are not employes of the counties the way that the reporters in the common pleas court are. These are direct employes of the Supreme and Superior courts.

Mr. GARZIA. All right. Thank you.

Mr. Speaker, may I make a statement?

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

MOTION TO TABLE

Mr. GARZIA. I am against this bill. I think what it tends to do is let the judges give raises in any amount. I am not going to say if the judge has a relative on the payroll that he is going to increase their salary to a fantastic amount, but it is possible.

I think everyone else has a limitation on what salary he can be paid. I think this bill should be amended to put a limitation on it.

I would like to table this bill so that I can have an amendment made up.

The SPEAKER. Will the gentleman, Mr. Garzia, make a motion?

The gentleman, Mr. Garzia, moves that Senate bill No. 506 be placed upon the table.

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

Mr. BERSON. I would oppose the motion, Mr. Speaker.

The reporters of the Supreme and Superior courts, the reporters of their decisions, have not had a raise in many, many years. It seems to me that it is within the prerogative of the judges of that court to set the figure, the salary that the reporters ought to receive.

We reserve final judgment here in that we ultimately make the appropriation for those courts. If we dislike the amount of money and find that what is being paid to the court reporters of their decisions is too high, we can adjust the appropriation accordingly. We have the final say. I think we ought to go ahead and deal with this bill.

MOTION WITHDRAWN

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

Mr. GARZIA. I just want to withdraw my motion.

The SPEAKER. The gentleman, Mr. Garzia, withdraws his motion to place Senate bill No. 506 upon the table. Does the gentleman desire to further debate the bill?

Mr. GARZIA. No. I would like to have the bill voted on.

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—129

Anderson, J. H.	Gillespie	McGinnis	Schweder
Bennett	Gillette	McLane	Scirca
Beren	Goodman	Mebus	Seltzer
Berlin	Greenfield	Menhorn	Shupnik
Berson	Hamilton, J. H.	Milanovich	Smith, E.
Bittle	Haskell	Miller, M. E.	Smith, L.
Bonetto	Hepford	Miller, M. E., Jr.	Spencer
Bradley	Hill	Milliron	Stahl
Brandt	Hopkins	Moehlmann	Stapleton
Burns	Hutchinson, A.	Mullen, M. P.	Stout
Butera	Hutchinson, W.	Mullen	Taddonio
Cassar	Irvis	Musto	Taylor
Cianciulli	Kelly, A. P.	Noye	Thomas
Cimini	Kelly, J. B.	O'Brien	Toll
Cowell	Kistler	O'Connell	Trello
Crawford	Klingaman	Pancoast	Turner
Cumberland	Knepper	Parker, H. S.	Vroon
DeMedio	Kolter	Perri	Wagner
Deverter	Kowalshyn	Petrarca	Wansacz
DeWeese	Kusse	Pitts	Wargo
Dininni	LaMarca	Polite	Westerberg
Dombrowski	Laudadio	Pratt	Whelan
Dorr	Laughlin	Prendergast	Wilson
Doyle	Lederer	Pyles	Wilt, R. W.
Eckensberger	Lehr	Ravenstahl	Wilt, W. W.
Englehart	Levi	Reed	Wojdak
Fawcett	Lincoln	Renninger	Wright
Fisher	Logue	Rhodes	Yohn
Foster, A.	Manderino	Ruggiero	Zearfoss
Freind	Manmiller	Ryan	
Gallagher	McCall	Saloom	Fineman,
Gelsler	McClatchy	Salvatore	Speaker
Giammarco	McCue	Schmitt	

NAYS—29

Abraham	Gallen	Katz	Renwick
Arthurs	Garzia	Kernick	Scheaffer
Davies	Geesey	Miscevich	Shelhamer
Dietz	George	Morris	Shuman
Fee	Halverson	Mrkonc	Weidner
Fischer	Hasay	Novak	Zeller
Fisherty	Hayes, S.E.	O'Keefe	Zwikel
Fryer			

NOT VOTING—45

Barber	Gleason	McIntyre	Shane
Bellomini	Green	Myers	Sbelton
Brunner	Grieco	O'Donnell	Sirianni
Caputo	Gring	Oliver	Ustynoski

Cohen	Hammock	Perry	Valicenti
Cole	Hayes, D. S.	Plevsky	Walsh, T. P.
Dicarlo	Itkin	Rappaport	Wiggins
DiDonato	Johnson, J.	Richardson	Williams
Dreibelbis	Letterman	Rieger	Worriow
Dumas	Lynch	Ritter	Yahner
Foster, W.	McGraw	Ross	Zord
Gleason			

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

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. ITKIN. Mr. Speaker, had I been in my seat, I would have voted "no" on Senate bill No. 506, printer's No. 525. I missed the vote because I was attending an Appropriations Committee meeting.

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

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

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

The SPEAKER. The gentleman will state it.

Mr. GRIECO. Mr. Speaker, I would like to be recorded as voting "yes" on Senate bill No. 506.

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

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

Mr. RAVENSTAHL. Mr. Speaker, I would like to be recorded as voting "aye" on Senate bill No. 506.

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

BILLS REMOVED FROM TABLE

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. 1145;
- House bill No. 1147;
- House bill No. 1281;
- House bill No. 1833;
- House bill No. 1887;
- House bill No. 1924;
- House bill No. 2077;
- House bill No. 2095;
- House bill No. 2101;
- House bill No. 2163;
- House bill No. 2265;
- House bill No. 2285;
- House bill No. 2353;
- House bill No. 2354;
- House bill No. 2358;
- House bill No. 2364;

House bill No. 2379;
 House bill No. 2389;
 House bill No. 2448;
 Senate bill No. 254;
 Senate bill No. 636;
 Senate bill No. 637;
 Senate bill No. 888;
 Senate bill No. 1093;
 Senate bill No. 1183;
 Senate bill No. 1327;
 Senate bill No. 1329;
 Senate bill No. 1330; and
 Senate bill No. 1359.

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

**BILLS REMOVED FROM THE TABLE
 AND REREFERRED**

The SPEAKER. The Chair recognizes the majority leader.

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

House bill No. 538;
 House bill No. 1024;
 House bill No. 1774;
 House bill No. 2252;
 House bill No. 2270;
 House bill No. 2304;
 House bill No. 2305;
 House bill No. 2306;
 House bill No. 2307;
 House bill No. 2308;
 House bill No. 2309;
 House bill No. 2359;
 House bill No. 2378; and
 Senate bill No. 954.

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

Agreeable to order,
 The House proceeded to third consideration of House bill No. 748, printer's No. 3251, entitled:

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.

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

Amend Sec. 1 (Sec. 14.1), page 6, line 3, by inserting after "Facilities.—": (a)
 Amend Sec. 1 (Sec. 14.1), page 6, by inserting between lines 19 and 20:
 (b) The Department of Public Welfare shall use any building which is owned by the Commonwealth and is vacant and available as a regional detention facility.

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

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

Mr. REED. Mr. Speaker, I am advised this is an agreed-to amendment, but for the purposes of everyone's information, it simply says: "The Department of Public Welfare shall use any building which is owned by the Commonwealth and is vacant and available as a regional detention facility."

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

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

Bill as amended was agreed to.

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

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

YEAS—164

Abraham	Gallen	Manderino	Saloom
Anderson, J. H.	Garzia	Manmiller	Salvatore
Arthurs	Geesey	McCall	Scheaffer
Barber	Geisler	McClatchy	Schmitt
Bennett	George	McGinnis	Schweder
Beren	Giammarco	McLane	Scirica
Berlin	Gillespie	Mebus	Shane
Berson	Gillette	Menhorn	Shupnik
Bittle	Gleeson	Milanovich	Sirianni
Bonetto	Goodman	Miller, M. E.	Smith, E.
Bradley	Greenfield	Miller, M. E., Jr.	Smith, L.
Brandt	Grieco	Milliron	Spencer
Brunner	Halverson	Miscevich	Stahl
Burns	Hamilton, J. H.	Moehlmann	Stapleton
Butera	Hasay	Morris	Stout
Caputo	Haskell	Mullen, M. P.	Taddonio
Cessar	Hayes, S. E.	Mullen	Taylor
Cianciulli	Hepford	Musto	Thomas
Cimini	Hill	Novak	Toll
Cowell	Hopkins	Noye	Trello
Crawford	Hutchinson, A.	O'Connell	Turner
Cumberland	Hutchinson, W.	O'Keefe	Ustynoski
Davies	Irvis	Pancoast	Vaicenti
DeMedio	Katz	Parker, H. S.	Vroon
Deverter	Kelly, A. P.	Perri	Wagner
DeWeese	Kelly, J. B.	Perry	Wansacz
Dietz	Kernick	Petrarca	Wargo
Diminni	Kistler	Pitts	Wedner
Dombrowski	Klingaman	Polite	Westerberg
Dorr	Knepper	Pratt	Whelan
Doyle	Kolter	Prendergast	Wilson
Dumas	Kowalyszyn	Pyles	Wilt, R. W.
Eckensberger	Kusse	Ravenstahl	Wilt, W. W.
Engelhart	LaMarca	Reed	Wright
Fawcett	Laudadio	Renninger	Yohn
Fee	Laughlin	Renwick	Zearfoss
Fischer	Lederer	Rhodes	Zeller
Fisher	Lehr	Richardson	Zwikl
Flaherty	Letterman	Ross	
Foster, A.	Levi	Ruggiero	Fineman, Speaker
Freind	Lincoln	Ryan	
Gallagher	Logue		

NAYS—5

Fryer	Mrkonic	Shelhamer	Shuman
McCue			

NOT VOTING—34

Bellomini	Gring	O'Brien	Shelton
Cohen	Hammock	O'Donnell	Walsh, T. P.
Cole	Hayes, D. S.	Oliver	Wiggins
Dicarlo	Itkin	Pievsky	Williams
DiDonato	Johnson, J.	Rappaport	Wojdak
Dreibelbis	Lynch	Rieger	Worrlow

Foster, W.
Gleason
Green

McGraw
McIntyre
Myers

Ritter
Seitzer

Yahner
Zord

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

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. ITKIN. Mr. Speaker, had I been in my seat, I would have voted "yes" on House bill No. 748, printer's No. 3251. I missed the vote because I was attending an Appropriations Committee meeting.

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

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

Mr. ARTHURS. Mr. Speaker, I rise for the same purpose, to indicate a change in a vote. Mr. Speaker, I would like to have the record reflect that on House bill No. 748, printer's No. 3251, which relates to the detention of minors, my vote was cast in error. I showed a positive vote. I would like to show a negative vote, please.

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

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

Mr. LETTERMAN. Mr. Speaker, I would also like to change my vote on House bill No. 748 and be recorded in the negative.

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

TAX BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. BRUNNER, the House resumed consideration on final passage of **House bill No. 2074, printer's No. 2680**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1527, No. 511), further providing for exemptions from taxation.

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 Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Mr. Speaker, could you pass over it briefly? The lady from Susquehanna does have amendments, but she is out of the hall just momentarily.

Mr. IRVIS. Miss Sirianni spoke to me, Mr. Speaker, yesterday, and unless the lady has changed her mind in the meantime, she said she was withdrawing her amendment. I have it so marked on my calendar.

Mr. O'CONNELL. Okay, I will take your word for it.

Mr. IRVIS. She is not offering it. Mr. Garzia is now the only person to offer an amendment to this bill.

Mr. GARZIA. We have not got a fiscal note yet.

The SPEAKER. Did the gentleman consult with the chairman of the Appropriations Committee?

Mr. GARZIA. Yes, yesterday, Mr. Speaker. He said he was going to have it today, and I spoke to one of his aides and they are working on it now. It is so complex that they cannot get all the information together. That is the only thing I can tell you.

The SPEAKER. The Chair recognizes the majority leader.

HOUSE BILL No. 2074 PASSED OVER TEMPORARILY

Mr. IRVIS. Mr. Speaker, would you pass over House bill No. 2074 temporarily? We are going to deal with it this week, Mr. Speaker.

Mr. Speaker, I know your deep concern for the passage of this bill. I want to assure you that we are going to deal with it today. We are going to deal with it today. And I would not want you to walk to your seat and be worried about it.

Mr. GARZIA. That is fine with me. I am only following the rules you laid down yesterday that I had to have a fiscal note on my amendment.

Mr. IRVIS. That is right, and we will follow them and we will deal with them today.

Mr. GARZIA. All right.

JUDICIARY BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 2257, printer's No. 3253**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 13), page 3, line 14, by striking out "JUDGES OF THE SUPERIOR COURT AND"

On the question,

Will the House agree to the amendment?

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

Mr. SCIRICA. Thank you, Mr. Speaker.

Mr. Speaker, this bill will amend the constitution with a resolution that will allow the General Assembly to expand the number of judges in the Superior Court of Pennsylvania. But the bill also has a provision that after selection or appointment of these additional judges to the Superior Court, they will be confirmed by a majority of the Senate.

Our present constitution provides that justices of the Supreme Court, judges of the Superior Court, judges of the Commonwealth Court, and all judges of the common

pleas court are confirmed by a two-thirds vote of the Senate.

If we pass the bill in its present form, any additional judges added to the Superior Court will be confirmed only by a majority vote. I submit that this will create an anomaly in our confirmation procedure.

Mr. Speaker, you will recall that last year a committee of the Senate made a complete study of the entire confirmation process and made certain recommendations which we enacted into law. They decided and we decided at that time that the confirmation procedure for all of our judges, both trial and appellate, would be by two-thirds' vote in the Senate.

Therefore, my amendment would delete the provision in the bill that provides for a majority confirmation and would return the law to its present state, which would mean that all judges would then be confirmed by a two-thirds' majority.

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

Mr. BERSON. Mr. Speaker, I oppose the amendment. It is true that this bill does provide that if additional judges are appointed to the Superior Court, they will be confirmed by a majority vote in the Senate. I will grant Mr. Scirica's point that that would introduce a new element in the confirmation process.

It was the feeling and belief of the sponsors of the bill that the time had come to start to make some changes in the confirmation process. This two-thirds' requirement is, as far as I know, unique in this state. The Chief Justice of the United States is confirmed on a simple majority of the United States Senate, as are all other officers appointed by the President.

The present President of the United States, when he was confirmed as Vice President upon appointment, was confirmed by a simple majority of the United States Senate. Surely, surely, the time has come when we ought to start to make some realistic inroads into this two-thirds' rule. Since it is embedded in the constitution, the only way we can deal with it is by amending the constitution. This is as good a place as any to do it.

I secondly would observe one other feature in this constitutional amendment. This amendment does not spell out how any new judges who would be put on the Superior Court are to be selected, but rather leaves it to our discretion as to how that selection process will take place, because it says that any additional judges who are selected shall be as provided by an act of the General Assembly.

It is conceivable that none of the judges would be appointed and that they would all be elected, so that the confirmation process would not come into play at all.

But leaving that to one side, I think this is as good a place as any for us in the House, who, after all, find our wishes in many cases stymied by this two-thirds' confirmation process in the other body—this is as good a place as any for us—to begin to make some inroads in it. It certainly does not operate to our benefit. I would suggest that this amendment be rejected.

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

Mr. SCIRICA. Mr. Speaker, I think Mr. Berson's argument could be made for a sweeping constitutional change for a method of confirming all judges, but I submit that

to have a confirmation process where 90 percent of our judges are confirmed in one manner, namely, by a two-thirds' vote, and 10 percent or less are confirmed in another manner, simply is not logical and makes no sense. Therefore, I think we should support the amendment.

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

The yeas and nays were required by Messrs. SCIRICA and BERSON and were as follows:

YEAS—87

Anderson, J. H.	Grieco	McGinnis	Smith, E.
Arthurs	Halverson	Mebus	Smith, L.
Beran	Hamilton, J. H.	Miller, M. E.	Spencer
Bittle	Hasay	Miller, M. E., Jr.	Stahl
Brandt	Haskell	Moehlmann	Taddonio
Burns	Hayes, S. E.	Mrkonic	Taylor
Butera	Hepford	Noye	Thomas
Cessar	Hill	O'Connell	Turner
Cimint	Hopkins	Pancoast	Ustynoski
Crawford	Hutchinson, W.	Parker, H. S.	Vroon
Cumberland	Katz	Perri	Wagner
Davies	Kelly, J. B.	Pitts	Weidner
Deverter	Kistler	Polite	Westerberg
Dietz	Klingaman	Pyles	Whelan
Dirinni	Knepper	Renninger	Wilson
Dorr	Kusse	Ryan	Wilt, R. W.
Fawcett	Lehr	Salvatore	Wilt, W. W.
Fischer	Levi	Scheaffer	Worriow
Fisher	Lynch	Scirica	Wright
Freind	Manmiller	Seltzer	Yohn
Gallen	McClatchy	Shuman	Zearfoss
Geesey	McCue	Sirianni	

NAYS—90

Abraham	Gallagher	Manderino	Ross
Barber	Garza	McCall	Ruggiero
Bennett	Geisler	McLane	Saloom
Berlin	George	Menhorn	Schmitt
Berson	Giammarco	Milanovich	Schweder
Bonetto	Gillespie	Milliron	Shane
Bradley	Gillette	Miscevich	Shelhamer
Brunner	Goodman	Morris	Shupnik
Caputo	Greenfield	Mullen, M. P.	Stapleton
Cianciulli	Hutchinson, A.	Mullen	Stout
Cowell	Irvis	Musto	Toll
DeMedio	Itkin	Novak	Trello
DeWeese	Kelly, A. P.	O'Brien	Valicenti
DiDonato	Kernick	O'Keefe	Wansacz
Dombrowski	Kolter	Oliver	Wargo
Doyle	Kowalyshyn	Perry	Wiggins
Dumas	LaMarca	Petrarca	Williams
Eckensberger	Laudadio	Pratt	Wojdak
Englehart	Laudadio	Praendergast	Zeller
Fee	Laughlin	Ravenstahl	Zwickl
Flaherty	Lederer	Reed	
Foster, A.	Letterman	Renwick	Fineman, Speaker
Fryer	Lincoln	Richardson	
	Logue		

NOT VOTING—26

Bellomini	Gleeson	McIntyre	Rieger
Cohen	Green	Myers	Ritter
Cole	Gring	O'Donnell	Shelton
Dcarlo	Hammock	Pievsky	Walsh, T. P.
Dreibelbis	Hayes, D. S.	Rappaport	Yahner
Foster, W.	Johnson, J.	Rhodes	Zord
Gleason	McGraw		

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

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

The SPEAKER. 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 minority whip.

Mr. RYAN. Mr. Speaker, the point I was going to make when I stood up a moment ago was a point in rebuttal to the remarks of Mr. Berson when he was referring to the intent of the sponsors, which was to create this new system of confirmation, a system in the sense of a lesser number of Senators needed to confirm.

I am one of the sponsors, and that was not my intent. My intent was not to change the confirmation in this isolated instance, but rather at an appropriate time, if we are going to do such a thing, it should apply to the entire judicial system and not just the isolated case that would be created under this bill.

I probably either got up too fast a moment ago or got down too soon. The vote was not going the way I thought it was going and you thought it was going at the time. Accordingly, I would request that, at the appropriate time the Chair would remove my name as a sponsor, and, under the circumstances, I intend to vote against the bill and would urge that others join with me.

The SPEAKER. At the appropriate time, the Chair will recognize the gentleman for a motion to waive or to suspend the rules.

The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I originally was a sponsor of this bill, but I have had my name taken off. It is not altogether because of this one-half requirement or more than one-half requirement for confirmation. It had to do with other matters as well.

But I just think that our experience in recent years on the appointment of judges should be sufficient that we had better put very severe checks and balances on the appointment process, or we had better institute valid and real merit selection of judges before we make such a major change as is contained in this proposed constitutional amendment.

I urge a "no" vote on this until we can do one of those two things, either put a proper restriction on any Governor having the ability to appoint judges—and in this case it will probably be the next Governor, not this one—and, secondly, we should make a strong move on the merit-selection concept before the August deadline so that we can make that kind of a constitutional change. We have had enough experience with bad appointments. Let us not compound that error.

I would suggest that only those in their seats vote on this bill.

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

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

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

Mr. BERSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. PANCOAST. Mr. Speaker, on page 3, section 3, I read this but I am not sure that the language conveys the intention I believe the bill is trying to provide for us.

The Superior Court shall be a statewide court, and shall consist of the number of judges, which shall be not less than seven judges . . . and have such jurisdiction as shall be provided by law.

Now, is it the intention to have the number of judges also provided by law? And if so, does this language provide for that?

Mr. BERSON. It is the intention that we, the General Assembly, will in a companion or subsequent piece of legislation fix—

Mr. PANCOAST. Does the language really do that, though? I am concerned that the way in which I read it, it seems that the General Assembly would have the authority through law only to determine jurisdiction and not number of judges.

Mr. BERSON. I do not think that is correct. If you will refer to the sentence beginning on line 23 on page 3: "The manner by which any additional judges are selected shall be as provided by act of the General Assembly." I think that makes it unmistakably clear that it relates both to jurisdiction and to the manner of selecting additional judges.

Mr. PANCOAST. That would clarify that.

Now my second question is: In conversations with respect to this proposed amendment, I understand that there would be maybe 13 judges, with the president judge directing the work of four different panels of three each. Is this correct?

Mr. BERSON. Well, that is not embodied in this amendment but it would either be—

Mr. PANCOAST. No, this is a conversation.

Now my question is: Is this what we would call part of determining jurisdiction of the court?

Mr. BERSON. I am not sure I understand your question. Is your question whether having the judges sit in panels is part of determining the jurisdiction? No, that is not strictly a jurisdictional question. Jurisdiction relates to what classes of cases, what types of controversies, a court can hear, and the manner in which they are heard is a matter which can either be fixed by statute or might be left to the internal administrative workings of the court itself.

In this case I believe the Supreme Court has already by rule reduced the quorum on the Superior Court from four to three, and they could probably sit in panels right now if they so desired. But that matter can be dealt with in a companion piece of legislation at the same time we deal with the jurisdiction and the addition of new judges to the court.

Mr. PANCOAST. My concern is, I think the present constitution intended, however, did it not, that all seven judges of our present Superior Court sit collectively, en banc?

Mr. BERSON. There is nothing in the present constitution in my view that would indicate one way or the other. The question is, what is a quorum of the Supreme Court? If a quorum is four, then obviously they all have to sit together. If a quorum is three, they can split into two panels.

The Supreme Court, under its administrative powers, has determined that a quorum is three, and, therefore, should the Superior Court decide to do so, I suppose they could sit in panels right now.

Mr. PANCOAST. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. May I interrogate the gentleman who offered in committee the amendments that created this difficulty, or not difficulty, but who offered the amendments that changed the confirmation numbers? Let me try it this way: Mr. Speaker, may I interrogate Mr. Berson?

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

Mr. BERSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, I am having difficulty reading this bill. This bill as originally drawn required a two-thirds majority of the Senate for the new judges created in the Superior Court?

Mr. BERSON. No.

Mr. RYAN. Looking at page 3, line 14, where the underlined portion, Judges of the Superior Court, where was that put in? Do you know? Was that part of the original bill or is that part of the amendment offered in committee?

Mr. BERSON. No, that was in the bill as originally drafted.

Mr. RYAN. What portion of this bill as we have it before us was the result of an amendment-changing committee?

Mr. BERSON. Lines 23, 24 and 25 on page 3 were amendments in committee, with the sentence beginning "The manner by which . . ."

Mr. RYAN. What page is that, Mr. Speaker?

Mr. BERSON. Page 3.

Mr. RYAN. Now how can you determine in looking at the bill that those lines were changed and line 14 was not changed? It appears to be the very same composition.

Mr. BERSON. Mr. Speaker, I can only defer to the Legislative Reference Bureau on this. They apparently adopted a style of handling constitutional amendments which is not consistent with the manner in which they handle bills. I do not know why they do it that way, but apparently that is the way they do it.

Mr. RYAN. Mr. Speaker, I call to the gentleman's attention on page 1, lines 1 through 6, and call further to his attention the arrows on the right-hand margin which I believe signify an amendment to the bill as introduced. Would the gentleman agree with that, changing the title by amendment?

Mr. BERSON. Yes, I will agree to that.

Mr. RYAN. All right.

Mr. BERSON. This has something to do, Mr. Speaker, with whether it is in the body of the constitutional amendment or in the schedule. I am not sure why they do it the way they do it.

Mr. RYAN. Mr. Speaker, I am suggesting to the gentleman that what is signified by this title change is the amendment, and that the amendment changed certain provisions relating to confirmation, initial terms, and further providing for the president judge of the Superior Court. Now that is the information I have from a member of the committee on the Republican side.

I wonder if I could interrogate Mr. Michael Fisher, who, I believe, is on that committee?

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

Mr. FISHER. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. RYAN. Mr. Speaker, I think we need a fifth lawyer in this group here because there is a two-two stand-off.

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

Mr. DAVIES. A point of personal privilege on a piece of pending legislation, Mr. Speaker: Would I have an opportunity to address the body at this time?

The SPEAKER. The Chair would hope the gentleman would defer making his statement until after the bill.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I withdraw my request to interrogate Mr. Fisher. With the Chair's permission, I would simply like to speak against the bill.

Mr. Speaker, as I understand the course of events that took place from the time the bill was introduced until today, the bill as introduced did call for a simple majority to confirm any new members of the Superior Court.

As a result of amendments, if the constitutional change took place, the bill would require a simple majority in the case of any vacancy be it by reason of the additional judges or by the death, resignation, retirement of any of the present judges of the Superior Court.

I go back and reflect for a moment on the remarks of Mr. Berson a moment ago. It seemed to me that Mr. Berson's interest was greater as this resolution applied to the question of confirmation than it was as to the real intent of the bill, which was to create the additional judges.

It seemed that Mr. Berson's interest was to go in the back door or do an end run on this question of confirmation. I confess to my own ignorance, perhaps, in signing this bill and not checking it over more carefully than I did and that I did not realize this distinction on the simple majority versus the two-thirds needed for confirmation.

I maintain my opposition and request strongly that we vote this bill down in its present form, and that the question of confirmation by a simple majority or a two-thirds of the members of the Senate be treated separately and include the entire judiciary and not just the Superior Court.

Thank you, Mr. Speaker.

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

Mr. BERSON. Mr. Speaker, in response to Mr. Ryan's remarks, I can only reiterate what I have said previously: The most important and far-reaching legislation affecting every facet of the lives of the citizens of this Commonwealth—the taxes they pay, the medical care they receive, you name it—is affected by a simple majority vote of both Houses, except when we come to gubernatorial appointments. And then for some reason, we find looming us and staring us in the face this two-thirds' provision.

I can only reiterate that it has been a continuous source of mischief over the years, and this constitutional amendment gives us an opportunity to make one small inroad in what I conceive to be a pretty bad system.

I think the issue before the House is clear. If you want to take a small step in eliminating the kind of political mischief that has gone on over the years with the two-thirds' confirmation provisions, this is a good place to start. If you want to preserve the opportunity for those kinds of mischief, then vote against this provision. But I think this is a good first step and I would urge members to support the bill.

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

Mr. YOHN. Mr. Speaker, would the gentleman, Mr. Berson, consent to interrogation?

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

Mr. BERSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. YOHN. Mr. Speaker, do I understand this bill correctly that if this constitutional enactment is approved by the people, that then district justices of the peace would then be confirmed by a majority vote? Is that correct?

Mr. BERSON. That is the present provision.

Mr. YOHN. Right. Now in the event that this becomes law, what would be the status of common pleas court judges who were appointed by the Governor?

Mr. BERSON. They would still require a two-thirds' vote in the Senate to confirm.

Mr. YOHN. And on the next level of our judicial system, what would be the status of Commonwealth Court judges who are appointed by the Governor?

Mr. BERSON. Likewise, they would require a two-thirds' vote of the Senate to confirm.

Mr. YOHN. Then the next level would be the Superior Court, which would require a majority vote?

Mr. BERSON. That is correct.

Mr. YOHN. And the final level would be our Supreme Court, which would still require a two-thirds' vote.

Mr. BERSON. That is correct.

Mr. YOHN. Thank you.

Mr. Speaker, I think there is a case that can be made for a majority or two-thirds confirmation. I think that is an issue which this legislature should certainly address and look at thoroughly. But I think we are only looking at part of the pie through this bill. We are getting to an absurd result where the judicial level in the middle of our system is confirmed by a majority vote, but yet the common pleas and Commonwealth Court judges would require a two-thirds' vote and the Supreme Court would require a two-thirds' vote at the top judicial level, and I would, therefore, submit that we should reject this bill and look at the entire problem and come up with an overall resolution to that problem.

Thank you.

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

Mr. McCUE. Mr. Speaker, will the gentleman, Mr. Berson, stand for interrogation?

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

Mr. BERSON. Yes, sir.

The SPEAKER. The gentleman will proceed.

Mr. McCUE. Mr. Speaker, I refer you to page 3, lines 5 and 6 of the bill, which states: "have such jurisdiction as shall be provided by law."

Will the gentleman explain to this assembly what jurisdiction of a court means?

Mr. BERSON. I believe in answering the question from Mr. Pancoast, I explained that jurisdiction means the classes of controversies which that court may undertake to consider, those classes of controversies which either we by statute or the constitution confer upon it.

Mr. McCUE. That then would be the types of actions

which litigants or petitioners to the several courts might have. Is that correct?

Mr. BERSON. Well, it is the classes of cases which—in the case of the Superior Court—may be appealed to the Superior Court. As you know, the jurisdiction of the Superior Court is completely statutory. We fix it by statute. We tell that court what class of controversies it may hear on appeal and what, if any, original jurisdiction it has. That is done and has been done since 1895, which is the organic act governing the operations of the Superior Court.

Mr. McCUE. Then the Superior Court has a certain jurisdiction; the Commonwealth Court has a certain jurisdiction; and the Supreme Court has a certain jurisdiction? Is that correct?

Mr. BERSON. That is correct.

Mr. McCUE. Now on the next lines it says, "as provided by law."

I believe, if I recall your prior statements, that your interpretation of the definition of law is an act of the General Assembly. Is that correct?

Mr. BERSON. The words "provided by law" appear in the Constitution of Pennsylvania. I am not prepared to tell you today, in all candor, that the Supreme Court has held that law as used in the constitution means just and is solely confined to statute law.

Mr. McCUE. Has the gentleman finished his response?

Mr. BERSON. Yes, sir.

Mr. McCUE. Mr. Speaker, would the term "by law" be interpreted by the courts to mean a rule of the court?

Mr. BERSON. That is a very difficult question, Mr. Speaker. It is my understanding that the Supreme Court has interpreted the word "law" as it appears in the Constitution of Pennsylvania to include rule, yes.

Mr. McCUE. Mr. Speaker, is it possible that if this provision was accepted by the voters, that the Superior Court could determine its own jurisdiction?

Mr. BERSON. No, Mr. Speaker, because it has been the historical prerogative of this General Assembly and recognized in the constitution and all our statutes that this General Assembly fixes the jurisdictions of the courts of this Commonwealth and that it cannot be done by rule.

What you have asked me, however, is a slightly different question. You asked me how the Supreme Court had interpreted the word "law" as used in the constitution, and I, in all candor, had to tell you that they have sometimes interpreted it to include a rule of court. But as far as conferring jurisdiction on the courts, there is no question that that is solely our power, and if you will look at the Appellate Court Jurisdiction Act, which we passed about 4, 5, maybe 6 years ago, you will see that we have, by statute, laid out the entire appellate jurisdiction of all the appeals courts of Pennsylvania; by statute which we passed, which we could repeal, which we could amend, and over which we have complete control.

Mr. McCUE. Further in this line of questioning, Mr. Speaker, could the Supreme Court determine the jurisdiction of the Superior Court?

Mr. BERSON. In my opinion, no.

Mr. McCUE. Mr. Speaker, if then it has been held by the Supreme Court that the rules of the court are law in spite of the fact that it is our legislative intent that the General Assembly determine jurisdiction, could the court, under its interpretation, then make a rule which the

Supreme Court would call law and would determine the jurisdiction of the Superior Court following this terminology in this particular bill?

Mr. BERSON. No, Mr. Speaker. I believe the Supreme Court of Pennsylvania recognizes the historical powers of the General Assembly to determine the jurisdiction of the courts of this Commonwealth. They would be foolish in the extreme to try and disturb the power that rests with us, and I cannot conceive of a set of circumstances where they would do it.

Mr. McCUE. One further question: Does this bill have a fiscal note attached?

Mr. BERSON. No, Mr. Speaker. It does not. It has no fiscal implications.

MOTION TO RECOMMIT

Mr. McCUE. Mr. Speaker, I would move that House bill No. 2257 be recommitted to the Appropriations Committee for the purpose of attaching a fiscal note.

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

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

Mr. BERSON. Mr. Speaker, I would oppose the motion. This bill has no fiscal implications. It only says that the General Assembly may in the future, if it deems it wise, provide for additional judges. It does not provide any additional judges for the Superior Court. It simply removes the restriction that there can be no more than seven, and if we at some future date decided to increase the number, the bill doing that would require a fiscal note. But this bill is a constitutional amendment and requires no such fiscal note.

MOTION RULED OUT OF ORDER

The SPEAKER pro tempore. The Chair would rule that inasmuch as Mr. McCue's motion is for recommitment for a fiscal note, that the bill as written does not have any fiscal implications and does not require a fiscal note and, hence, the motion is out of order. If the gentleman wishes to recommit it for some other purpose or to another committee, that would be in order.

PARLIAMENTARY INQUIRY

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

Mr. McCUE. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McCUE. Mr. Speaker, as I understand, a constitutional amendment to be considered by the public must be advertised in the newspapers and ballots must be printed so that the voters may consider the matter. I would suggest to the speaker that this does require an expenditure of money in order to accomplish this. I would ask the Speaker's opinion.

The SPEAKER pro tempore. The advertising requirements and the election can only take place after a constitutional amendment passes the General Assembly on two separate occasions. Since this has not passed the first time, it will only be the first. The fiscal implications will apply the second time around next year.

Mr. McCUE. Mr. Speaker, may I speak further on the bill?

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. McCUE. Mr. Speaker, I stand to oppose House bill No. 2257 for several reasons. The subject matter of the interrogation and response between Mr. Berson and me brings out a very important matter on line 6 of page 3 where the bill reads "jurisdiction as provided by law." The word "law" is in some sense a vague word.

Something is law if a piece of legislation is enacted by the General Assembly and signed by the Governor. We generally agree that that is law, that is a statute. A ruling by a court of competent jurisdiction is law. It at least determines a dispute or a matter between litigants and it may determine a question which is posed by a petitioner. However, under our system of stare decisis, this decision then is law not only as between litigants but is law as precedent for the future in order to decide other cases and to act as a ruling and perhaps to keep other litigants out of court in settling cases, depending on this prior interpretation. That, too, is law.

Then we know that courts have gone further in more recent years and have promulgated orders which somewhat resemble legislation by the courts. That, too, is law.

Finally, there is the vast rule-making powers of the court. Rules of court, as I understand it, were originally intended to provide administrative guidelines so that members of the court, the attorneys, the litigants would have an orderly way of conducting business. These rules have been expanded and gone further and here is a rather vague situation. Occasionally these rules are called law. Occasionally they are referred to as having courts of law—

PARLIAMENTARY INQUIRY

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

Mr. MILLIRON. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MILLIRON. Is the gentleman debating the merits of the bill or what?

The SPEAKER pro tempore. I think the gentleman is trying to debate the issues in the bill, albeit how far afield they are. I would suggest that the gentleman try to get to the point. It is difficult to keep order when the debate gets a little too long.

Mr. McCUE. Mr. Speaker, I am on the point of page 3, line 6, the fifth word in.

The SPEAKER pro tempore. I have ruled that the debate is within the realm of what the gentleman is talking about but suggest that when it gets too long, it gets difficult to keep order and for the members to keep listening.

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

Mr. SALOOM. I wish to move the previous question, Mr. Speaker.

The SPEAKER pro tempore. Such a motion requires the seconds of 20 members. I see only two seconds, three, four, five, six. The motion fails for lack of sufficient

seconds. The motion fails for lack of 20 seconds. There are only nine seconds standing. You are now down to eight. The motion fails.

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

Mr. McCUE. Mr. Speaker, my point is that we are giving away from this Assembly our right to determine the jurisdiction of the court and that it can be possibly determined by the court itself.

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

The Chair has just been advised that there are other amendments to be offered and I understand your debate is on the merits of the bill. May I suggest that the gentleman yield to the others who are going to offer amendments first and then I will recognize you to debate the bill itself.

Mr. McCUE. I so yield, Mr. Speaker.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 2257

Mr. REED moved that the vote by which HOUSE BILL No. 2257, printer's No. 3253, was agreed to on third consideration be reconsidered.

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

Amend Title, page 1, line 6, by removing the period after "COURT" and inserting: and for the rule making powers of the Supreme Court.

Amend Sec. 1, page 1, line 12, by inserting after "3": subsection (c) of section 10

Amend Sec. 1, page 3, by inserting between lines 7 and 8:

Section 10. Judicial Administration.—***

(c) The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, justices of the peace and all officers serving process or enforcing orders, judgments or decrees of any court or justice of the peace, including the power to provide for assignment and reassignment of classes of actions or classes of appeals among the several courts as the needs of justice shall require, and for admission to the bar and to practice law, and the administration of all courts and supervision of all officers of the judicial branch, if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions. Any rule promulgated by the Supreme Court pursuant to this section shall become effective 180 days after adoption by the court unless the General Assembly shall disapprove such rule within the 180-day period pursuant to procedures established by the General Assembly by statute.

* * *

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

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

Mr. REED. Mr. Speaker, this amendment has been circulated to all the House members within the last 30 minutes. It relates to some extent to what Mr. McCue described as the vast rule-making power of the court.

Since the constitutional convention and the adoption of the present language of the constitution, the court was given constitutional authority to issue rules concerning procedures of the judicial system, and that they can further suspend laws to the extent that those laws will be inconsistent with their rules. We have run into a number of difficulties which many House members have talked about and even campaigned about from time to time. Let me sight just a few.

For example, on the Sentencing Code, Act 345, passed in 1974, the courts suspended a variety of sections within that code less than 3 months after the legislature approved it. The suspended sections dealt with pre-sentence investigation and reports, sentencing procedures, fines, written records, creation of a sentencing council.

The court gave absolutely no reason at that time for its suspension, and there was only one dissenting justice. The motive for that suspension is still uncertain, and this is perhaps the clearest incident of the court dealing with the law which it never declared unconstitutional.

Further, some House members have been disturbed about the matters of power of arrest as they relate to both constables and sheriffs. They have delayed implementation of one of their rules with regard to constables but not with regard to sheriffs.

Concerning the matter of bail, Court Rules 4001 through 4018 deals with the setting of bail, the conditions of bail, and the reference to release on recognizance, with which we are all familiar.

Some of this, particularly the matter pertaining to releasing on own recognizance, was a procedure used primarily in the city of Philadelphia, but as a result of their rule they promulgated it for the entire state. Some of the areas of the state were unprepared to deal with that, and House bill No. 935 provides that all bail-related matters shall be established by court rule.

Particularly under the subject of bail and somewhat related to some other aspects of points that I am going to bring up, is the ARD program, also with which we are familiar. This is a program that originated in Philadelphia and it is now applicable statewide as a result of Court Rules 175-185. This, frankly, smacks at a question and a matter which the legislature ought to be making a decision about since it has to do with prosecution as opposed to rehabilitation. I would hasten to add that the ARD program has been very successful in many cases and in some cases it has not.

I deal, not with the specifics of ARD cases as they relate to individuals and the crimes to which they were charged, but rather the constitutional prerogative of the legislature as opposed to the constitutional prerogative of the court.

Then we have the matter of prompt trial. Mr. Speaker, Rule 1100 requires that a trial begin within 180 days after a complaint is filed. And this rule is an outgrowth of the United States Supreme Court decision mandating a series of balancing tests to insure a speedy trial. And I do not think too many of us here disagree with the matter of speedy trials.

One purpose of the rule, it has been suggested, was to force the legislature to authorize additional judgeships, but that has not been done. But there is a more potentially serious problem, Mr. Speaker, that presently exists. The Superior Court of Pennsylvania has decided that delay resulting from argument on both defense motions and a delay by the court in deciding pre-trial motions are chargeable against the 180-day rule. Unless that is overturned by the Supreme Court, Mr. Speaker, I think that is going to result in the discharge of additional persons charged with crimes, many of them serious, without having had any trial at all. One district attorney testifying before the Law and Justice Committee identified Rule 1100 as "unrealistic, unworkable and the worst we have even encountered."

I have mentioned the reference to constables, rules for which have also been promulgated, as well as for appellate procedure.

I would remind members of the House that the rules of the court are presently exempt from notification provisions of the Commonwealth's document law so the court does not need to give prior notice to proposed rules' changes in the Pennsylvania Bulletin. As a consequence, everyone of us has received from police departments, district justices, district attorneys and others complaints about the fact that they do not receive copies of the rules when they are issued, and there are also some questions with regard to how anyone has any input into review of those rules.

Mr. Speaker, I think those major points are reasons why this amendment to a constitutional provision is in order, so that we can provide constitutionally a checks-and-balance system between the legislative branch of government, as the law-making body, and the judicial branch.

The constitutional amendment must not only pass two separately elected legislatures, but also must be decided by the people. In essence, my argument is to provide a greater checks and balance in this constitutional provision and let the people decide if this is what they want. I do not think that is too much to ask, and in light of today's difficulties in the criminal justice system, I think it is extremely appropriate for us to take this action.

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

Mr. SCIRICA. Thank you, Mr. Speaker.

Mr. Speaker, in the course of perhaps 30 or 40 minutes we are going to be debating and voting on a major constitutional change. I think this is the kind of issue that the legislature must give considerable more attention to before we take a step in this direction. It will mean the undoing of the work of the Constitutional Convention of 1968 and the practice and the procedure that has proceeded since that time.

There are instances where I have been in disagreement with the Supreme Court on specific rule-making powers, mainly in regard to the Sentencing Code. But what we are doing here is making such a sweeping change that I think it would be inadvisable for us to move so hastily in this direction.

We now have a unified court system in Pennsylvania and the principal mechanism by which that unified judicial system works is the rule-making power of the Supreme Court. We have had disagreements from time

to time as to what matters are substitutive and what matters are procedural, and that is the direction that we must move legislatively or through the constitution to circumscribe what we feel is in excess in the rule-making power. But to move in this way, which is to give us the veto over all rule-making power, the vast majority of which does not affect the legislature in any way but affects the operations of our court system, would be a serious mistake.

I think it is significant that the Supreme Court did suspend their rules relating to constables, and they did so because of the pressure that was brought to bear by the many members of this General Assembly.

The Speaker of the House, Mr. Fineman, has worked diligently in the last 4 months to try to bring a better understanding between the legislature and the court so that we will avoid these confrontations in the future. And if, in fact, the judicial code does pass and the judicial council is instituted in Pennsylvania, it will mean that we will have a new mechanism that will be more open, that will be subject to sunshine, that will have access to many different groups and people who will have the final responsibility for these rules, and not simply procedural rules committees of the court. Therefore, I think we should defeat this amendment.

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

Mr. BERSON. Mr. Speaker, I, too, rise to oppose these amendments, which, as Mr. Scirica correctly pointed out, would work a fundamental change in the manner of the governing of the judiciary, a matter which consumed months of debate in the Constitutional Convention in 1967, and we intend to make such a radical change with an amendment which is probably germane to the main bill but, if you can really think about it, has nothing to do with the bill that is being debated now. To introduce through the back door such a fundamental change in the judicial administration of this Commonwealth seems to me to be wrong. We should not do it.

We have tried through the good offices of the Speaker over the last 4 months to meet informally with members of the Supreme Court to try to explain to them what our problems are and, hopefully, we have worked out a program where there will be a smoother working relationship between the legislature and the Supreme Court in the rule-making area.

In addition, if the judicial code passes, we will activate a judicial council that, it is to be hoped, will have a continuous input into the Supreme Court. Many of their rules will, at least so far as they relate to a judicial administration, come on our calendar for consideration in the same way as a departmental reorganization plan. I think that to attack this problem in this way, with this sort of sledgehammer approach, is the wrong way to do it. It is a back-door way to do it and it surely ought to be rejected.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lycoming, Mr. Cimini.

Mr. CIMINI. Mr. Speaker, the former speaker talked about the sledgehammer approach, and the only reason that the courts of Pennsylvania backed up on the constable's bill and also on the new regulations until November is because of the sledgehammer approach.

The people of this State of Pennsylvania are crying for legislation such as the amendment that Mr. Reed proposes here. I would hope that all our colleagues in the House would go along with this amendment, at least to show the courts that we are in agreement. I, therefore, support this amendment and would hope that the rest of you do also.

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

Mr. POLITE. Mr. Speaker, I, too, rise to support this amendment. If it had not been for the confrontation with the Supreme Court and the Law and Justice Committee, this amendment would not be here today.

I think we need more confrontation with the Supreme Court, and we are going to make them take notice. And they did take notice, and they are going to listen for once and for all. I urge all my colleagues to support this amendment.

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

Mr. REED. My second bite at the apple is simply this, and first could I have some order, because I do not think a lot of the members know what we are going to be voting on.

I would like to answer just several of the points that were stated by the opponents of the amendment. Simply that the Constitutional Convention when it met recognized that the constitution is a document that, while absolute, should not be a permanent one; that it is subject to change as we see the need for that change.

Our exercising that right to seek change in the constitutionally prescribed amendatory process with the voters' approval is within our boundaries.

It is not a hasty decision that has been alluded to. It must pass two separately elected legislatures and then must appear on the ballot for the voters' approval. That gives us more than sufficient time, I think, and certainly much longer than the legislature gives its ordinary legislation to arrive at a decision on our part and on the part of the public.

The fundamental changes that Mr. Berson suggests would be brought about by this amendment. He is absolutely correct, that that is precisely what we are trying to do. It is not, therefore, specifically a reason to oppose something if it is to bring about a fundamental change.

Our experience with the present constitutional language has not been a pleasant one in these last several years. The legislature and the court, its smooth-working relationship, that, granted, has begun in the last 4 months, has begun only because we have come to this floor and gone to our committee meetings and pointed out the disparity between their views and ours and the fact that, previous to that, they would not even listen to us.

I suggest that this amendment would guarantee that there is a smooth-working relationship between the legislature and the courts; it would be absolutely necessary for them as well as for us.

Presently, it is not absolutely necessary. I suggest, finally, that the sledgehammer approach which Mr. Berson feels that this amendment takes is no worse, at best, than the sledgehammer approach that was taken by the Supreme Court on some of the examples that I pointed out, specifically with regard to the Sentencing Code and

others and others and the 180-day rule, and so forth. Mr. Speaker, I think this amendment speaks very much to a point that this legislature knows all about and ought to approve.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. REED and BERSON and were as follows:

YEAS—145

Abraham	Garzia	McClatchy	Scheaffer
Anderson, J. H.	Geesey	McCue	Schmitt
Arthurs	Geisler	McGinnis	Schweder
Barber	George	McLane	Seltzer
Bellomini	Gillespie	Mebus	Shane
Berlin	Gillette	Menhorn	Shelhamer
Bittle	Goodman	Milanovich	Shalton
Bradley	Grleco	Miller, M. E.	Shuman
Brandt	Halverson	Miller, M. E., Jr.	Shupnik
Burns	Hamilton, J. H.	Milliron	Sirianni
Butera	Hammock	Miscevich	Smith, E.
Caputo	Hasay	Moehlmann	Smith, I.
Cassar	Hayes, S. E.	Morris	Spencer
Cianciulli	Hepford	Mrkonje	Stahl
Cimini	Hill	Mullen	Stapleton
Cohen	Hopkins	Musto	Taddonio
Cowell	Hutchinson, A.	Novak	Taylor
Crawford	Hutchinson, W.	Noye	Thomas
Davies	Itkin	O'Brien	Trello
Deverter	Katz	O'Connell	Turner
DeWeese	Kelly, J. B.	O'Keefe	Ustynoski
DiDonato	Kernick	Pancoast	Valicenti
Dietz	Kistler	Parker, H. S.	Vroon
Dininnt	Klingaman	Perri	Wagner
Dombrowaki	Knepper	Petrarca	Wanasacz
Dorr	Kolter	Pitts	Weidner
Doyle	Kowalyshyn	Polite	Weitzerberg
Dumas	Kusse	Pratt	Whelan
Eekensberger	Lehr	Pyles	Wiggins
Fawcett	Letterman	Reed	Wilson
Fischer	Levi	Renninger	Wilt, W. W.
Flaherty	Lincoln	Richardson	Worrlow
Foster, A.	Logue	Ross	Wright
Freind	Lynch	Ruggiero	Zearfoss
Fryer	Manmiller	Saloom	Zeller
Gallagher	McCall	Salvatore	Zwikel
Gallen			

NAYS—28

Bennett	Haskell	Prendergast	Wargo
Berson	Irvia	Ravenstahl	Wilt, R. W.
Bonetto	Kelly, A. P.	Renwick	Wojdak
Brunner	LaMarca	Ryan	Yohn
DeMedio	Laudadio	Scirica	
Engelhart	Laughlin	Stout	Fineman,
Fee	Manderino	Toll	Speaker
Fisher	Perry		

NOT VOTING—30

Baren	Gleason	McIntyre	Rhodes
Cole	Green	Mullen, M. P.	Rieger
Cumberland	Greenfield	Myers	Ritter
Dicarlo	Gring	O'Donnell	Walsh, T. P.
Dreibelbis	Hayes, D. S.	Oliver	Williams
Foster, W.	Johnson, J.	Pievsky	Yahner
Giammarco	Lederer	Rappaport	Zord
Gleason	McGraw		

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

RECONSIDERATION OF VOTE ON SCIRICA AMENDMENT TO HOUSE BILL No. 2257

Mr. SCIRICA moved that the vote by which his amendment to HOUSE BILL No. 2257, printer's No. 3253, was defeated on this day be reconsidered.

Mr. BERSON 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 amendment?

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

Mr. SCIRICA. I think everybody knows what these amendments are. A vote "aye" is in favor of a two-thirds' confirmation. A vote "no" would be to retain the majority.

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

The SPEAKER pro tempore. As the gentleman pointed out, an "aye" vote retains two-thirds' confirmation to appointees of the Superior Court. A "no" vote is a majority vote.

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

The yeas and nays were required by Messrs. SCIRICA and BERSON and were as follows:

YEAS—87

- | | | | |
|-----------------|-----------------|--------------------|-------------|
| Anderson, J. H. | Grieco | McGinnis | Smith, E. |
| Arthurs | Halverson | Mebus | Smith, L. |
| Beren | Hamilton, J. H. | Miller, M. E. | Spencer |
| Bittle | Hasay | Miller, M. E., Jr. | Stahl |
| Brandt | Haskell | Moehmann | Taddonio |
| Burns | Hayes, S.E. | Noye | Taylor |
| Butera | Hepford | O'Connell | Thomas |
| Cesar | Hill | Pancoast | Turner |
| Cimino | Hopkins | Parker, H. S. | Ustynoski |
| Crawford | Hutchinson, W. | Perri | Vroon |
| Cumberland | Katz | Pitts | Wagner |
| Davies | Kelly, J. B. | Polite | Weidner |
| Deverter | Kistler | Pyles | Westerberg |
| Dietz | Klingaman | Renninger | Whelan |
| Dininni | Knepper | Richardson | Wilson |
| Dorr | Kusse | Ryan | Wilt, R. W. |
| Fawcett | Lehr | Salvatore | Wilt, W. W. |
| Fischer | Levi | Scheaffer | Worrlow |
| Fisher | Lynch | Scirica | Wright |
| Freind | Manmiller | Seltzer | Yohn |
| Gallen | McClatchy | Shuman | Zearfoss |
| Geesey | McCue | Sirianni | |

NAYS—91

- | | | | |
|--------------|----------------|-------------|-----------|
| Abraham | Fryer | Logue | Renwick |
| Barber | Gallagher | Manderino | Ross |
| Bellomini | Garzia | McCall | Ruggiero |
| Bennett | Geisler | McLane | Saloom |
| Berlin | George | Menhorn | Schmitt |
| Berson | Giammarco | Millanovich | Schweder |
| Bonetto | Gillespie | Milliron | Shane |
| Bradley | Gillette | Miscevich | Shelhamer |
| Brunner | Goodman | Morris | Shupnik |
| Caputo | Greenfield | Mrkonjc | Stapleton |
| Cianciulli | Hutchinson, A. | Mullen | Stout |
| Cohen | Irvis | Musto | Toll |
| Cowell | Itkin | Myers | Trello |
| DeMedio | Kelly, A. P. | Novak | Valicenti |
| DeWeese | Kernick | O'Brien | Wansacz |
| DiDonato | Kolter | O'Donnell | Wargo |
| Doyle | Kowalyszyn | O'Keefe | Wiggins |
| Dreibelbis | LaMarca | Perry | Wojdak |
| Dumas | Laudadio | Petrarca | Zeller |
| Eckensberger | Laughlin | Pratt | Zwikel |
| Englehart | Lederer | Prendergast | |
| Fee | Letterman | Ravenstahl | Fineman, |
| Flaherty | Lincoln | Reed | Speaker |
| Foster, A. | | | |

NOT VOTING—25

- | | | | |
|------------|--------------|---------------|--------------|
| Cole | Gring | Mullen, M. P. | Ritter |
| Dicarlo | Hammock | Oliver | Shelton |
| Dombrowski | Hayes, D. S. | Plevsky | Walsh, T. P. |
| Foster, W. | Johnson, J. | Rappaport | Williams |
| Gleason | McGraw | Rhodes | Yahner |
| Gleason | McIntyre | Rieger | Zord |
| Green | | | |

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

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

The SPEAKER. 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—95

- | | | | |
|--------------|----------------|---------------|-----------|
| Abraham | Fryer | McCall | Rieger |
| Barber | Gallagher | McLane | Ross |
| Bellomini | Garzia | Menhorn | Ruggiero |
| Bennett | Geisler | Millanovich | Saloom |
| Berlin | George | Milliron | Schmitt |
| Berson | Giammarco | Miscevich | Schweder |
| Bonetto | Gillette | Morris | Shane |
| Bradley | Goodman | Mullen, M. P. | Shelhamer |
| Brunner | Greenfield | Mullen | Shelton |
| Caputo | Hammock | Musto | Shupnik |
| Cianciulli | Hutchinson, A. | Myers | Stapleton |
| Cohen | Irvis | Novak | Stout |
| Cowell | Itkin | O'Brien | Toll |
| DeMedio | Kelly, A. P. | O'Donnell | Trello |
| DeWeese | Kernick | O'Keefe | Valicenti |
| DiDonato | Kolter | Oliver | Wansacz |
| Dombrowski | Kowalyszyn | Ferry | Wargo |
| Doyle | Laudadio | Petrarca | Wiggins |
| Dreibelbis | Laughlin | Pratt | Wojdak |
| Dumas | Lederer | Ravenstahl | Zeller |
| Eckensberger | Lehr | Reed | Zwikel |
| Englehart | Logue | Renwick | |
| Fee | Lincoln | Rhodes | Fineman, |
| Flaherty | Manderino | Richardson | Speaker |
| Foster, A. | | | |

NAYS—89

- | | | | |
|-----------------|-----------------|--------------------|-------------|
| Anderson, J. H. | Halverson | McGinnis | Sirianni |
| Arthurs | Hamilton, J. H. | Mebus | Smith, E. |
| Beren | Hasay | Miller, M. E. | Smith, L. |
| Bittle | Haskell | Miller, M. E., Jr. | Spencer |
| Brandt | Hayes, S. E. | Moehmann | Stahl |
| Burns | Hepford | Mrkonjc | Taddonio |
| Butera | Hill | Noye | Taylor |
| Cesar | Hopkins | O'Connell | Thomas |
| Cimino | Hutchinson, W. | Pancoast | Turner |
| Crawford | Katz | Parker, H. S. | Ustynoski |
| Davies | Kelly, J. B. | Perri | Vroon |
| Deverter | Kistler | Pitts | Wagner |
| Dietz | Klingaman | Polite | Weidner |
| Dininni | Knepper | Prendergast | Westerberg |
| Dorr | Kusse | Pyles | Whelan |
| Fawcett | LaMarca | Renninger | Wilson |
| Fischer | Letterman | Ryan | Wilt, R. W. |
| Fisher | Levi | Salvatore | Wilt, W. W. |
| Freind | Lynch | Scheaffer | Worrlow |
| Gallen | Manmiller | Scirica | Wright |
| Geesey | McClatchy | Seltzer | Yohn |
| Gillespie | McCue | Shuman | Zearfoss |
| Grieco | | | |

NOT VOTING—19

- | | | | |
|------------|--------------|-----------|--------------|
| Cole | Gleason | McGraw | Walsh, T. P. |
| Cumberland | Green | McIntyre | Williams |
| Dicarlo | Gring | Plevsky | Yahner |
| Foster, W. | Hayes, D. S. | Rappaport | Zord |
| Gleason | Johnson, J. | Ritter | |

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

QUESTION OF PERSONAL PRIVILEGE

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

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

Mr. GRIECO. I was absent from my seat. I would like to vote in the affirmative on House bill No. 2257, printer's No. 3253.

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. DAVIES. On pending legislation, yesterday Attorney General Kane ruled against the sale and use of the Taser gun in the Commonwealth.

Several months ago, I introduced a bill with bipartisan support doing the same thing that the executive branch has now seen fit to legislate by executive order. Again we stand with egg on our face and have the public questioning the effectiveness on our part as a viable part of state government.

A bill of this importance languishes in the Judiciary Committee while bills of equal longevity whisk through the committee because they are concerned with more judges, such as the bill which we just debated, House bill No. 2257.

I congratulate the Attorney General Kane and his executive wisdom. I question the executive authority to do so. I question this body's committee method and the entire process particularly in addressing ourselves to the immediate priorities such as the threat of a criminal conduct.

This matter needs the immediate attention of this body. I would urge the chairman of the committee to immediately consider House bill No. 2274. This weapon has been used in no less than five times in our Commonwealth in recent months to commit crimes that are of the most serious nature. Another occurred yesterday in Philadelphia. In one case it has been alleged to have been used as a weapon of torture for victims of a double murder and robbery. It was possibly used to extract information of these victims to conduct the robbery. I again ask the Judiciary Committee to give this bill immediate consideration.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman for his remarks.

BILLS REREPORTED

HOUSE BILL No. 2456 By Mr. WOJDAK

An Act amending the "Capital Facilities Debt Enabling Act," approved July 20, 1968 (P. L. 550, No. 217), further defining "Transportation Assistance Projects."

Rereported from Committee on Appropriations.

HOUSE BILL No. 2457 By Mr. WOJDAK

A Supplement to the act of October 18, 1975 (No. 112), entitled "An act providing for the capital budget for the

fiscal year 1975-1976," itemizing a transportation assistance project and a highway project *** and making an appropriation.

Rereported from Committee on Appropriations.

HOUSE BILL No. 2458 By Mr. WOJDAK

An Act making an appropriation to the Department of Commerce for the Pennsylvania Industrial Development Authority.

Rereported from Committee on Appropriations.

SENATE BILL No. 954 By Mr. WOJDAK

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," further providing for computations affecting counties.

Rereported from Committee on Appropriations.

HOUSE BILL No. 1618 By Mr. WOJDAK

An Act amending the "Motor Carriers Road Tax Act," approved June 19, 1964 (P. L. 7, No. 1), changing the definition of "motor vehicle" to include a two-axle commercial motor vehicle in certain cases.

Rereported from Committee on Appropriations.

ANNOUNCEMENT

The SPEAKER pro tempore. The Chair would also like to make an announcement for the gentleman from Philadelphia, Mr. Perry, chairman of the State Government Committee.

There will be a meeting of his committee next Monday, June 7, at 12:30 p.m., in room 115 A, and another meeting on Tuesday, June 8, at 10:30 a.m., in room 115 A.

CALENDAR

TAX BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. BRUNNER, the House resumed consideration on final passage of **House bill No. 2074, printer's No. 2680**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1527, No. 511), further providing for exemptions from taxation.

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Garzia. Does he desire to offer amendments?

Mr. GARZIA. Mr. Speaker, the pages are printing up the fiscal note now and they will probably give it out as soon as they get it.

It was hand-delivered to me, but I do not remember the amount.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 2074

Mr. GARZIA moved that the vote by which HOUSE BILL No. 2074, printer's No. 2680, was agreed to on third consideration on May 26, 1976, be reconsidered.

Mr. O'KEEFE 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. GARZIA. Mr. Speaker, can we explain the amendment while we are waiting for a fiscal note?

The SPEAKER pro tempore. I think the members will be most appreciative of your explanation so we can get on with the business. Will the gentleman first formally offer his amendments?

Mr. GARZIA. We sent them up yesterday.

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

Amend Sec. 1, page 1, line 25, by striking out "Clause" and inserting: Clauses

Amend Sec. 1, page 1, line 25, by inserting after "(3)": and (4)

Amend Sec. 1, page 2, line 1, by striking out "is" and inserting: are

Amend Sec. 1 (Sec. 2), page 3, by inserting between lines 7 and 8:

(4) To levy, assess and collect a tax on goods and articles manufactured in such political subdivision or on the by-products of manufacture, or on minerals, timber, natural resources and farm products produced in such political subdivision or on the preparation or processing thereof for use or market, or on any privilege, act or transaction related to the business of manufacturing, the production, preparation or processing of minerals, timber and natural resources, or farm products, by manufacturers, by producers and by farmers with respect to the goods, articles and products of their own manufacture, production or growth, or on any privilege, act or transaction relating to the business of processing by-products of manufacture, or on the transportation, loading, unloading or dumping or storage of such goods, articles, products or by-products; except that local authorities may levy, assess and collect taxes on the [occupation,] occupational privilege, per capita and earned income or net profits of natural persons engaged in the above activities whether doing business as individual proprietorship or as members of partnerships or other associations;

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

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

Mr. GARZIA. Mr. Speaker, my amendment is very short. All it does is to do away with the occupation tax across the State of Pennsylvania.

There are a lot of areas in the state where housewives are being taxed. Men from different occupations are getting taxed at different rates. I think this is discriminatory, and my amendment would do away with this kind of tax.

I yield the floor to Mr. O'Keefe, who will follow the comment on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe.

Mr. O'KEEFE. Mr. Speaker, in many deliberations of the Finance Committee much has been said about the occupational tax and the unfairness of it. This amendment will clearly take care of that situation under Act 511, the Local Tax Enabling Act, and will justify the re-

duction of the tax. I urge support for Mr. Garzia's amendment.

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

Mr. PANCOAST. Mr. Speaker, I rise to oppose this amendment for the very simple reason that it eliminates the occupational tax and makes no provision for additional taxation.

In my school district we presently have an occupation tax of 200 mills, which means that many taxpayers are paying from \$100 to \$160 under the occupation tax. This is true of many school districts in southeastern Pennsylvania. If we are going to eliminate a tax and provide no specific supplement for that tax, the only place to go down our way would be to real estate, and we are already carrying real estate taxes of 120 to 135 or 140 mills on a one-third evaluation. Therefore, I oppose this amendment.

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

Mr. A. C. FOSTER. Mr. Speaker, I, likewise, rise to oppose the amendment because at this very time we are in the process, in the Local Government Committee, of considering a bill which will eliminate occupational taxes and which will replace them by allowing the earned income tax to be raised, with a corresponding adjustment on the real estate millage. And it is an overall solution to the problem rather than this simple piecemeal approach of eliminating a tax without any way of replacing the revenue which that tax generates. And I think that it is imperative that we vote down the amendment.

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

Mr. SHANE. Approximately 6 years ago I received a bloody initiation on this floor when I offered a bill to get rid of the nuisance taxes, and we have been fussing with it ever since.

Mr. Thomas and I had a bill last summer that we were trying to get through that would involve the elimination of the nuisance tax. At that time we were told very solemnly that the Local Government Commission was going to be studying it and they would have a recommendation in a few months. A year has passed and nothing has happened. We hear the same old, dreary story this afternoon, and I suspect when I come back here with my grandchildren 20 years from now, we will be hearing the same tired alibis.

I guess I will vote for this amendment simply out of frustration.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe.

Mr. O'KEEFE. Mr. Speaker, we are in accord with many school districts that will lose their money, and I sort of agree with the principle that we should not take something away and at the same time not give any replacement. However, my school district loses \$57,000 with the bill in its present form. I did not see anybody crying about that. This way, with the passage of this amendment, we will force action and will force the various committees of the House to take some positive steps to replace the unfair occupation tax.

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

Mr. GARZIA. Mr. Speaker, last week when House bill No. 2074 was defeated which was to do away with the bowling tax, no one cried about my district losing any money and it not being replaced. We will lose a mill and a half in my borough, and another township will lose half a mill, besides what the school district will lose.

No one, last week cried, you are taking something away and you are not replacing anything. I urge the passage of this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, if I read this amendment correctly, it is a move to abolish the occupation assessment tax not only on a millage and percentage basis, but it also abolishes the flat occupation tax.

I believe there is one place to go, to the old whipping boy real estate, unless we look at the rest of the language that is in this amendment and that would let you go anywhere, even down to the garbage that you haul out. And that makes the bill far worse than anything we have now.

To abolish the tax and not furnish the revenue for it is just simply a big mistake, in my mind. I urge everyone to vote "no" on the amendment.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, this amendment is an exercise in irresponsibility. This amendment purports to do something for the taxpayer who throughout the Commonwealth today, particularly with school taxes, is faced with vastly increasing millages on real estate, one of the most regressive, punitive types of taxes that you can have.

School districts throughout this Commonwealth are now preparing their budgets. In my own legislative district, every night the newspaper announces millage tax increases on real estate of between 25 and 30 and 35 percent. In the school district in which I reside, one mill in tax brings in approximately \$26,000. The occupational tax in that school district, which is a bad tax admittedly, brings in \$180,000. That is the equivalent of approximately 7 mills.

That very school district has adopted a tentative budget, and I think that tentative budget is typical of a great majority of school districts throughout the Commonwealth of Pennsylvania, which tentative budget provides for an increase in millage on real estate from a present rate of 59 plus 16 mills to 77 mills. It provides for the addition of certain other taxes and at the same time it provides for a cut in the professional staff of that district by 14 out of 165. This is not a typical situation.

There were chuckles in this House when I said that this amendment is an exercise in irresponsibility. But that is precisely what it is. It is another example of posturing, of attempting to say that you have met a problem, of attempting to tell the people that you have done something that you can go back home to run on, when, in fact, you have done nothing. You have only hurt people and whom have you hurt? You have hurt,

with the real estate millage tax, those people, the middle class of this Commonwealth, the responsible citizens who have worked all of their lives, the people on middle incomes, the members of labor unions who have saved and bought a home which they thought would be an asset and now has become a liability because of the increasingly high tax rate.

Yes, I am shocked and appalled that, for the 3 years I have been here, we have not rationally and correctly addressed this problem.

Now, faced with this, we will posture some more. We are only going to hurt this situation. I agree with the gentleman, Mr. Foster, who said that we had bills in Local Government Committee that we could study to do this. I, personally, went to the Local Government Committee and spoke for those bills.

Mr. Speaker, we must address this problem, but you cannot keep loading taxes on the homeowner; you cannot keep destroying the middle class; you cannot keep destroying the responsible people of this Commonwealth.

This amendment will result in increases in real estate millage beyond the present intolerable level. I oppose it and I urge my colleagues to join me in that opposition.

Thank you.

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

Mr. WOJDAK. Mr. Speaker, for the information of the House, the Garzia amendment would mean, roughly, a \$35- to \$36-million tax loss to local municipalities and school districts across the Commonwealth.

As many of the previous speakers referred to, many of the school districts are going through their budgeting process right now. If, in fact, this amendment were to become law, you are going to be depriving them of one of their major sources of income, and I would very strenuously urge the House to defeat this amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. GARZIA and PANCOAST and were as follows:

YEAS—26

Cohen	Gillespie	Mrkonic	Shane
Doyle	Kernick	O'Keefe	Shuman
Eckensberger	McCall	Renwick	Stapleton
Fischer	McIntyre	Ruggiero	Wilson
Garzia	Miller, M. E.	Saloom	Wright
Geesey	Miller, M. E., Jr.	Scheaffer	Yohn
George	Morris		

NAYS—147

Abraham	Gallagher	Lynch	Schweder
Anderson, J. B.	Gallen	Manderino	Scirica
Arthurs	Geisler	Manmiller	Seltzer
Barber	Giammarco	McClatchy	Shelhamer
Bellomini	Gillette	McCue	Shelton
Bennett	Gleeson	McGinnis	Shupnik
Beren	Goodman	McLane	Siranni
Berlin	Grieco	Mebus	Smith, E.
Bosson	Halverson	Menhorn	Smith, L.
Bittle	Hamilton, J. H.	Milanovich	Spencer
Bonetto	Hessay	Milliron	Stahl
Bradley	Haskell	Miscevich	Stout
Brandt	Hayes, S. E.	Moehlmann	Taylor
Brunner	Hepford	Mullen	Thomas
Buens	Hill	Musto	Toll
Butera	Hopkins	Novak	Trello
Caputo	Hutchinson, A.	Noye	Unger
Cessar	Hutchinson, W.	O'Brien	Ustynoski
Cimini	Irvig	O'Connell	Valicenti
Cowell	Itkin	Pancoast	Vroon

Crawford	Katz	Parker, H. S.	Wagner
Davies	Kelly, A. P.	Perri	Wansacz
DeMedio	Kelly, J. B.	Perry	Wargo
Deverter	Kistler	Petrarca	Weidner
DeWeese	Klingaman	Pitts	Westerberg
Dietz	Knepper	Polite	Whelan
Dininni	Kolter	Pratt	Wiggins
Dombrowski	Kowalyszyn	Prendergast	Wilt, R. W.
Dorr	Kusse	Pyles	Wilt, W. W.
Dumas	LaMarca	Ravenstahl	Wojdak
Englehart	Laudadio	Reed	WorriLOW
Fawcett	Laughlin	Renninger	Zearfoss
Fee	Lehr	Rhodes	Zeller
Fisher	Letterman	Ross	Zwikel
Flaherty	Levi	Ryan	
Foster, A.	Lincoln	Salvatore	Fineman,
Freind	Logue	Schmitt	Speaker
Fryer			

NOT VOTING—30

Cianciulli	Green	Mullen, M. P.	Rieger
Cole	Greenfield	Myers	Ritter
Dicarlo	Gring	O'Donnell	Taddonio
DiDonato	Hammock	Oliver	Waksh, T. P.
Dreibelbis	Hayes, D. S.	Plavsky	Williams
Cumberland	Johnson, J.	Rappaport	Yahner
Foster, W.	Leiderer	Richardson	Zord
Gleason	McGraw		

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 Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, may I address the House now on House bill No. 2074?

The SPEAKER pro tempore. Yes, sir.

Mr. GARZIA. In the last 5 minutes I heard the bleeding hearts say, you are taking something away and you are not replacing anything. Now I want to see how many of you people in this hall have guts enough to vote against this bill. You are taking \$10,937.25 of my school district which just raised taxes 20 mills a week and a half ago. You are taking \$4,937.35 of Upper Chichester School District that they had to raise their taxes, I think, 14 mills about 3 weeks ago.

Where was this body when I asked for the defeat of this bill? A few years ago you passed the bill to make this amusement tax law. These boroughs and townships took advantage of it. They use this in their budget now. This is something they are accustomed to.

I have called the bowling alleys, and no one, I want to repeat, no one has told me that they are going to reduce the bowling price. This is another way that a bowling league or the bowling proprietors will make extra money.

Now I would like to yield the floor to my colleague. Mr. O'Keefe.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe.

Mr. O'KEEFE. Mr. Speaker, I want to thank Mr. Garzia.

In a more serious nature, we did hear some of the Representatives just speak about how we are taking

things away from them and at the same time not providing any additional funds. The Township and School District of Ridley will lose \$57,214.30 of last year out of the general fund, and that is about a mill and three quarters. And they just raised their taxes right now, standing currently at 12½ mills. Where are they going to get the additional money?

We have called on our colleagues to help us and help with their convictions that they have not replaced any money, and vote against House bill No. 2074.

Thank you.

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

Mr. FRYER. Mr. Speaker. I think that every member in this House should consider the plight of the two gentlemen and if that faced you exactly what your vote would be. There is no humor in the situation. They have a problem.

I think that each one of us in this House recognizes, above all, one thing, that government costs money. And if we are to remove the right of local government to impose this tax, we are doing a great disservice, and then we are utterly irresponsible. Thank you very much.

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—133

Abraham	Geesey	McLane	Scheaffer
Anderson, J. H.	Geisler	Mebus	Schmitt
Bellommi	George	Menhorn	Schweder
Bennett	Giammarco	Milanovich	Scirca
Berlin	Gillette	Miller, M. E.	Seltzer
Berson	Grisco	Miller, M. E., Jr.	Shelhamer
Bittle	Hamilton, J. H.	Milliron	Shuman
Bonetto	Hasay	Moehlimann	Smith, E.
Bradley	Haskell	Mrkonic	Smith, L.
Brandt	Hayes, S. E.	Mullen	Spencer
Brunner	Hepford	Myers	Stahl
Butera	Hill	Novak	Stout
Caputo	Hopkins	Noye	Taddonio
Cessar	Hutchinson, A.	O'Connell	Taylor
Cianciulli	Irvis	Pancoast	Thomas
Cimmi	Itkin	Parker, H. S.	Toll
Cohen	Katz	Perri	Trello
Cowell	Kelly, A. P.	Perry	Turner
Crawford	Kernick	Petrarca	Ustynoski
Cumberland	Kistler	Pitts	Valicenti
Davies	Klingaman	Polite	Vroon
DeMedio	Kolter	Pratt	Wansacz
Deverter	Kowalyszyn	Prendergast	Weidner
Dietz	Kusse	Pyles	Westerberg
Dininni	LaMarca	Ravenstahl	Wiggins
Dorr	Laudadio	Reed	Wilt, R. W.
Englehart	Laughlin	Renwick	Wilt, W. W.
Fawcett	Lehr	Rhodes	Wojdak
Fee	Levi	Richardson	Yohn
Fischer	Manmiller	Ross	Zwikel
Flaherty	McCall	Puggiero	
Foster, A.	McClatchy	Ryan	Fineman,
Gallagher	McCue	Saloom	Speaker
Gallen	McGinnis	Salvatore	

NAYS—35

Arthurs	Fryer	Lynch	Stapleton
Beren	Garzia	Manderino	Wagner
Burns	Gillespie	Miscovich	Whelan
DeWeese	Goodman	Morris	Wilson
Dombrowski	Halverson	O'Brien	WorriLOW
Doyle	Hutchinson, W.	O'Keefe	Wright
Eckensberger	Kelly, J. B.	Renninger	Zearfoss
Fisher	Knepper	Shane	Zeller
Freind	Letterman	Shupntk	

NOT VOTING—35

Barber	Green	McGraw	Ritter
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Cole	Greenfield	McIntyre	Shelton
Dicarlo	Gring	Mullen, M. P.	Sirianni
DiDonato	Hammock	Musto	Walsh, T. P.
Dreibelbis	Hayes, D. S.	O'Donnell	Wargo
Dumas	Johnson, J.	Oliver	Williams
Foster, W.	Lederer	Pievsky	Yahner
Gleason	Lincoln	Rappaport	Zord
Gleeson	Logue	Rieger	

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 Greene, Mr. DeWeese. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. DeWEESE. Mr. Speaker, on House bill No. 2074, I erroneously voted in the negative. I would like to be recorded in the affirmative.

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

JUDICIARY BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 935, printer's No. 1679**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure), 15 (Corporations and Unincorporated Associations), 18 (Crimes and Offenses), and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to judiciary and judicial procedure including certain judicially enforceable rights, duties, immunities and liabilities and separately enacting certain related provisions of law.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. IRVIS. Mr. Speaker, for the information of the members on both sides of the aisle, this is the Judicial Code, a vastly complex bill. A series of amendments are being offered as agreed to for the purposes of having them inserted into the bill and having the bill reprinted in full, so that each member will be able to read the bill with the amendment thereto before we call it for a vote.

All we are asking is that you permit us to put the amendments in place to have the bill reprinted. We will have ample time to discuss the bill as amended before it is called for a final vote.

On the question recurring,

Will the House agree to the bill on third consideration?

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

Amend Table of Contents, page 3, line 5, by inserting after "judgments": for money

Amend Table of Contents, page 7, line 19, by striking

out all of said line and inserting: Chapter 23. Personnel of the System

Amend Table of Contents, page 7, line 22, by striking out all of said line

Amend Table of Contents, page 11, line 20, by striking out "correctional" and inserting: related

Amend Table of Contents, page 11, line 21, by striking out "Credits to account." and inserting: Receipts.

Amend Table of Contents, page 11, by inserting between lines 21 and 22: § 3543. Credits to account.

Amend Table of Contents, page 11, line 22, by striking out "§ 3543. Debits to account." and inserting: § 3544. Disbursements.

Amend Table of Contents, page 11, lines 23 and 24, by striking out both of said lines and inserting: § 3545. Debits to account.

Amend Table of Contents, page 12, line 1 by removing the period after "Center" and inserting: (Reserved).

Amend Table of Contents, page 12, line 19 by striking out all of said line

Amend Table of Contents, page 15, line 25, by striking out all of said line and inserting: § 5533. (Reserved).

Amend Table of Contents, page 23, line 12, by inserting after "Arbitration": (Reserved)

Amend Table of Contents, page 23, lines 13 through 30; page 24, lines 1 and 2, by striking out all of said lines

Amend Table of Contents, page 24, line 10, by inserting after "property.": (Reserved)

Amend Table of Contents, page 28, line 27, by striking out "(RESERVED)" and inserting: Loan Interest and Protection Law.

Amend Table of Contents, page 28, line 29, by striking out "Juvenile Court Judges' Commission," and inserting: (Reserved).

Amend Table of Contents, page 29, by inserting between lines 16 and 17: Section 28. Short title.

Amend Table of Contents, page 29, line 17, by striking out "28." and inserting: 29.

Amend Sec. 2 (Sec. 102), page 34, lines 25 and 26, by striking out all of said lines and inserting:

"General rule." A rule or order promulgated by the governing authority.

Amend Sec. 2 (Sec. 102), page 34, lines 27 and 28, by striking out "When used with respect to the" in line 27 and all of line 28

Amend Sec. 2 (Sec. 102), page 34, line 29, by striking out "the" and inserting: The

Amend Sec. 2 (Sec. 102), page 35, line 27, by striking out "correctional" and inserting: related

Amend Sec. 2 (Sec. 102), page 35, line 29, by striking out "correctional" and inserting: related

Amend Sec. 2 (Sec. 102), page 36, lines 15 through 17, by striking out all of said lines

Amend Sec. 2 (Sec. 102), page 38, lines 7 through 9, by removing the comma after "usage" in line 7 and by striking out "and" in line 7, all of line 8 and "may be made" in line 9 and inserting: or

Amend Sec. 2 (Sec. 102), page 40, line 3, by inserting after "unit": , other than the General Assembly and its officers and agencies,

Amend Sec. 2 (Sec. 325), page 44, lines 16 through 19, by striking out "If the Chief Justice or a" in line 16 and all of lines 17 through 19

Amend Sec. 2 (Sec. 327), page 45, line 17, by striking out "system and related personnel" and inserting: personnel of the system

Amend Sec. 2 (Sec. 503), page 46, line 28, by striking out "The" and inserting: (a) General rule.—The

Amend Sec. 2 (Sec. 503), page 47, lines 3 through 9, by striking out "Such rules shall be reported to the General" in line 3 and all of lines 4 through 9 and inserting: (b) Procedures.—

(1) Rules adopted pursuant to subsection (a) shall be reported to the General Assembly by the Chief Justice at or after the beginning of a regular session thereof, but not later than May 1.

(2) Upon receipt, such rules shall be proposed to each house of the General Assembly as a resolution or resolutions, shall be placed on the calendar of each house for the next legislative day following their receipt, and shall

be considered by each house within 120 calendar days of continuous session by the General Assembly.

(3) Such rules shall take effect if they are approved by a majority vote of the duly elected members of each house during such 120-day period, or may be disapproved by either house during that period by a majority vote of the duly elected membership of each house. The effective date of such rules shall be the date of approval of the last of the two houses to act.

(4) Upon the expiration of the 120-day period after the delivery of such rules to the two houses of the General Assembly and the failure to act as provided in paragraphs (2) and (3), such rules shall become effective.

(5) For the purposes of this subsection, continuity of session shall be considered as broken only by an adjournment of the General Assembly sine die; but in the computation of the 120-day period, there shall be excluded the days on which either house is not in session because of an adjournment of more than ten days to a day certain.

(6) Any such rules may, under provisions contained therein, be made operative at a time later than the date on which such rules would otherwise take effect.

Amend Sec. 2 (Sec. 504), page 47, line 13, by inserting a period after "rule"

Amend Sec. 2 (Sec. 504), page 47, lines 13 and 14, by striking out "or rule of court."

Amend Sec. 2 (Subchapter Analysis), page 50, line 6, by inserting after "judgments": for money

Amend Sec. 2 (Sec. 702), page 50, lines 20 through 22, by striking out "Except as otherwise" in line 20, all of line 21 and "(relating to reassignment of matters) an" in line 22 and inserting: An

Amend Sec. 2 (Sec. 702), page 51, lines 6 and 7, by striking out "Except as otherwise prescribed by general rule, a" and inserting:

(c) Supersedes.—A

Amend Sec. 2 (Sec. 702), page 51, line 8, by striking out "subsection" and inserting: section

Amend Sec. 2 (Sec. 707), page 52, line 19, by removing the period after "judgments" and inserting: for money.

Amend Sec. 2 (Sec. 722), page 55, by inserting between lines 8 and 9:

(8) Matters where the right to practice law is drawn in direct question.

Amend Sec. 2 (Sec. 723), page 55, line 10, by inserting before "The":

(a) General rule.—

Amend Sec. 2 (Sec. 723), page 55, line 15, by striking out "Any final order of the Commonwealth Court" and inserting:

(b) Board of Finance and Revenue matters—Any final order of the Commonwealth Court

Amend Sec. 2 (Sec. 725), page 56, lines 22 and 23, by striking out both of said lines

Amend Sec. 2 (Sec. 911), page 68, lines 10 and 11, by striking out "Except as otherwise provided or prescribed by law," in line 10 and "there" in line 11 and inserting: There

Amend Sec. 2 (Sec. 931), page 69, line 4, by striking out "law" and inserting: statute or by general rule adopted pursuant to section 502 relating to reassignment of matters)

Amend Sec. 2 (Sec. 931), page 69, line 12, by striking out "law" and inserting: statute or by general rule adopted pursuant to section 50 (relating to reassignment of matters)

Amend Sec. 2 (Sec. 933), page 70, line 21, by striking out "law," and inserting: statute or by general rule adopted pursuant to section 503 (relating to reassignment of matters).

Amend Sec. 2 (Sec. 953), page 72, lines 15 through 19, by striking out all of said lines and inserting:

Each division of a court of common pleas shall be presided over by an administrative judge. Each such administrative judge shall assist the

Amend Sec. 2 (Sec. 1102), page 75, line 11, by inserting after "primary": election

Amend Sec. 2 (Sec. 1123), page 77, line 19, by striking out "all of"

Amend Sec. 2 (Sec. 1123), page 78, line 16, by inserting a period after "court"

Amend Sec. 2 (Sec. 1123), page 78, line 16, by striking out "but such" and inserting: Such

Amend Sec. 2 (Sec. 1143), page 80, line 29, by striking out "all"

Amend Sec. 2 (Sec. 1143), page 81, line 10, by striking out "and all ordinances" and inserting: ordinance

Amend Sec. 2 (Sec. 1143), page 81, line 11, by striking out "and all ordinances and regulations" and inserting: ordinance or regulation

Amend Sec. 2 (Sec. 1143), page 81, line 14, by striking out "all"

Amend Sec. 2 (Sec. 1303), page 83, line 13, by striking out "the" and inserting: their

Amend Sec. 2 (Sec. 1501), page 85, line 10, by striking out "or township"

Amend Sec. 2 (Sec. 1501), page 85, line 18, by striking out "by" and inserting: of

Amend Sec. 2 (Analysis), page 90, line 30, by striking out "System and Related Personnel" and inserting: Personnel of the System

Amend Sec. 2 (Sec. 1702), page 91, line 25, by inserting after "system": when

Amend Sec. 2 (Sec. 1721), page 94, line 23, by removing the period after "rule" and inserting: , except that no power based in whole or in part upon authority conferred by any provision of this title or other statutory authority shall be delegated by the Supreme Court to any agency or unit other than:

(1) A Statewide council which meets the requirements of section 3529(d) (relating to definition).

(2) The Court Administrator of Pennsylvania.

(3) Any other government unit within the system created by the Constitution of Pennsylvania or by statute. A body created pursuant to section 1730 (relating to boards, councils, commissions and committees), other than the council specified by paragraph (1), shall not be deemed to be created by statute for the purposes of this paragraph.

Amend Sec. 2 (Sec. 1722), page 95, line 17, by inserting after "Procedure": under section 18 of Article V of the Constitution of Pennsylvania

Amend Sec. 2 (Sec. 1722), page 95, line 19, by inserting after "is": specifically

Amend Sec. 2 (Sec. 1722), page 96, line 13, by striking out "relating" and inserting: serving process or enforcing orders, in so far as such powers and duties relate

Amend Sec. 2 (Sec. 1722), page 96, line 15, by inserting after "Any": such

Amend Sec. 2 (Sec. 1722), page 96, by inserting between lines 18 and 19 at the left margin: A statute shall be repealed for the purposes of this subsection only if it has been expressly repealed absolutely or in so far as inconsistent with general rules prescribed pursuant to this subsection.

Amend Sec. 2 (Sec. 1724), page 99, lines 15 through 18, by striking out all of said lines

Amend Sec. 2 (Sec. 1724), page 99, line 24, by inserting after "measures": applicable to personnel of the system

Amend Sec. 2 (Sec. 1724), page 99, line 25, by striking out "system and related personnel." and inserting: the unified judicial system and other government units.

Amend Sec. 2 (Sec. 1724), page 100, line 22, by removing the period after "services" and inserting: when such official court reporters are employed by the unified judicial system.

Amend Sec. 2 (Sec. 1724), page 100, lines 25 through 28, by striking out all of said lines

Amend Sec. 2 (Sec. 1725), page 101, lines 5 and 6, by striking out "system and related personnel" and inserting: clerks and officers serving process or enforcing orders

Amend Sec. 2 (Sec. 1725), page 101, line 7, by inserting a period after "performed"

Amend Sec. 2 (Sec. 1725), page 101, lines 7 and 8, by striking out "and the fees and expenses to be received by jurors and witnesses."

Amend Sec. 2 (Sec. 1725), page 101, line 23, by striking out "equivalent to" and inserting: approximate to, but not in excess of

Amend Sec. 2 (Sec. 1725), page 101, lines 25 through 30; page 102, lines 1 through 20, by striking out all of said lines and inserting:

(b) Procedure.—Rules adopted pursuant to subsection (a) shall take effect only in the manner provided by section 503(b) (relating to procedures).

Amend Sec. 2 (Sec. 1726), page 103, line 1, by striking out "should be" and inserting: are not

Amend Sec. 2 (Sec. 1726), page 103, line 2, by striking out "only if and" and inserting: except

Amend Sec. 2 (Sec. 1729), page 105, lines 10 and 11, by striking out "system and related personnel" and inserting: personnel of the system

Amend Sec. 2 (Sec. 2122), page 111, lines 27 and 28, by striking out "two or more judges" and inserting: the judges

Amend Sec. 2 (Sec. 2122), page 111, line 28, by inserting a period after "County"

Amend Sec. 2 (Sec. 2122), page 111, line 29, by striking out all of said line

Amend Sec. 2 (Sec. 2132), page 113, line 1, by striking out "two-thirds" and inserting: a majority

Amend Sec. 2 (Sec. 2132), page 113, line 12, by removing the period after "authority" and inserting: in the manner provided by section 503(b) (relating to procedure).

Amend Sec. 2 (Sec. 2134), page 113, line 19, by striking out "Department of Education" and inserting: Administrative Office

Amend Bill, page 115, line 5, by striking out all of said line and inserting: PERSONNEL OF THE SYSTEM

Amend Sec. 2 (Analysis), page 115, line 9, by striking out all of said line

Amend Sec. 2 (Sec. 2301), page 115, line 12, by striking out "other inconsistent provisions of law" and inserting: or statutory provisions

Amend Bill, page 116, lines 10 through 13, by striking out all of said lines

Amend Sec. 2 (Sec. 2503), page 118, line 4, by inserting after "SANCTION": against another participant

Amend Sec. 2 (Sec. 2503), page 118, line 5, by striking out "OR RULE OF COURT OR" and inserting: which expressly prescribes the award of counsel fees as a sanction

Amend Sec. 2 (Sec. 1725), page 101, lines 25 through 30; page 102, lines 1 through 20, by striking out all of said lines and inserting:

(b) Procedure.—Rules adopted pursuant to subsection (a) shall take effect only in the manner provided by section 503(b) (relating to procedures).

Amend Sec. 2 (Sec. 1726), page 103, line 1, by striking out "should be" and inserting: are not

Amend Sec. 2 (Sec. 1726), page 103, line 2, by striking out "only if and" and inserting: except

Amend Sec. 2 (Sec. 1729), page 105, lines 10 and 11, by striking out "system and related personnel" and inserting: personnel of the system

Amend Sec. 2 (Sec. 2132), page 113, line 1, by striking out "two-thirds" and inserting: a majority

Amend Sec. 2 (Sec. 2132), page 113, line 12, by removing the period after "authority" and inserting: in the manner provided by section 503(b) (relating to procedure).

Amend Sec. 2 (Sec. 2134), page 113, line 19, by striking out "Department of Education" and inserting: Administrative Office

Amend Bill, page 115, line 5, by striking out all of said line and inserting: PERSONNEL OF THE SYSTEM

Amend Sec. 2 (Analysis), page 115, line 9, by striking out all of said line

Amend Sec. 2 (Sec. 2301), page 115, line 12, by striking out "other inconsistent provisions of law" and inserting: or statutory provisions

Amend Bill, page 116, lines 10 through 13, by striking out all of said lines

Amend Sec. 2 (Sec. 2503), page 118, line 4, by inserting after "SANCTION": against another participant

Amend Sec. 2 (Sec. 2503), page 118, line 5, by striking out "OR RULE OF COURT OR" and inserting: which expressly prescribes the award of counsel fees as a sanction

Amend Sec. 2 (Sec. 2503), page 118, by inserting between lines 6 and 7:

(7) Any participant who is awarded counsel fees as a sanction against another participant for dilatory, obdurate or vexatious conduct during the pendency of a matter.

Amend Sec. 2 (Sec. 2503), page 118, line 7, by striking out "(7)" and inserting: (8)

Amend Sec. 2 (Sec. 2503), page 118, line 12, by striking out "(8)" and inserting: (9)

Amend Sec. 2 (Sec. 2503), page 118, line 15, by striking out "(9)" and inserting: (10)

Amend Sec. 2 (Sec. 2503), page 118, line 16, by removing the period after "statute" and inserting: heretofore or hereafter enacted.

Amend Sec. 2 (Sec. 2703), page 121, line 19, by striking out "this chapter an officer" and inserting: section 2756 (b) (2) (relating to exceptions) a clerk of the courts

Amend Sec. 2 (Sec. 2734), page 123, line 13, by striking out all of said line

Amend Sec. 2 (Sec. 2754), page 127, line 15, by striking out all of said line

Amend Sec. 2 (Sec. 2774), page 131, lines 5 and 6, by striking out "the office of the clerk of the orphans' court division of the county. It shall be"

Amend Sec. 2 (Sec. 2775), page 131, lines 23 through 30, by striking out all of lines 23 through 29, and "(c)" in line 30, and inserting: (b)

Amend Sec. 2 (Sec. 3101), page 133, line 27, by striking out "(a) Judges and district justices.—"

Amend Sec. 2 (Sec. 3101), page 134, lines 9 through 11, by striking out all of said lines

Amend Sec. 2 (Sec. 3111), page 134, line 29, by striking out all of said line

Amend Sec. 2 (Sec. 3113), page 135, lines 10 and 11, by striking out "department shall" and inserting: Administrative Office shall,

Amend Sec. 2 (Sec. 3113), page 135, line 14, by striking out "department" and inserting: Administrative Office

Amend Sec. 2 (Sec. 3113), page 135, line 28, by striking out "department" and inserting: Administrative Office

Amend Sec. 2 (Sec. 3114), page 136, line 4, by striking out "department" and inserting: Administrative Office

Amend Sec. 2 (Sec. 3114), page 136, line 9, by striking out "department" and inserting: Administrative Office

Amend Sec. 2 (Sec. 3115), page 136, line 15, by striking out "department" and inserting: Administrative Office

Amend Sec. 2 (Sec. 3117), page 137, line 7, by removing the period after "authority" and inserting: in the manner provided by section 503(b) (relating to procedures).

Amend Sec. 2 (Sec. 3118), page 137, line 18, by striking out "department" and inserting: Administrative Office

Amend Sec. 2 (Sec. 3152), page 142, lines 21 through 23, by striking out "For the" in line 21, all of lines 22 and 23, and inserting: Four years.

Amend Sec. 2 (Sec. 3501), page 151, line 18 by striking out "judicial department" and inserting: Judicial Department

Amend Sec. 2 (Sec. 3501), page 151, line 19 by striking out "Implies an appropriation" and inserting: An appropriation through the budget of the Judicial Department.

Amend Sec. 2 (Sec. 3501), page 151, line 26 by striking out "Implies an" and inserting: An

Amend Sec. 2 (Sec. 3501), page 151, line 27 by striking out "judicial department" and inserting: Judicial Department

Amend Sec. 2 (Sec. 3501), page 151, line 28 by striking out "judicial department" and inserting: Judicial Department

Amend Sec. 2 (Sec. 3501), page 152, line 8 by striking out "correctional" and inserting: related

Amend Sec. 2 (Sec. 3502), page 153, line 5 by striking out "correctional" and inserting: related

Amend Sec. 2 (Sec. 3502), page 153, line 8 by striking out "correctional" and inserting: related

Amend Sec. 2 (Sec. 3521), page 154, line 20 by striking out "judicial and correctional functions," and inserting: functions to be funded in whole or in part through appropriations through the budget of the Judicial Department,

Amend Sec. 2 (Sec. 3521), page 154, line 28 by striking out "judicial and correctional" and inserting: such

Amend Sec. 2 (Sec. 3521), page 155, line 12 by removing the period after "subdivision" and inserting: , including such information relating to judicial and related functions as the Administrative Office may specify.

Amend Sec. 2 (Sec. 3522), page 155, line 15 by striking out "3521" and inserting: 3521(a)

Amend Sec. 2 (Sec. 3522), page 155, line 22 by inserting a period after "subdivision"

Amend Sec. 2 (Sec. 3522), page 155, lines 22 and 23 by striking out "for the support of judicial and correctional functions."

Amend Sec. 2 (Sec. 3522), page 155, line 26 by striking out "3521" and inserting: 3521(a)

Amend Sec. 2 (Sec. 3523), page 156, line 8 by striking out "3521" and inserting: 3521(a)

Amend Sec. 2 (Sec. 3524), page 156, lines 24 through 27 by striking out "The appropriations as finally enacted" in line 24 and all of lines 25 through 27

Amend Sec. 2 (Sec. 3529), page 159, lines 9 and 10 by striking out "judicial or correctional"

Amend Sec. 2 (Subchapter analysis), page 160, line 23 by striking out "correctional" and inserting: related

Amend Sec. 2 (Subchapter analysis), page 160, line 24 by striking out "Credits to account." and inserting: Receipts.

Amend Sec. 2 (Subchapter analysis), page 160, line 25 by striking out "Debits" and inserting: Credits

Amend Sec. 2 (Subchapter analysis), page 160, line 26 by striking out "(Reserved)." and inserting: Disbursements.

Amend Sec. 2 (Subchapter analysis), page 160, line 27 by striking out "(Reserved)." and inserting: Debits to account.

Amend Sec. 2 (Sec. 3541), page 160, line 30 by striking out "correctional" and inserting: related

Amend Sec. 2 (Sec. 3541), page 161, line 5 by striking out "correctional" and inserting: related

Amend Sec. 2 (Sec. 3542), page 161, line 10 by striking out "Credits to account." and inserting: Receipts.

Amend Sec. 2 (Sec. 3542), page 161, line 13 by striking out "correctional account and credited to such" and inserting: related

Amend Sec. 2 (Sec. 3542), page 161, lines 15 through 22 by striking out all of lines 15 through 21 and "(3)" in line 22 and inserting: (1)

Amend Sec. 2 (Sec. 3542), page 161, line 26 by striking out "(4)" and inserting: (2)

Amend Sec. 2 (Sec. 3542), page 161, line 29 by striking out "(5)" and inserting: (3)

Amend Sec. 2 (Sec. 3542), page 162, line 3 by inserting a period after "Pittsburgh"

Amend Sec. 2 (Sec. 3542), page 162, lines 3 and 4 by striking out "and credited to its" in line 3 and all of line 4

Amend Sec. 2 (Sec. 3542), page 162, line 10 by inserting after "Code,": or under any other statute,

Amend Sec. 2 (Sec. 3542), page 162, line 12 by inserting a period after "subdivision"

Amend Sec. 2 (Sec. 3542), page 162, lines 12 through 15 by striking out "and, if such political" in line 12 and all of lines 13 through 15

Amend Sec. 2 (Sec. 3542), page 162, line 21 by inserting a period after "county" where it appears the second time

Amend Sec. 2 (Sec. 3542), page 162, lines 21 through 30; page 163, line 1 by striking out "and credited to" in line 21, all of lines 22 through 30, page 162 and all of line 1, page 163 and inserting:

(4) Other amounts required by statute to be paid to a political subdivision.

Amend Sec. 2 (Sec. 3542), page 163, line 5 by inserting after "district": which cannot be identified with respect to a particular county

Amend Sec. 2 (Sec. 3542), page 163, line 13 by inserting a comma after "restitution"

Amend Bill, page 163, by inserting between lines 15 and 16:

§ 3543. Credits to account.

Each political subdivision required by this subchapter to maintain a judicial and related account shall credit to such account:

(1) Contributions and payments by the Federal Government for the maintenance of judicial and related functions of the political subdivision.

(2) Appropriations by the General Assembly to the political subdivision for the maintenance of judicial and related functions of the political subdivision.

(3) Amounts received pursuant to section 3542 (relating to receipts).

(4) Income and receipts with respect to the operation of penal, correctional and probation facilities and services maintained by the political subdivision.

Amend Sec. 2 (Sec. 3543), page 163, line 16 by striking out all of said line and inserting:

§ 3544. Disbursements.

Amend Sec. 2 (Sec. 3543), page 163, line 19 by striking out "correctional account and debited to such" and inserting: related

Amend Sec. 2 (Sec. 3543), page 163, line 26 by striking out "correctional" and inserting: related

Amend Sec. 2 (Sec. 3543), page 163, lines 27 through 30 by striking out all of lines 27 through 29 and "(4)" in line 30 and inserting: (3)

Amend Sec. 2 (Sec. 3543), page 164, line 2 by striking out "CREDITS TO ACCOUNT." and inserting: receipts).

Amend Sec. 2 (Sec. 3543), page 164, lines 3 through 7 by striking out all of lines 3 through 6 and "(c)" in line 7 and inserting: (b)

Amend Bill, page 164, lines 16 and 17 by striking out both of said lines and inserting:

§ 3545. Debits to account.

(a) General rule.—Each political subdivision required by this subchapter to maintain a judicial and related account shall debit to such account:

(1) Amounts paid pursuant to section 3544 (relating to disbursements).

(2) Any amounts required by statute to be paid from any of the sources of income specified in section 3543 (relating to credits to account).

(b) Accommodations.—Expenses under this section include the costs of leased accommodations and the fair rental value of accommodations provided in facilities owned by the political subdivision.

Amend Sec. 2 (Subchapter analysis), page 165, line 14 by removing the period after "Center" and inserting: (Reserved).

Amend Sec. 2 (Sec. 3701), page 165, line 20 by removing the period after "Center" and inserting: (Reserved).

Amend Sec. 2 (Sec. 3701), page 165, lines 21 through 30; page 166, lines 1 through 30; page 167, lines 1 through 8 by striking out all of said lines on said pages

Amend Sec. 2 (Sec. 3702), page 167, line 12, by inserting after "appropriate": in the case of equipment, materials and supplies,

Amend Sec. 2 (Sec. 3702), page 167, line 15, by inserting after "unit": Nothing in this section shall be construed to shift the liability for furnishing any accommodations, goods and services to the Commonwealth and where it is necessary for the Administrative Office to furnish any accommodations, goods or services for which the Commonwealth is not liable the cost thereof shall be paid by the defaulting government unit.

Amend Sec. 2 (Sec. 3723), page 169, line 29, by inserting after "appropriate": in the case of equipment, materials and supplies,

Amend Sec. 2 (Sec. 3723), page 170, line 4, by inserting after "be": or which have heretofore been

Amend Sec. 2 (Sec. 3724), page 170, line 23, by striking out "(A) GENERAL RULE.—"

Amend Sec. 2 (Sec. 3724), page 170, line 30, by inserting after "Library.": Any such general rules or orders shall take effect only in the manner provided by section 503(b) (relating to procedure).

Amend Sec. 2 (Sec. 3724), page 171, line 3, by removing the period after "county" and inserting: and shall be open to the general public.

Amend Sec. 2 (Sec. 3724), page 171, lines 4 through 7, by striking out all of said lines

Amend Sec. 2 (Sec. 3726), page 171, line 14, by striking out "hereafter enacted"

Amend Sec. 2 (Sec. 3726), page 171, line 17, by striking out "correctional" and inserting: related

Amend Sec. 2 (Subchapter analysis), page 172, line 9 by striking out all of said line

Amend Sec. 2 (Sec. 4102), page 172, lines 28 through 30; page 173, lines 1 through 8, by striking out all of said lines

Amend Sec. 2 (Sec. 4302), page 178, line 19, by striking out "and any other documents"

Amend Sec. 2 (Sec. 4302), page 178, line 23, by striking out "law." and inserting: statute or by general rule adopted pursuant to section 1722(b) (relating to enforcement and effect of orders and process).

Amend Sec. 2 (Sec. 4302), page 178, line 28, by striking out "law" and inserting: statute or by general rule adopted pursuant to section 1722(b).

Amend Sec. 2 (Sec. 4303), page 179, line 5, by striking out "law." and inserting: statute or general rule adopted pursuant to section 1722(b) (relating to enforcement and effect of orders and process).

Amend Sec. 2 (Sec. 4305), page 179, lines 19 and 20, by striking out "Except as provided in subsection (b) every" and inserting: Every

Amend Sec. 2 (Sec. 4305), page 179, lines 27 through 30; page 180, lines 1 and 2, by striking out all of lines 27 through 30, page 179, all of line 1 and "(c)" in line 2, page 180, and inserting: (b)

Amend Sec. 2 (Sec. 5105), page 194, line 28, by removing the comma after "OR"

Amend Sec. 2 (Sec. 5307), page 198, line 14, by striking out "laws" and inserting: statutes

Amend Sec. 2 (Sec. 5502), page 210, line 12 by inserting after "computed.": Rules adopted pursuant to this section shall take effect only in the manner provided by section 503(b) (relating to procedures).

Amend Sec. 2 (Subchapter Analysis), page 211, line 24, by striking out all of said line and inserting: 5533. (Reserved).

Amend Sec. 2 (Sec. 5522), page 212, line 24, by striking out "place or"

Amend Sec. 2 (Sec. 5522), page 212, lines 26 and 27, by striking out "the attending physician, if any." and inserting: any attending physician.

Amend Sec. 2 (Sec. 5522), page 213, line 14, by removing the period after "debtor" and inserting: under the provisions of section 8103 (relating to deficiency judgments).

Amend Sec. 2 (Sec. 5524), page 214, line 7, by inserting after "neglect": or unlawful violence or negligence

Amend Sec. 2 (Sec. 5533), page 219, lines 1 through 15, by striking out all of said lines and inserting: § 5533. (Reserved).

Amend Sec. 2 (Sec. 5552), page 224, lines 8 and 9, by striking out "or when a warrant, summons or citation is issued, if such warrant,"

Amend Sec. 2 (Sec. 5552), page 224, line 11, by inserting after "ISSUED.": or when a warrant, summons or citation is issued, if such warrant,

Amend Sec. 2 (Sec. 6101), page 258, line 22, by striking out ", in addition"

Amend Sec. 2 (Sec. 6101), page 258, line 23, by removing the comma after "tribunals" and inserting: and

Amend Sec. 2 (Sec. 6103), page 259, line 11, by striking out "Justice," and inserting: State,

Amend Sec. 2 (Sec. 6103), page 259, lines 23 through 30, by striking out all of said lines

Amend Sec. 2 (Sec. 6104), page 260, lines 7 and 8, by striking out "Except as otherwise provided or prescribed by law, a" and inserting: A

Amend Sec. 2 (Sec. 6141), page 268, line 20, by striking out "be inadmissible" and inserting: not be admissible

Amend Sec. 2 (Sec. 6142), page 269, line 2, by striking out "1929" and inserting: 1959

Amend Sec. 2 (Sec. 6143), page 269, line 18, by striking out "1929" and inserting: 1959

Amend Sec. 2 (Sec. 6144), page 270, lines 15 and 16, by striking out "No conviction" in line 15 and all of line 16

Amend Sec. 2 (Sec. 6302), page 272, line 24, by striking out "INCLUDES:" and inserting: means:

Amend Sec. 2 (Sec. 6305), page 275, lines 11 through 13, by striking out all of said lines and inserting:

(a) General rule.—The governing authority may promulgate rules for the selection and appointment of masters on a full-time or part-time basis. A master shall be a member of the bar of the Supreme Court. The number and compensation of masters shall be fixed by the governing authority, and their compensation shall be paid by the county.

Amend Sec. 2 (Sec. 6305), page 275, line 23, by striking out "court." and inserting: judge.

Amend Sec. 2 (Sec. 6305), page 275, line 26, by striking out "court." and inserting: judge.

Amend Sec. 2 (Sec. 6305), page 275, line 26, by striking out "court" and inserting: judge

Amend Sec. 2 (Sec. 6305), page 275, line 27, by striking out "court" and inserting: judge

Amend Sec. 2 (Sec. 6305), page 275, line 30, by striking out "court." and inserting: judge.

Amend Sec. 2 (Sec. 6306), page 276, lines 3 and 4 by striking out "from the judicial and correctional account of" and inserting: by

Amend Sec. 2 (Sec. 6306), page 276, line 25, by striking out "judicial and correctional account of the"

Amend Sec. 2 (Sec. 6363), page 303, line 11, by striking out "judicial and correctional account of the"

Amend Analysis, page 328, line 23, by inserting after "Arbitration": (Reserved)

Amend Analysis, page 328, line 28, by striking out all of said line and inserting: (Reserved)

Amend Bill, page 328, lines 29 through 30; pages 329 through 338, lines 1 through 30 and page 339, lines 1 and 2 by striking out all of said lines

Amend Sec. 2 (Sec. 7341), page 339, line 9, by striking out "Subchapter A" and inserting: the act of April 25, 1927 (P. L. 381, No. 248)

Amend Sec. 2 (Sec. 7361), page 340, line 2, by striking out "the"

Amend Analysis, page 341, line 15, by inserting after "Provisions": (Reserved)

Amend Bill, page 341, lines 21 through 28, by striking out all of said lines and inserting: (Reserved)

Amend Sec. 2 (Sec. 7535), page 348, line 25, by striking out "of" where it appears the second time and inserting: or

Amend Sec. 2 (Sec. 7535), page 348, line 26, by striking out "OR" and inserting: of

Amend Sec. 2 (Sec. 7541), page 351, lines 19 through 21, by striking out all of said lines

Amend Sec. 2 (Sec. 8122), page 358, lines 19 and 20, by striking out all of line 19, and "exemption" in line 20, and inserting: Exemptions

Amend Sec. 2 (Sec. 8122), page 358, line 20, by striking out "law" and inserting: statute

Amend Sec. 2 (Sec. 8124), page 359, line 29, by striking out "Uniform" and inserting: Uniforms

Amend Sec. 2 (Sec. 8301), page 361, lines 23 and 24, by striking out "wrongful act or neglect" and inserting: unlawful violence or negligence

Amend Sec. 2 (Sec. 8301), page 362, line 3, by striking out "law" and inserting: statutes

Amend Sec. 2 (Sec. 8341), page 368, line 17, by striking out "(a)" and inserting: (b)

Amend Sec. 2 (Sec. 8931), page 374, line 18, by striking out "HE," and inserting: such officer,

Amend Sec. 2 (Sec. 8931), page 376, line 3, by removing the period after "STATUTE" and inserting: , an acting district attorney and any assistant district attorney whose authority to act for the district attorney under this section is evidenced by a written designation executed by the district attorney or acting district attorney and filed with the clerk of the courts.

Amend Sec. 2 (Sec. 1311), page 401, lines 14 through 30; page 402, lines 1 through 6, by striking out all of said lines and inserting:

(c) Subsection (g) of section 1311 of Title 18 (relating to review of death sentences), amended December 30, 1974 (No. 345), is amended to read:

§ 1311. Sentencing for murder.

* * *

(g) Review of death sentence.—A sentence of death shall be subject to automatic review by the Supreme Court of Pennsylvania within [sixty days after certification by the sentencing court of the entire record] the time prescribed by general rule. In the event that the sentence of death shall for any reason be invalidated then the convicted defendant shall undergo the sentence of life imprisonment.

Amend Sec. 11, page 405, line 6, by striking out "(RESERVED)." and inserting: Loan Interest and Protection Law.—Nothing in 42 Pa. C.S. § 1722(b) (relating to enforcement and effect of orders and process) or in any other provision of this act shall in any way repeal, modify or otherwise affect the act of January 30, 1974 (P. L. 13, No. 6), referred to as the Loan Interest and Protection Law.

Amend Sec. 12, page 405, line 16, by striking out "and fix the duties of"

Amend Sec. 12, page 405, line 18, by removing the period after "County" and inserting: upon the designation of the appointee by the affected district justice.

Amend Sec. 13, page 405, lines 19 through 29, by striking out all of said lines and inserting: Section 13. (Reserved).

Amend Sec. 14, page 406, line 9, by striking out all of said line

Amend Sec. 14, page 406, line 10, by striking out "(7)" and inserting: (6)

Amend Sec. 14, page 406, line 11, by striking out "(8)" and inserting: (7)

Amend Sec. 14, page 406, line 12, by striking out "(9)" and inserting: (8)

Amend Sec. 14, page 406, line 13, by striking out "(10)" and inserting: (9)

Amend Sec. 14, page 406, line 15, by striking out "(11)" and inserting: (10)

Amend Sec. 14, page 406, lines 16 through 18, by striking out all of said lines

Amend Sec. 16, page 407, lines 5 and 6, by striking out "Until otherwise provided by the governing authority appointments" and inserting: Appointments

Amend Sec. 17, page 407, lines 12 and 13, by striking out "Until otherwise provided by the governing authority appointments" and inserting: Appointments

Amend Sec. 18, page 407, lines 17 and 18, by striking out "Until otherwise provided by the governing authority appointments" and inserting: Appointments

Amend Sec. 20, page 408, line 4, by striking out "Department of Education." and inserting: Administrative Office.

Amend Sec. 24, page 408, lines 26 through 29, by striking out "The provisions of this" in line 26, all of lines 27 and 28, and "effective date of this act." in line 29

Amend Sec. 26, page 413, lines 8 through 13, by striking out "Pending the enactment of specific repeals of acts" in line 8, all of lines 9 through 12, and "RESOLUTION." in line 13

Amend Sec. 26, page 413, lines 18 and 19, by striking out "DECEMBER 19," in line 18 and "1975 (NO. 174)." in line 19, and inserting: April 17, 1976 (No. 52).

Amend Sec. 26, page 414, lines 27 through 29, by striking out all of said lines

Amend Sec. 28, page 415, lines 16 and 17, by striking out both of said lines and inserting:

Section 28. Short title.—This act shall be known and may be cited as the "Judiciary Act of 1976."

Section 29. Effective date.—This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) 42 Pa.C.S. § 102 (relating to definitions), 42 Pa.C.S. § 1725 (relating to establishment of fees and charges) and 42 Pa.C.S. § 503(b) (relating to procedures), in so far as applicable to 42 Pa.C.S. § 1725, and section 24(a), (d) and (e) of this act shall take effect January 1, 1977.

(3) The provisions of this act relating to budgeting and financial matters shall take effect with respect to fiscal years commencing July 1, 1977.

(4) All other provision of this act shall take effect

upon the absolute repeal of this paragraph (4). This act shall expire December 31, 1978 unless this paragraph is repealed absolutely prior thereto.

Amend Source Notes, page 416, line 3, by striking out "1679" and inserting: _____

Amend Source Notes, page 416, line 5, by striking out "DEFINITION" and inserting: definitions

Amend Source Notes, page 417, line 33, by striking out "(2)" and inserting: (1)

Amend Source Notes, page 417, line 35, by inserting after "(1975).": Subsection (b)(2) is intended to overrule Commonwealth v. Bennett, 236 Pa. Super. 509, 345 A.2d 754 (1975).

Amend Source Notes, page 424, lines 31 and 32, by striking out both of said lines

Amend Source Notes, page 427, line 7, by striking out "substantially a reenactment of" and inserting: Derived from

Amend Source Notes, page 429, line 8, by striking out "§ 3542: New." and inserting: §§ 3342 and 3543:

Amend Source Notes, page 429, line 15, by striking out "§ 3543:" and inserting: §§ 3544 and 3545:

Amend Source Notes, page 429, line 22, by striking out all of said line

Amend Source Notes, page 430, lines 4 and 5, by striking out both of said lines

Amend Source Notes, page 434, line 4, by striking out "New."

Amend Source Notes, page 434, lines 49 through 51, page 435, lines 1 through 3 by striking out all of said lines

Amend Source Notes, page 438, lines 31 and 32, by striking out all of said line

Amend Source Notes, page 438, line 33, by striking out "New."

Amend Source Notes, page 439, line 41, by striking out "Reenactment of" and inserting: Derived from

Amend Source Notes, page 444, lines 18 through 43; page 445, lines 1 through 32, by striking out all of said lines

Amend Source Notes, page 445, lines 44 and 45; page 446, line 1, by striking out all of said lines

Amend Source Notes, page 449, lines 4 and 5, by striking out "(FIRST SENTENCE)"

Amend Source Notes, page 449, line 5, by inserting a period after "271"

Amend Source Notes, page 449, line 5, by striking out "(FIRST SENTENCE)."

Amend Source Notes, page 451, by inserting between lines 10 and 11:

Section 11: New.

Amend Source Notes, page 451, line 12, by striking out all of said line

Amend Source Notes, page 451, lines 31 through 33, by striking out "Subsection (b) derived from" in line 31, all of lines 32 and 33

Amend Source Notes, page 451, line 34, by striking out "(c)" and inserting: (b)

Amend Source Notes, page 451, line 34, by striking out "(d)" and inserting: (c)

Amend Source Notes, page 451, line 35, by striking out "(e)" and inserting: (d)

Amend Source Notes, page 451, line 37, by striking out "(f)" and inserting: (e)

Amend Source Notes, page 451, line 39, by striking out "(g)" and inserting: (f)

Amend Source Notes, page 452, by inserting after line 41:

Section 29: New.

On the question,

Will the House agree to the amendments?

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

Mr. ECKENSBERGER. Yes, would the majority leader consent to a very brief interrogation?

The SPEAKER pro tempore. Will the majority leader consent to interrogation?

Mr. IRVIS. Surely.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. ECKENSBERGER. Mr. Speaker, upon reviewing the bill as amended, we find that there may be one issue or two issues that we would like to vote on. Do we have your guarantee that we may vote on that particular issue.

Mr. IRVIS. Certainly, Mr. Speaker. That is my full intention. This amendment is being used merely to expedite matters, and it does not bind anybody to agreeing to the amendments as inserted.

Mr. ECKENSBERGER. Thank you, Mr. Speaker.

On the question,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

SENATE BILL No. 1 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Senate bill No. 1 is called up.

The Chair recognizes the majority leader.

Mr. IRVIS. Would you strike Senate bill No. 1, and call up House bill No. 683 on page 14 for concurrence? That will take only about 30 seconds, and then we will go to Senate bill No. 1.

DECISION RECONSIDERED

The SPEAKER pro tempore. The Chair reconsiders its decision to bringing up conference report to Senate bill No. 1 and moves to page 14.

CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 683

Mr. IRVIS called up for concurrence in Senate amendments, from page 14 of today's calendar, House bill No. 683, printer's No. 3131.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned

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 clerk read the following amendments made by the Senate:

Amend Section 1, page 3, line 4, by inserting after "order," the following: the probation department and

the justice of the peace may assess additional fees to cover administrative costs of collecting payments. Amount and manner of collection shall be established by the probation department or the justice of the peace.

Amend Section 1, page 3, line 24, by striking out after "shall" the words "take into account the money" and inserting in lieu thereof "be reduced by the amount"

Amend Section 1, page 4, line 8, by striking out after "including" the word "mental"; line 9, by striking out at the beginning of the line "distress nervous shock, or

On the question,

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

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

Mr. IRVIS. Mr. Speaker, on House bill No. 683, printer's No. 3131, I move that the House do concur in the amendments inserted by the Senate.

On the question recurring,

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

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

YEAS—172

Table listing names of members who voted 'YEAS' (172 total). Includes names like Abraham, Anderson, Arthur, Barber, Bellomint, Bennett, Beren, Berlin, Berson, Bittle, Bonetto, Bradley, Brandt, Brunner, Burns, Butera, Caputo, Cessar, Cianciulli, Cimini, Cohen, Cowell, Cumberland, Crawford, Davies, DeMedio, Deverter, DeWeese, Dietz, Dintinn, Dombrowski, Dorr, Doyle, Dumas, Eckensberger, Englehart, Fawcett, Fee, Fischer, Fisher, Flaherty, Foster, A., Freind, Fryer, Gallagher, Gallen, Garzia, Geesey, Geisler, George, Giammarco, Gillespie, Gillette, Gleeson, Goodman, Grieco, Halverson, Hamilton, J. H., Hasay, Haskell, Hayes, S. E., Hepford, Hill, Hutchinson, A., Hutchins, W., Irvis, Katz, Kelly, A. P., Kelly, J. B., Kernick, Kistler, Klingaman, Knepper, Koiter, Kusse, LaMarca, Laudadio, Laughlin, Lehr, Letterman, Levi, Lincoln, Logue, Lynch, Manderino, Manmiller, McCall, McClatchy, McGinnis, McLane, Mebus, Menhorn, Milanovich, Miller, M. E., Miller, M. E., Jr., Millron, Misceovich, Mochlmann, Morris, Mrkonic, Mullen, M. P., Mullen, Musto, Novak, Noye, O'Brien, O'Connell, O'Keefe, Oliver, Pancoast, Parker, H. S., Perri, Perry, Petrarca, Pitts, Polite, Pratt, Prendergast, Pyles, Ravenstahl, Reed, Renninger, Renwick, Rhodes, Richardson, Ross, Ruggiero, Ryan, Saloom, Salvatore, Scheaffer, Schmitt, Schweder, Scirica, Seltzer, Shelhamer, Shuman, Shupnik, Sirriani, Smith, E., Smith, L., Spencer, Stahl, Stapleton, Stout, Taddonio, Taylor, Thomas, Toll, Trello, Turner, Ustynoski, Valicenti, Vroon, Wagner, Wansacz, Wargo, Wedner, Westerberg, Whelan, Wiggins, Wilson, Wilt, R. W., Wilt, W. W., Wojdak, Worrdlow, Wright, Yohn, Zearfoss, Zeller, Zwikel, Fineman, Speaker.

NAYS—2

Itkin, McCue

NOT VOTING—29

Table listing names of members who did not vote (29 total). Includes names like Cole, Dicarlo, DiDonato, Dreibelts, Foster, W., Gleason, Green, Greenfield, Gring, Hammock, Hayes, D. S., Hopkins, Johnson, J., Kowalshyn, Lederer, McGraw, McIntyre, Myers, O'Donnell, Plevsky, Rappaport, Rieger, Ritter, Shane, Shelton, Walsh, T. P., Williams, Yahner, Zord.

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.

RECONSIDERATION OF VOTE ON HOUSE BILL No. 2257

Mr. BERSON moved that the vote by which **HOUSE BILL No. 2257**, printer's No. 3546, entitled:

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 and for the rule making powers of the Supreme Court.

was defeated on final passage on this day be reconsidered

Mr. WOJDAK 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. 2257 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. BERSON moved that **HOUSE BILL No. 2257**, printer's No. 3546, be placed on the final passage postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 1

Mr. IRVIS called up the following report of the Committee of Conference on Senate bill No. 1, which was read:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 1, entitled: "An act providing for the regulation of land and water use for flood control purposes, imposing duties and conferring powers on the Department of Environmental Resources, the Environmental Quality Board, the Department of Community Affairs, municipalities and counties, providing for enforcement and penalties, and making appropriations."

respectfully submit the following bill as our report:

FRANKLIN L. KURY
ROBERT J. MELLOW
EDWIN G. HOLL

(Committee on the part of the Senate.)

JAMES J. MANDERINO
JOHN F. LAUDADIO, SR.

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

An Act providing for the regulation of land and water use for flood control purposes, imposing duties and conferring powers on the Department of Environmental

Resources, the Environmental Quality Board, the Department of Community Affairs, municipalities and counties, providing for enforcement and penalties, and making appropriations.

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

ARTICLE I

PRELIMINARY PROVISIONS

Section 101. Short Title.—This act shall be known and may be cited as the "Pennsylvania Flood Disaster Prevention Act."

Section 102. Statement of Legislative Findings.—The General Assembly finds that:

(1) Flooding of large areas of the land within the Commonwealth causes unnecessary loss of life, ravages and destroys private and public property, damages means of livelihood and economic resources, and disrupts commerce, communication, and governmental services; flooding causes unsanitary and unwholesome living and environmental conditions by preventing the normal absorption of sewage materials into the soils and by permitting the infusion of contaminants into available water supplies; and public and private property in the Commonwealth is damaged by debris solid waste, sewage and other materials carried by floodwater; all of which is detrimental to the health, safety and welfare of the occupants of floodways and to the people of the Commonwealth.

(2) Extensive expenditures of public funds have been allocated to costly flood control projects, repair and maintenance of public facilities and property, and relief and rescue efforts, to reduce disastrous effects of recurrent flooding.

(3) The exclusive use of flood control measures, such as engineering projects, has failed to adequately reduce the economic losses and human suffering caused by recurrent flooding.

(4) Development in flood areas has the effect of reducing the carrying, storage and retention capacity of soils and the floodways, which, unless regulated, increases flood heights and velocities on normally dry land areas adjacent to and upstream and downstream from such development and increases the scope and extent of destruction from the powerful flood flows; obstructions in the waters of the Commonwealth have the further effect of causing continual diversion of the natural regime of the waters, thereby harming fish and aquatic life and causing erosion and other damage to adjacent land areas in the floodway.

(5) Although flood-proofing and proper maintenance of existing and proposed sanitary facilities to other structures, and the protection of the contents of such structures, can minimize the public outlay of funds for rescue and relief and alleviate the destruction caused by flood and improper use of the waters of the Commonwealth, a comprehensive program of flood area management, including the reasonable regulation and prohibition of new construction, is fundamental to the public health, safety, and welfare and the protection of the people of the Commonwealth, their resources and the environment.

Section 103. Statement of Policy and Purposes.—The policy and purpose of this act is to:

(1) Encourage planning and development in flood prone areas which is consistent with sound water and land use practices.

(2) Authorize a comprehensive program of flood area management designed to preserve and restore the efficiency and carrying capacity of the floodways of the Commonwealth; to conserve the unique natural functions and related human uses of flood areas, including natural runoff characteristics and ground water replenishment functions of land surfaces; preserve and maintain the ground water level, and preserve and maintain areas of undisturbed drainage; preserve and maintain the natural regime, current, and cross-section of the waters of the Commonwealth; to assist communities in qualifying for Federal flood insurance benefits; and to protect property and people in the flood areas from damage of floodwaters and from materials carried by such floodwaters, by regulating existing and proposed construction and by requiring the maintenance of private and public open space where neces-

sary to insure the protection of the public health, safety and welfare in the event of flood.

(3) Protect unknowing and unsuspecting real property owners from the dangers of flooding; regulate obstructions in flood areas and flood area zones that aggravate flood damage to other properties, and thereby protect property values; and control and eliminate urban and rural blight which results from the ravages of flood.

(4) Encourage local administration and management of flood areas consistent with State and Federal supervision, with the enumerated legislative findings, policy and purposes of this act, and with the objective of managing flood area lands and subsurface and surface waters as interrelated and precious resources in accordance with sound and long-range land and water use planning and the people's constitutional right to the preservation of natural, economic, scenic, aesthetic, recreational and historic values of the environment, taking full and explicit account of nonmonetary and intangible values as well as monetary and tangible values.

Section 104. Definitions.—As used in this act:

"Bid proposal" means a formal offer to enter into a contract for work, labor, or supplying materials at a specified price, but shall not include requests for budget estimates which are not binding on any party.

"Board" means the Environmental Quality Board established by the act of December 3, 1970 (P. L. 834, No. 275).

"Construct" means erect, construct, reconstruct, locate, relocate, extend, remove, excavate, structurally alter, build, place or deposit.

"Department" means the Department of Environmental Resources of the Commonwealth of Pennsylvania.

"Flood" or "flooding" means a general or temporary condition of partial or complete inundation of normally dry land areas from the naturally or artificially induced flow or overflow of waters of the Commonwealth including collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.

"Flood area" or "flood plain" means the 100 year floodway and that maximum area of land that, on the average, is likely to be flooded once every 100 years, shown on flood plain maps approved or promulgated by the United States Department of Housing and Urban Development.

"Flood area permit" means a permit issued by a municipality or the department which authorizes the construction, modification, removal, abandonment or destruction of an obstruction in a regulated flood area.

"Flood area zone" means a district or portion of the regulated flood area.

"Flood-proofing" means structural or other changes or adjustments to properties or obstructions for the reduction or elimination of flood damages to such properties and structures, to water and sanitary facilities, or to the contents of any structure. Such techniques may, without limitation, include the use of identified materials in construction or repair, flood-warning systems, construction of shallow basins for the detention of storm water runoff, anchorage of the obstruction, and elevation.

"Governmental unit" means any county, municipality, political subdivision, or the Commonwealth, and any department, authority, agency or board thereof or any agent of the foregoing.

"Hearing board" means the Environmental Hearing Board of the Department of Environmental Resources.

"Municipality" means a city, town, township, municipal authority or borough, or any county or other governmental unit when acting as agent thereof, or any combination thereof acting jointly.

"Obstruction" means (i) any structure, fill, or object constructed or placed in a flood area, including in, along, across or projecting into any waters of the Commonwealth; (ii) anything in a flood area which acting alone or in combination with existing or future uses could adversely affect existing drainage courses or facilities; (iii) any matter or activity in, along, across or projecting into any flood area, whether floating or stationary, which might impede, retard or change the course or regime of any stream, or alter the runoff characteristics of the surface of the land, or change, increase, or diminish the current or cross-section of any waters of the Commonwealth either by itself or

by catching or collecting debris carried by such waters; and (iv) any structure or object in a flood area which is constructed where the natural flow of the water could carry the same downstream. For the purposes of this definition, "matter or activity" includes, but is not limited to, excavations, sand and gravel dredging and activities related thereto, piles, channel relocations, conduits, culverts, landfills, fills, pipelines, transmission lines, deposits, storm drains and deposits of solid waste. The planting, cultivation and harvesting of field and orchard crops or the grazing of livestock, including the maintenance of necessary appurtenant agricultural fencing, shall not be considered an "obstruction" under this definition and shall not be subject to regulation under this act.

"Official plan" means any flood area management plan submitted by a municipality and approved by the department.

"One-hundred year flood" means the highest level of flooding that, on the average, is likely to occur every 100 years, that is, that has a 1% chance of occurring each year.

"One-hundred year floodway" means the channel or bed of a river, lake, or other body of water and the adjacent land areas required to carry and discharge a 100 year flood.

"Owner" means any person who has dominion over, control of, or title to an obstruction or the land on which an obstruction is constructed or is to be constructed.

"Person" means an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any section prescribing or imposing a penalty, the term "person" shall include the members of a partnership, the officers, members, servants and agents of an association, the shareholders, officers, agents and servants of a corporation, and the officers of a municipality or county, but shall exclude any department, board, bureau or agency of the Commonwealth.

"Public utility" shall mean a public utility as defined in the act of May 28, 1937 (P. L. 1053, No. 286), known as the "Public Utility Law."

"Public utility service" means (i) producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public; (ii) diverting, developing, pumping, impounding, distributing, or furnishing water to or for the public; (iii) transporting passengers or property by railroads; (iv) operation of a canal, turnpike, tunnel, bridge, wharf, or similar structure for the public; (v) transporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or other fluid substance, by pipeline or conduit; (vi) conveying or transmitting messages or communications by telephone or telegraph for the public; and (vii) sewage collection, treatment, or disposal for the public.

"Regulated flood area" means that portion of the flood area which has been designated as subject to regulation pursuant to this act either by regulation of the Environmental Quality Board or by approval of an official plan by the department.

"Waters of the Commonwealth" means any and all rivers, streams, creeks, impoundments, lakes, dammed water and all other bodies of water or parts thereof, whether natural or artificial, wholly or partly within or forming part of the boundary of this Commonwealth: Provided, That for the purpose of this act, "waters of the Commonwealth" shall exclude storm sewers, farm ponds and other privately owned ponds of less than five acres in area.

"Watershed" means the entire region or area drained by a river or other body of water, whether natural or artificial.

ARTICLE II

FLOOD AREA MANAGEMENT AND REGULATION

Section 201. Environmental Quality Board; Regula-

tions; Standards and Procedures.—The Environmental Quality Board shall have the power and its duty shall be to adopt regulations to insure comprehensive flood area management in the Commonwealth and to establish minimum standards for delineation and management of flood areas by the municipalities and the department. The Environmental Quality Board shall:

(1) As soon as practicable, establish by rule or regulation:

(i) Criteria and procedures for delineation of regulated flood area zones in the Commonwealth; considering, among other factors, the size or flood-carrying capacities of the floodway and adjacent land areas, the relative risk and frequency of flooding of any land area, and the existence of State and Federal flood control projects which have been constructed in each municipality or watershed;

(ii) Minimum standards for the design, construction, and maintenance of obstructions within each flood area zone; designation of those obstructions which may be allowed as of right, prohibited, or conditionally allowed; minimum standards for development and construction within each flood area zone; minimum standards for the operation and maintenance of dams, levees, fills and similar obstructions; and designation of those flood area zones, or parts thereof, in which the construction of obstructions or any categories of obstructions shall be prohibited;

(iii) Minimum required flood-proofing techniques for proposed and existing obstructions within the flood area zone;

(iv) The scheduled dates for submission to the department of an official plan for flood area management by each municipality, considering: (A) the availability of flood area maps approved or promulgated by the United States Department of Housing and Urban Development, (B) the extent of historical and recent flood damage to lives and property within each municipality, (C) the rate and type of development taking place in each municipality, (D) the flood areas of the Commonwealth having the greatest flood damage potential, and (E) other relevant considerations;

(v) Procedures and standards for the administration of flood area permits by municipalities and by the department.

(2) Adopt such other rules and regulations as are necessary to implement the purposes and provisions of this act.

Section 202. Municipalities; Official Plan; Regulation.

—(a) The governing body of every municipality shall administer flood area management in the Commonwealth in conformity with the regulations of the board and the provisions of this act and subject to the approval of the department.

(b) Each municipality shall have the power and its duty shall be to:

(1) Submit to the department on or before the date established by the board and pursuant to the provisions of this act, an official plan for flood area management within the territorial jurisdiction of the municipality and such revisions as shall periodically be required by the department. The official plan shall include, without limitation: (i) information identifying and documenting the location and boundaries of all flood area and flood area zones within the municipality and a list of sources, certified by the municipality, used to delineate the location and boundaries of all flood area and flood area zones within the municipality; (ii) proposed program implementation plans including, without limitation, a proposed budget, indicating personnel needs and qualifications; a proposed method of implementing board regulations pertaining to floodway use; procedures and standards for the evaluation of permits; categories of obstructions which the municipality proposes to regulate; existing municipal rules and regulations or ordinances regulating flood area land use; proposed regulations or ordinances; and proposed implementation of other flood area management policies; (iii) procedures for reviewing, revising, and updating its official and implementation plans; and (iv) certification that the pro-

posed plan has been reviewed by the appropriate county or regional planning agencies, and the comments of such agencies regarding the consistency of the proposed plan with plans for the region; (v) certification that the proposed plan is consistent with other relevant environmental and land use plans adopted by the municipality, the county in which the municipality is located and the Commonwealth; (vi) a statement of existing State and Federal flood control projects which have been constructed in the municipality; and (vii) consideration of the impact of the plan on the economy of the area affected by the plan, including but not limited to the impact of the plan upon the revenue base of the municipalities covered by the plan.

(2) Adopt the official plan, or resolution carried by the affirmative votes of not less than a majority of all the members of the governing body. The resolution shall refer expressly to the maps, charts, textual matter, and other matters intended to form the whole or part of the official plan, and the action shall be recorded on the adopted plan or part.

(3) Amend the official plan as necessary to incorporate change conditions, including new flood control projects, and after approval of its official plan, administer the management of the flood areas and issue flood area permits within its territorial jurisdiction in accordance with the terms and conditions and subject to the restrictions set forth in its official plan.

(4) Submit to the department at such intervals as established by the board, a report of all appeals taken to the municipality pursuant to the provisions of section 405(a) and the disposition of such appeals.

(5) The powers conferred by this act upon municipalities and counties to regulate flood area land uses and obstructions shall be in addition to any powers conferred by the act of July 31, 1968 (P. L. 805, No. 247), as amended, known as the "Pennsylvania Municipalities Planning Code."

(6) Notwithstanding the provisions of paragraph (5), a municipality may establish a flood area zone without zoning the whole municipality as required under section 605 of the "Pennsylvania Municipalities Planning Code."

(c) Whenever a municipality shall fail to administer the provisions of this act or of an official plan approved pursuant to this section, or shall fail to comply with the standards, rules and regulations adopted by the board relating to the administration and implementation of official plans, the department may partially or totally modify, suspend, or revoke approval of the official plan for such municipality, and may either (i) require that the county in which such municipality is located act as agent of the municipality for the purpose of administering and implementing a flood area management program in that municipality, or, as a last resort, (ii) assume administration of the flood area management program for such municipality. Whenever the county or the department assumes the administration of the flood area management program for a municipality pursuant to this subsection, the county or department shall charge the municipality for the cost thereof.

(c.1) Before any official plan or map is adopted, whether by a municipality, county or the department, a public hearing shall be held pursuant to notice of not less than two weeks nor more than one month which notice shall contain at least a brief summary of the principal provisions and a reference to the place within the municipality involved where copies may be examined or bought at cost. Any taxpayer aggrieved by the adoption of a map or plan may submit a curative amendment to the adopting municipality, county or the department or appeal to the board as provided in section 405. For the purposes of this subsection, an aggrieved taxpayer shall include any party adversely affected by the failure of the municipality, county, or department to comply with the requirements of section 202(b)(1) above.

(d) Whenever, pursuant to subsection (c), a county is required to act as agent of the municipality for the purpose of administering and implementing a flood area

management program, the official plan and flood area ordinances adopted by the county shall apply to all obstructions and the use of any lands within the flood area notwithstanding any zoning ordinance adopted by the municipality; provided that any zoning ordinance adopted by the municipality shall remain effective to the extent such ordinance is more restrictive than the official plan and flood area ordinances adopted by the county.

(e) After the adoption of an official plan by a municipality whose land is subject to an official plan and flood area ordinances adopted by the county pursuant to subsection (c), and upon a finding by the department that such plan complies with the requirements of this act and the standards adopted by the board and that the municipality is able to assume administration of the program, the flood area regulations and ordinances adopted by the municipality shall act as a repeal pro tanto of the flood area regulations and ordinances adopted by the county within the municipality, and the municipality shall thereafter administer the management of flood areas within its territorial jurisdiction in accordance with the terms and conditions and subject to the restrictions set forth in its official plan.

(f) (1) The department, or any municipality or county administering an official plan, may grant a variance to the requirements imposed under this act in accordance with criteria and procedures established by the environmental quality board.

(2) The department, municipality or county shall, upon public notice of not less than two weeks nor more than one month hold a public hearing upon any application for any variance. Notice of such application shall be mailed to all adjacent municipalities in the watershed, the county, and the departments at least two weeks prior to the hearing.

(3) The approval of a variance shall be conditioned upon compliance with all feasible floodproofing and other requirements necessary to minimize damage and obstruction of flood flows.

(4) No variance may be granted for the construction of any obstruction in the 100 year floodway, unless the effect of such obstruction on flood heights is fully offset by stream improvements or other actions approved by the department and the United States Department of Housing and Urban Development.

(5) Approval of a variance shall be treated as a change of an official plan for the purposes of this act, and shall become effective upon approval by the department and the United States Department of Housing and Urban Development.

(g) (1) Any municipality may by agreement, designate the county or regional planning agency, as its agent for the development of the flood area management plan and may, by ordinance, adopt by reference the flood area management plan and ordinances developed by the county or regional planning agency.

(2) Any municipality may, by ordinance and by agreement with the county, designate the county as the official administrative agency for the implementation of the official plan and issuance of flood area permits within the municipality. Such designation shall be for a period of not less than three years. Whenever the county assumes administration of the flood area management program for a municipality pursuant to this subsection, the county shall charge the municipality for the cost thereof unless the county and municipality otherwise agree to a different apportionment of costs.

(h) Any two or more municipalities may, by agreement and ordinance, cooperate in the joint development or joint implementation of flood area management plans.

Section 203. Department of Environmental Resources; Coordination and Supervision.—The power to coordinate and supervise the management of flood areas in the Commonwealth shall be vested in the department, including the power and duty to:

(1) Insure that flood area management and regulations in adjoining municipalities are compatible throughout the watershed and consistent with the policies of this act.

(2) Review and approve all official plans and periodic revisions thereof pursuant to the procedures and standards adopted by the board regulations and consistent with the purposes of this act. Such approval to any municipality shall take into consideration the existence of State and Federal flood control projects which have been constructed therein.

(3) Require that counties act as the agents of municipalities where the department determines that such municipalities have failed or refused to perform as required under this act or have failed to comply with the rules, regulations and standards adopted pursuant hereto.

(4) Temporarily or permanently issue flood area permits in any municipality which does not have an approved official plan or where the department has retained regulatory jurisdiction in any municipality over any category of obstruction or over any flood area zone.

(5) Exclusively issue all flood area permits required by this act for any flood control project constructed, owned or maintained by a governmental unit, and for any obstruction owned or maintained by a person engaged in the rendering of a public utility service, and issue flood area permits for such categories of obstructions or in such flood area zones as are determined by the board to be also subjects of exclusive regulation by the department.

(6) Acquire in the name of the Commonwealth, by purchase, gift, or lease such lands or other property as are determined by the board to be necessary to and consistent with implementation of the purposes of this act or to be necessary to effect any duty or responsibility of the department under any Act of Assembly; Provided, however, That no amount shall be expended for the purchase or lease of such land or property except from funds specifically appropriated for such purchase or lease by the General Assembly.

Section 204. Limitations on Land Acquisition and Permit Issuance.—(a) It shall be the responsibility of any governmental unit or any person rendering a public utility service, prior to the acquisition of any land in a flood area for the purposes of constructing an obstruction, to assure that the proposed use of such land is consistent with the flood area plans and rules and regulations adopted pursuant to this act. Notwithstanding such determination by the Governmental unit or person, no permit shall be issued for use of such land under this act unless the application therefore is consistent with all plans and rules and regulations in effect at the time of application.

(b) No governmental unit shall issue any permit necessary for the construction of any obstruction within a regulated flood area unless the applicant has first obtained the flood area permit required by this act.

Section 205. Flood Area Permit.—(a) Permit requirements are as follows:

(1) On or after the effective date of regulations adopted by the board pursuant to this act no person shall construct, request bid proposals for construction, modify, remove, abandon or destroy an obstruction in a flood area unless such person has first applied for and obtained a permit from the department or a municipality which has flood area plan approved pursuant to section 202. No permit shall be required pursuant to this section for the renovation, maintenance or repair of structures within the flood area in existence as of the effective date of this act unless such renovation, maintenance or repair (i) would have a significant effect upon the flow of flood waters, or (ii) would constitute substantial improvement to the structure as defined in regulations promulgated by the United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) The board shall establish the effective dates of regulations relating to permit requirements in accordance with the availability of maps designating the flood area within each municipality which are deemed acceptable to the department of either an interim or permanent basis. The department shall publish notice of the approval of such maps and the effectiveness of the permit require-

ment within each municipality in the Pennsylvania Bulletin. In no event shall a permit be required until the department publishes notice of the approval of an acceptable map designating the applicable flood area and the effectiveness of the permit requirement within the applicable municipality.

(3) No owner shall request bid proposals for construction, suffer or allow the construction on his or her land of an obstruction within a regulated flood area unless a flood area permit for such obstruction has been obtained by the owner or his authorized agent.

(b) Conditions and terms are as follows:

(1) The board shall, by regulation, establish procedures, standards, requirements, and general terms and conditions for the application and approval of flood area permits, including provisions for the payment of reasonable, non-refundable filing fees, and time limitations for approval or denial of flood area permits, but nothing in this section shall prohibit the department or a municipality from imposing such additional or special conditions upon a flood area permit as it deems necessary to carry out the purposes of this act.

(2) The board may, by regulation, require the posting of a sufficient performance bond or other security as a condition upon the issuance of any category or categories of flood area permits issued by a municipality or the department. Such bonds shall be in favor of the issuing agency and shall be made with such good and sufficient securities or collateral, as defined by the board and found acceptable by the issuing agency, as are necessary to insure compliance with the provisions of this act. Such bonds or securities shall be cancelled or returned to the permittee pursuant to the rules and regulations promulgated by the board.

(3) No person shall construct, maintain or operate an obstruction authorized pursuant to a flood area permit except in accordance with the terms and conditions applicable thereto.

(c) Applications and notice shall be as follows:

(1) Each flood area permit application shall be a matter of public record and shall be available for inspection at the offices of the issuing agency. The issuing agency may, at its discretion, hold a public hearing on any application for the purposes of gathering information relevant to consideration of the application and provide public notice therefor.

(2) In order to assure effective notice to prospective purchasers of any real property, the board may, by regulations require that all, or a specified category of flood area permits shall be effective only upon the filing of such permit, by the permittee, in the office of the recorder of deeds for the county in which the subject property or obstruction, or portion thereof, is located.

(d) A municipality or the department may modify, suspend or revoke a permit, or refuse to renew or may withhold the issuance of a permit where the permittee or applicant is engaging or has engaged in any unlawful conduct as defined in this act.

(e) The board may, by rule or regulation, designate certain classes or categories of obstructions for which flood area permit requirements may be waived subject to such conditions as the board shall prescribe.

Section 206. Public Utility Permits.—Prior to the denial, revocation, suspension or modification of any permit to a public utility for an obstruction utilized in the provision of a public utility service, the department shall consult with the Public Utilities Commission with respect to the effects of the proposed action upon the supply of said services and alternatives available for the provision of such service.

ARTICLE III

POWERS AND DUTIES

Section 301. Additional Powers and Duties of the Department and Municipalities.—In addition to the powers

and duties established in other sections of this act, the department and every municipality whose official plan has been approved shall have the power and their duty shall be to:

(1) Investigate complaints, institute and conduct survey programs to identify and define flood areas, make observations of conditions which may or do affect the flood carrying capacity of flood areas, and assess the degree of control or abatement of flood area obstruction required.

(2) Institute legal proceedings in a court of competent jurisdiction for the prevention or abatement of flood area obstructions, or for enforcement of any order of the department from which there has been no timely appeal, or which has been sustained on appeal, or for recovery of penalties or damages in accordance with this act.

(3) Institute prosecutions under this act.

(4) Conduct and supervise educational programs with respect to flood hazards and flood area management, including preparation and distribution of related information.

(5) Charge and collect reasonable fees for applications filed and for permits issued as established by regulation or ordinance.

(6) Do any and all other acts not inconsistent with any provision of this act which it may deem necessary or proper for the effective enforcement of this act and the rules or regulations which have been promulgated hereunder.

Section 302. Further Powers of the Department.—The department shall have the power and its duty shall be to:

(1) Require joint or regional flood area planning, management, regulation and enforcement programs by county and municipal governments.

(2) Cooperate with appropriate agencies of the United States or of other states or any interstate agencies with respect to the planning, management and control of flood areas damage and where appropriate formulate interstate flood area plans, or agreements.

(3) Serve as the agency of the Commonwealth for the receipt of moneys from the Federal Government or other public or private agencies, or persons and expend such moneys for studies and research with respect to planning, management, and control of flood areas.

(4) Conduct or cause to be conducted, and supervise, studies and research for the purpose of determining the causes, effects, and hazards of floods and flood area obstructions, and methods for the control, elimination and reduction of flood damages through proper regulation, placement, and design of flood area development.

Section 303. Powers and Duties of the Department of Community Affairs.—The Department of Community Affairs shall have the power and its duty shall be to:

(1) Review, in cooperation with the Department of Environmental Resources, all official plans and revisions thereto, and review and approve all municipal applications for the Federal Flood Insurance Program.

(2) Provide, in cooperation with the Department of Environmental Resources, advisory consultative services to appropriate county and municipal agencies and, where appropriate, enter into contracts or agreements with such agencies for the provision of technical, training, inspection or enforcement services.

(3) Draft, publish and approve, for use by counties and municipalities, model flood area management codes and ordinances which comply with the requirements of the Federal Flood Insurance Program and the regulations established by the Environmental Quality Board pursuant to this act.

(4) Develop and recommend the minimum job qualifications of personnel employed by regional, county, and municipal flood area management agencies, and develop and conduct training courses for such personnel.

(5) In conjunction with the Department of Environmental Resources, develop and conduct, in cooperation with county, regional and municipal agencies or with local communities, demonstration programs relating to the planning, management and control of flood areas.

Section 304. Coordination of Administration.—(a) In the administration of this act, the Department of Community Affairs and Department of Environmental Res-

sources shall coordinate the performance of their respective powers and duties in order to avoid unnecessary duplication of efforts and to assure orderly and efficient implementation of a flood area management program throughout this Commonwealth.

(b) (1) In order to further the coordinated and effective administration of this act, there shall be established a flood Area Management Advisory Committee, the membership of which shall be appointed by the Secretary of Environmental Resources and shall include one representative of the Department of Environmental Resources, Department of Community Affairs, Department of Agriculture, Office of State Planning and Development, Public Utilities Commission, Pennsylvania State Association of Township Supervisors, Pennsylvania State Association of Township Commissioners, Pennsylvania State Association of Boroughs, Pennsylvania League of Cities, Pennsylvania State Association of County Commissioners, Pennsylvania Municipal Authorities Association, General Contractors Association of Pennsylvania, Pennsylvania Builders Association, Pennsylvania Vacationland Developers Association, Pennsylvania Chamber of Commerce, Pennsylvania Society of Architects, American Institute of Planners, Pennsylvania Society of Professional Engineers, American Society of Landscape Architects, Pennsylvania Council of Farm Organizations, American Federation of Labor—Congress of Industrial Organizations, Pennsylvania Manufactured Housing Association, Pennsylvania Environmental Council, Pennsylvania League of Women Voters, Pennsylvania Federation of Sportsmen's Clubs, Pennsylvania Association of Conservation District Directors, Middle Atlantic Conference of Watershed Associations, Sierra Club, five representatives who shall be private citizens holding no elected offices and such additional organizations or individuals as the secretary, in consultation with the committee, may find are necessary and proper to carry out the purposes of the committee.

(2) Said committee shall be responsible for the regular exchange of information and plans regarding flood area management, the recommendation and review of proposed and existing standards, regulations, model legislation, and manuals relating to flood area management, and the recommendation of coordinated actions by appropriate agencies in the implementation of this act.

(3) The members of the committee shall not receive any compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

Section 305. Inspections.—(a) An agent or employee of the department, or of a municipality whose official plan has been approved shall have the power and duty to, upon presentation of proper credentials, (1) enter any land for the purpose of surveying land and properties in flood areas; (2) enter any land in a flood area for the purpose of ascertaining the location and condition of structures or obstructions in flood areas; (3) enter land or while under construction any building or structure located in a flood area for the purpose of ascertaining the compliance or noncompliance with the flood proofing rules or regulations adopted by the board hereunder, or under an official plan adopted and approved pursuant of this act.

(b) Whenever an agent or employee of the department or of a municipality charged with the enforcement of the provisions of this act has been refused access to property for the purposes of conducting a survey or inspection as authorized by this section or reasonably requires access to such property without prior notice to the owner, such agent or employee may apply for an inspection warrant to any Commonwealth official authorized by law to issue a search or inspection warrant to enable him or her to have access and inspect such property. It shall be sufficient probable cause to issue an inspection warrant that the inspection is necessary to properly enforce the provisions of this act.

Section 306. Public Information.—All plans, maps, records, reports, engineering data, permit applications, correspondence and other public documents and information relating to flood area management obtained or prepared by the department or any municipality shall be available to the public.

Section 307. Flood Area Disaster Relief Fund.—All civil penalties collected under this act shall be paid into the Treasury of the Commonwealth in a special fund known as the "Flood Area Disaster Relief Fund," hereby established, which shall be administered by the department. An amount equal to each civil penalty collected under this act shall be forwarded from the Flood Area Disaster Relief Fund to the municipality or municipalities in which the violation occurred to be used by said municipality or municipalities in achieving the purposes of this act.

Section 308. Legislative Oversight.—For purposes of (i) providing information that will aid the General Assembly in its oversight responsibilities, (ii) enabling the General Assembly to determine whether the program and services mandated by this act are effectively meeting the goals of this legislation, (iii) assisting the General Assembly in measuring the costs and benefits of this program and the effects and/or side-effects of mandated program services, and (iv) providing information that will permit State and local program administrators to be held accountable for the administration of the programs mandated by this act, beginning one year from the effective date of this act, the Senate Committee on Environmental Resources and the House Committees on Local Government and Conservation, either jointly or separately, shall begin a review into the manner in which this act has been administered at the State and local level.

Section 309. Economic Study.—(a) Within two months from the passage of this act, the Department of Community Affairs shall commission a study or studies by independent institutes, agencies, or consultants, of the economic impact of this act. Reports of such studies shall be completed and presented to the Governor and General Assembly no later than one year from the effective date of this act.

(b) Such study or studies shall include:

(1) an assessment of the technical feasibility and economic reasonableness of requirements imposed by regulations adopted hereunder by the department, municipalities and counties;

(2) an analysis of the probable impact of flood plain regulations adopted hereunder upon employment, property values, and community benefits;

(3) an analysis of flood damages and indirect economic losses which may be avoided by flood plain regulations adopted hereunder; and

(4) an assessment of the availability of suitable sites for development outside areas subject to flooding.

(c) Such study or studies shall be financed from and to the extent of funds appropriated by the General Assembly for such purposes.

ARTICLE IV

ENFORCEMENT

Section 401. Unlawful Conduct.—It shall be unlawful for any person to:

(1) Violate or assist in the violation of any of the provisions of this act or of any rules and regulations adopted hereunder, or any regulations or ordinances incorporated herein.

(2) Fail to comply with any order of the department or of a municipality issued hereunder from which no appeal has been taken, which has been sustained on appeal, or which has been appealed for which no super-seedeas has been granted for the period in which violation occurs.

(3) Conduct an activity authorized by flood area permit contrary to the terms of the permit or the rules and regulations of the department.

(4) Attempt to obtain a permit by misrepresentation or failure to disclose all relevant facts. Nothing in this act shall be construed to affect the application of any provision of the Crimes Code relating to perjury, false swearing or unsworn falsification to authorities.

(5) Intentionally obstruct, impair, or pervert the administration of this act by the department or any municipality by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act. Nothing in this act shall be construed to affect the

application of section 5101 of the Crimes Code to obstructing administration of law or other governmental function.

Section 402. Civil Remedies.—(a) Any activity or condition declared by this act to be unlawful conduct shall be restrained or prevented in the manner provided by law or equity for abatement of public nuisances, and the expense thereof shall be recoverable from the violator in such manner as may now or hereafter be provided by law.

(b) In addition, suits to restrain or prevent any unlawful conduct as defined in this act or to compel action to discontinue any unlawful conduct may be instituted in equity or at law in the name of the Commonwealth upon relation of the Attorney General, or upon relation of any district attorney of any county, upon relation of the solicitor of any municipality affected, or upon relation of any person, after 30 days' notice has first been served upon the Attorney General of the intention of the district attorney, solicitor, or person to so proceed. Such proceedings may be prosecuted in the Commonwealth Court, or in the court of common pleas of the county where the activity has taken place, the condition exists, or the public affected, and to that end jurisdiction is hereby conferred in law and equity upon such courts: Provided, That except in cases of emergency where, in the opinion of the court, the exigencies of the cases require immediate abatement of said unlawful conduct, the court may, in its decree, fix a reasonable time during which the person responsible for the unlawful conduct may make provision for the same. The expense of such proceedings shall be recoverable from the violator in such manner as may now or hereafter be provided by law.

Section 403. Enforcement Orders.—(a) The department or any municipality whose official plan has been approved may issue such orders as are necessary to aid in the enforcement of the provisions of this act. Such orders shall include, but shall not be limited to orders modifying, suspending or revoking permits and official plans, and orders requiring persons to cease any activity which is in violation of any provision of this act. Such an order may be issued if the department or municipality finds that the permittee, or any person or governmental unit is in violation of any provision of this act, or of any rule, regulation or order of the Environmental Quality Board or of any other regulation or ordinance adopted pursuant to an approved official plan. The department or municipality may, in its order, require compliance with such terms and conditions as are necessary to effect the purposes of this act.

(b) An order issued under this section shall take effect upon notice, unless the order specifies otherwise.

(c) Any person violating or failing to comply with any order of the department, of a municipality, or of the board from which no appeal has been taken or which has been sustained on appeal, or which has been appealed but where no supersedeas has been granted for the period in which the order has been violated shall be deemed to be in contempt of such order. Upon petition and certification of such order by the department, municipality or the hearing board, the Commonwealth Court or the court of common pleas of the county where the unlawful conduct occurred or is occurring, shall, if it finds, after hearing or otherwise, that the respondent is not in compliance with the order, adjudge the respondent in contempt of the order and shall assess civil penalties of an amount not less than \$100 nor greater than \$10,000 per violation plus \$500 for each continuing day of violation. Where the respondent has not as of the date of hearing before the court complied with the order of the department, municipality or board, the court shall specifically order the respondent to immediately and fully comply with such order, and may issue any further order as may be appropriate.

(d) In order to insure effective notice to the prospective purchaser of any real estate subject to such order, the department or a municipality shall record any order of the department, of the municipality, or of the hearing board, with the prothonotary of the county in which the subject property is located. It shall be the duty of the prothonotary to enter such order in his or her docket in the same manner as the entry of a judgment: Pro-

vided, however, That no fee shall be charged for filing said order.

(e) The right of the department or of a municipality to issue an order under this section is in addition to any penalty which may be imposed or any action taken pursuant to this act. The failure to comply with any such order is hereby declared to be unlawful conduct and a nuisance.

Section 404. Civil Penalties.—(a) In addition to proceeding under any other remedy available at law or in equity for (i) a violation of a provision of this act, or of a rule and regulation of the Environmental Quality Board, or of any ordinance or code of any municipality issued hereunder; or (ii) for a violation of any order of the department or of a municipality; or (iii) for engaging in any unlawful conduct under the provision of this act, the hearing board, in an action instituted before it by the department, by any county or municipality, or by any aggrieved person, may assess a civil penalty upon any person for such violation. Such a penalty may be assessed whether or not the violation was willful. The civil penalty so assessed shall not exceed \$10,000, plus \$500 for each day of continued violation. In determining the amount of the civil penalty, the board shall consider the willfulness of the violation, damage or injury to the environment and flood areas of the Commonwealth, cost of restoration, the cost to the Commonwealth of enforcing the provisions of the act against such person, and other relevant factors. The assessment of the civil penalty shall be made after hearing, unless hearing is specifically waived by the respondent. It shall be payable to the Flood Area Disaster Relief Fund and shall be collectible in any manner provided at law for the collection of debts.

(b) If any person liable to pay any such penalty neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall be a lien in favor of the Commonwealth upon the property, both real and personal, of such person but only after the amount of the lien has been entered and docketing of record by the prothonotary of the county where the property is situated. The board may, at any time, transmit to the prothonotaries of the respective counties certified copies of all such liens, and it shall be the duty of each prothonotary to enter and docket the same of record in his office, and to index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof.

(c) Any officer of any corporation, association, municipality or county, who knowingly, wilfully, recklessly or with gross negligence engages in or authorizes unlawful conduct as defined in section 401 of this act shall be subject to the imposition of civil penalties in accordance with subsection (a). Any civil penalty imposed upon any such officer shall be in addition to and separate from any civil penalty imposed upon the corporation, association, municipality or county. Nothing in this subsection shall be construed to affect the liability or duty of any officer of a corporation, association, municipality or county for the purposes of criminal penalties imposed under this act, or for the purposes of any other rights or remedies now or hereafter existing or herein provided.

Section 405. Hearings and Appeals.—(a) Any person aggrieved by an action of a municipality in granting, modifying, denying, suspending, or revoking a flood area permit or in issuing any order shall have the right within 30 days after receipt of notice of such action to request a hearing before such municipality. Revocation of permits shall occur only after notice and opportunity to be heard has been given to the permittee. Hearings under this subsection shall be conducted pursuant to the act of December 2, 1968 (P. L. 1133, No. 353), known as the "Local Agency Law." The Attorney General shall be notified in writing by the appellant of any appeal challenging the constitutionality of this act or the validity of any rule or regulation.

(b) Any person aggrieved by an action of the department in granting, modifying, denying, suspending or revoking a permit; in issuing an order; or in approving, modifying, or revoking an official plan or revisions thereto, shall have the right within 30 days or receipt of notice

of such action to appeal to the Environmental Hearing Board. Hearings under this subsection and any subsequent appeal shall be in accordance with section 1921(a) of the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," and the act of June 4, 1945 (P. L. 1388, No. 442), known as the "Administrative Agency Law."

(c) An appeal to the hearing board of any action of the department shall not act as a supersedeas. A supersedeas may be granted by the hearing board upon a showing by the petitioner: (i) that irreparable harm to the petitioner or other interested parties will result if the supersedeas is denied; (ii) that there is a likelihood of the petitioner's success on the merits; and (iii) that the grant of a supersedeas will not result in irreparable harm to the Commonwealth. The board may grant such a supersedeas subject to such security as it may deem proper.

Section 406. Criminal Penalties.—(a) Any person engaging in unlawful conduct as defined in this act is guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each separate offense, and, in default of the payment of such fine, to imprisonment for a period of not more than 60 days.

(b) Any person who, within two years after a conviction in a summary proceeding as provided in subsection (a) engages in unlawful conduct as defined in this act is guilty of a misdemeanor and, upon conviction, shall be sentenced to pay a fine of not less than \$500 nor more than \$5,000 for each separate offense or to imprisonment for a period of not more than one year, or both.

(c) Each day of continued violation of any provisions of this act or any rule or regulation or order of the department issued pursuant to this act shall constitute a separate offense under subsections (a) and (b). Any criminal penalty collected under this act shall be paid to the municipality or municipalities in which the violation occurred to be used by said municipality or municipalities in achieving the purposes of this act.

ARTICLE V

RIGHTS AND REMEDIES

Section 501. Preservation of Existing Rights and Remedies.—The collection of any penalty under the provisions of this act shall not be construed as estopping the Commonwealth or any district attorney or solicitor of a municipality from proceeding in courts of law or equity to abate nuisances under existing law or to restrain, at law or in equity, unlawful conduct as defined herein. It is hereby declared to be the purpose of this act to provide additional and cumulative remedies to abate nuisances and nothing contained in this act shall in any way abridge or alter rights of action or remedies now or hereafter existing or herein provided in equity or under the common law or statutory law, criminal or civil including, without limitation, those rights and remedies established by the act of June 25, 1913 (P. L. 555, No. 355), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of, this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof," nor shall any provision in this act or the granting of any permit under this act or any act done by virtue of this act be construed as having any effect upon the rights of the Commonwealth, persons, counties or municipalities to proceed in courts of law or equity to suppress nuisances or to enforce common law or statutory rights nor shall any permit be construed to permit any act otherwise forbidden by any decree, order, sentence or judgement of any court.

Section 502. Effect of Department Regulations and Local Ordinances.—(a) The rules, regulations and standards adopted pursuant to this act as they apply to buildings in place and in existence on the effective date of this act shall not be more restrictive than the standards of the Federal Government.

(b) This act shall not supersede any flood area regula-

tion or ordinance of any governmental unit currently in effect or adopted prior to the submission of an official plan which is more restrictive than requirements imposed under this act: Provided, That any regulation or ordinance or portion thereof which has been approved by the department shall be incorporated herein and enforceable under the provisions of this act. Any municipality or county which has adopted a flood area ordinance or permit program which complies with the requirements of the United States Department of Housing and Urban Development prior to the effective date of this act may continue to administer such ordinance or permit program until its official plan is approved.

(c) Nothing in this act shall be construed as authorizing the department or the Environmental Quality Board to regulate the use of land outside the 100 year flood area as shown on flood plain maps approved or promulgated by the United States Department of Housing and Urban Development.

(d) The standards and regulations adopted pursuant to this act shall be deemed minimum standards for the designation and management of flood areas, and shall not be construed as in any way limiting the power of any municipality to adopt more restrictive ordinances for the designation and management of flood areas.

(e) If a municipality chooses to designate as flood areas, lands which lie outside the 100 year flood area shown on flood plain maps approved or promulgated by the United States Department of Housing and Urban Development and to adopt flood area management regulations and ordinances applicable to such lands, such regulations and ordinances may be enforced pursuant to Article IV of this act.

Section 503. Repealer and Savings Clause.—(a) All acts or parts of acts inconsistent herewith are hereby repealed to the extent of such inconsistency.

(b) The provisions of this act shall not effect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any Act of Assembly or part thereof repealed by this act.

Section 504. Grants and Reimbursements to Municipalities and Counties.—(a) The Department of Community Affairs is authorized to administer grants to municipalities and counties to assist or reimburse them for costs in preparing official plans and actual administrative costs and revisions to official plans for flood plain management required by this act, and for carrying out related studies, surveys, investigations, research and analyses. Grants and reimbursements shall be made from and to the extent of funds appropriated by the General Assembly for such purposes, and shall be made in accordance to rules and regulations adopted by the Department of Community Affairs and in accordance with the following:

(1) The grant shall be equal to (i) 90% of the allowable costs for preparation of official plans or revisions thereto incurred by any municipality or county which prior to the effective date of this act adopted a flood area management program which complies with Title 24, section 1910.3(c) or 1910.3(d) of the regulations of the Department of Housing and Urban Development, Federal Insurance Administration; or (ii) 50% of the allowable costs for preparation of official plans or revisions thereto incurred by any municipality or county not covered by subsection (i); and (iii) 50% of the allowable costs for administration of official plans incurred by any municipality or county. Allowable costs for administration of official plans shall not include those costs which are offset by reasonable permit fees imposed by the municipality or county.

(2) For the purposes of this section, such State grants shall be in addition to grants for similar purposes made to any municipality or county by the Federal Government: Provided, That the grants authorized by this section shall be limited such that the total of all State and Federal grants does not exceed 90% of the allowable costs incurred by the municipality or county.

(b) Nothing in this section shall be construed to impair or limit application of this act to any municipality

or person, or to relieve any municipality or person of duties imposed under this act.

(c) If, in any fiscal year, appropriations are insufficient to cover the costs or grants and reimbursements to all municipalities or counties eligible for such grants and reimbursements in that fiscal year, the Department of Community Affairs shall report such fact to the General Assembly and shall request appropriation of funds necessary to provide the grants authorized in this section. If such a deficiency appropriation is not enacted, any municipality or county which has not received the full amount of the grant for which it is eligible under this section shall be as a first priority reimbursed from appropriations made in the next successive fiscal year.

Section 505. Appropriations.—The sum of \$600,000, or as much thereof as may be necessary, is hereby appropriated for the fiscal period beginning July 1, 1974, and ending June 30, 1976, for the purposes of this act, of which sum the amount of \$450,000 is directly appropriated to the Department of Environmental Resources and the sum of \$150,000 is directly appropriated to the Department of Community Affairs. The additional sum of \$200,000 is appropriated to the Department of Community Affairs for the period ending one year from the date of this act for the express purpose of implementing section 309. The amount of \$3,000,000, or as much thereof as may be necessary, is hereby appropriated for the fiscal period beginning July 1, 1974, and ending June 30, 1981, to the Department of Community Affairs for the express purpose of implementing section 504.

Section 506. Effective Date.—This act shall take effect immediately.

On the question,

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. POLITE. Mr. Speaker, I have a few comments that I would like to enter into the record. I will not bore the House with these comments.

The SPEAKER pro tempore. The Chair thanks the gentleman. His remarks will be spread upon the record.

Mr. POLITE submitted the following remarks for the Legislative Journal:

Mr. Speaker, I rise to ask for a "no" vote on Senate bill No. 1. In the 53rd district there are eight municipalities—the boroughs of Hatfield, Landsdale, and North Wales; first class townships consisting of Upper Gwynedd and Hatfield; and Towamencin, Montgomery, and Horscham, which are second class townships—which have adopted resolutions stressing their opposition to this proposal.

Officials of these municipalities have asked me to vote against this legislation and I intend to vote "no."

I believe, as do these local governments, that the Flood Disaster Prevention Act will permit state bureaucracy to enter yet another area of local governmental authority and seize control.

Under Senate bill No. 1, zoning could be controlled by the state, and the Department of Environmental Resources could, therefore, promulgate rules and regulations to tell local government what they can and must do in regards to land and water-use allocation.

If the department did not approve of a communities' flood plan, the Department of Environmental Resources could create its own plan and force the municipality to pay for the services.

Steps must be taken to protect Pennsylvania's com-

munities from flooding, but Senate bill No. 1 offers no real solutions to this problem and, in my opinion, will only allow state bureaucracy to meddle into purely local affairs.

I, therefore, ask for a "no" vote on this bill. Thank you.

REPORT SUBMITTED FOR THE RECORD

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

Mr. WAGNER. Mr. Speaker, I would like to submit the following report for the record.

The SPEAKER pro tempore. The gentleman will send the report to the desk.

Mr. WAGNER submitted the following report for the Legislative Journal:

March 15, 1976

The Honorable George O. Wagner
Member, House of Representatives
B-12, Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Representative Wagner:

Late in February during our debate on Senate Bill 1 over Channel 16, Scranton, you asked for some information regarding the hydraulic effects of unrestricted building in the 100 year flood plain.

I asked Mr. John Carling of my staff to prepare a response for you on this. I am attaching a copy of Mr. Carling's memorandum on this subject. I hope this answers your question.

I am taking the liberty of sending Dr. Goddard and Senator Kury a copy of this memorandum, since I know they would be interested in the information Mr. Carling has put together.

Thank you for your continued interest in the flood plain problems of the Commonwealth.

Sincerely yours,

WILLIAM H. WILCOX,
Secretary

cc: Hon. Franklin L. Kury
Hon. Maurice K. Goddard
John G. Carling

Attachment

bcc: W. Roy Newsome, Jr.

Karl Smith

WHW/wrn/jb

Subject: Hydraulic effects of Unrestricted Building in the 100-year Flood Plain Fringe, Representative George Wagner Inquiry

To: William H. Wilcox, Secretary
From: John G. Carling, Chief
Disaster Project Division

At the Senate Bill 1 debate on Channel 16, Representative George Wagner asked for some technical comments on the effect of unrestricted building in a 100-year flood plain fringe. I attempted to secure an engineering study that might demonstrate for Mr. Wagner the effect of degrees of development in this "Fringe" area on upstream and downstream communities. Nei-

ther the Corps of Engineers, DER nor the Susquehanna River Basin Commission could point to such a hypothetical study that generalized this varied condition. Each such floodway fringe area would have to be evaluated of itself and its immediate upstream—downstream area. Of course, many such evaluations have been made and will be made, most of which are related to proposed dikes, walls or levees, or in connection with flood insurance studies.

In order to give Representative Wagner a degree of feeling for what developing in the 100-year flood plain fringe may do in slowing down the water velocity and thus elevating the flood, I have had Bill Kvaternik explain "Mannings Equation" which is the widely accepted method of calculating flood flows. Following is the substance of his report to me:

"You have asked me to consider the effects which unrestricted building in floodway-fringe areas can have upon stream flow and flood heights in nearby areas.

As you know, stream characteristics vary so widely that it isn't possible to specifically state what the effect of construction would be on every stream. It is possible, though, to describe the kinds of effects which construction could have in general.

1. Effect on Stream Flow—First, it must be recognized that floodway-fringe areas typically do play a significant role in carrying flood flows even though their flows are slower than those in the stream channel. After all, the inner part of the floodway-fringe is only separated from the floodway by an imaginary line. There is, I think, general agreement among planners and engineers that construction of buildings in fringe areas seriously retards the passage of water.

The most widely accepted method of calculating flow in open channels is Mannings Equation:

$$v = \frac{1.486}{n} \cdot r^{2/3} \cdot S^{1/2}$$

v = mean velocity of flow in feet per second

r = hydraulic radius (cross sectional area of the stream divided by the wetted perimeter) in feet.

s = slope

n = co-efficient of roughness

I refer to this formula only to point out the mathematical significance of the variable n.

The value of n results from studies of stream channel roughness and its effect upon flow. For example, according to the Data Book for Civil Engineers, a natural stream channel with clean straight banks and little weed growth is assigned an n value of 0.025, whereas very weedy stream channel reaches are assigned a value of 0.075. In other words, just the effect of extensive weed growth according to the Manning formula would

be to reduce stream velocity (and discharge) by 66 percent.

Because it is much more difficult to study the effects of houses with their accessory garages, fences, shrubbery, trees, etc. on channel flow, n values for built-up areas are not well documented. A reasonable n value for a medium density developed area would probably be 0.08 or 0.09. You can see that a roughness factor in this range would result in a significant reduction in flow velocity and stream discharge capacity. The potential flooding effect of this type of discharge reduction would, of course, vary according to the individual stream situation. A typical result would probably be an increase in water elevation in areas in the vicinity of and upstream of the restricting development. Because the floodway-fringe areas are being defined in Pennsylvania as the areas which, if completely filled in, would result in a one-foot rise in channel flood height, this roughness effect would not, by definition, increase flood stages by more than one foot.

2. Flood Effect of Debris—I have indicated above that floodwaters in floodway-fringe areas are normally moving although at a slower rate than waters in the channel. It is also very common for floodwaters in fringe areas to be quite deep. As a result, small and large debris are often picked up and floated downstream. This floating debris often includes outbuildings, lumber and even small or mobile homes. Where channels are restricted by bridges, culverts, etc. as they typically are in urbanized areas, there is a good likelihood that floating debris will block these openings. This often results in very significant flood stage increases behind and around the blockage.

3. Likelihood of Eventual Local Protection Schemes—If unrestricted development continues to occur in floodway-fringe areas, it seems very likely that the residents of these areas, realizing that they are being constantly subjected to flooding, will eventually try to have their area protected from flooding by a dike, wall or levee. We see this now in Pennsylvania; we have in the State, at least sixty-five communities protected by levees or walls and there are a growing number who are requesting protection. In most cases, construction of a flood protection wall or levee not only surrounds the floodway-fringe area but it excludes water from the entire overbank area (the non-channel floodway and entire floodway-fringe area).

The hydraulic effects of this type of construction are well known. The levee system proposed for Lock Haven, for example, is expected to raise the level of the 100-year flood by approximately 1.8 feet in the area. Similarly, the Corps of Engineers calculate that completion of the Tioga-Hammond and Cowanesque Dams will reduce a flood of Agnes magnitude by 70,000 cubic feet per second in Danville and result in approximately one-foot reduction in flood stage. However, the Corps also estimates that this benefit

will be completely nullified by the proposed raising of the existing levees in the Wyoming Valley.

I believe that recent experience shows that all three of these factors are operative in Pennsylvania."

I think it important to also point out that though we are drawing an imaginary line at the boundary between the floodway (where Representative Wagner agreed that new construction should be restricted) and the floodway fringe of a 100-year storm, that line will move inland, often substantially, with increased water velocities and flood heights in a greater than 100-year storm, and they do happen.

I hope the above will be of some assistance to Representative Wagner in his evaluation of the 100-year floodplain fringe matter.

cc: W. Roy Newsome
Karl C. Smith
Dallas A. Dollase
Staff

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

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

YEAS—44

- | | | | |
|----------|--------------------|------------|------------------|
| Arthurs | Irvis | Oliver | Toll |
| Berson | Itkin | Perry | Wargo |
| Bradley | Kelly, A. P. | Reed | Wiggins |
| Caputo | Kernick | Renwick | Wilson |
| Cohen | Laudadio | Rhodes | Wojdak |
| Cowell | Manderino | Richardson | Wright |
| DeWeese | McLane | Scheaffer | Zeller |
| Doyle | Miller, M. E., Jr. | Schweder | Zwinkl |
| Fisherty | Morris | Shane | |
| Garzia | Musto | Shupnik | Fineman, Speaker |
| Geesey | O'Brien | Stapleton | |
| Gillette | O'Keefe | | |

NAYS—123

- | | | | |
|-----------------|-----------------|---------------|-------------|
| Abraham | Gallen | Lynch | Salvatore |
| Anderson, J. H. | Geisler | Manmiller | Schmitt |
| Bellommi | George | McClatchy | Setrica |
| Bennett | Giammarco | McCue | Seltzer |
| Beren | Gillespie | McGinnis | Shelhamer |
| Berlin | Goodman | Mebus | Shuman |
| Bittle | Grieco | Menhorn | Sirianni |
| Brandt | Halverson | Milanovich | Smith, E. |
| Brunner | Hamilton, J. H. | Miller, M. E. | Smith, L. |
| Burns | Hasay | Milliron | Spencer |
| Butera | Haskell | Miscevich | Stahl |
| Cessar | Hayes, S. E. | Moehlmann | Stout |
| Cimini | Hill | Mrkoncic | Taddonio |
| Crawford | Hopkins | Mullen | Taylor |
| Cumber and | Hutchinson, A. | Novak | Thomas |
| Davies | Hutchinson, W. | Noye | Trelo |
| DeMedio | Katz | O'Connell | Turner |
| Deverter | Kelly, J. B. | Pancoast | Ustynoski |
| Dietz | Kistler | Parker, H. S. | Vaicenti |
| Dintini | Klingaman | Perri | Vroon |
| Dombrowski | Knepper | Petrarca | Wagner |
| Dorr | Kolter | Pitts | Wansacz |
| Eckensberger | Kowalshyn | Polite | Weidner |
| Engelhart | Kusse | Pratt | Westerberg |
| Fawcett | LaMarca | Prendergast | Whelan |
| Fee | Laughlin | Pyles | Wilt, R. W. |
| Fischer | Lederer | Ravenstahl | Wilt, W. W. |
| Fisher | Lehr | Renninger | Worrilow |
| Foster, A. | Letterman | Ruggiero | Yohn |
| Freind | Levi | Ryan | Zearfoss |
| Fryer | Logue | Saloom | |

NOT VOTING—36

- | | | | |
|--------|-----------|-------------|-----------|
| Barber | Gallagher | Johnson, J. | Rappaport |
|--------|-----------|-------------|-----------|

- | | | | |
|-------------|--------------|---------------|--------------|
| Bonetto | Gleason | Lincoln | Rieger |
| Cianciulli | Gleeson | McCall | Ritter |
| Cole | Green | McGraw | Ross |
| Dicarlo | Greenfield | McIntyre | Shelton |
| DiDonato | Gring | Mullen, M. P. | Walsh, T. P. |
| Dreibelbitz | Hammock | Myers | Williams |
| Dumas | Hayes, D. S. | O'Donnell | Yahner |
| Foster, W. | Hepford | Pievaky | Zord |

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative and the report of the Committee of Conference was not adopted.

Ordered, That the clerk inform the Senate accordingly.

ANNOUNCEMENT

The SPEAKER pro tempore. The Chair would like to announce on behalf of the gentleman from Berks, Mr. Fryer, chairman of the Local Government Committee, that his committee will meet on Monday at 11:30 a.m., in the minority caucus room.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Messrs. STOUT, L. E. SMITH and W. W. WILT
HOUSE BILL No. 2472

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), changing provisions relating to certification of miners.

Referred to Committee on Mines and Energy Management.

By Messrs. STOUT, L. E. SMITH and W. W. WILT
HOUSE BILL No. 2473

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), changing provisions relating to qualifications for certification as miner.

Referred to Committee on Mines and Energy Management.

By Messrs. STOUT, L. E. SMITH and W. W. WILT
HOUSE BILL No. 2474

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), changing provisions relating to certification of mining machine operators and shot-firers.

Referred to Committee on Mines and Energy Management.

By Messrs. STOUT, L. E. SMITH and W. W. WILT
HOUSE BILL No. 2475

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), changing provisions relating to qualifications for certification as mine foremen, mine electricians, assistant mine foremen and mine examiners.

Referred to Committee on Mines and Energy Management.

By Messrs. STOUT, L. E. SMITH and W. W. WILT
HOUSE BILL No. 2476

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), changing provisions relating to qualifications for certification as mine foremen, mine electricians, assistant mine foremen and mine examiners.

Referred to Committee on Mines and Energy Management.

By Messrs. STOUT, L. E. SMITH and W. W. WILT
HOUSE BILL No. 2477

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), changing provisions relating to qualifications for certification as mine foremen, mine electricians, assistant mine foremen and mine examiners.

Referred to Committee on Mines and Energy Management.

By Messrs. STOUT, L. E. SMITH and W. W. WILT
HOUSE BILL No. 2478

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), changing provisions relating to qualifications for certification as mine foremen, mine electricians, assistant mine foremen and mine examiners.

Referred to Committee on Mines and Energy Management.

By Messrs. STOUT, L. E. SMITH and W. W. WILT
HOUSE BILL No. 2479

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), changing provisions relating to qualifications for certification as mine foremen, mine electricians, assistant mine foremen and mine examiners.

Referred to Committee on Mines and Energy Management.

By Messrs. STOUT, L. E. SMITH and W. W. WILT
HOUSE BILL No. 2480

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), changing the provision relating to qualifications for certification as assistant mine foremen.

Referred to Committee on Mines and Energy Management.

By Messrs. STOUT, L. E. SMITH and W. W. WILT
HOUSE BILL No. 2481

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), changing the provision relating to qualifications for certification as assistant mine foremen.

Referred to Committee on Mines and Energy Management.

By Mr. BURNS
HOUSE BILL No. 2482

An Act amending the "Mental Health and Mental Retardation Act of 1966," approved October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), further providing for the termination of the administrator.

Referred to Committee on Health and Welfare.

By Messrs. BURNS, WRIGHT, WILSON, PYLES
and WEIDNER
HOUSE BILL No. 2483

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), referred to as the Intangible Personal Property Tax Law, authorizing exemptions.

Referred to Committee on Finance.

HOUSE RESOLUTION INTRODUCED AND REFERRED

By Messrs. FISHER, RHODES, RICHARDSON,

GREEN, TRELLO, ABRAHAM, MISCEVICH,
MRKONIC, COWELL, MENHORN and CESSAR
RESOLUTION No. 272

The House of Representatives of the Commonwealth of Pennsylvania directs the Subcommittee on Corrections and Rehabilitation of the Judiciary Committee to conduct a thorough investigation of the current practice of the Bureau of Corrections of granting "supervised leaves" to murderers and felons without the consent of the sentencing judge or the Parole Board.

Referred to Committee on Rules.

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

Mr. IRVIS. Mr. Speaker, on page 26, there is a discharge resolution filed by Mr. Misceovich. He desires to call that up today for a vote.

DISCHARGE RESOLUTION ON HOUSE BILL No. 1740 CALLED UP

Mr. MISCEVICH called upon for consideration, from page 26 of today's calendar, the following discharge resolution on House bill No. 1740, printer's No. 2210:

In the House of Representatives, May 26, 1976
RESOLVED, That House Bill No. 1740, Printer's No. 2210, entitled "An act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled 'An act relating to the public school system including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' providing referendum procedure for withdrawal from a reorganized district by a district having no bonded indebtedness," having been referred to the Committee on Education on September 24, 1975 and the committee not having reported the same to the House for a period of over fifteen days the committee is discharged from further consideration thereof.

On the question,

Will the House adopt the resolution?

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

Mr. MISCEVICH. Mr. Speaker, this House bill No. 1740 will not affect any community in the state other than the one that I represent in Westmoreland County, namely, the Yough School District. The people back there want to have the right to a referendum vote to see if they can break the merger. I would appreciate a "yes" vote from all the House members.

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

Mr. WAGNER. I would like to interrogate Mr. Misceovich.

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

Mr. MISCEVICH. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. WAGNER. Mr. Speaker, did you request that the committee consider this bill?

Mr. MISCEVICH. Yes, Mr. Speaker.

Mr. WAGNER. Did the bill come up before the committee for consideration?

Mr. MISCEVICH. No, Mr. Speaker.

Mr. WAGNER. Thank you.

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

Mr. IRVIS. Mr. Speaker, I would oppose the adoption of the discharge resolution on the same basis that I have opposed many more on the floor of this House.

The bill is legally within the custody of the committee, and a respect for the committee system would require that we allow the committee to make the decisions which we have charged the committee to make.

In the absence of the committee chairman, I would ask for a negative vote on the motion to discharge.

On the question recurring,
Will the House adopt the resolution?

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

YEAS—75

Abraham	Geesey	Manmiller	Saloom
Berlin	George	Manderino	Salvatore
Bradley	Gillespie	McClatchy	Shuman
Burns	Grieco	McCue	Sirianni
Caputo	Halverson	McGinnis	Smith, L.
Cianciulli	Hamilton, J. H.	Menhorn	Spencer
Cowell	Hosay	Milanovich	Stahl
Crawford	Haskell	Miller, M. E., Jr.	Stapleton
Cumberland	Hutchinson, A.	Miscevich	Taddonio
Dietz	Hutchinson, W.	Mochlmann	Trelio
Dininni	Itkin	Mrkonjc	Turner
Doyle	Katz	Novak	Ustynoski
Fawcett	Kernick	O'Keefe	Vroon
Fischer	Klingaman	Petrarca	Wagner
Fisher	Knepper	Pitts	Whelan
Flaherty	Kowalshyn	Pyles	Wilson
Freind	Kusse	Reed	Wright
Gallen	Lehr	Reininger	Zearfoss
Garzia	Logue	Richardson	

NAYS—97

Anderson, J. H.	Gallagher	Milliron	Scirica
Arthur	Geisler	Morris	Seltzer
Barber	Giammarco	Mullen	Shane
Bellomini	Gillette	Mullen, M. P.	Shelhamer
Bennett	Gieeson	Musto	Shupnik
Beren	Goodman	O'Brien	Smith, E.
Berson	Hayes, S. E.	O'Connell	Stout
Brandt	Hepford	Oliver	Taylor
Brunner	Hill	Pancoast	Thomas
Butera	Irvis	Parker, H. S.	Toll
Cessar	Kelly, A. P.	Perri	Wansacz
Cimini	Kistler	Perry	Wargo
Cohen	Kolter	Pievsky	Weidner
Davies	LaMarca	Polite	Westerberg
DeMedio	Laudadio	Pratt	Wiggins
Deverter	Laughlin	Prendergast	Wilt, W. W.
DeWeese	Lederer	Ravenstahl	Wojdak
Dombrowski	Letterman	Renwick	Worrlow
Dorr	Levi	Rhodes	Yohn
Dumas	Lincoln	Ross	Zeller
Eckensberger	Lynch	Ruggiero	Zwikel
Engelhart	McCall	Ryan	
Fee	McLane	Scheaffer	Fineman, Speaker
Foster, A.	Mebus	Schmitt	
Fryer	Miller, M. E.	Schweder	

NOT VOTING—31

Bittle	Green	McGraw	Shelton
Bonetto	Greenfield	McIntyre	Valcenti
Cole	Gring	Myers	Walsh, T. P.
Dicarlo	Hammock	Noye	Williams
DiDonato	Hayes, D. S.	O'Donnell	Wilt, R. W.
Dreibelbis	Hopkins	Rappaport	Wahner
Foster, W.	Johnson, J.	Rieger	Zord
Gleason	Kelly, J. B.	Ritter	

Less than the majority required by the constitution having voted in the affirmative, the question was determined in the negative and the resolution was not adopted.

ANNOUNCEMENT

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

Mr. BENNETT. There definitely will be a meeting of the Business and Commerce Committee on Friday, at 11 a.m., in room 401.

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

Mr. IRVIS. Mr. Speaker, I have no further business for this week.

ANNOUNCEMENT

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

Mr. CAPUTO. I understand we are going to be called in on Monday for a session.

The members of the Urban Affairs Committee will be notified, I hope, by mail. We are going to hold a meeting of that committee at 12 o'clock on Monday.

BILLS AND RESOLUTIONS NOT CALLED UP

The SPEAKER pro tempore. Remaining bills and resolutions on today's calendar are not called up.

WELCOMES

The SPEAKER pro tempore. The Chair is pleased to welcome a group of sixth-grade students from Woodward Elementary School in Lock Haven, Pennsylvania. The students are here as the guests of the gentleman from Centre, Mr. Leiterman.

The Chair welcomes the members of the Westmoreland County Supervisors Association who are here as the guests of the Westmoreland County delegation.

The Chair is pleased to welcome a group of Girl Scouts from Clearfield, Pennsylvania, who are here as the guests of the gentleman, Mr. George.

The Chair welcomes a group of sixth-grade students from Wingate Elementary School in Wingate, Pennsylvania, who are here as the guests of the gentleman from Centre, Mr. Letterman.

Also visiting with us today are Ellen Snyder and Chuck Wallace who are here as the guests of the gentleman from Blair, Mr. Hayes.

The Chair would like to welcome a group of 47 fourth-grade students from Edgar C. Moore Elementary School in Red Lion, York County, Pennsylvania, who are here today with their teachers, Mrs. Nancy Runkle and Miss Susan Orwig. They are the guests of the gentleman, Mr. Anderson.

The Chair is pleased to welcome some students from Pennside Elementary School in Berks County, who are accompanied by Mrs. Monde and Mrs. Warmkessel.

They are here as the guests of the gentleman, Mr. Stahl.

ADJOURNMENT

Mr. RAVENSTAHL moved that this House do now adjourn until Monday, June 7, 1976, at 1 p.m., e.d.t.

On the question,
Will the House agree to the motion?
Motion was agreed to, and (at 3:40 p.m., e.d.t.) the House adjourned.