

Legislative Journal

MONDAY, JUNE 7, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 138

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

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

ANNOUNCEMENT BY PARLIAMENTARIAN

The PARLIAMENTARIAN. To the members of the House within the sound of my voice in their offices and throughout the Capitol complex, the House will not convene until 2:30, so you need not come to the hall of the House until 2:30.

Thank you.

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:

O God, our Maker and Redeemer, we are fully aware that this is Thy world, and we are only stewards therein. The beauty and grandeur about us belongs to Thee, and we come to Thee in this hour to express our thanks for the many evidences of Thy bounty which Thou hast shared with us. We know that we can only reach our highest potential with Thy indwelling presence and strengthening power by our side. Therefore, O God, we pray that Thou wilt bestow upon the members of this House of Representatives the consciousness of Thy spirit, the motivation of Thy way, the accomplishment of Thy truth, and the example of Thy life. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal for Thursday, June 3, 1976, will be postponed until printed.

HOUSE BILL INTRODUCED AND REFERRED TO COMMITTEE

By Messrs. BENNETT, LAUDADIO, RENWICK, HALVERSON, R. W. WILT, HASKELL, LETTERMAN, DOMBROWSKI, WILLIAMS, GILLESPIE, O'KEEFE, FEE, GALLAGHER, A. K. HUTCHINSON, KOLTER, SHANE, GEESEY, WAGNER, CIMINI, KUSSE, HOPKINS, BURNS, WRIGHT, GRIECO and LEVI

HOUSE BILL No. 2484

An Act amending "The Fish Law of 1959," approved December 15, 1959 (P. L. 1779, No. 673), further provid-

ing for the Commission to close certain streams after inseason stockings.

Referred to Committee on Game and Fisheries.

COMMUNICATION FROM GOVERNOR

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

APPROVAL OF HOUSE BILLS Nos. 217, 449, 568, 969, 1054, 1928 and 2050.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

May 28, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 217, printer's No. 3086, entitled "An Act exempting the owner of certain agricultural land from the payment of assessments for municipal improvements during the period of time that the owner does not use the services provided by the improvements OR UNTIL THERE IS A CHANGE IN THE USE OF THE LAND."

MILTON J. SHAPP
Governor

June 4, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 449, printer's No. 493, entitled "An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions relating to the disposition of television tubes."

MILTON J. SHAPP
Governor

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE, HARRISBURG

June 4, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 568, printer's No. 3082, entitled "An Act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1976 to June 30, 1977, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1976," except as to the following items:

To the Treasury Department

The items in section 2 which provide as follows:

For the payment into the Land and Water Development Sinking Fund to meet the interest and sinking fund requirements of notes and bonds issued and to be issued \$23,943,000

This item is approved in the sum of \$22,343,000. The bonds issued during the current year were issued later and in a lesser amount than was anticipated when the budget was formulated, thus reducing our needs for the 1976-77 fiscal year.

For the payment into the Capital Facilities Redemption Fund to meet the principal and interest requirements on notes and bonds issued and notes and bonds to be issued \$87,776,000

This item is approved in the sum of \$86,776,000. The bonds issued during the current year were issued later and in a lesser amount than was anticipated when the budget was formulated, thus reducing our needs for the 1976-77 fiscal year.

For payment into the Disaster Relief Redemption Fund to meet principal and interest requirements on bonds issued and bonds to be issued \$9,006,000

This item is approved in the sum of \$8,006,000. The bonds issued during the current year were issued later and in a lesser amount than we anticipated when the budget was formulated, thus reducing our needs for the 1976-77 fiscal year.

To the Department of Commerce

The item in section 2 which provides as follows:

For payment to municipalities of matching grants of 50% of the costs and expenses incurred by the municipalities for health services, sanitation services, police and fire services and traffic control necessary to accommodate Bicentennial activities. Reimbursement shall be made only after municipalities have certified to the Secretary of Commerce that such activities are related to municipal overburden caused by Bicentennial activities, provided that such certification is made on or before July 31, 1977 \$10,000,000

This item is approved in the sum of \$3,000,000. Current applications from municipalities which cover estimated Bicentennial municipal overburden costs through July 30, 1977 indicate a need for only approximately \$2,000,000 in addition to the \$10,000,000 already appropriated for this program. The \$3,000,000 approved herein will cover that additional need and provide for contingencies.

To the Department of Labor and Industry

The item in section 2 which provides as follows:

For transportation program for sheltered workshops \$1,000,000

This item is not approved. It would be premature to approve this appropriation now, especially when certain enabling Legislation (House Bill 1020, "The Sheltered Employment Act") is still in the process of being enacted. That bill provides for the Bureau of Vocational Rehabilitation to adopt and enforce sheltered workshop standards, supervise wage payments to the handicapped, participate in the certification of all workshops, determine and respond to the need for additional services and facilities, and to administer a program relating to transportation costs. In view of this pending legislation, it would be unwise to approve this appropriation at this time. Such an appropriation more properly would be placed in the enabling legislation.

MILTON J. SHAPP
Governor

May 28, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 969, printer's No. 3010, entitled "An act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled 'An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto,' further regulating damage done by hunters."

MILTON J. SHAPP
Governor

May 28, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 1054, printer's No. 3015, entitled "An Act amending the act of April 27, 1937 (P. L. 318, No. 90), entitled 'The Pennsylvania Plant Pest Act of 1937,' by adding a Fruit Tree Improvement Program and providing for financing said program and further providing for certificates of inspection and dates of inspection."

MILTON J. SHAPP
Governor

June 4, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 1928, printer's No. 3167, entitled "An Act amending the act of August 5, 1941 (P. L. 752, No. 286), entitled 'Civil Service Act,' further providing for provisional appointments."

MILTON J. SHAPP
Governor

June 4, 1976

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

I have the honor to inform you that I have this day approved and signed House bill No. 2050, printer's No. 3207, entitled "An Act amending the act of December 30, 1974 (P. L. 1160, No. 369), entitled 'Capital Budget Act for Fiscal Year 1973-1974, Highway Project Itemization Supplement,' adding projects in Armstrong and Luzerne Counties."

MILTON J. SHAPP
Governor

LEAVES OF ABSENCE

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

Mr. MANDERINO. Mr. Speaker, I request a leave of absence for the gentleman from Cambria, Mr. YAHNER, for this week's session for medical reasons.

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

The Chair recognizes the minority caucus secretary.

Mr. BITTLE. Mr. Speaker, I ask for leaves of absence for Messrs. D. S. HAYES, WAGNER and GLEASON for today.

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

MASTER ROLL CALL

The SPEAKER pro tempore. 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—193

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

NOT VOTING—10

Dreibelbis	Hayes, D. S.	Rappaport	Walsh, T. P.
Gleason	Knepper	Wagner	Yahner
Hammock	McGraw		

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

COMMITTEE MEETING REPORTS

The SPEAKER pro tempore. The Chair reminds the committee chairmen to send their committee reports on attendance, et cetera, to the desk.

Mr. SHELHAMER, chairman of the Agriculture Committee, presented the following report:

June 7, 1976

To: The Honorable Herbert Fineman
Speaker

From: Kent D. Shelhamer, Chairman
Agriculture

Please be advised that the Agriculture Committee held no meetings during the week of June 1, 1976.

Mr. WOJDAK, chairman of the Appropriations Committee, presented the following report:

Attendance Report

The Appropriations Committee met on June 1, 1976 in Room 246. The meeting started at 1:30 p.m. and adjourned at 2:00 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Stephen Wojdak		X
Max Pievsky		X
Robert Bellomini	X	
Andrew McGraw		X
Roland Greenfield	X	
John Brunner		X
Thomas Fee	X	
James Gallagher	X	
Robert Geisler	X	
James Goodman	X	
Amos Hutchinson	X	
Ivan Itkin	X	
Joel Johnson		X
Joseph Kolter	X	
Russell Kowalyszyn	X	
Martin Mullen	X	
Bernard O'Brien	X	
William Shane		X
Fred Shupnik	X	
H. Jack Seltzer	X	
John Hope Anderson	X	
Rudolph Dininni	X	
James Gallen	X	
John H. Hamilton		X
Sherman Hill	X	
Guy Kistler	X	
Charles Mebus	X	
L. Eugene Smith	X	
James Wright	X	

Mr. Wojdak was excused because of another meeting.
Mr. Pievsky was excused because of constituent business.

Mr. McGraw was excused because of constituent business.

Mr. Brunner was excused because of another meeting.
Mr. Johnson was excused because of another meeting.

Mr. Shane was excused because of another meeting.
Mr. Hamilton was excused because of constituent business.

Signed
STEPHEN R. WOJDAK
Chairman

ROLL CALL

The Appropriations Committee met on June 1, 1976

to vote to amend and report out as amended House Bill No. 2379, sponsored by Mr. Fee.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	not voting
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	not voting
Thomas Fee	yea
James Gallagher	not voting
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	not voting
Ivan Itkin	nay
Joel Johnson	not voting
Joseph Kolter	not voting
Russell Kowalyshyn	nay
Martin Mullen	nay
Bernard O'Brien	nay
William Shane	not voting
Fred Shupnik	yea
Stephen Wojdak	not voting
H. Jack Seltzer	not voting
John Hope Anderson	nay
Rudolph Dininni	nay
James Gallen	nay
John H. Hamilton	not voting
Sherman Hill	not voting
Guy Kistler	not voting
Charles Mebus	nay
L. Eugene Smith	not voting
James Wright	not voting

YEAS—6
 NAYS—8
 NOT VOTING—15

The motion failed.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 1, 1976 and tabled by unanimous vote House Bill No. 2184.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 1, 1976 to vote to amend House Bill No. 2052, sponsored by Mr. Greenfield, seconded by Mr. O'Brien.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	not voting
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	not voting
Thomas Fee	yea

James Gallagher	yea
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	yea
Joel Johnson	not voting
Joseph Kolter	yea
Russell Kowalyshyn	yea
Martin Mullen	yea
Bernard O'Brien	yea
William Shane	not voting
Fred Shupnik	yea
Stephen Wojdak	not voting
H. Jack Seltzer	yea
John Hope Anderson	yea
Rudolph Dininni	yea
James Gallen	yea
John H. Hamilton	not voting
Sherman Hill	yea
Guy Kistler	yea
Charles Mebus	yea
L. Eugene Smith	yea
James Wright	yea

YEAS—22
 NAYS—0
 NOT VOTING—7

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

AMENDMENTS TO HOUSE BILL No. 2052,

Printer's No. 2634

Amend Sec. 10, page 8, line 3, by striking out "\$200,000" and inserting: \$100,000

ROLL CALL

The Appropriations Committee met on June 1, 1976 to vote to report out as amended House Bill No. 2052, sponsored by Mr. Wright, seconded by Mr. Bellomini.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	not voting
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	not voting
Thomas Fee	yea
James Gallagher	yea
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	nay
Ivan Itkin	yea
Joel Johnson	not voting
Joseph Kolter	yea
Russell Kowalyshyn	yea
Martin Mullen	nay
Bernard O'Brien	nay
William Shane	not voting
Fred Shupnik	yea
Stephen Wojdak	not voting
H. Jack Seltzer	yea

John Hope Anderson	yea
Rudolph Dininni	yea
James Gallen	nay
John H. Hamilton	not voting
Sherman Hill	yea
Guy Kistler	yea
Charles Mebus	yea
L. Eugene Smith	nay
James Wright	yea

YEAS—17
 NAYS—5
 NOT VOTING—7

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 1, 1976 to vote to report out as committed House Bill No. 1845, sponsored by Mr. Mebus, seconded by Mr. O'Brien.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	not voting
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	not voting
Thomas Fee	yea
James Gallagher	yea
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	yea
Joel Johnson	not voting
Joseph Kolter	yea
Russell Kowalyszyn	yea
Martin Mullen	yea
Bernard O'Brien	yea
William Shane	not voting
Fred Shupnik	yea
Stephen Wojdak	not voting
H. Jack Seltzer	yea
John Hope Anderson	yea
Rudolph Dininni	yea
James Gallen	yea
John H. Hamilton	not voting
Sherman Hill	yea
Guy Kistler	yea
Charles Mebus	yea
L. Eugene Smith	yea
James Wright	yea

YEAS—22
 NAYS—0
 NOT VOTING—7

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 1, 1976 to vote to report out as committed House Bill No. 2448, sponsored by Mr. Greenfield, seconded by Mr. O'Brien.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	not voting
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	not voting
Thomas Fee	yea
James Gallagher	yea
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	yea
Joel Johnson	not voting
Joseph Kolter	yea
Russell Kowalyszyn	yea
Martin Mullen	yea
Bernard O'Brien	yea
William Shane	not voting
Fred Shupnik	yea
Stephen Wojdak	not voting
H. Jack Seltzer	yea
John Hope Anderson	yea
Rudolph Dininni	yea
James Gallen	yea
John H. Hamilton	not voting
Sherman Hill	yea
Guy Kistler	yea
Charles Mebus	yea
L. Eugene Smith	yea
James Wright	yea

YEAS—22
 NAYS—0
 NOT VOTING—7

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

Attendance Report

The Appropriations Committee met on June 2, 1976 in Room 246. The meeting started at 12:15 p.m. and adjourned at 1:10 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Stephen Wojdak	X	
Max Pievsky	X	
Robert Bellomini	X	
Andrew McGraw		X
Roland Greenfield	X	
John Brunner		X
Thomas Fee	X	
James Gallagher	X	
Robert Geisler	X	
James Goodman	X	
Amos Hutchinson	X	

Ivan Itkin	X	
Joel Johnson	X	
Joseph Kolter		X
Russell Kowalyshyn	X	
Martin Mullen	X	
Bernard O'Brien	X	
William Shane		X
Fred Shupnik		X
H. Jack Seltzer	X	
John Hope Anderson	X	
Rudolph Dininni	X	
James Gallen	X	
John H. Hamilton		X
Sherman Hill	X	
Guy Kistler	X	
Charles Mebus	X	
L. Eugene Smith		X
James Wright	X	

Mr. McGraw was excused because of constituent business.
 Mr. Brunner was excused because of another meeting.
 Mr. Kolter was excused because of constituent business.
 Mr. Shane was excused because of another meeting.
 Mr. Shupnik was excused because of another meeting.
 Mr. Hamilton was excused because of constituent business.
 Mr. Smith was excused because of constituent business.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 2, 1976 to vote to delete a section from Rep. Wojdak's amendment to House Bill No. 1833, sponsored by Mr. Seltzer, seconded by Mr. Gallen.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	yea
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	not voting
Thomas Fee	yea
James Gallagher	yea
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	yea
Joel Johnson	yea
Joseph Kolter	not voting
Russell Kowalyshyn	yea
Martin Mullen	yea
Bernard O'Brien	yea
William Shane	not voting
Fred Shupnik	not voting
Stephen Wojdak	yea
H. Jack Seltzer	yea
John Hope Anderson	yea
Rudolph Dininni	yea
James Gallen	yea

John H. Hamilton	not voting
Sherman Hill	yea
Guy Kistler	nay
Charles Mebus	yea
L. Eugene Smith	not voting
James Wright	not voting

YEAS—11
 NAYS—10
 NOT VOTING—8

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

AMENDMENTS TO HOUSE BILL No. 1833,
 Printer's No. 2351

- Amend Sec. 1, page 1, line 19, by striking out "\$145,-839,000" and inserting: \$148,632,000
- Amend Sec. 1, page 1, line 21, by striking out "151,-000" and inserting: 772,000
- Amend Sec. 1, page 2, by inserting between lines 3 and 4:
 (2) Parking Lot Improvements and Fencing;
 Farm Show Complex 621,000
 (Base Construction Authorization \$505,000)
- Amend Sec. 1, page 2, line 9, by striking out "36,485,000" and inserting: 37,087,000
- Amend Sec. 1, page 4, line 1, by striking out "172,000" and inserting: 246,000
- Amend Sec. 1, page 4, line 2, by striking out "\$140,000)" and inserting: \$200,000)
- Amend Sec. 1, page 4, by inserting between lines 5 and 6:
 (17.1) Acquisition of Land and Buildings: Lock Haven State College 528,000
 (Base Acquisition Authorization \$430,000)
- Amend Sec. 1, page 10, line 24, by striking out "Property and Supplies" and inserting: General Services
- Amend Sec. 1, page 10, line 24, by striking out "3,050,-000" and inserting: 3,120,000
- Amend Sec. 1, page 10, by inserting between lines 29 and 30:
 (3) Purchase of land and building space for legislative offices, research and liaison 70,000
 (Base Acquisition Cost \$70,000)
- Amend Sec. 1, page 10, line 30, by striking out "16,311,-000" and inserting: 17,811,000
- Amend Sec. 1, page 12, by inserting between lines 29 and 30:
 (19.1) For the acquisition of an annex to Philadelphia State Hospital to be leased to the Philadelphia Psychiatric Center at a rental to be determined by the Department of General Services 1,500,000
 (Base Construction Authorization \$1,500,000)
- Amend Sec. 2, page 16, line 24, by striking out "\$145,-839,000" and inserting: \$148,632,000
- Amend Sec. 5, page 17, line 13, by striking out "\$145,-839,000" and inserting: \$148,632,000

ROLL CALL

The Appropriations Committee met on June 2, 1976 to vote to amend House Bill No. 1833, sponsored by Mr. Pievsky, seconded by Mr. Gallen.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	yea
Robert Bellomini	yea
Andrew McGraw	not voting

Roland Greenfield	yea
John Brunner	not voting
Thomas Fee	yea
James Gallagher	yea
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	yea
Joel Johnson	yea
Joseph Kolter	not voting
Russell Kowalyshyn	yea
Martin Mullen	yea
Bernard O'Brien	yea
William Shane	not voting
Fred Shupnik	not voting
Stephen Wojdak	yea
H. Jack Seltzer	yea
John Hope Anderson	yea
Rudolph Dininni	yea
James Gallen	yea
John H. Hamilton	not voting
Sherman Hill	yea
Guy Kistler	yea
Charles Mebus	yea
L. Eugene Smith	not voting
James Wright	yea

YEAS—22
 NAYS—0
 NOT VOTING—7

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

AMENDMENTS TO HOUSE BILL No. 1833,

Printer's No. 2351

Amend Sec. 1, page 1, line 19, by striking out "\$145,-839,000" and inserting: \$148,964,000

Amend Sec. 1, page 12, by inserting between lines 29 and 30:

(20) Construction of annex for a Geriatric Center: Philadelphia State Hospital3,125,000 (Base Construction Authorization \$2,500,-000)

Amend Sec. 1, page 12, line 30, by striking out "(20)" and inserting: (21)

Amend Sec. 1, page 13, line 3, by striking out "(21)" and inserting: (22)

Amend Sec. 1, page 13, line 3, by striking out "(22)" and inserting: (23)

Amend Sec. 1, page 13, line 11, by striking out "(23)" and inserting: (24)

Amend Sec. 1, page 13, line 14, by striking out "(24)" and inserting: (25)

Amend Sec. 1, page 13, line 17, by striking out "(25)" and inserting: (26)

Amend Sec. 1, page 13, line 20, by striking out "(26)" and inserting: (27)

Amend Sec. 1, page 13, line 23, by striking out "(27)" and inserting: (28)

Amend Sec. 1, page 13, line 26, by striking out "(28)" and inserting: (29)

Amend Sec. 1, page 13, line 29, by striking out "(29)" and inserting: (30)

Amend Sec. 1, page 14, line 2, by striking out "(30)" and inserting: (31)

Amend Sec. 2, page 16, line 24, by striking out "\$145,-839,000" and inserting: \$148,964,000

Amend Sec. 5, page 17, line 13, by striking out "\$145,-839,000" and inserting: \$148,964,000

ROLL CALL

The Appropriations Committee met on June 2, 1976 to vote to report out as amended House Bill No. 1833, sponsored by Mr. Bellomini, seconded by Mr. Pievsky.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	yea
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	not voting
Thomas Fee	yea
James Gallagher	yea
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	nay
Joel Johnson	yea
Joseph Kolter	not voting
Russell Kowalyshyn	yea
Martin Mullen	nay
Bernard O'Brien	yea
William Shane	not voting
Fred Shupnik	not voting
Stephen Wojdak	yea
H. Jack Seltzer	nay
John Hope Anderson	nay
Rudolph Dininni	yea
James Gallen	not voting
John H. Hamilton	not voting
Sherman Hill	nay
Guy Kistler	yea
Charles Mebus	nay
L. Eugene Smith	not voting
James Wright	not voting

YEAS—14
 NAYS—6
 NOT VOTING—9

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 2, 1976 to vote to amend and report out as amended House Bill No. 2379, sponsored by Mr. Pievsky, seconded by Mr. Bellomini.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	yea
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	not voting
Thomas Fee	yea
James Gallagher	not voting
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea

Ivan Itkin	nay
Joel Johnson	yea
Joseph Kolter	not voting
Russell Kowalyszyn	yea
Martin Mullen	yea
Bernard O'Brien	yea
William Shane	not voting
Fred Shupnik	not voting
Stephen Wojdak	yea
H. Jack Seltzer	not voting
John Hope Anderson	yea
Rudolph Dininni	yea
James Gallen	nay
John H. Hamilton	not voting
Sherman Hill	yea
Guy Kistler	yea
Charles Mebus	yea
L. Eugene Smith	not voting
James Wright	yea

YEAS—18
 NAYS—2
 NOT VOTING—9

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

AMENDMENTS TO HOUSE BILL No. 2379,

Printer's No. 3195

Amend Title, page 1, lines 1 and 2, by striking out both of said lines and inserting: Establishing the Miss Pennsylvania Scholarship Fund, providing for its administration by the Secretary of Commerce and making an appropriation.

Amend Bill, page 1, lines 5 through 15, by striking out all of said lines and inserting:

Section 1. There is hereby established a special fund to be known as the "Miss Pennsylvania Scholarship Fund." The General Assembly shall annually appropriate moneys to this fund to be used and administered as prescribed in section 2.

Section 2. The moneys in the fund shall be used solely for the purpose of funding a special annual scholarship to be known as the "Miss Pennsylvania Scholarship." The recipients of the scholarship shall be residents of Pennsylvania and the moneys so awarded shall be used only for tuition, room and board, or other bona fide educational expenses. The Secretary of Commerce shall adopt by regulation procedures and further qualifications for the award of the scholarship and shall be charged with the administration of the fund.

Section 3. The sum of \$5,000 is hereby appropriated to the "Miss Pennsylvania Scholarship Fund."

Section 4. This act shall take effect immediately.

ROLL CALL

The Appropriations Committee met on June 2, 1976 to vote to report out as committed House Bill No. 2184, sponsored by Mr. Greenfield, seconded by Mr. Pievsky.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	yea
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	not voting

Thomas Fee	yea
James Gallagher	not voting
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	yea
Joel Johnson	yea
Joseph Kolter	not voting
Russell Kowalyszyn	yea
Martin Mullen	yea
Bernard O'Brien	yea
William Shane	not voting
Fred Shupnik	not voting
Stephen Wojdak	yea
H. Jack Seltzer	not voting
John Hope Anderson	yea
Rudolph Dininni	nay
James Gallen	yea
John H. Hamilton	not voting
Sherman Hill	yea
Guy Kistler	yea
Charles Mebus	yea
L. Eugene Smith	not voting
James Wright	yea

YEAS—19
 NAYS—1
 NOT VOTING—9

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 2, 1976 to vote to report out as committed Senate Bill No. 1031, sponsored by Mr. Pievsky, seconded by Mr. Hutchinson.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	yea
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	not voting
Thomas Fee	yea
James Gallagher	not voting
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	yea
Joel Johnson	yea
Joseph Kolter	not voting
Russell Kowalyszyn	yea
Martin Mullen	yea
Bernard O'Brien	yea
William Shane	not voting
Fred Shupnik	not voting
Stephen Wojdak	yea
H. Jack Seltzer	not voting
John Hope Anderson	yea
Rudolph Dininni	yea
James Gallen	yea

John H. Hamilton not voting
 Sherman Hill yea
 Guy Kistler yea
 Charles Mebus yea
 L. Eugene Smith not voting
 James Wright yea

YEAS—20
 NAYS—0
 NOT VOTING—9

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

Attendance Report

The Appropriations Committee met on June 3, 1976 in Room 246. The meeting started at 1:23 p.m. and adjourned at 2:15 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Stephen Wojdak	X	
Max Pievsky		X
Robert Bellomini	X	
Andrew McGraw		X
Roland Greenfield	X	
John Brunner	X	
Thomas Fee	X	
James Gallagher	X	
Robert Geisler	X	
James Goodman	X	
Amos Hutchinson	X	
Ivan Itkin	X	
Joel Johnson		X
Joseph Kolter	X	
Russell Kowalyshyn		X
Martin Mullen		X
Bernard O'Brien	X	
William Shane	X	
Fred Shupnik	X	
H. Jack Seltzer	X	
John Hope Anderson	X	
Rudolph Dininni	X	
James Gallen		X
John H. Hamilton		X
Sherman Hill	X	
Guy Kistler		X
Charles Mebus		X
L. Eugene Smith	X	
James Wright	X	

Mr. Pievsky was excused because of constituent business.

Mr. McGraw was excused because of constituent business.

Mr. Johnson was excused because of constituent business.

Mr. Kowalyshyn was excused because of another meeting.

Mr. Mullen was excused because of constituent business.

Mr. Gallen was excused because of constituent business.

Mr. Hamilton was excused because of constituent business.

Mr. Kistler was excused because of lack of notification of meeting.

Mr. Mebus was excused because of constituent business.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 3, 1976 to vote to report out as committed House Bill No. 1618, sponsored by Mr. Bellomini, seconded by Mr. Greenfield.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	not voting
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	yea
Thomas Fee	yea
James Gallagher	yea
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	yea
Joel Johnson	not voting
Joseph Kolter	yea
Russell Kowalyshyn	not voting
Martin Mullen	not voting
Bernard O'Brien	yea
William Shane	yea
Fred Shupnik	yea
Stephen Wojdak	yea
H. Jack Seltzer	yea
John Hope Anderson	yea
Rudolph Dininni	yea
James Gallen	not voting
John H. Hamilton	not voting
Sherman Hill	yea
Guy Kistler	not voting
Charles Mebus	not voting
L. Eugene Smith	yea
James Wright	yea

YEAS—20
 NAYS—0
 NOT VOTING—9

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 3, 1976 to vote to table House Bills No. 2456, 2457 and 2458, sponsored by Mr. Gallagher, seconded by Mr. Seltzer.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	not voting
Robert Bellomini	nay

Andrew McGraw	not voting
Roland Greenfield	nay
John Brunner	nay
Thomas Fee	nay
James Gallagher	yea
Robert Geisler	nay
James Goodman	nay
Amos Hutchinson	nay
Ivan Itkin	nay
Joel Johnson	not voting
Joseph Kolter	nay
Russell Kowalyshyn	not voting
Martin Mullen	not voting
Bernard O'Brien	nay
William Shane	nay
Fred Shupnik	nay
Stephen Wojdak	nay
H. Jack Seltzer	yea
John Hope Anderson	nay
Rudolph Dininni	yea
James Gallen	not voting
John H. Hamilton	not voting
Sherman Hill	nay
Guy Kistler	not voting
Charles Mebus	not voting
L. Eugene Smith	nay
James Wright	not voting

YEAS—3
 NAYS—16
 NOT VOTING—10

The motion failed.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 3, 1976 to vote to report out as committed House Bills No. 2456, 2457 and 2458, sponsored by Mr. Hutchinson, seconded by Mr. Kolter.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	not voting
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	yea
Thomas Fee	yea
James Gallagher	nay
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	yea
Joel Johnson	not voting
Joseph Kolter	yea
Russell Kowalyshyn	not voting
Martin Mullen	not voting
Bernard O'Brien	yea
William Shane	yea
Fred Shupnik	yea
Stephen Wojdak	yea

H. Jack Seltzer	nay
John Hope Anderson	nay
Rudolph Dininni	nay
James Gallen	not voting
John H. Hamilton	not voting
Sherman Hill	nay
Guy Kistler	not voting
Charles Mebus	not voting
L. Eugene Smith	yea
James Wright	not voting

YEAS—14
 NAYS—5
 NOT VOTING—10

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

ROLL CALL

The Appropriations Committee met on June 3, 1976 to vote to report out as committed Senate Bill No. 954, sponsored by Mr. Hutchinson, seconded by Mr. O'Brien.

The yeas and nays were taken and were as follows:

Member	Vote
Max Pievsky	not voting
Robert Bellomini	yea
Andrew McGraw	not voting
Roland Greenfield	yea
John Brunner	yea
Thomas Fee	yea
James Gallagher	yea
Robert Geisler	yea
James Goodman	yea
Amos Hutchinson	yea
Ivan Itkin	yea
Joel Johnson	not voting
Joseph Kolter	yea
Russell Kowalyshyn	not voting
Martin Mullen	not voting
Bernard O'Brien	yea
William Shane	yea
Fred Shupnik	yea
Stephen Wojdak	yea
H. Jack Seltzer	yea
John Hope Anderson	yea
Rudolph Dininni	yea
James Gallen	not voting
John H. Hamilton	not voting
Sherman Hill	yea
Guy Kistler	not voting
Charles Mebus	not voting
L. Eugene Smith	yea
James Wright	yea

YEAS—20
 NAYS—0
 NOT VOTING—9

The motion passed.

Signed
 STEPHEN R. WOJDAK
 Chairman

Mr. BENNETT, chairman of the Business and Commerce Committee, presented the following report:

June 2, 1976

Subject: Minutes of Business and Commerce Committee Meeting—June 2, 1976

To: Honorable Herbert Fineman, Speaker

From: Honorable Reid L. Bennett, Chairman Business and Commerce Committee

The Business and Commerce Committee called a special meeting off the Floor of the House to consider House Bills 2456, 2457 and 2458. The roll was taken as follows:

PRESENT

Bennett
Dombrowski
Gillespie
Kowalyshyn
Laughlin
Letterman
Rappaport
Ravenstahl
Saloom
Stout
Wansacz
Zwikl
DeVertier
Dorr
Grieco
Halverson
McGinnis
Scheaffer, John
Smith, L. E.

ABSENT

Hammock
O'Donnell
Knepper
Spencer

Representative Cole was excused.

In attendance to speak in favor of the bills was Representative James Manderino, the prime sponsor of House Bills 2456, 2457 and 2458. Other dignitaries that also addressed the Committee were Mr. Charles McIntosh, Budget Secretary, and Mr. David Brown, Special Assistant to the Governor. Representative Robert Butera also was given an opportunity to address the Committee.

CONSIDERATION OF BILLS:

House Bill 2456, Printer's No. 3351—Representative Saloom made the motion to report this bill from Committee as committed, and Representative Smith seconded the motion. A roll call vote was taken and the motion passed by a vote of 19 yeas—10 nays.

House Bill 2457, Printer's No. 3352—A motion was made by Representative Saloom to report House Bill 2457 as committed. Representative Smith seconded the motion. A roll call vote was taken and the motion was passed unanimously 19 yeas—0 nays.

House Bill 2458, Printer's No. 3353—Representative Sa-

loom made the motion to report House Bill 2458 as committed and Representative Smith seconded the motion. A roll call vote was taken and the motion passed unanimously by a vote of 19 yeas—0 nays.

ADJOURNMENT:

Representative Gillespie made the motion to adjourn the meeting, and Representative Halverson seconded the motion. The meeting was adjourned at 4:30 p.m.

Attendance Report

The Business and Commerce Committee met on June 2, 1976 in Room 401. The meeting started at 3:00 p.m. and adjourned at 4:30 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Reid L. Bennett	X	
Kenneth Cole		
Bernard Dombrowski	X	
Patrick Gillespie	X	
Charles Hammock		X
Russell Kowalyshyn	X	
Charles Laughlin	X	
Russell Letterman	X	
Robert W. O'Donnell		X
Samuel Rappaport	X	
Robert P. Ravenstahl	X	
Eugene Saloom	X	
J. Barry Stout	X	
John Wansacz	X	
Kurt Zwikl	X	
L. Eugene Smith	X	
Walter DeVertier	X	
Donald W. Dorr	X	
Joseph V. Grieco	X	
Kenneth S. Halverson	X	
James W. Knepper		X
Patrick J. McGinnis	X	
John E. Scheaffer	X	
Warren Spencer		X

Signed
CHARLES P. HAMMOCK
Secretary

ROLL CALL

The Business and Commerce Committee met on June 2, 1976 to vote to report out as committed House Bill No. 2456, Printer's No. 3351, sponsored by Mr. Saloom, seconded by Mr. Smith.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Bernard Dombrowski	yea
Patrick Gillespie	yea
Russell Kowalyshyn	yea
Charles Laughlin	yea
Russell Letterman	yea
Samuel Rappaport	yea
Robert P. Ravenstahl	yea
Eugene Saloom	yea
J. Barry Stout	yea
John Wansacz	yea

Kurt Zwikl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	yea
Joseph V. Grieco	yea
Kenneth S. Halverson	yea
Patrick J. McGinnis	yea
John E. Scheaffer	yea

YEAS—19
NAYS—0

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

ROLL CALL

The Business and Commerce Committee met on June 2, 1976 to vote to report out as committed House Bill No. 2457, Printer's No. 3352, sponsored by Mr. Saloom, seconded by Mr. Smith.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Bernard Dombrowski	yea
Patrick Gillespie	yea
Russell Kowalyszyn	yea
Charles Laughlin	yea
Russell Letterman	yea
Samuel Rappaport	yea
Robert P. Ravenstahl	yea
Eugene Saloom	yea
J. Barry Stout	yea
John Wansacz	yea
Kurt Zwikl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	yea
Joseph V. Grieco	yea
Kenneth S. Halverson	yea
Patrick J. McGinnis	yea
John E. Scheaffer	yea

YEAS—19
NAYS—0

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

ROLL CALL

The Business and Commerce Committee met on June 2, 1976 to vote to report out as committed House Bill No. 2458, Printer's No. 3353, sponsored by Mr. Saloom, seconded by Mr. Smith.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Bernard Dombrowski	yea
Patrick Gillespie	yea

Russell Kowalyszyn	yea
Charles Laughlin	yea
Russell Letterman	yea
Samuel Rappaport	yea
Robert P. Ravenstahl	yea
Eugene Saloom	yea
J. Barry Stout	yea
John Wansacz	yea
Kurt Zwikl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	yea
Joseph V. Grieco	yea
Kenneth S. Halverson	yea
Patrick J. McGinnis	yea
John E. Scheaffer	yea

YEAS—19
NAYS—0

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

June 4, 1976

Subject: Minutes of Business and Commerce Committee Meeting—June 4, 1976

To: Honorable Herbert Fineman, Speaker

From: Honorable Reid L. Bennett, Chairman
Business and Commerce Committee

The Business and Commerce Committee held a meeting on Friday, June 4, 1976, starting at 11:00 a.m. in Room 401, Main Capitol Building. The roll was taken as follows:

PRESENT

Bennett
Gillespie
Kowalyszyn
Laughlin
Letterman
Ravenstahl
Stout
Zwikl
Smith, L. E.
DeVerter
Dorr
Grieco
Halverson
Scheaffer, John

ABSENT

Cole
Dombrowski
Hammock
O'Donnell
Rappaport
Saloom
Wansacz
Knepper
McGinnis
Spencer

CONSIDERATION OF BILLS:

House Bill 1958, Printer's No. 2517—Representative Stout made a motion to report this bill from Committee as committed and Representative Grieco seconded the motion. A roll call vote was taken and the motion passed by a vote of 10 yeas—4 nays.

House Bill 1959, Printer's No. 2518—This bill had been tabled in Committee, and Representative Stout made the motion to call it from the table. Representative Smith seconded the motion. A roll call vote was taken and the motion passed unanimously 14 yeas—0 nays.

House Bill 1959, Printer's No. 2518—House Bill 1959 had been amended and tabled in a previous Committee meeting. After the motion was just passed to remove it from the table, Representative DeVerter made a motion to report the bill out of Committee as amended. Representative Scheaffer seconded that motion. A roll was taken and the motion passed by a vote of 10 yeas—4 nays.

House Bill 102, Printer's No. 104—Representative Gillespie made the motion to report House Bill 102 from Committee as committed. Representative Zwinkl seconded the motion. A roll call vote was taken and the motion was defeated by a vote of 4 yeas—10 nays.

Senate Bill 1415, Printer's No. 1746—A motion was made by Representative Grieco to report this bill out as committed, and the motion was seconded by Representative Letterman. A roll call vote was taken and the motion passed unanimously by a vote of 14 yeas—0 nays.

House Bill 2100, Printer's No. 2724—Representative Letterman made the motion to report House Bill 2100 from Committee as committed, and Representative Laughlin seconded the motion. A roll call vote was taken and the motion passed by a vote of 13 yeas—1 nay.

House Bill 861, Printer's No. 979—Representative Dorr offered an amendment to House Bill 861 and Representative Letterman seconded the amendment. A roll call vote was taken and the amendment passed unanimously by a vote of 14 yeas—0 nays.

After the amendment was passed, Representative Dorr made the motion to report House Bill 861 from Committee as amended. Representative Halverson seconded the motion. A roll call vote was taken and the motion passed unanimously by a vote of 14 yeas—0 nays.

GUESTS:

The following guests were present at the meeting and introduced to the Committee members:

Mr. Victor Carone—Williamsport City Planning Commission

Mr. Richard Sharbaugh—representative of the Horsebreeders Association

Mr. James Harrison—General Manager, Lana Lobell Farms, Hanover, PA

Chairman Bennett then recessed the meeting until Monday afternoon, June 7, 1976, at the call of the Chairman. The meeting was recessed at 12:45 p.m.

Attendance Report

The Business and Commerce Committee met on June 4, 1976 in Room 401. The meeting started at 11:00 a.m. and adjourned at 12:45 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Reid L. Bennett	X	
Kenneth Cole		X
Bernard Dombrowski		X
Patrick Gillespie	X	
Charles Hammock		X
Russell Kowalyszyn	X	
Charles Laughlin	X	
Russell Letterman	X	
Robert W. O'Donnell		X
Samuel Rappaport		X
Robert P. Ravenstahl	X	
Eugene Saloom		X
J. Barry Stout	X	
John Wansacz		X
Kurt Zwinkl	X	
L. Eugene Smith	X	
Walter DeVerter	X	
Donald W. Dorr	X	
Joseph V. Grieco	X	
Kenneth S. Halverson	X	
James W. Knepper		X
Patrick J. McGinnis		X
John E. Scheaffer	X	
Warren Spencer		X

Signed

CHARLES P. HAMMOCK

Secretary

The Business and Commerce Committee met on June 4, 1976 to vote to report out as committed House Bill No. 1958, Printer's No. 2517, sponsored by Mr. Stout, seconded by Mr. Grieco.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Patrick Gillespie	yea
Russell Kowalyszyn	nay
Charles Laughlin	yea
Russell Letterman	nay
Robert P. Ravenstahl	nay
J. Barry Stout	yea
Kurt Zwinkl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	nay
Joseph V. Grieco	yea
Kenneth S. Halverson	yea
John E. Scheaffer	yea

YEAS—10

NAYS—4

The motion passed.

Signed

CHARLES P. HAMMOCK

Secretary

ROLL CALL

The Business and Commerce Committee met on June 4, 1976 to vote to remove from table House Bill No. 1959, Printer's No. 2518, sponsored by Mr. Stout, seconded by Mr. Smith.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Patrick Gillespie	yea
Russell Kowalyshyn	yea
Charles Laughlin	yea
Russell Letterman	yea
Robert P. Ravenstahl	yea
J. Barry Stout	yea
Kurt Zwinkl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	yea
Joseph V. Grieco	yea
Kenneth S. Halverson	yea
John E. Scheaffer	yea

YEAS—14
NAYS—0

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

ROLL CALL

The Business and Commerce Committee met on June 4, 1976 to vote to report out as amended House Bill No. 1959, Printer's No. 2518, sponsored by Mr. DeVerter, seconded by Mr. Scheaffer.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Patrick Gillespie	yea
Russell Kowalyshyn	nay
Charles Laughlin	yea
Russell Letterman	nay
Robert P. Ravenstahl	yea
J. Barry Stout	yea
Kurt Zwinkl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	nay
Joseph V. Grieco	nay
Kenneth S. Halverson	yea
John E. Scheaffer	yea

YEAS—10
NAYS—4

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

ROLL CALL

The Business and Commerce Committee met on June 4, 1976 to vote to report out as committed House Bill No. 102, Printer's No. 104, sponsored by Mr. Gillespie, seconded by Mr. Zwinkl.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea

Patrick Gillespie	yea
Russell Kowalyshyn	nay
Charles Laughlin	nay
Russell Letterman	nay
Robert P. Ravenstahl	yea
J. Barry Stout	nay
Kurt Zwinkl	yea
L. Eugene Smith	nay
Walter DeVerter	nay
Donald W. Dorr	nay
Joseph Grieco	nay
Kenneth S. Halverson	nay
John E. Scheaffer	nay

YEAS—4
NAYS—10

The motion failed.

Signed
CHARLES P. HAMMOCK
Secretary

ROLL CALL

The Business and Commerce Committee met on June 4, 1976 to vote to report out as committed Senate Bill No. 1415, Printer's No. 1746, sponsored by Mr. Letterman, seconded by Mr. Grieco.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Patrick Gillespie	yea
Russell Kowalyshyn	yea
Charles Laughlin	yea
Russell Letterman	yea
Robert P. Ravenstahl	yea
J. Barry Stout	yea
Kurt Zwinkl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	yea
Joseph Grieco	yea
Kenneth S. Halverson	yea
John E. Scheaffer	yea

YEAS—14
NAYS—0

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

ROLL CALL

The Business and Commerce Committee met on June 4, 1976 to vote to report out as committed House Bill No. 2100, Printer's No. 2724, sponsored by Mr. Letterman, seconded by Mr. Laughlin.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Patrick Gillespie	yea
Russell Kowalyshyn	yea
Charles Laughlin	yea

Russell Letterman	yea
Robert P. Ravenstahl	yea
J. Barry Stout	nay
Kurt Zwinkl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	yea
Joseph Grieco	yea
Kenneth S. Halverson	yea
John E. Scheaffer	yea

YEAS—13
NAYS—1

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

ROLL CALL

The Business and Commerce Committee met on June 4, 1976 to vote to amend House Bill No. 861, Printer's No. 979, sponsored by Mr. Dorr, seconded by Mr. Letterman.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Patrick Gillespie	yea
Russell Kowalyshyn	yea
Charles Laughlin	yea
Russell Letterman	yea
Robert P. Ravenstahl	yea
J. Barry Stout	yea
Kurt Zwinkl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	yea
Joseph Grieco	yea
Kenneth S. Halverson	yea
John E. Scheaffer	yea

YEAS—14
NAYS—0

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

AMENDMENTS TO HOUSE BILL No. 861,
Printer's No. 979

Amend Title, page 1, line 12, by inserting after "tax":
; providing for exotic wagers

Amend Sec. 3, page 3, line 21, by striking out "Clause"
and inserting: The Introductory paragraph and clause

Amend Sec. 3, page 3, line 22, by inserting before
"No. 364": P. L. 1139,

Amend Sec. 3, page 3, line 22, by inserting after
"amended": and a clause is added

Amend Sec. 3 (Sec. 15), page 3, line 30, by removing
the colon after "breaks" and inserting: from regular
wagers and less twenty-five per centum of the total de-
posits plus the breaks from exotic wagers. For the pur-
poses of this act exotic wagers shall mean those in which
the bettor selects more than two horses in a single
wager.

Amend Sec. 3 (Sec. 15), page 4, line 4, by inserting
after "retained": from regular and exotic wagers

Amend Sec. 3 (Sec. 15), page 4, line 8, by removing
the comma after "day" and inserting: . From the tax

Amend Sec. 3 (Sec. 15), page 4, line 9, by striking out
"one-quarter" and inserting: one-half

Amend Sec. 3 (Sec. 15), page 4, line 9, by striking out
"which" and inserting: the amount wagered each day

Amend Sec. 3 (Sec. 15), page 4, line 13, by inserting
after "centum": from regular and exotic wagers

Amend Sec. 3 (Sec. 15), page 4, line 16, by inserting
after "retained": from regular and exotic wagers

Amend Sec. 3 (Sec. 15), page 4, line 20, by inserting
after "imposed.": From the tax one-half of one per centum
of the amount wagered each day shall be allocated to the
Pennsylvania Sire Stakes Fund in accordance with sec-
tion 25. As to exotic wagers, any permit holder out of
the amount retained on said day by said permit holder
shall pay, through the Department of Revenue into the
State Treasury for credit to the State Harness Racing
Fund a further tax of five per centum of the exotic wager-
ing amount each day which tax is hereby imposed. From
the tax three per centum of the exotic wagering amount
each day shall be allocated to the Pennsylvania Sire
Stakes Fund in accordance with section 25.

Amend Sec. 4, page 4, lines 22 through 30; page 5, lines
1 and 2, by striking out all of said lines

Amend Sec. 4 (Sec. 15), page 5, line 6, by inserting
after "holder": from the amount retained from regular
and exotic wagers each day

Amend Sec. 4 (Sec. 15), page 5, line 8, by striking out
"five and one-quarter" and inserting: four and three-
quarters

Amend Sec. 4 (Sec. 15), page 5, line 9, by inserting
a period after "day"

Amend Sec. 4 (Sec. 15), page 5, line 9, by striking out
"one-quarter of one per centum of which" and inserting:
From the tax, three-quarters of one per centum of the
amount wagered each day

Amend Sec. 4 (Sec. 15), page 5, line 11, by inserting
after "imposed.": As to exotic wagers, any permit hold-
er out of the amount retained on said day by said permit
holder shall pay, through the Department of Revenue
into the State Treasury for credit to the State Harness
Racing Fund a further tax of five per centum of the
exotic wagering amount each day which tax is hereby
imposed. From the tax three per centum of the exotic
wagering amount each day shall be allocated to the
Pennsylvania Sire Stakes Fund in accordance with sec-
tion 25.

Amend Sec. 5, page 5, line 12, by striking out "5." and
inserting: 4.

Amend Sec. 5, page 5, line 12, by inserting after "(a.1)":
and clause (3) of subsection (d)

Amend Sec. 5, page 5, line 12, by striking out "added"
and inserting: amended

Amend Sec. 5, page 5, line 13, by inserting before
"No. 364": P. L. 1139,

Amend Sec. 5, page 5, line 13, by striking out "is" and
inserting: are

Amend Bill, page 6, by inserting between lines 13
and 14:

(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 dol-
lars (\$700)] six thousand dollars (\$6,000) was paid [for
each such race but not more than fifty-six hundred
dollars (\$5,600)] for not more than eight such races
annually. Entrance fees collected for each such race
shall not be included when computing the amount distrib-
uted by the Secretary of Agriculture under this subsec-
tion.

* * *

ROLL CALL

The Business and Commerce Committee met on June 4, 1976 to vote to report out as amended House Bill No. 861, Printer's No. 979, sponsored by Mr. Dorr, seconded by Mr. Halverson.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Patrick Gillespie	yea
Russell Kowalyshyn	yea
Charles Laughlin	yea
Russell Letterman	yea
Robert P. Ravenstahl	yea
J. Barry Stout	yea
Kurt Zwikl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	yea
Joseph Grieco	yea
Kenneth S. Halverson	yea
John E. Scheaffer	yea

YEAS—14
NAYS—0

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

June 7, 1976

Subject: Continuation of Business and Commerce Committee Meeting of June 4, 1976

To: Honorable Herbert Fineman, Speaker

From: Honorable Reid L. Bennett, Chairman
Business and Commerce Committee

The Business and Commerce Committee held a continuation of the meeting that was recessed on Friday, June 4, 1976. The meeting started at 2:00 p.m., and the roll was taken as follows:

PRESENT

Bennett
Cole
Dombrowski
Gillespie
Kowalyshyn
Laughlin
Letterman
Ravenstahl
Stout
Zwikl
Smith, L. E.
DeVerter
Dorr
Halverson
McGinnis

ABSENT

Hammock
O'Donnell

Rappaport
Saloom
Wansacz
Grieco
Knepper
Scheaffer, John
Spencer

CONSIDERATION OF BILLS:

House Bill 2212, Printer's No. 3165—Representative Laughlin offered an amendment to House Bill 2212 and Representative Smith seconded the amendment. A roll call vote was taken and the amendment passed unanimously by a vote of 15 yeas—0 nays.

House Bill 2212, Printer's No. 3165—After the passage of the amendment, Representative Laughlin made the motion to report House Bill 2212 from Committee as amended. Representative Smith seconded the motion. A roll call vote was taken and the motion passed unanimously 15 yeas—0 nays.

ADJOURNMENT:

Having no further bills to consider, Representative Letterman made the motion to adjourn the meeting, and Representative Stout seconded the motion. The meeting was adjourned at 2:10 p.m.

Attendance Report

The Business and Commerce Committee met on June 7, 1976 in Room 401. The meeting started at 2:00 p.m. and adjourned at 2:10 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Reid L. Bennett	X	
Kenneth Cole	X	
Bernard Dombrowski	X	
Patrick Gillespie	X	
Charles Hammock		X
Russell Kowalyshyn	X	
Charles Laughlin	X	
Russell Letterman	X	
Robert W. O'Donnell		X
Samuel Rappaport		X
Robert P. Ravenstahl	X	
Eugene Saloom		X
J. Barry Stout	X	
John Wansacz		X
Kurt Zwikl	X	
L. Eugene Smith	X	
Walter DeVerter	X	
Donald W. Dorr	X	
Joseph V. Grieco		X
Kenneth S. Halverson	X	
James W. Knepper		X
Patrick J. McGinnis	X	
John E. Scheaffer		X
Warren Spencer		X

Signed
CHARLES P. HAMMOCK
Secretary

ROLL CALL

The Business and Commerce Committee met on June

7, 1976 to vote to amend House Bill No. 2212, Printer's No. 3165, sponsored by Mr. Laughlin, seconded by Mr. Smith.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Kenneth Cole	yea
Bernard Dombrowski	yea
Patrick Gillespie	yea
Russell Kowalyshyn	yea
Charles Laughlin	yea
Russell Letterman	yea
Robert P. Ravenstahl	yea
J. Barry Stout	yea
Kurt Zwickl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	yea
Kenneth S. Halverson	yea
Patrick J. McGinnis	yea

YEAS—15
NAYS—0

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

AMENDMENTS TO HOUSE BILL No. 2212,
Printer's No. 3165

Amend Sec. 1 (Sec. 306), page 2, line 8, by striking out "Local taxing authorities" and inserting: County tax claim bureaus

Amend Sec. 1 (Sec. 306), page 2, lines 10 and 11, by striking out "there" in line 10 and "are" in line 11

Amend Sec. 1 (Sec. 306), page 2, line 11, by inserting after "taxes": have been returned by a local tax collector

Amend Sec. 1 (Sec. 306), page 2, line 26, by striking out "local taxing authority" and inserting: county tax claim bureau

Amend Sec. 1 (Sec. 306), page 2, lines 29 through 30, by striking out "The local taxing authority" in line 28, all of line 29 and "bureau of the agreement and thereafter the" in line 30 and inserting: The

ROLL CALL

The Business and Commerce Committee met on June 7, 1976 to vote to report out as amended House Bill No. 2212, Printer's No. 3165, sponsored by Mr. Laughlin, seconded by Mr. Smith.

The yeas and nays were taken and were as follows:

Member	Vote
Reid L. Bennett	yea
Kenneth Cole	yea
Bernard Dombrowski	yea
Patrick Gillespie	yea
Russell Kowalyshyn	yea
Charles Laughlin	yea
Russell Letterman	yea
Robert P. Ravenstahl	yea
J. Barry Stout	yea
Kurt Zwickl	yea
L. Eugene Smith	yea
Walter DeVerter	yea
Donald W. Dorr	yea

Kenneth S. Halverson
Patrick J. McGinnis

yea
yea

YEAS—15
NAYS—0

The motion passed.

Signed
CHARLES P. HAMMOCK
Secretary

Mr. LAUDADIO, chairman of the Conservation Committee, presented the following report:

CONSERVATION COMMITTEE

The Conservation Committee met on June 1, 1976, at 12:30 P.M. in the Majority Caucus Room. Rep. Paul Yahner was excused because of illness; Rep. Philip Ruggiero was excused because of conflicting meetings. Absent were Reps. Valicenti, Dreibelbis, DiDonato, McClatchy, Miller, Fischer and Haskell. H.B. 2406 was reported, as amended, out of committee. H.B. 2077 was reported, as amended out of Committee. No other activities or meetings were held by the Conservation Committee during the period June 1 through June 6, 1976.

All reports are attached.

Attendance Report

The Conservation Committee met on June 1, 1976 in the Majority Caucus Room. The meeting started at 12:30 p.m. and adjourned at 1:25 p.m.

The roll was taken and was as follows:

Member	Present	Absent
John F. Laudadio	X	
Frank Gleeson	X	
Helen Gillette	X	
Philip Ruggiero		X
Samuel Morris	X	
A. J. Valicenti		X
Jack Arthurs	X	
Galen Dreibelbis		X
Harry Menhorn	X	
Ronald Cowell	X	
Paul Yahner		X
Thomas McCall	X	
Anthony DiDonato		X
William DeWeese	X	
William Wilt	X	
Joseph Pitts	X	
Richard McClatchy		X
Marvin Miller		X
Roger Fischer		X
D. Michael Fisher	X	
Joseph Levi	X	
Harrison Haskell		X
Joseph Manmiller	X	

Mr. Ruggiero was excused because of another meeting. Mr. Yahner was excused because of an illness.

Signed
JOHN F. LAUDADIO
Chairman

ROLL CALL

The Conservation Committee met on June 1, 1976 to vote to release, as amended, from committee House Bill No. 2406, sponsored by Mr. Levi, seconded by Mr. Arthurs.

The yeas and nays were taken and were as follows:

Member	Vote
John F. Laudadio	yea
Frank Gleeson	yea
Helen Gillette	yea
Philip Ruggiero	not voting
Samuel Morris	yea
A. J. Valicenti	not voting
Jack Arthurs	yea
Galen Dreibelbis	not voting
Harry Menhorn	yea
Ronald Cowell	yea
Paul Yahner	not voting
Thomas McCall	yea
Anthony DiDonato	not voting
William DeWeese	yea
William Wilt	yea
Joseph Pitts	yea
Richard McClatchy	not voting
Marvin Miller	not voting
Roger Fischer	not voting
D. Michael Fisher	yea
Joseph Levi, II	yea
Harrison Haskell, II	not voting
Joseph Manmiller	yea

YEAS—14
NAYS—0
NOT VOTING—9

The motion passed.

Signed
JOHN F. LAUDADIO
Chairman

AMENDMENTS TO HOUSE BILL No. 2406,
Printer's No. 3246

Amend Sec. 1 (Sec. 4.1), page 2, line 4 by removing the period after "state" and inserting: but shall not include the use of materials produced or manufactured off the premises of the farm operation.

ROLL CALL

The Conservation Committee met on June 1, 1976 to vote to release, as amended, from committee House Bill No. 2077, sponsored by Mr. Cowell, seconded by Mrs. Gillette.

The yeas and nays were taken and were as follows:

Member	Vote
John F. Laudadio	yea
Frank Gleeson	yea
Helen Gillette	yea
Philip Ruggiero	not voting
Samuel Morris	yea
A. J. Valicenti	not voting
Jack Arthurs	yea
Galen Dreibelbis	not voting

Harry Menhorn	yea
Ronald Cowell	yea
Paul Yahner	not voting
Thomas McCall	yea
Anthony DiDonato	not voting
William DeWeese	yea
William Wilt	yea
Joseph Pitts	yea
Richard McClatchy	not voting
Marvin Miller	not voting
Roger Fischer	not voting
D. Michael Fisher	yea
Joseph Levi, II	yea
Harrison Haskell	not voting
Joseph Manmiller	yea

YEAS—14
NAYS—0
NOT VOTING—9

The motion passed.

Signed
JOHN F. LAUDADIO
Chairman

AMENDMENTS TO HOUSE BILL No. 2077,
Printer's No. 2684

Amend Sec. 1, page 1, line 9 by striking out "lessee" and inserting: lessor

AMENDMENTS TO HOUSE BILL No. 2077,
Printer's No. 2684

Amend Title, page 1, line 2, by striking out ", fuel"
Amend Sec. 1, page 1, line 6, by striking out ", fuel"
Amend Sec. 1, page 1, lines 7 and 8, by striking out "if such lease is for a term longer than three years or"
Amend Sec. 1, page 1, line 9, by striking out "the value" and inserting: royalty
Amend Sec. 1, page 1, line 9, by striking out ", fuel"

AMENDMENTS TO HOUSE BILL No. 2077,
Printer's No. 2684

Amend Sec. 1, page 1, lines 7 and 8 by striking out "if such lease is for a term longer than three years or"

Mr. SCHMITT, chairman of the Consumer Protection Committee, presented the following report:

The Consumer Protection Committee held no meetings the week of June 1, 1976.

Signed
C. L. SCHMITT
Chairman

Mr. GALLAGHER, chairman of the Education Committee, presented the following report:

June 7, 1976

Subject: Report of the Committee on Education
To: Hon. Herbert Fineman, Speaker

From: Rep. James J. A. Gallagher, Chairman,
Committee on Education

During the week commencing on Monday, May 31, 1976, the Committee on Education conducted no meetings or hearings.

Mr. RITTER, chairman of the Federal-State Relations Committee, presented the following report:

Subject: Reports of Committee

To: Hon. Herbert Fineman
Speaker

From: James P. Ritter, Chairman
Federal-State Relations Committee

There were no meetings held by the Federal-State Relations Committee the week of May 31, 1976.

Mr. BRUNNER, chairman of the Finance Committee, presented the following report:

Attendance Report

The Finance Committee met on June 2, 1976 at 11:00 a.m.

The roll was taken and was as follows:

Member	Present	Absent
John L. Brunner		X
Joseph Rhodes	X	
Galen Dreibelbis	X	
John Hope Anderson	X	
Joseph Bonetto		X
Matthew J. Cianciulli	X	
Harry Englehart		X
Ralph Garzia	X	
Charles Logue	X	
Harry Menhorn	X	
John Milliron	X	
George Misceovich	X	
Michael Mullen	X	
Peter O'Keefe	X	
Joseph Wargo	X	
Harry Gring	X	
Forest Hopkins	X	
James Kelly		X
Robert Kusse	X	
Nicholas Moehlmann		X
G. Sieber Pancoast	X	
John E. Scheaffer	X	
Herbert Zearfoss	X	

ROLL CALL

The Finance Committee met on June 2, 1976 to vote to report out House Bill No. 2378.

The yeas and nays were taken and were as follows:

Member	Vote
Brunner	not voting
Rhodes	yea

Dreibelbis	yea
Bonetto	not voting
Englehart	not voting
Garzia	yea
Menhorn	yea
Milliron	yea
Miscevich	yea
Mullen	yea
O'Keefe	yea
Wargo	yea
Anderson	yea
Gring	yea
Hopkins	yea
Kelly	not voting
Kusse	yea
Moehlmann	not voting
Pancoast	yea
Scheaffer	yea
Zearfoss	yea
Cianciulli	yea
Logue	yea

YEAS—18
NAYS—0
NOT VOTING—5

Mr. RENWICK, chairman of the Game and Fisheries Committee, presented the following report:

Subject: Meetings

To: Honorable Herbert Fineman
Speaker

From: William F. Renwick, Chairman
Committee on Game and Fisheries

The Committee on Game and Fisheries did not hold any meetings the week of May 31, 1976.

Mrs. KELLY, chairman of the Health and Welfare Committee, presented the following report:

Attendance Report

The Sub-Committee on Welfare met on June 1, 1976 in Room 246. The meeting started at 3:00 p.m. and adjourned at 3:30 p.m.

The roll was taken and was as follows:

Member	Present	Absent
James D. Barber	X	
George Misceovich	X	
Frank L. Oliver	X	
Stephen R. Reed	X	
Fred A. Trello	X	
Richard A. McClatchy, Jr.		X
Clarence E. Dietz		X
Benjamin H. Wilson	X	

Signed
FRANK OLIVER
Secretary

June 7, 1976

Subject: REPORT OF SUB-COMMITTEE ON WELFARE

The purpose of the meeting of the Sub-Committee on Welfare held Tuesday, June 1, 1976, was further discussion of House Resolution 87, in particular, the possibility of further hearings and the final committee report.

Attendance Report

The Health and Welfare Committee met on June 2, 1976 in Room 246. The meeting started at 11:20 a.m. and adjourned at 12:10 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Anita P. Kelly	X	
James D. Barber	X	
Theodore Berlin		X
David C. DiCarlo	X	
Thomas J. Fee	X	
Charles P. Hammock		X
J. William Lincoln	X	
William J. McLane	X	
George Misceovich	X	
Frank L. Oliver	X	
Stephen R. Reed	X	
Samuel A. Ross		X
Rose Toll	X	
Fred A. Trello	X	
Sherman L. Hill	X	
Patricia A. Crawford		X
Clarence E. Dietz		X
Charlotte D. Fawcett	X	
Richard A. McClatchy, Jr.		X
Harold J. Stahl, Jr.	X	
James J. Ustynoski		X
George O. Wagner		X
Benjamin H. Wilson	X	

Signed
FRANK OLIVER
Secretary

ROLL CALL

The Health and Welfare Committee met on June 2, 1976 to vote to report as amended House Bill No. 533, sponsored by Mr. Lincoln, seconded by Mrs. Kelly.

The yeas and nays were taken and were as follows:

Member	Vote
Anita P. Kelly	yea
James D. Barber	yea
David C. DiCarlo	yea
Thomas J. Fee	yea
J. William Lincoln	yea
William J. McLane	yea
George Misceovich	yea
Frank L. Oliver	yea
Rose Toll	yea
Fred A. Trello	yea
Sherman L. Hill	nay
Charlotte D. Fawcett	nay
Harold J. Stahl, Jr.	nay
Benjamin H. Wilson	yea

YEAS—11
NAYS—3
NOT VOTING—1

The motion passed.

Signed
FRANK OLIVER
Secretary

AMENDMENTS TO HOUSE BILL No. 538,

Printer's No. 592

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting: Providing for the licensing of boarding homes for the physically, mentally or geriatrically handicapped, establishing penalties and making an appropriation.

Amend Bill, page 1, lines 7 through 18, pages 2 through 7, lines 1 through 30; page 8, lines 1 and 2, by striking out all of said lines on all of said pages and inserting:

Section 2. Definitions.—As used in this act: "Boarder" means an individual who, because of physical, mental or geriatric handicap or disability requires, in addition to room and board, assistance or supervision in such matters as bathing, dressing, diet, and health maintenance, including but not limited to assistance in administering prescribed medications or in carrying out the directives or orders of a doctor or nurse, but who is not so handicapped or disabled that he is in need of skilled nursing home care or hospitalization.

"Boarding home" means any institution or facility, however named, which is operated for profit or otherwise and which houses two or more boarders unrelated to the operator of the institution or facility including personal care homes for adults.

"Department" means the Department of Health of the Commonwealth of Pennsylvania.

"Operator" means the individual having ultimate responsibility for the general management, daily operation and maintenance of a boarding home.

"Owner" means the person having ultimate financial control and responsibility for the general operation of the boarding home.

"Team" means a group of three individuals consisting of one each from the Department of Health, the Department of Welfare, and the Department of Labor and Industry, or designated representatives thereof.

Section 3. License Required.—Effective January 1, 1979, it shall be unlawful for any person to operate within this Commonwealth, for profit or otherwise, a boarding home without a license as hereinafter required; but, this act shall not be construed to apply to any State or State-aided institution licensed by the Department of Welfare or the Department of Health under other statutes.

Section 4. Application for a License.—Effective January 1, 1977 and thereafter, every owner desiring to operate a boarding home within the Commonwealth shall file an application for a license with the department and pay the appropriate fee as prescribed herein. The application shall be on a form prescribed, prepared and furnished by the department, and, together with such other information as the department shall require, shall state:

(1) The name and address of the applicant and of the person who will be the operator of the boarding home, if different from the applicant. If the applicant is a copartnership, association or corporation, the application shall also state the names and addresses of all the partners and officers, as the case may be.

(2) The location of the boarding home and, if the applicant is a copartnership, association or corporation, the state of organization or incorporation.

(3) The type and extent of facilities of the boarding home for providing care, service or assistance, including sanitary and fire protection facilities.

Section 5. Application Fee.—Effective January 1, 1977 and thereafter, the fee for application for a license shall be as follows:

January 1, 1977 through December 31, 1977 \$100
 January 1, 1978 through December 31, 1978 200
 January 1, 1979 and thereafter 300
 The application fee shall be paid with the submission of the application for a license, and shall be nonrefundable, and shall be paid into the State Treasury through the Department of Revenue.

Section 6. Prelicensure Investigation.—(a) Prior to the issuance of a license, the department shall cause a thorough investigation to be made as to the qualification of the applicant and, if the applicant is a copartnership, association or corporation, of all the officers or partners, as the case may be, and of the person designated in the application as the proprietor of the boarding home, the adequacy of the facilities of the home to furnish the type of care, services, supervision and assistance specified in the application and by the department, the sanitary and fire protection facilities, the reasonableness of rates charged to boarders and any other matter or thing which the department finds to be reasonable and necessary for the proper operation of a boarding home and the adequate protection of the life, health and safety of the boarders.

(b) The department shall promulgate rules and regulations necessary to carry out its responsibilities under this act. The department shall further designate and supervise a team, whose responsibility it will be to carry out the department's responsibilities as designated in subsection (a). The members of this team shall be appointed by the secretaries of their respective departments.

Section 7. Issuance of License; Term and Content of License; Payment of Fee.—(a) The department, when satisfied through its prelicensure investigation, that the applicant for such license, and the proprietor named in the application, if different from the applicant, meets the standards and requirements as set forth in this act or as determined by the department, that the place sought to be used as a boarding home is suitable for such purpose and is properly equipped therefor, and when all requirements of this act have been complied with, shall issue a license to the applicant, upon payment of a license fee of \$500 which shall be paid into the State Treasury through the Department of Revenue.

(b) All licenses issued by the department under this act shall expire one year next following the day on which issued, shall be on a form prescribed by the department, shall not be transferable with respect to either the applicant or the facility, shall specify the maximum number of boarders who may be cared for in the facility at any one time, shall be posted in a conspicuous place on the premises used as a boarding home, and may be renewed from year to year upon payment of the license fee as prescribed in this act.

(c) The department may, upon its own initiative, and shall upon written complaint, cause a reinvestigation to be made of any boarding home as prescribed in section 6, prior to issuing a renewal of the original license.

Section 8. Provisional Licenses.—(a) When there has been substantial but not complete compliance with all applicable statutes, ordinances and regulations and when the applicant has taken, or is taking appropriate steps to correct deficiencies, the department shall issue a provisional license for a specified period of not more than six months which may be renewed once.

(b) A provisional license shall be issued upon payment of a \$250 provisional license fee, such fee not being applied toward a regular license or another provisional license. Upon full compliance, a regular license shall be issued immediately by the department upon payment of the regular license fee.

(c) The department shall be responsible for providing technical assistance and advice to those persons who are eligible, or who desire to become eligible, for such a provisional license to correct deficiencies, fulfill the requirements of all applicable statutes, ordinances and regulations and to achieve eligibility for a provisional, and, ultimately, for a regular license.

Section 9. Revocation of Licenses.—(a) Whenever the department shall, upon inspection, investigation or written complaint, learn of any violation of this act or of the

rules and regulations adopted by the department, or of any failure to establish, provide or maintain the standards and facilities required by this act or by the department, shall give written notice to the offending licensee.

(b) Upon receipt of written notice from the department, the offending licensee shall have 60 days to bring said violations into conformity with those prescribed by this act or by the department. The department may revoke the license of said licensee if said violations do not cease within the prescribed period of time.

(c) The department, where the violations of which notice was given do not present an imminent danger to the life, health and safety of a boarder or boarders and where the licensee is taking appropriate steps to correct said violations, may grant no more than two additional extensions of time, not to exceed 60 days each, for an offending licensee to correct deficiencies or bring standards and facilities into conformity with the requirements of the law.

(d) The department, in all instances where a license of a boarding home is revoked, shall have the responsibility of relocating all boarders into facilities meeting the requirements of this act, prior to the closing of the offending boarding home.

Section 10. Penalties for Operation Without a License.—Any person, or any or all officers or partners of any copartnership, association or corporation maintaining or operating within the Commonwealth of Pennsylvania a boarding home, for profit or otherwise, without a license as required by this act shall be guilty of a misdemeanor of the third degree and a second or subsequent violation shall be guilty of a misdemeanor of the first degree.

Section 11. Rules and Regulations; Visitation and Inspection.—(a) The department shall make and enforce rules and regulations for issuance of such licenses, for the proper maintenance, operation and conduct of such boarding homes, and shall make and enforce rules and regulations for the removal of such licenses based upon examination, inspection and violation of any such rules and regulations by all such boarding homes.

(b) The department or its duly authorized representatives shall have free and full access to the grounds, premises and buildings and to the records of any boarding home licensed or for which an application for a license has been made under this act, and full opportunity to question or interview any boarder or boarders thereof to insure that the boarding home licensed under this act is being operated in compliance with all applicable rules and regulations. All proprietors and other persons connected with such homes, such as officers or partners of a copartnership, association or corporation which operates such a boarding home, are hereby directed to give the department or its duly authorized representatives such means, facilities and opportunity as necessary to enable the department to carry out such visitation, examination, inspection and interviewing as provided by this act and any rules and regulations adopted by the department pursuant hereto.

(c) All such visitations, examinations, inspections and interviews shall be conducted at reasonable times, unless the department has reason to believe that an immediate visitation, examination, inspection or interview is necessary to prevent or alleviate an imminent danger to the life, health or safety of a boarder or boarders.

(d) The department or its duly authorized representatives, upon written complaint or upon reasonable cause to suspect that a facility is being illegally operated as a boarding home, shall have the power with a search warrant to enter and inspect said premise in the same manner as prescribed in subsections (b) and (c).

Section 12. Duty to Report Suspected Violations.—(a) The following persons and officials are required to report to the department when they have reasonable cause to suspect that a boarding home is being operated in violation of this act: all officers and employees of any city, county or State agency, department, commission or institution. Such persons shall include, but not be limited to, police officers, fire department employees and adult services workers.

(b) Any person may make such a report if such person has reasonable cause to suspect that a boarding home is being operated in violation of this act.

Section 13. Penalty for Failure to Report.—Any person or official required by this act to report suspected violations and who willfully fails to do so shall be guilty of a summary offense.

Section 14. Unlawful Referrals and Transfers.—It shall be unlawful for any official or employee, of any State, State-aided or municipal department, agency, commission, or institution or of an institution district to refer or transfer any individual to a boarding home if the official or employee knows that such home is not licensed as required by this act.

Section 15. Penalty for Unlawful Referral or Transfer.—Any person who makes a referral or transfers an individual in violation of this act shall be guilty of a summary offense.

Section 16. Appropriation.—The sum of \$750,000 is hereby appropriated to the Department of Health for the establishment of all services and responsibilities as prescribed in this act.

Section 17. City and County Health Departments.—In areas which have or establish a city or county department of health, such city or county departments are hereby authorized to contract with the department to perform the services and functions prescribed by this act; and, upon so contracting, such city or county department shall receive from the department such funds as are necessary to carry out the services and functions prescribed by this act in the city or county where situated. The city or county shall maintain the standards and regulations adopted by the department.

Section 18. Repeals.—Sections 921 and 1001, act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," are repealed as to personal care homes for adults and boarding homes for adults which provide personal care and services.

Section 19. Effective Date.—This act shall take effect January 1, 1977.

ROLL CALL

The Health and Welfare Committee met on June 2, 1976 to vote to hold for further hearings House Bill No. 538, sponsored by Mr. McLane, seconded by Mrs. Toll.

The yeas and nays were taken and were as follows:

Member	Vote
Anita P. Kelly	nay
James D. Barber	nay
David C. DiCarlo	nay
Thomas J. Fee	nay
J. William Lincoln	nay
William J. McLane	yea
George Misceovich	yea
Frank L. Oliver	nay
Rose Toll	yea
Fred A. Trello	yea
Sherman L. Hill	yea
Harold J. Stahl, Jr.	yea
Benjamin H. Wilson	nay

YEAS—6

NAYS—7

NOT VOTING—2

The motion failed.

Signed
FRANK OLIVER
Secretary

ROLL CALL

The Health and Welfare Committee met on June 2,

1976 to vote to report as amended House Bill No. 620, sponsored by Mr. McLane, seconded by Mr. Oliver.

The yeas and nays were taken and were as follows:

Member	Vote
Anita P. Kelly	yea
James D. Barber	yea
David C. DiCarlo	yea
Thomas J. Fee	yea
J. William Lincoln	yea
William J. McLane	yea
George Misceovich	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
Rose Toll	yea
Fred A. Trello	yea
Sherman L. Hill	yea
Charlotte D. Fawcett	yea
Benjamin H. Wilson	yea

YEAS—14

NAYS—0

NOT VOTING—1

The motion passed.

Signed
FRANK OLIVER
Secretary

AMENDMENTS TO HOUSE BILL No. 620,

Printer's No. 698

Amend Sec. 1 (Sec. 704), page 1, lines 11 through 19, page 2, lines 1 through 12, by striking out all of said lines and inserting:

Section 704. Annual Grants.—(a) The department shall make annual grants to county institution districts or their successors to defray part or all, as the case may be, of the cost of child welfare programs authorized by law and developed jointly with the department in [an amount up to sixty percent] the following amounts of the total of all such approved expenditures for all county institution districts or their successors:

(1) Until June 30, 1974, no more than sixty percent.

(2) From July 1, 1974 to June 30, 1975, no more than seventy-five percent.

(3) From July 1, 1975 to June 30, 1976, no more than ninety percent.

(b) In the event that sufficient State funds to pay the full amount of the grants to which county institution districts or their successors may be entitled under the provisions of this section have not been appropriated, the department shall distribute State funds among the county institution districts or their successors by a formula reasonably designed to achieve the objectives of section 701 of this article.

ROLL CALL

The Health and Welfare Committee met on June 2, 1976 to vote to adopt amendments to House Bill No. 620, sponsored by Mr. McLane, seconded by Mr. Oliver.

The yeas and nays were taken and were as follows:

Member	Vote
Anita P. Kelly	yea
James D. Barber	yea
David C. DiCarlo	yea
Thomas J. Fee	yea
J. William Lincoln	yea
William J. McLane	yea

George Misceovich yea
 Frank L. Oliver yea
 Stephen R. Reed yea
 Rose Toll yea
 Fred A. Trello yea
 Sherman L. Hill yea
 Charlotte D. Fawcett yea
 Benjamin H. Wilson yea

YEAS—14
 NAYS—0
 NOT VOTING—1

The motion passed.

Signed
 FRANK OLIVER
 Secretary

AMENDMENTS TO HOUSE BILL No. 620,
 Printer's No. 698

Amend Sec. 1 (Sec. 704), page 1, lines 11 through 19, page 2, lines 1 through 12, by striking out all of said lines and inserting:

Section 704. Annual Grants.—(a) The department shall make annual grants to county institution districts or their successors to defray part or all, as the case may be, of the cost of child welfare programs authorized by law and developed jointly with the department in [an amount up to sixty percent] the following amounts of the total of all such approved expenditures for all county institution districts or their successors:

- (1) Until June 30, 1974, no more than sixty percent.
- (2) From July 1, 1974 to June 30, 1975, no more than seventy-five percent.
- (3) From July 1, 1975 to June 30, 1976, no more than ninety percent.

(b) In the event that sufficient State funds to pay the full amount of the grants to which county institution districts or their successors may be entitled under the provisions of this section have not been appropriated, the department shall distribute State funds among the county institution districts or their successors by a formula reasonably designed to achieve the objectives of section 701 of this article.

ROLL CALL

The Health and Welfare Committee met on June 2, 1976 to vote to report as amended House Bill No. 2252, sponsored by Mr. Oliver, seconded by Mr. McLane.

The yeas and nays were taken and were as follows:

Member	Vote
Anita P. Kelly	yea
James D. Barber	yea
David C. DiCarlo	yea
Thomas J. Fee	yea
J. William Lincoln	yea
William J. McLane	yea
George Misceovich	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
Rose Toll	yea
Fred A. Trello	yea
Sherman L. Hill	yea
Charlotte D. Fawcett	yea
Benjamin H. Wilson	yea

YEAS—14
 NAYS—0
 NOT VOTING—1

The motion passed.

Signed
 FRANK OLIVER
 Secretary

AMENDMENTS TO HOUSE BILL No. 2252,
 Printer's No. 2970

Amend Title, page 1, line 4, by removing the period after "pensions" and inserting: and providing for a pension for certain disabled persons.

Amend Sec. 1, page 1, line 7, by striking out "Clause" and inserting: The article heading of Article V and clause Amend Sec. 1, page 1, line 9, by inserting after "Code,"": clause (3) of section 506 and section 507,

Amend Sec. 1, page 1, by inserting between lines 10 and 11:

ARTICLE V

STATE BLIND AND DISABLED PENSION

* * *

Amend Sec. 1 (Sec. 507), page 2, by inserting between lines 9 and 10:

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

Section 516. Eligibility for Disability Pension.—The department shall provide a State disability pension to a person who receives supplemental security income for the disabled pursuant to Title XVI of the Federal Social Security Act provided that he has an actual annual income of his own of less than three thousand eight hundred dollars (\$3800).

Section 517. Amount of Pension.—The amount paid after the effective date of this act to an eligible disabled person having an actual annual income of his own of two thousand seven hundred twenty dollars (\$2720) or less shall be ninety dollars (\$90) monthly, and the monthly amount paid to any other eligible disabled person shall be fixed in such amount that the sum of his actual annual income and State disability pension equals three thousand eight hundred dollars (\$3800) per year.

Amend Sec. 2, page 2, line 10, by striking out "2" and inserting: 3

ROLL CALL

The Health and Welfare Committee met on June 2, 1976 to vote to adopt amendment to House Bill No. 2252, sponsored by Mr. McLane, seconded by Mr. Oliver.

The yeas and nays were taken and were as follows:

Member	Vote
Anita P. Kelly	yea
James D. Barber	yea
David C. DiCarlo	yea
Thomas J. Fee	yea
J. William Lincoln	yea
William J. McLane	yea
George Misceovich	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
Rose Toll	yea
Fred A. Trello	yea
Sherman L. Hill	yea
Charlotte D. Fawcett	yea
Benjamin H. Wilson	yea

YEAS—14
 NAYS—0
 NOT VOTING—1

The motion passed.

Signed
FRANK OLIVER
Secretary

AMENDMENTS TO HOUSE BILL No. 2252,
Printer's No. 2970

Amend Title, page 1, line 4, by removing the period after "pensions" and inserting: and providing for a pension for certain disabled persons.

Amend Sec. 1, page 1, line 7, by striking out "Clause" and inserting: The article heading of Article V and clause

Amend Sec. 1, page 1, line 9, by inserting after "Code,"; clause (3) of section 506 and section 507,

Amend Sec. 1, page 1, by inserting between lines 10 and 11:

ARTICLE V

STATE BLIND AND DISABLED PENSION

* * *

Amend Sec. 1 (Sec. 507), page 2, by inserting between lines 9 and 10:

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

Section 516. Eligibility for Disability Pension.—The department shall provide a State disability pension to a person who receives supplemental security income for the disabled pursuant to Title XVI of the Federal Social Security Act provided that he has an actual annual income of his own of less than three thousand eight hundred dollars (\$3800).

Section 517. Amount of Pension.—The amount paid after the effective date of this act to an eligible disabled person having an actual annual income of his own of two thousand seven hundred twenty dollars (\$2720) or less shall be ninety dollars (\$90) monthly, and the monthly amount paid to any other eligible disabled person shall be fixed in such amount that the sum of his actual annual income and State disability pension equals three thousand eight hundred dollars (\$3800) per year.

Amend Sec. 2, page 2, line 10, by striking out "2" and inserting: 3

ROLL CALL

The Health and Welfare Committee met on June 2, 1976 to vote to report as amended Senate Bill No. 954, sponsored by Mr. McLane, seconded by Mr. Lincoln.

The yeas and nays were taken and were as follows:

Member	Vote
Anita P. Kelly	yea
James D. Barber	yea
David C. DiCarlo	yea
Thomas J. Fee	yea
J. William Lincoln	yea
William J. McLane	yea
George Misceovich	yea
Frank L. Oliver	yea
Rose Toll	yea
Fred A. Trello	yea
Sherman L. Hill	yea
Charlotte D. Fawcett	yea
Benjamin H. Wilson	yea

YEAS—13
NAYS—0
NOT VOTING—2

The motion passed.

Signed
FRANK OLIVER
Secretary

AMENDMENTS TO SENATE BILL No. 954,
Printer's No. 1100

Amend Sec. 1, page 2, line 14, by striking out "and thereafter"

Amend Sec. 1, page 2, line 18, by removing the period after "care" and inserting: : And provided further, That for the fiscal year 1978-79, the obligations of the counties shall be the amounts so certified representing aid to dependent children foster care as computed above plus one-quarter of the amount so certified above for public nursing home care: And provided further, That for fiscal year 1979-80 and thereafter, the obligations of the counties shall be the amounts so certified representing aid to dependent children foster care as computed above plus one-tenth of the amount so certified above for public nursing home care.

ROLL CALL

The Health and Welfare Committee met on June 2, 1976 to vote to adopt amendment to Senate Bill No. 954, sponsored by Mr. McLane, seconded by Mrs. Kelly.

The yeas and nays were taken and were as follows:

Member	Vote
Anita P. Kelly	yea
James D. Barber	yea
David C. DiCarlo	yea
Thomas J. Fee	yea
J. William Lincoln	yea
William J. McLane	yea
George Misceovich	yea
Frank L. Oliver	yea
Rose Toll	yea
Fred A. Trello	yea
Sherman L. Hill	yea
Charlotte D. Fawcett	yea
Benjamin H. Wilson	yea

YEAS—13
NAYS—0
NOT VOTING—2

The motion passed.

Signed
FRANK OLIVER
Secretary

AMENDMENTS TO SENATE BILL No. 954,
Printer's No. 1100

Amend Sec. 1, page 2, line 14, by striking out "and thereafter"

Amend Sec. 1, page 2, line 18, by removing the period after "care" and inserting: : And provided further, That for the fiscal year 1978-79, the obligations of the counties shall be the amounts so certified representing aid to dependent children foster care as computed above plus one-quarter of the amount so certified above for public nursing home care: And provided further, That for fiscal year 1979-80 and thereafter, the obligations of the counties shall be the amounts so certified representing aid to dependent children foster care as computed above plus one-tenth of the amount so certified above for public nursing home care.

Mr. VALICENTI, chairman of the Labor Relations Committee, presented the following report:

June 7, 1976

Subject: Labor Relations Committee Meetings

To: Honorable Herbert Fineman
Speaker

From: A. Joseph Valicenti, Chairman
Labor Relations Committee

There were no committee meetings held by the House Labor Relations Committee during the week of June 2, 1976.

Mr. ECKENSBERGER, chairman of the Law and Justice Committee, presented the following report:

June 7, 1976

Subject: Law and Justice Committee

To: The Honorable Herbert Fineman, Speaker

From: William H. Eckensberger, Jr.

Please be advised that the Committee on Law and Justice held no meetings during the week of June 1, 1976.

Mr. GREENFIELD, chairman of the Liquor Control Committee, presented the following report:

Attendance Report

The Liquor Control Committee met on June 1, 1976 in Room 401, Main Capitol. The meeting started at 12:00 p.m. and adjourned at 1:05 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Roland Greenfield	X	
Joel Johnson		
William Rieger	X	
Anthony DiDonato		
Raymond Lederer	X	
Thomas McCall	X	
Fred Milanovich	X	
Michael Myers		
Peter O'Keefe	X	
Joseph Petrarca	X	
Max Pievsky		
James M. McIntyre	X	
Ulysses Shelton	X	
John Wansacz		
James Gallen	X	
Richard Cessar	X	
James Cumberland		
George Hasay	X	
Forest Hopkins	X	
Alvin Katz		
Patrick McGinnis	X	
Nicholas Moehlmann	X	
Frank Salvatore	X	

Mr. Katz was excused because of conflicting duties. Mr. McGinnis was represented by proxy.

Signed
WILLIAM W. RIEGER
Secretary

ROLL CALL

The Liquor Control Committee met on June 1, 1976 to vote to table House Bill No. 963, Printer's No. 1101, sponsored by Mr. Salvatore, seconded by Mr. Lederer.

The yeas and nays were taken and were as follows:

Member	Vote
Roland Greenfield	nay
Joel Johnson	not voting
William Rieger	nay
Anthony DiDonato	not voting
Raymond Lederer	yea
Thomas McCall	yea
Fred Milanovich	nay
Michael Myers	not voting
Peter O'Keefe	yea
Joseph Petrarca	yea
Max Pievsky	not voting
James M. McIntyre	yea
Ulysses Shelton	nay
John Wansacz	not voting
James Gallen	yea
Richard Cessar	yea
James Cumberland	not voting
George Hasay	yea
Forest Hopkins	yea
Alvin Katz	not voting
Patrick McGinnis	yea
Nicholas Moehlmann	yea
Frank Salvatore	yea

YEAS—12

NAYS—4

NOT VOTING—7

The motion was tabled.

Signed
WILLIAM W. RIEGER
Secretary

ROLL CALL

The Liquor Control Committee met on June 1, 1976 to vote to report out as committed Senate Bill No. 516, Printer's No. 535, sponsored by Mr. Moehlmann, seconded by Mr. Hopkins.

The yeas and nays were taken and were as follows:

Member	Vote
Roland Greenfield	yea
Joel Johnson	not voting
William Rieger	nay
Anthony DiDonato	not voting
Raymond Lederer	nay
Thomas McCall	yea
Fred Milanovich	yea
Michael Myers	not voting
Peter O'Keefe	nay
Joseph Petrarca	yea

Max Pievsky	not voting
James M. McIntyre	nay
Ulysses Shelton	nay
John Wansacz	not voting
James Gallen	yea
Richard Cessar	yea
James Cumberland	not voting
George Hasay	yea
Forest Hopkins	yea
Alvin Katz	not voting
Patrick McGinnis	nay
Nicholas Moehlmann	yea
Frank Salvatore	nay

YEAS—9
 NAYS—7
 NOT VOTING—7

The motion failed.

Signed
 WILLIAM W. RIEGER
 Secretary

ROLL CALL

The Liquor Control Committee met on June 1, 1976 to vote to table House Bill No. 2377, Printer's No. 3193, sponsored by Mr. Milanovich, seconded by Mr. Rieger.

The yeas and nays were taken and were as follows:

Member	Vote
Roland Greenfield	yea
Joel Johnson	not voting
William Rieger	yea
Anthony DiDonato	not voting
Raymond Lederer	yea
Thomas McCall	yea
Fred Milanovich	yea
Michael Myers	not voting
Peter O'Keefe	yea
Joseph Petrarca	yea
Max Pievsky	not voting
James M. McIntyre	yea
Ulysses Shelton	yea
John Wansacz	not voting
James Gallen	nay
Richard Cessar	nay
James Cumberland	not voting
George Hasay	yea
Forest Hopkins	nay
Alvin Katz	not voting
Patrick McGinnis	nay
Nicholas Moehlmann	yea
Frank Salvatore	nay

YEAS—11
 NAYS—5
 NOT VOTING—7

The motion was tabled.

Signed
 WILLIAM W. RIEGER
 Secretary

ROLL CALL

The Liquor Control Committee met on June 1, 1976

to vote to retain in Committee House Bill No. 1732, Printer's No. 2179, sponsored by Mr. Greenfield, seconded by Mr. O'Keefe.

The yeas and nays were taken and were as follows:

Member	Vote
Roland Greenfield	yea
Joel Johnson	not voting
William Rieger	yea
Anthony DiDonato	not voting
Raymond Lederer	yea
Thomas McCall	yea
Fred Milanovich	yea
Michael Myers	not voting
Peter O'Keefe	yea
Joseph Petrarca	yea
Max Pievsky	not voting
James M. McIntyre	yea
Ulysses Shelton	yea
John Wansacz	not voting
James Gallen	yea
Richard Cessar	yea
James Cumberland	not voting
George Hasay	yea
Forest Hopkins	yea
Alvin Katz	not voting
Patrick McGinnis	yea
Nicholas Moehlmann	yea
Frank Salvatore	yea

YEAS—16
 NAYS—0
 NOT VOTING—7

The motion passed.

Signed
 WILLIAM W. RIEGER
 Secretary

Mr. FRYER, chairman of the Local Government Committee, presented the following report:

June 7, 1976

Subject: Local Government Committee Meeting

To: Honorable Herbert Fineman, Speaker

From: Representative Lester K. Fryer, Chairman
 Room 149 ext. 3-8683

Please be advised that the Local Government Committee held a brief meeting called upon the recess of the House on Wednesday, June 2, 1976, for the purpose of discussing the public hearings on the Boundary Law. There was no attendance or roll call taken.

Mr. DeMEDIO, chairman of the Military and Veterans Affairs Committee, presented the following report:

Tuesday, June 7, 1976

Mr. Speaker:

Our Military and Veterans Affairs Committee did not

meet the week of May 31st to June 4th, due to a voting session of the House of Representatives.

Sincerely,
WILLIAM O. SHUMAN
Secretary

Mr. O'BRIEN, chairman of the Mines and Energy Management Committee, presented the following report:

June 7, 1976

Subject: Report of Committee—Mines and Energy Management

To: The Honorable Herbert Fineman
The Speaker

From: Bernard F. O'Brien, Chairman
James Wright, Minority Chairman

The Mines and Energy Management Committee did not hold any meetings during the week of June 1, 1976.

Mr. SHELTON, chairman of the Professional Licensure Committee, presented the following report:

Mr. Speaker:

The Professional Licensure Committee had a meeting on Tuesday, June 1, 1976 at 12:30 P.M. in Room 246. Attached are roll call sheets together with the amendments.

ULYSSES SHELTON,
Chairman

ROLL CALL

The Professional Licensure Committee met on June 1, 1976 to vote as amended House Bill No. 1024, Printer's No. 1175, sponsored by Mr. Ruggiero, seconded by Mr. Polite.

The yeas and nays were taken and were as follows:

Member	Vote
Ulysses Shelton	yea
William W. Rieger	yea
Philip Ruggiero	yea
Anita P. Kelly	yea
Emil Mrkonic	nay
C. L. Schmitt	yea
Fraak Oliver	yea
Reid Bennett	yea
Bernard Dombrowski	yea
Samuel Ross	yea
Phyllis Kernick	yea
Robert Ravenstahl	yea
George G. Williams	yea
Matthew J. Cianciulli	yea
H. Joseph Hepford	yea
David S. Hayes	not voting
William K. Klingaman, Sr.	yea
Fortunato N. Perri	not voting
Lee C. Taddonio	nay

Roosevelt Polite yea
Harry H. Gring not voting
Patricia Crawford yea

YEAS—17
NAYS—2
NOT VOTING—3

The motion passed.

Signed
PHILIP S. RUGGIERO
Secretary

AMENDMENTS TO HOUSE BILL No. 1024,
Printer's No. 3328

Amend Sec. 4, page 6, line 11 by removing the period after "period" and inserting: , two of whom shall be public members, and the Commissioner of Professional and Occupational Affairs.

Amend Sec. 4, page 6, line 12 by inserting after "board": , except the commissioner,

Amend Sec. 4, page 6, line 15 by inserting after "members": , except the commissioner,

Amend Sec. 4, page 6, line 19 by inserting after "member": , except the commissioner,

Amend Sec. 4, page 7, line 1 by inserting after "members": and the commissioner

Amend Sec. 4, page 7, line 5 by inserting after "board": , except the commissioner,

Amend Sec. 4, page 7, line 12 by inserting after "board": , except the commissioner,

Amend Sec. 4, page 7, line 13 by inserting after "member" where it appears the second time: , except the commissioner,

Attendance Report

The Professional Licensure Committee met on June 1, 1976 in Room 246. The meeting started at 12:30 p.m. and adjourned at 1:10 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Ulysses Shelton	X	
William Rieger	X	
Philip Ruggiero	X	
George G. Williams	X	
Anita Kelly	X	
Robert Ravenstahl	X	
Emil Mrkonic	X	
C. L. Schmitt	X	
Frank Oliver	X	
Reid Bennett	X	
Bernard Dombrowski	X	
Samuel Ross	X	
Phyllis Kernick	X	
Matthew J. Cianciulli	X	
H. Joseph Hepford	X	
David S. Hayes		X
William K. Klingaman	X	
Fortunato N. Perri		X
Lee C. Taddonio	X	
Roosevelt Polite	X	
Harry H. Gring		X
Patricia Crawford	X	

Signed
PHILIP S. RUGGIERO
Secretary

ROLL CALL

The Professional Licensure Committee met on June 1, 1976 to vote as amended House Bill No. 2422, Printer's No. 3281, sponsored by Mr. Bennett, seconded by Mr. Ruggiero.

The yeas and nays were taken and were as follows:

Member	Vote
Ulysses Shelton	yea
William W. Rieger	yea
Philip Ruggiero	yea
Anita P. Kelly	yea
Emil Mrkonic	nay
C. L. Schmitt	yea
Frank Oliver	yea
Reid Bennett	yea
Bernard Dombrowski	yea
Samuel Ross	yea
Phyllis Kernick	yea
Robert Ravenstahl	yea
George G. Williams	yea
Matthew J. Cianciulli	yea
H. Joseph Hepford	yea
David S. Hayes	not voting
William K. Klingaman, Sr.	yea
Fortunato N. Perri	not voting
Lee C. Taddonio	yea
Roosevelt Polite	yea
Harry H. Gring	not voting
Patricia Crawford	yea

YEAS—18
 NAYS—1
 NOT VOTING—3

The motion passed.

Signed
 PHILIP S. RUGGIERO
 Secretary

AMENDMENTS TO HOUSE BILL No. 2422,

Printer's No. 3281

Amend Sec. 2, page 1, line 15, by removing the period after "act" and inserting: , or in the event of omission of either services or fees, the rule of similar fees for similar services shall apply.

Amend Sec. 3, page 1, line 17, by striking out "annual license" and inserting: license fee

Amend Sec. 3, page 2, line 14, by striking out "10.00" and inserting: 20.00

Amend Sec. 3, page 2, line 15, by striking out "5.00" and inserting: 20.00

Amend Sec. 3, page 2, line 18, by striking out "Office" and inserting: Branch office

Amend Sec. 3, page 2, line 20, by striking out "brokers" and inserting: all licenses

Amend Sec. 3, page 2, by inserting between lines 21 and 22:

- (ix) Corporations, biennial 25.00
- (x) Partnership, biennial 25.00
- (xi) Associate brokers, biennial 25.00

Amend Sec. 3, page 2, line 26, by striking out "See registration" and inserting: Fixed by Commissioner of Professional and Occupational Affairs

Amend Sec. 3, page 2, line 27, by striking out "See registration" and inserting: Fixed by Commissioner of Professional and Occupational Affairs

Amend Sec. 3, page 2, lines 28 through 30; page 3, lines 1 through 3, by striking out all of said lines and inserting:

- (4) Motor vehicle dealers, renewal biennial 30.00
 - (i) Motor vehicle manufacturers, renewal biennial 30.00
 - (ii) Motor vehicle wholesalers, renewal biennial 30.00
 - (iii) Motor vehicle salesmen, renewal biennial 25.00
 - (iv) Motor vehicle representatives, renewal biennial 25.00
 - (v) Motor vehicle branch offices, renewal biennial 30.00
 - (vi) Used car lots, renewal biennial 25.00
 - (vii) Manufacturers branch offices, renewal biennial 30.00
- (5) Landscape architecture
 - (i) Examination and initial 70.00
 - (ii) Renewal, biennial 45.00

Amend Sec. 3, page 3, line 5, by striking out "5.00" and inserting: 20.00

Amend Sec. 3, page 3, line 8, by striking out "25.00" and inserting: 75.00

Amend Sec. 3, page 3, line 11, by striking out "10.00" and inserting: 40.00

Amend Sec. 3, page 3, line 19, by striking out "25.00" and inserting: 40.00

Amend Sec. 3, page 3, line 24, by striking out "15.00" and inserting: 25.00

Amend Sec. 3, page 3, line 25, by striking out "20.00" and inserting: 30.00

Amend Sec. 3, page 4, line 11, by striking out "\$25.00" and inserting: \$60.00

Amend Sec. 3, page 4, line 12, by striking out "Biennial renewal" and inserting: Renewal, biennial

Amend Sec. 3, page 5, line 21, by striking out "5.00" and inserting: 20.00

Amend Sec. 3, page 5, line 23, by striking out "5.00" and inserting: 20.00

Amend Sec. 3, page 5, line 24, by striking out all of said line and inserting:

- (iv) Examination teachers 20.00

Amend Sec. 3, page 5, line 30, by striking out "Biennial renewal" and inserting: Renewal, biennial

Amend Sec. 3, page 6, line 2, by inserting after "Examination": , engineers

Amend Sec. 3, page 6, line 3, by striking out "Engineers-in-training" and inserting: Examination, engineers-in-training

Amend Sec. 3, page 6, lines 8 through 20, by striking out all of said lines and inserting:

- (24) Auctioneers
 - (i) Application for examination for auctioneer 25.00
 - (ii) Issuance of certificate of registration 45.00
 - (iii) Application for examination for apprentice auctioneer 10.00
 - (iv) Issuance of certificate of registration for apprentice auctioneer 30.00
 - (v) Renewal, biennial, auctioneer 60.00
 - (vi) Renewal, biennial of apprentice auctioneer 30.00
 - (vii) Duplicate license 10.00
 - (viii) Special license, specific auction 20.00

Amend Sec. 5, page 8, lines 16 through 18, by striking out all of said lines

Amend Sec. 5, page 8, line 19, by striking out "(21)" and inserting: (20)

Amend Sec. 5, page 8, line 21, by striking out "(22)" and inserting: (21)

Amend Sec. 5, page 8, line 23, by striking out "(23)" and inserting: (22)

Amend Sec. 5, page 8, line 25, by striking out "(24)" and inserting: (23)

ROLL CALL

The Professional Licensure Committee met on June 1, 1976 to vote as committed House Bill No. 2381, Printer's No. 3197, sponsored by Mr. Bennett, seconded by Mr. Schmitt.

The yeas and nays were taken and were as follows:

Member	Vote
Ulysses Shelton	yea
William W. Rieger	yea
Philip Ruggiero	yea
Anita P. Kelly	yea
Emil Mrkonic	yea
C. L. Schmitt	yea
Frank Oliver	yea
Reid Bennett	yea
Bernard Dombrowski	yea
Samuel Ross	yea
Phyllis Kernick	yea
Robert Ravenstahl	yea
George G. Williams	yea
Matthew J. Cianciulli	yea
H. Joseph Hepford	yea
David S. Hayes	not voting
William K. Klingaman, Sr.	yea
Fortunato N. Perri	not voting
Lee C. Taddonio	yea
Roosevelt Polite	yea
Harry H. Gring	not voting
Patricia Crawford	yea

YEAS—19
 NAYS—0
 NOT VOTING—3

Signed
 PHILIP S. RUGGIERO
 Secretary

ROLL CALL

The Professional Licensure Committee met on June 1, 1976 to vote to table for further study House Bill No. 139, Printer's No. 144, sponsored by Mr. Bennett, seconded by Mr. Ross.

The yeas and nays were taken and were as follows:

Member	Vote
Ulysses Shelton	yea
William W. Rieger	yea
Philip Ruggiero	yea
Anita P. Kelly	yea
Emil Mrkonic	yea
C. L. Schmitt	yea
Frank Oliver	yea
Reid Bennett	yea
Bernard Dombrowski	yea
Samuel Ross	yea
Phyllis Kernick	yea
Robert Ravenstahl	yea
George G. Williams	yea
Matthew J. Cianciulli	yea
H. Joseph Hepford	nay
David S. Hayes	not voting
William K. Klingaman, Sr.	nay
Fortunato N. Perri	not voting
Lee C. Taddonio	nay
Roosevelt Polite	nay
Harry H. Gring	not voting
Patricia Crawford	nay

YEAS—14

NAYS—5
 NOT VOTING—3

Signed
 PHILIP S. RUGGIERO
 Secretary

Mr. PERRY, chairman of the State Government Committee, presented the following report:

June 7, 1976

Mr. Speaker:

The State Government Committee met on June 1, 1976. Attendance and roll call sheets are attached.

Hon. PETER E. PERRY
 Chairman

Attendance Report

The State Government Committee met on June 1, 1976 in Room 115-A. The meeting started at 11:10 a.m. and adjourned at 12:15 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Peter Perry	X	
Robert Geisler	X	
Mark Cohen	X	
Ted Berlin		X
Ronald Cowell	X	
Anthony DiDonato	X	
James Green	X	
Phyllis Kernick	X	
James Manderino		X
James McIntyre	X	
William Renwick	X	
Thomas Stapleton		X
Joseph Wargo	X	
Charles Logue	X	
Benjamin Wilson	X	
Richard Cessar	X	
Charlotte Fawcett	X	
Patrick Gleason		
Samuel Hayes, Jr.	X	
Guy Kistler		X
Carmel Sirianni	X	
Earl Smith	X	
David Turner	X	

Mr. Gleason was excused because of an illness.

Signed
 PHYLLIS KERNICK
 Secretary

ROLL CALL

The State Government Committee met on June 1, 1976 to vote to consider amendments to House Bill No. 1130, Printer's No. 1298, sponsored by Mr. Renwick, seconded by Mr. Green.

The yeas and nays were taken and were as follows:

Member	Vote
Peter Perry	yea
Robert Geisler	yea
Mark Cohen	not voting
Ted Berlin	not voting
Ronald Cowell	yea
Anthony DiDonato	yea
James Green	yea
Phyllis Kernick	yea
James Manderino	not voting
James McIntyre	yea
William Renwick	yea
Thomas Stapleton	not voting
Joseph Wargo	yea
Charles Logue	not voting
Benjamin Wilson	yea
Richard Cessar	yea
Charlotte Fawcett	yea
Patrick Gleason	not voting
Samuel Hayes, Jr.	yea
Guy Kistler	not voting
Carmel Sirianni	yea
Earl Smith	yea
David Turner	yea

YEAS—17

NAYS—0

NOT VOTING—6

The motion passed.

Signed

PHYLLIS KERNICK

Secretary

AMENDMENTS TO HOUSE BILL No. 1130,

Printer's No. 1293

Amend Sec. 1 (Sec. 1101-A), page 1, lines 20 through 22; page 2, lines 1 through 24, by striking out all of said lines and inserting:

"Automatic tabulating equipment" means any apparatus which automatically examines and computes votes registered on paper ballots, ballot cards or district totals cards or votes registered electronically and which tabulates such votes.

"Ballot" means ballot cards or paper ballots upon which a voter registers or records his vote or the apparatus by which the voter registers his vote electronically and shall include any ballot envelope, paper or other material on which a vote is recorded for persons whose names do not appear on the ballot labels.

"Ballot card" means a card which is compatible with automatic tabulating equipment and on which votes may be registered.

"Ballot label" means the cards, papers, booklets, pages or other materials which contain the names of offices and candidates and the statements of questions to be voted on and which are used in conjunction with the voting device.

"Counting center" means one or more locations selected by the county board of elections for the automatic tabulation of votes.

"Custodian" shall mean the person charged with the duty of testing and preparing voting devices and automatic tabulating equipment for elections and instructing election officials in the use of such voting devices and equipment.

"District totals cards" means a card which is compatible with automatic tabulating equipment and may be used in any voting system which provides for the initial computation and tabulation of votes at the district level to record the total number of votes cast for each candidate whose name appears on the ballot, the total

number of write-in votes properly cast for each office on the ballot and the total number of votes cast for or against any question appearing on the ballot.

"Election" and "elections" shall mean all general, municipal, primary and special elections.

"Electronic voting system" means system in which one or more voting devices are used to permit the registering or recording of votes and in which such votes are computed and tabulated by automatic tabulating equipment.

"Official ballot" means the list of offices and candidates and the statement of questions reflected on the voting device.

"Paper ballot" means a printed paper ballot which conforms in layout and format to the voting device in use.

"Public counter" shall mean a counter or other element which shall at all times publicly indicate how many ballots have been cast during the course of the election.

"Question" shall mean the statement of a constitutional amendment or other proposition which is submitted to a popular vote at any election.

"Voting booth" shall mean the enclosure occupied by the voter when voting.

"Voting device" means either an apparatus in which paper ballots or ballot cards are used in connection with an implement by which a voter registers his votes with ink or other substance or by punching, or an apparatus by which such votes are registered electronically, so that in either case the votes so registered may be computed and tabulated by means of automatic tabulating equipment.

Amend Sec. 1 (Sec. 1103-A), page 4, line 4, by removing the period after "authority" and inserting: of the county.

Amend Sec. 1 (Sec. 1103-A), page 4, lines 10 through 28, by striking out all of said lines and inserting:

(f) Whenever, under the provisions of this act, the question of the adoption of an electronic voting system is to be submitted to the electors of any county, the county board of elections shall purchase, lease or otherwise procure those parts of the system used by the voter in a quantity sufficient for reasonable demonstration of the system or systems in such county prior to the general or municipal election in question.

Amend Sec. 1 (Sec. 1104-A), page 5, lines 1 through 30; page 6, lines 1 through 24, by striking out all of said lines and inserting:

voting on the question in any county vote in favor of the adoption of an electronic voting system, the county board of elections of that county shall purchase, lease, or otherwise procure for each election district of such county, the components of an electronic voting system of a kind approved, as hereinafter provided, by the Secretary of the Commonwealth, and the board shall thereafter notify the Secretary of the Commonwealth, in writing, that they have done so.

(b) The installation throughout the county of the electronic voting system adopted by the county board of elections may be accomplished either simultaneously in all election districts or in stages at the discretion of the county board, and the manner of implementation as among election districts shall also be at the discretion of the county board: Provided, however, That the electronic voting systems adopted by the county board shall be fully implemented throughout the county within one hundred and three weeks after the approval of the adoption of an electronic voting system by the electors of the county. Upon the installation of an electronic voting system in any election district, the use therein of paper ballots and of voting machines shall be discontinued, except as otherwise provided herein.

(c) If the question hereinbefore provided shall have been submitted to the qualified registered electors of the county and the majority of the electors voting thereon shall have voted favorably thereon, and if the county board of elections shall not, within one year after such vote, have executed a contract or contracts providing for the purchase, lease or other procurement of an electronic voting system for use at the general, municipal, primary or special election occurring at least one year and sixty days after such vote, then the Secretary of the Commonwealth shall forthwith in writing, notify the said county board of elections that, after the expiration of thirty days, he, under the authority of this

act, will award, make and execute such contract or contracts on behalf of the said county, unless the said county board of elections shall make and execute the same prior to the expiration of that period and shall notify him, in writing, that they have done so.

(d) If, upon the expiration of said thirty days, the county board of elections still shall not have made and executed a contract or contracts providing for the purchase, lease or other procurement of an electronic voting system as aforesaid, the Secretary of the Commonwealth, on behalf of the said county and upon the approval of the Attorney General as to form, shall thereupon award, make and execute a contract or contracts for the purchase, lease or other procurement of an electronic voting system, approved as required by this act, for each election district within such county, and the cost of such system, including the preparation and printing of specifications and all other necessary expenses incidental thereto, shall be the debt of the said county, and upon the certificate of the Secretary of the Commonwealth, it shall be the duty of the controller, if any, to allow, and of the treasurer of the county to pay, the sum out of any appropriation available therefore or out of the first unappropriated moneys that come into the treasury of the county. Provided, however, That if the Secretary of the Commonwealth shall find it impracticable to procure an electronic voting system for installation in each election district of the county for use at the election then next ensuing, he shall provide for the installation of such a system in as many election districts of the county as shall be practicable and, as soon thereafter as practicable, shall provide for the installation of such system in the remainder of the election districts of the county.

(e) Any county may, by a majority vote of its qualified registered electors cast at any general or municipal election held not earlier than one hundred and three weeks after they have voted to adopt an electronic voting system, direct the discontinuance of the use of such a system at all elections held in such county. Upon the receipt by the county board of elections of a petition signed by qualified registered electors of the county equal in number to at least twenty-five (25) per centum of the total number of electors who voted in said county at the last preceding gubernatorial election, the question for the discontinuance of the use of such an electronic voting system shall be submitted to the qualified registered electors of that county, subject to the same requirements as to the conduct of the election as is required for the submission of the question on the authorization of the use of an electronic voting system.

The question as to the discontinuance of the use of an electronic voting system shall be submitted in the following form: "Shall the use of an electronic voting system be continued in the County of"?

Amend Sec. 1 (Sec. 1105-A), page 7, line 9, by removing the period after "system"

Amend Sec. 1 (Sec. 1105-A), page 7, lines 10 through 30; page 8, lines 1 through 17, by striking out all of said lines and inserting:
therefore examined and approved by him.

(b) Upon receipt of a request for examination or re-examination of an electronic voting system as herein provided for or in the event he determines to reexamine any such system, the Secretary of the Commonwealth shall require such electronic voting system to be examined or reexamined by three examiners whom he shall appoint for that purpose, of whom one shall be an expert in patent law and the other two shall be experts in electronic computer systems, automatic tabulating equipment or such other fields as in the judgment of the Secretary of the Commonwealth shall be reasonably related to the operation of the electronic voting system under examination, and he shall require of them a written report on such system, attested by their signatures; and the Secretary of the Commonwealth himself shall examine the electronic voting system and shall make and file in his office, together with the reports of the examiners appointed by him, his own report, attested by his signature and the seal of his office, stating whether, in his opinion and in consideration of the reports of the examiners aforesaid, the system so examined can be

safely used by voters at elections as provided in this act and meets all of the requirements hereinafter set forth. If his report states that the system can be so used and meets all such requirements, such system shall be deemed approved and may be adopted for use at elections, as herein provided. With respect to any electronic voting system approved for use in this Commonwealth by the secretary, the report of the Secretary shall specify the capacity of the components of that system, the number of voters who may reasonably be accommodated by the voting devices and automatic tabulating equipment which comprise such system and the number of additional clerks, if any, that may be required based on the number of registered electors in any election district in which the voting system is to be used, such specifications being based upon the reports of the examiners and the secretary's own examination of the system. Any county which thereafter may adopt any such approved system shall provide the components of such system in a number no less than that sufficient to accommodate the voters of that county in accordance with the minimum capacity standards so prescribed by the secretary.

(c) No electronic voting system not so approved shall be used at any election, and if, upon the reexamination of any such system previously approved, it shall appear that the system so reexamined can no longer be used safely by voters at elections as provided in this act or does not meet the requirements hereinafter set forth, the approval of that system shall forthwith be revoked by the Secretary of the Commonwealth, and that system shall not thereafter be used or purchased for use in this Commonwealth.

(d) When an electronic voting system has been so approved, no improvement or change that does not impair its accuracy, efficiency or capacity or its compliance with the requirements hereinafter set forth, shall render necessary the reexamination or reapproval of such system.

(e) Neither the Secretary of the Commonwealth, nor any examiner appointed by him for the purposes prescribed by this section, nor any member of a county board of elections shall have any pecuniary interest in any electronic voting system or in any of the components thereof, or in the design, manufacture or sale thereof.

(f) Each examiner appointed hereunder shall receive a compensation of one hundred and fifty dollars (\$150) for each type of electronic system examined by him.

Amend Sec. 1 (Sec. 1107-A), page 8, lines 29 and 30; pages 9 and 10; lines 1 through 30; page 11, lines 1 through 27, by striking out all of said lines and inserting:
shall be established that such system, at the time of such examination or reexamination:

(1) Provides for voting in absolute secrecy and prevents any person from seeing or knowing for whom any voter, except one who has received or is receiving assistance as prescribed by law, has voted or is voting.

(2) Provides facilities for voting for such candidates as may be nominated and upon such questions as may be submitted.

(3) Permits each voter, at other than primary elections, to vote a straight political party ticket by one mark or act and, by one mark or act, to vote for all the candidates of one political party for presidential electors and, by one mark or act, to vote for all the candidates of one political party for every office to be voted for, and every such mark or act shall be equivalent to and shall be counted as a vote for every candidate of the political party so marked including its candidates for presidential electors, except with respect to those offices as to which the voter has registered a vote for individual candidates of the same or another political party or political body, in which case the automatic tabulating equipment shall credit the vote for that office only for the candidate individually so selected, notwithstanding the fact that the voter may not have individually voted for the full number of candidates for that office for which he was entitled to vote.

(4) Permits each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all political parties, from the nominees of any and all political bodies, and from any persons whose names are not in nomination and do not appear upon the official ballot.

(5) Permits each voter to vote for any person and any office for whom and for which he is lawfully entitled to vote, whether or not the name of such person appears upon the ballot as a candidate for nomination or election.

(6) Permits each voter to vote for as many persons for any office as he is entitled to vote for and to vote for or against any question upon which he is entitled to vote and precludes each voter from voting or from having his vote tabulated for any candidate, or upon any question, for whom or upon which he is not entitled to vote.

(7) If it is of a type that registers the vote electronically, the voting system shall preclude each voter from voting for more persons for any office than he is entitled to vote for or upon any question more than once.

(8) Precludes each voter from voting or from having his vote tabulated more than once for any candidate for the same office or upon any question, except in districts and for offices where cumulative voting is authorized by law.

(9) Permits each voter at a primary election to vote only for the candidates seeking nomination by a political party in which such voter is registered and enrolled, and for any candidate for nonpartisan nomination, and for any question upon which he is entitled to vote.

(10) If it is of a type that registers the vote electronically, the voting system shall permit each voter to change his vote for any candidate or upon any question appearing on the official ballot up to the time that he takes the final step to register his vote and to have his vote computed. If it is of a type that uses paper ballots or ballot cards to register the vote and automatic tabulating equipment to compute such votes, the system shall provide that a voter who spoils his ballot may obtain another ballot; any ballot thus returned shall be immediately cancelled and at the close of the polls shall be enclosed in an envelope marked "spoiled" which shall be sealed and returned to the county board.

(11) Is suitably designed for the purpose used, is constructed in a neat and workmanlike manner of durable material of good quality, is safely and efficiently useable in the conduct of elections and, with respect to the counting of ballots cast at each district, is suitably designed and equipped to be capable of absolute accuracy, which accuracy shall be demonstrated to the Secretary of the Commonwealth.

(12) Provides acceptable ballot security procedures and impoundment of ballots to prevent tampering with or substitution of any ballots or ballot cards.

(13) When properly operated, records correctly and computes and tabulates accurately every valid vote registered.

(14) Is safely transportable.

(15) Is so constructed that a voter may readily learn the method of operating it.

(16) If the voting system is of a type which provides for the computation and tabulation of votes at the district level, the district component of the automatic tabulating equipment shall include the following mechanisms or capabilities:

(i) A public counter, the register of which is visible from the outside of the automatic tabulating equipment component into which the ballots are entered, which shall show during any period of operation the total number of ballots entered for computation and tabulation.

(ii) A lock, or locks, by the use of which all operation of the tabulation element of the automatic tabulating equipment is absolutely prevented immediately after the polls are closed or where the tabulation of votes is completed.

(iii) It shall be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes theretofore registered for any candidate or question; and it shall preclude every person from tampering with the tabulating element.

(iv) If the number of choices recorded for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question, provided, that if

used during the period of voting it may also have the capacity to indicate to a voter that he has improperly voted for more candidates for any office than he is entitled to vote for, and in such case it shall have the capacity to permit the voter to mark a new ballot or to forego his opportunity to make such correction.

(v) It shall be equipped with an element which generates a printed record at the beginning of its operation which verifies that the tabulating elements for each candidate position and each question and the public counter are all set to zero and with an element which generates a printed record at the finish of its operation of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate whose name appears on the ballot, and the total number of votes cast for, or against, any question appearing on the ballot.

(vi) If used during voting hours, it shall be so designed that only those ballots which have write-in choices shall be subject to handling after the voter has cast his ballot; all such ballots shall be handled only at the close of the polls and only by the officers of the district election board who shall visually verify and tabulate the write-in votes cast. All ballots containing no write-in votes shall be subject to further handling, after having been cast, only by order of any court of competent jurisdiction, or judge thereof, in connection with a recount ordered in accordance with the provisions of this act, or by direction of any legislative committee to investigate and report upon contested primaries or elections affected by the use of such machines, and such data and such figures shall be examined by such committee in the presence of the officer having custody of such ballots.

(17) If the voting system is of a type which provides for the computation and tabulation of all votes at a central counting center or if it provides for the tabulation of district totals at such a central counting center, the central automatic tabulating equipment shall include the following mechanisms or capabilities:

(i) It shall be constructed so that every person is precluded from tampering with the tabulating element during the course of its operation.

(ii) If the number of choices for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question.

(iii) It shall have a means by which to verify that the tabulating elements for each candidate position and for each question are all set to zero and shall be able to generate a printed record of each election district showing the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate whose name appears on the ballot, and the total number of votes cast for, or against, any question appearing on the ballot. It shall also be capable of generating cumulative election reports.

Section 1108-A. Payment for Machines.—The county commissioners or such other authority as levies the taxes for county purposes of any county which adopts an electronic voting system shall, upon the purchase, lease or other procurement thereof, provide for payment therefor by the county: Provided, however, That bonds or other evidences of indebtedness may be issued in accordance with the provisions of the Local Government Unit Debt Act, to meet all or any appropriate part of the cost of any such system.

Amend Sec. 1 (Sec. 1108-A), page 11, line 28, by striking out "1108-A" and inserting: 1109-A

Amend Sec. 1 (Sec. 1108-A), page 12, line 4, by striking out "may" and inserting: shall

Amend Sec. 1 (Sec. 1108-A), page 13, lines 1 through 15, by striking out all of said lines and inserting:

(c) On all ballot labels the titles of offices and the names of candidates shall in all elections be arranged in columns or rows in a series of separate pages and, in primary elections, the names of candidates for an office shall appear in the order that was established under the provisions of sections 915 and 916. The office titles shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In partisan elec-

tions the party designation of each candidate shall be printed to the right or below the candidate's name. All candidates for one office shall be grouped on one page where practical; in case there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label shall clearly indicate that the list of candidates is continued on the following column or page, and so far as possible, the same number of names shall be printed on each column or page. Arrows may be used to indicate the place to vote for each candidate and for or against every question presented.

Amend Sec. 1 (Sec. 1108-A), page 13, lines 29 and 30; page 14, lines 1 through 6, by striking out all of said lines and inserting:

(f) Ballot cards, or the portion thereof on which the voter registers his vote, shall be of a size, design and stock suitable for processing by the automatic tabulating equipment used in the voting system. Each ballot card shall have an attached serially numbered perforated stub, which shall be removed by an election officer before the ballot card is deposited in the district automatic tabulating equipment or in a secure ballot box. The name of the county, and a facsimile of the signature of the members of the county board shall be printed on the ballot card stub.

Amend Bill, page 14, lines 12 through 30; pages 15 through 20, lines 1 through 30; Page 21, lines 1 through 8, by striking out all of said lines and inserting:

Section 1110-A. Supplies; Preparation of the Voting System and of Polling Places.—(a) Prior to any election in which an electronic voting system is to be used, the county board of elections shall furnish to each election district, at the expense of the county, the elements of such voting system, including voting devices, automatic tabulating equipment, ballot boxes, ballot labels, ballots, ballot envelopes, forms of certificates, returns and other records and supplies, as are necessary for the proper operation of the voting system at the election district level or as are required under the provisions of this act, all of which shall be in the form and according to the specifications prescribed from time to time by the Secretary of the Commonwealth.

(b) Unless the voting device itself enables the voter to register his vote in secret, the county board of elections shall provide voting booths for each election district, which shall be of a size and design which shall enable the voter to register his vote in secret. The county board shall determine the number of voting devices and voting booths to be provided in each such district in order to satisfy the minimum capacity standards prescribed by the Secretary of the Commonwealth.

(c) The county board of elections shall appoint a custodian of the electronic voting system and such deputy custodians as may be necessary, and it shall be the duty of such custodians to prepare the voting system and all of its components for use in any election in which such system is employed. Each custodian and deputy custodian shall receive from the county, for each day he is actually employed under the provisions of this act, such compensation as shall be fixed by the county board of elections. Such custodian shall, under the direction of the county board of elections, have charge of and represent the county election board during the preparation of the electronic voting system as required by this act, and he and the deputy custodians, whose duty it shall be to assist him in the discharge of his duties, shall serve at the pleasure of the county board of elections. Each custodian shall take the constitutional oath of office, which shall be filed with the county board of elections.

(d) On or before the fortieth day preceding any election, the county board of elections shall mail to the chairman of the county committee of each political party which shall be entitled under existing laws to participate in primary elections within the county, and to the chairman or presiding officer of any organization of citizens within the county which has as its purpose or among its purposes the investigation or prosecution of election frauds and which has registered its name and address and the names of its principal officers with the county board of elections at least fifty days before the election, a written notice stating the times when and the place or

places where preparation of the system and its components for use in the several election districts in the county will be started. One representative of each such political party, certified by the respective chairman of the county committee of such party, and one representative of each such organization of citizens, certified by the respective chairman or presiding officer of such organization shall be entitled to be present during the preparation of the voting system and its components and to see that they are properly prepared and are in proper condition and order for use: Provided, however, That such representatives shall not interfere with the preparation of the system and its components, and the county board may make reasonable rules and regulations governing the conduct of such representatives.

(e) Prior to the delivery of any automatic tabulating equipment to any election district the county board of elections shall examine or cause to have examined such equipment and shall make a certificate stating:

(1) the identifying number and election district designation of the equipment;

(2) that the equipment is suitable for use in the particular election district designated;

(3) that the equipment has been tested to ascertain that it will accurately compute the votes cast for all offices and all questions;

(4) that the offices and questions on the official ballot correspond in all respects with the ballot labels assigned to such particular election district;

(5) that the element which generates a printed record that the public counter and the tabulating element for each candidate position and each question are all set at zero and which generates a printed record of the results of the election is functioning correctly and;

(6) the number on the seal with which the equipment is sealed.

(f) At least one hour before the time set for the opening of the polls at each election, the county board of elections shall deliver to each election district any district components of the electronic voting system and any supplies necessary to prepare the automatic tabulating equipment for operation in the district, and they shall position such automatic tabulating equipment for proper use in voting. Any tabulating equipment so placed shall remain locked and sealed until its examination and preparation immediately preceding its use as prescribed by this act.

(g) The members of the district election board shall arrive at the polling place at least one-half hour before the opening of the polls. Prior to the commencement of the election, the district election board shall inspect the district components of the electronic voting system to see that they are in proper working order, and they shall check all ballots, supplies, records and forms and shall post the sample ballots, the cards of instruction and the notices of penalties. If the voting system provides for the initial computation and tabulation of votes at the district level during voting hours, the district election board shall also break the seal on the automatic tabulating equipment and insure that the equipment is properly prepared for the particular election district designated, and the district board shall then determine that the tabulating element for each candidate position and for each question and the public counter are all set to zero. If the system provides for tabulation of ballots after the polls are closed, such test shall be conducted immediately prior to its actual use. If any such element or counter is not set to zero, the district election board shall immediately notify the county board of elections which shall forthwith cause one of its representatives to ascertain and correct any error. Thereupon, a zero print-out sheet or an appropriate certificate by the district election board reflecting its examination shall be posted on the wall of the polling place by the district election board and such sheet or certificate shall remain posted until the polls are closed. At the close of the polls, the district election board shall deliver such sheet or certificate together with the election returns to the county board of elections.

Section 1111-A. Instruction of Voters.—(a) During the thirty days next preceding an election at which any

electronic voting system is to be used, the county board of elections shall place on public exhibition, in such public places and in such quantity and at such times as it shall deem most suitable for the instruction and information of the voters of the county, those components of the electronic voting system which are used by the voter, containing so far as may be practicable, ballot labels showing the offices and questions to be voted upon, the names and arrangement of the parties and the names and arrangement of the candidates to be voted for. Such components shall be under the charge and care of a person competent as custodian and instructor. No voting system component which is assigned for use in an election shall be used for such public exhibition and instruction after having been prepared and sealed for the election.

(b) At the polling place on the day of the election, each voter who desires shall be instructed, by means of appropriate diagrams and a model, in the operation of the voting device before he enters the voting booth. If any voter shall ask for further instructions concerning the manner of voting after entering the voting booth, any election officer may give him audible instructions without entering such booth, but no such election officer shall when giving such instructions in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket or for any particular candidate or other person or for or against any particular question.

Section 1112-A. Election Day Procedures and the Process of Voting.—(a) In an election district which uses an electronic voting system in which votes are registered electronically, the following procedures will be applicable for the conduct of the election at the election district:

(1) At primary elections, the election officer in charge shall adjust the voting system before the voter records any vote so that the voter will only be able to register a vote for candidates on the ballot of the party in which he is registered and enrolled or for persons whose names are not on the official ballot, for candidates for nonpartisan nominations, if any, and for any questions upon which he is entitled to vote.

(2) At primary elections, the voter shall vote for each candidate individually by operating the key, handle, pointer, knob or button, upon or adjacent to which the name of such candidate is placed. At all other elections, he may vote for each candidate individually by operating the key, handle, pointer, knob or button, upon or adjacent to which the names of candidates of his choice are placed, or he may vote a straight political party ticket in one operation by operating the straight political party mechanism of the political party or political body of his choice. He may also, after having operated the straight party mechanism and before recording his vote, cancel the vote for any candidate of such political party or political body by deactivating the individual key, handle, pointer, knob or button of such candidate, and may thereupon vote for a candidate of another party, or political body for the same office by operating the key, handle, pointer, knob or button upon or adjacent to which the name of such candidate appears. In the case of a question submitted to the vote of the electors, the elector shall operate the key, handle, pointer, knob or button corresponding to the answer which he desires to give.

(3) A voter may, at any primary or other election, vote for any person for any office for which his name does not appear upon the ballot label as a candidate, by marking the write-in position for the office in question and by writing the identification of the office and the name of such person in or upon the appropriate receptacle or device provided in or on the voting device for that purpose, and in no other manner. Where two or more persons are to be elected to the same office, and the name of each candidate is placed upon or adjacent to a separate key, handle, pointer, knob or button, and the voting device requires that all write-in votes voted for that office be written in or upon a single receptacle or device, an elector may vote in or by such receptacle or device for one or more persons whose names do not appear upon the ballot label with or without the names of one or more persons whose names do so appear. With

these exceptions, no write-in vote shall be cast on a voting device for any person for any office, whose name appears on the ballot label as a candidate for that office, and any ballot so cast shall be void and not counted.

(4) At any general election at which presidential electors are to be chosen, each elector shall be permitted to vote by one operation for all the presidential electors of a political party or political body. For each party or body nominating presidential electors, a ballot label shall be provided containing only the words "Presidential Electors," preceded by the names of the party or body and followed by the names of the candidates thereof for the office of President and Vice-President, and the corresponding counter or registering device shall register votes cast for said electors when thus voted for collectively. If any elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the voting device for the purpose. The voting device shall be so constructed that it will not be possible for any one voter to vote a straight party ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as hereinabove provided. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice-President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body, and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as hereinabove provided.

(5) As soon as the elector has adjusted the voting device so that it will record his choices for the various candidates to be voted for, and his answers to the various questions submitted, he shall operate the recording mechanism of the voting device and forthwith leave the voting booth.

(b) In an election district which uses an electronic voting system which utilizes paper ballots or ballot cards to register the votes, the following procedures will be applicable for the conduct of the election at the election district:

(1) The voter, after receiving his ballot from the district election officials, shall retire to one of the voting booths in which the voting devices are located, shut the voting booth enclosure and prepare his ballot.

(2) At primary elections, the voter shall vote for the candidates of his choice for nomination, according to the number of persons to be voted for by him, for each office by making a cross (X) or check (✓) mark or by making a punch or mark sense mark in the square opposite the name of the candidate, or he may so mark the write-in position provided on the ballot for the particular office and, in the space provided therefor on the ballot and/or ballot envelope, write the identification of the office in question and the name of any person not already printed on the ballot for that office, and such mark and written insertion shall count as a vote for that person for such office.

(3) At all other elections, the voter shall vote for the candidates of his choice for each office to be filled, according to the number of persons to be voted for by him for each office, by making a cross (X) or check (✓) mark or by making a punch or mark sense mark in the square opposite the name of the candidate, or he may so mark the write-in position provided on the ballot for the particular office and, in the space provided therefor on the ballot and/or ballot envelope, write the identification of the office in question and the name of any person not already printed on the ballot for that office, and such mark and written insertion shall count as a vote for that person for such office.

If the voter desires to vote for every candidate of a political party or political body, except its candidates for offices as to which he votes for individual candidates in the manner hereinafter provided, he may make a cross

(X) or check (✓) or punch or mark sense mark in the square opposite the name of the party or political body so marked, including its candidates for presidential electors, except for those offices as to which he has indicated a choice for individual candidates of the same or another party or political body, by making a cross (X) or check (✓) or punch or mark sense mark opposite their names in the manner hereinabove provided, as to which offices his ballot shall be counted only for the candidates which he has thus individually marked, notwithstanding the fact that he made a mark in the party column, and even though in the case of an office for which more than one candidate is to be voted for, he has not individually marked for such office the full number of candidates for which he is entitled to vote. If he desires to vote for the entire group of presidential electors nominated by any party or political body, he may make a cross (X) or check (✓) or punch or mark sense mark in the appropriate space opposite the names of the candidates for President and Vice-President of such party or body. If he desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or political bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or political body, or wholly of names of persons not in nomination by any party or political body, he shall insert the names of the candidates for presidential electors for whom he desires to vote in the blank spaces provided therefor under the title of the office "Presidential Electors". In case of a question submitted to the vote of the electors, he may make a cross (X) or check (✓) or punch or mark sense mark in the appropriate square opposite the answer which he desires to give.

(4) Any voter who spoils his ballot may return it and secure another. The word "spoiled" shall be written across the face of the ballot, and it shall be placed in the envelope marked "Spoiled Ballots".

(5) Following the completion of his vote, the voter shall leave the voting booth and return the ballot to the election officer by a means designed to insure its secrecy; upon removal of the stub of the ballot by the election officer, the voter shall insert the ballot into the district automatic tabulating equipment or, in the event district tabulation is not provided for by the voting system or such district tabulation equipment is inoperative for any reason, into a secure ballot box. No ballot card from which the stub has been detached shall be accepted by the election officer in charge of such equipment or ballot box, but it shall be marked "spoiled" and shall be placed in the envelope marked "Spoiled Ballots."

Section 1113-A. Post Election Procedures.—(a) As soon as the polls have been closed and the last elector has voted in districts having an electronic voting system which employs paper ballots or ballot cards, the number of such ballots issued to electors (at primary elections, the number issued to the electors of each party), as shown by the stubs, and the number of ballots (at primaries the number of ballots of each party), if any, spoiled and returned by voters and cancelled, shall be announced to all present in the polling place and entered on the general returns of votes cast at such primary or election. The district election officers shall then compare the number of names marked as voting in the district register, "Voting Check List" and numbered lists of voters, shall announce the result, and shall enter on the general returns the number of electors who have voted, as shown by the "Voter's Check List." Any differences which exist shall be reconciled where possible, and where reconciliation is not possible such differences shall be noted on the general returns. The district register, the "Voting Check List," the numbered lists of voters and the stubs of all ballots used, together with all unused ballots, and all spoiled and cancelled ballots, and all rejected voters certificates shall then be placed in separate packages, containers or envelopes and sealed before the tabulation of any ballots.

(b) If ballots are computed and tabulated in the election district, all write-in votes which have been properly cast and recorded on the voting device shall be counted and recorded on a standard form provided for this pur-

pose. District totals cards may also be prepared by the district board of election reflecting the results of the voting in that district. Such cards and reporting forms of write-in vote tabulation shall be delivered to the county board of elections. In cases where central counting is utilized, write-in ballots may be recorded either at the election district or at the counting center.

(c) In any case in which the write-in ballot is a separate entity from the ballot or ballot card, both sections shall be given a unique identifying number prior to their separation for tabulation.

(d) In returning any votes cast for any person whose name is not printed on the official ballot, the election officers shall record any such names exactly as they were written, stamped or applied to the ballot by sticker.

(e) If, as a result of an otherwise properly cast write-in vote, the voter has registered more votes for an office than he is entitled to vote for that office, the entire vote cast for that office shall be void and shall not be counted; and such ballots shall be fastened to the write-in vote tabulation form and shall be delivered to the county board of elections.

(f) In the event district tabulation of votes is provided for by the voting system, the district election officers shall, immediately upon the close of the polls, cause the automatic tabulating equipment to tabulate the ballots cast during the election and shall prepare duplicate records of the total number of voters whose ballots have been tabulated; the total number of votes cast for each candidate whose name appears on the ballot; the total number of write-in votes properly cast for each office on the ballot; and the total number of votes cast for or against any question appearing on the ballot. One such record shall be publicly posted at the district polling place. All votes so cast and tabulated in the district may also be recorded on a district totals card and all properly cast write-in votes may also be recorded on the district totals card, and the delivery of such district totals cards and reporting forms to the county board of elections shall be effected by a means established by the county board. At the close of the election and after the tabulation of all ballots, the automatic tabulating equipment or other component of the voting system which contains ballots shall be locked and sealed so that no further ballots may be deposited in or removed from any such equipment or component, and all components of the voting system, suitably packaged and secured for storage, shall be held for delivery to the county election board.

(g) In the event district tabulation of votes is not provided for by the voting system, the district election officers shall prepare a report of the number of voters who have voted, as indicated by the "Voting Check List" and numbered lists of voters poll list, and shall deliver the original copy of this report to the county board of elections under seal. The judge of election and minority inspector shall forthwith deliver the sealed transport carrier containing all voted ballot cards to the county board of elections or to such places as the county board may designate. The county board of elections may provide that the ballot container may upon proper certification and signature be picked up at the polling places by two authorized election deputies of opposite parties.

Section 1114-A. Returns.—(a) By the fourth day prior to each election, the county board of elections shall have the central automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and all questions. Public notice of the time and place of the test shall be given at least forty-eight hours prior to the test by newspaper publication in the county in accordance with section 106, such notice to be published once. The test shall be conducted by processing a preaudited group of district totals cards or ballots on which are recorded votes for each candidate and on each question. In such test a different number of valid votes shall be assigned to each candidate for an office and for and against each question. If any error is detected, the cause of it shall be ascertained and corrected and an errorless count shall be made and certified to by the county board of elections prior to election day. All test and program materials shall then be sealed by the county board of elections until their use on election day. The

central automatic tabulating equipment shall pass the same test at the conclusion of the actual election count before the election returns are approved as official. On completion of the count, the programs, test materials, and district totals cards or ballots shall be sealed and retained according to the provisions contained in this act for the retention of paper ballots.

(b) All proceedings at the central tabulation center shall be under the direction of the county board of elections or of such persons as it may designate and shall be conducted under the observation of the public in so far as is practical, but no persons except those authorized for the purpose shall touch any ballot or district totals card. All persons who are engaged in processing and counting the ballots and district totals cards shall be deputized and take an oath that they will faithfully perform their assigned duties.

Each political party or political body represented on the official ballot may have one technically qualified person, authorized by the county chairman and deputized by the county board of elections, present during the testing of the central automatic tabulating equipment and the actual counting of the ballot and district totals cards. Such persons shall be allowed to make independent tests of the equipment prior to, during, and following the vote count: Provided, however, that such testing, shall in no way interfere with the official tabulation of the ballots and district totals cards. In addition, each political party or political body shall be entitled to have observers at the central tabulation center, in a number, as determined by the county board of elections, sufficient to permit accurate observation of the receipt, handling, duplication, and processing of all ballots and district totals cards.

If any ballots or district totals cards are damaged or defective so that they cannot properly be counted by the central automatic tabulating equipment, a true duplicate copy shall be made and substituted for any such damaged ballot or card. All such duplicate ballots or cards shall be clearly labeled "duplicate," and shall bear a serial number which shall be recorded on the damaged or defective ballot or card.

(c) The return printed by the central automatic tabulating equipment, to which have been added write-in votes as recorded on the district reporting form and absentee votes, shall, when certified by the county board of elections, constitute the official return of each election district. Upon completion of the count, the official returns shall be open to the public.

(d) If for any reason it becomes impracticable to count all or a part of the ballots or district totals cards with automatic tabulating equipment, the county board of elections may direct that such ballots or cards be counted manually, following as far as practicable the provisions of this act governing the counting of paper ballots.

(e) During the course of central tabulation of ballots or district totals cards, the county board of elections may unofficially report the progress of the count for each candidate and on any question.

Section 1115-A. Absentee Ballots.—Absentee votes may be cast on paper ballots or on ballot cards. Such ballots shall first be counted for write-in votes by the election officers in accordance with section 1113-A, and then either hand-counted or counted by means of automatic tabulating equipment, as the case may be. Such ballots may be counted at the election district, at the central tabulation center or at such other places as the county board of elections may, in its discretion, designate.

Section 1116-A. Ballots and Ballot Labels; Disposition.—Upon completion of the count, all ballots, absentee ballots and district totals cards shall be securely packaged, suitably labeled and sealed, and delivered to the county board of elections. The board shall likewise package and seal a true copy of the ballot label used in each election district. Thereafter these packages are to be retained and disposed of in the same manner as paper ballots and related materials are disposed of under the provisions of this act.

The county board of elections shall likewise package and retain all tabulating cards and other materials used

in the preparation of the automatic tabulating equipment but may have access to these tabulating cards and other materials. It shall not alter or make changes to these materials but may make copies of them and make changes to the copies, and all such materials shall be preserved and maintained by the board in accordance with the terms of section 309.

Amend Sec. 1 (Sec. 1114-A), page 21, line 9, by striking out "1114-A" and inserting: 1117-A

Amend Sec. 1 (Sec. 1115-A), page 21, line 17, by striking out "1115-A" and inserting: 1118-A

Amend Bill, by inserting between lines 21 and 22:

Section 1119-A. Voting by Ballot.—If in any case the number of candidates nominated or seeking nomination for any office, or if a method of election for any candidate or office which is prescribed by law, renders the use of an electronic voting system impracticable, or if, for any other reason the use of an electronic voting system is not possible or practicable at a particular election, the county board of elections may arrange to have the voting at any such election and for any such offices conducted by paper ballots. In such cases, the ballots shall be printed for any such election or office and the election shall be conducted by the election officers herein provided for, and the ballots counted and the return thereof made in the manner required by law for such offices in so far as paper ballots are used.

Section 1120-A. Unofficial Ballot Labels; Repair and Alternate Use of Paper Ballots.—(a) If ballot labels for an election district at which an electronic voting system is to be used, shall not be delivered to the election officers of that district as required by section 1110-A, the judge of election of such district shall cause other labels to be prepared, printed, or written, as nearly in the form of official ballot labels as practicable, and the election officers shall cause the labels so substituted, to be used at the election in so far as is possible in the same manner as the official labels. Such labels, so substituted, shall be known as unofficial ballot labels.

(b) If any electronic voting system or any component thereof being used in any election shall become inoperable during such election, it shall, if possible, be repaired or another machine substituted by the custodian or county board of elections as promptly as possible, for which purpose the county board may purchase as many extra systems or system components as it may deem necessary, but in case such repair or substitution cannot be made, paper ballots, either printed or written and of any suitable form, may be used for registering votes.

Section 1121-A. Custody of Electronic Voting Systems and Keys.—(a) The county board of elections shall designate a person or persons who shall have the custody of the county's electronic voting system and its components and of the keys therefor when the system is not in use at an election, and the board shall provide for his compensation and for the safe storage and care of the system and placement of its keys in a security vault.

(b) All electronic voting systems and their components, when not in use, shall be properly boxed or covered and stored in a suitable place or places.

Amend Sec. 1 (Sec. 116-A), page 21, line 22, by striking out "1116-A" and inserting: 1122-A

Amend Sec. 2, page 21, line 27, by striking out "in 30 days." and inserting: immediately.

ROLL CALL

The State Government Committee met on June 1, 1976 to vote on House Bill No. 1130, Printer's No. 1298, as amended, sponsored by Mrs. Kernick, seconded by Mr. DiDonato.

The yeas and nays were taken and were as follows:

Member	Vote
Peter Perry	nay
Robert Geisler	yea
Mark Cohen	not voting

Ted Berlin	not voting
Ronald Cowell	yea
Anthony DiDonato	yea
James Green	yea
Phyllis Kernick	yea
James Manderino	not voting
James McIntyre	nay
William Renwick	yea
Thomas Stapleton	not voting
Joseph Wargo	yea
Charles Logue	yea
Benjamin Wilson	yea
Richard Cessar	yea
Charlotte Fawcett	nay
Patrick Gleason	not voting
Samuel Hayes, Jr.	yea
Guy Kistler	not voting
Carmel Sirianni	yea
Earl Smith	yea
David Turner	yea

YEAS—14
 NAYS—3
 NOT VOTING—6

The motion passed.

Signed
 PHYLLIS KERNICK
 Secretary

ROLL CALL

The State Government Committee met on June 1, 1976 to vote to consider amendments to House Bill No. 2363, Printer's No. 3182, sponsored by Mr. Renwick, seconded by Mr. Wilson.

The yeas and nays were taken and were as follows:

Member	Vote
Peter Perry	yea
Robert Geisler	yea
Mark Cohen	not voting
Ted Berlin	not voting
Ronald Cowell	yea
Anthony DiDonato	yea
James Green	yea
Phyllis Kernick	yea
James Manderino	not voting
James McIntyre	yea
William Renwick	yea
Thomas Stapleton	not voting
Joseph Wargo	yea
Charles Logue	yea
Benjamin Wilson	yea
Richard Cessar	not voting
Charlotte Fawcett	yea
Patrick Gleason	not voting
Samuel Hayes, Jr.	yea
Guy Kistler	not voting
Carmel Sirianni	yea
Earl Smith	yea
David Turner	yea

YEAS—16
 NAYS—0
 NOT VOTING—7

The motion passed.

Signed
 PHYLLIS KERNICK
 Secretary

AMENDMENTS TO HOUSE BILL No. 2363,
 Printer's No. 3182

Amend Sec. 3, page 2, lines 13 through 15, by striking out all of said lines

Amend Sec. 3, page 2, by inserting between lines 26 and 27:

"Secretary" means the Secretary of Administration in the Governor's office.

Amend Sec. 4, page 2, line 27, by striking out "division" and inserting: agency

Amend Sec. 4, page 2, line 28, by removing the period after "plan" and inserting: within one year of the effective date of this act.

Amend Sec. 4, page 3, line 10, by inserting after "provision": which

Amend Sec. 4, page 3, lines 12 through 19, by striking out all of said lines and inserting:

(5) A firm implementation schedule which shall provide for full implementation of the Statewide emergency telephone number "911" system within five years of the effective date of this act. The schedule shall be staggered to permit orderly implementation and to accommodate local variances. Each public agency designated in the plan shall order the "911" system from the telephone utility within three months of the date specified in the plan for that public agency. Installation of such system shall be within 24 months after such order has been placed. The agency shall be responsible for the coordination and implementation of such plan. The agency shall promulgate any

Amend Sec. 5, page 3, lines 22 and 23, by striking out "The chief of the division of Telecommunications Management" and inserting: Secretary of Administration

Amend Sec. 5, page 3, lines 28 through 30, by striking out all of lines 28 and 29, and "position, and one fiscal position." in line 30, and inserting: authorized to employ required professional and clerical persons, to hire professional consultants, to designate a deputy system director, and to establish an operational project team

Amend Sec. 7, page 4, line 9, by striking out "division" and inserting: agency

Amend Sec. 9, page 4, line 22, by striking out "Division." and inserting: Agency.

Amend Sec. 10, page 4, line 24, by striking out "division" and inserting: agency

Amend Sec. 12, page 5, line 2, by striking out "Division" and inserting: Agency

Amend Sec. 13, page 5, line 6, by striking out "\$100,000" and inserting: \$200,000

Amend Sec. 13, page 5, lines 7 and 8, by striking out "Telecommunications Management Division" and inserting: agency

ROLL CALL

The State Government Committee met on June 1, 1976 to vote on House Bill No. 2363, Printer's No. 3182, as amended, sponsored by Mr. Wilson, seconded by Mr. Renwick.

The yeas and nays were taken and were as follows:

Member	Vote
Peter Perry	yea
Robert Geisler	yea
Mark Cohen	yea
Ted Berlin	not voting
Ronald Cowell	yea
Anthony DiDonato	yea
James Green	yea
Phyllis Kernick	yea

James Manderino	not voting
James McIntyre	not voting
William Renwick	yea
Thomas Stapleton	not voting
Joseph Wargo	yea
Charles Logue	yea
Benjamin Wilson	yea
Richard Cessar	not voting
Charlotte Fawcett	yea
Patrick Gleason	not voting
Samuel Hayes, Jr.	yea
Guy Kistler	not voting
Carmel Sirianni	yea
Earl Smith	nay
David Turner	yea

YEAS—15
 NAYS—1
 NOT VOTING—7

The motion passed.

Signed
 PHYLLIS KERNICK
 Secretary

ROLL CALL

The State Government Committee met on June 1, 1976 to vote to table House Bill No. 1390, Printer's No. 1628, and all other bills reducing size of Legislature, sponsored by Mr. Wilson, seconded by Mr. Renwick.

The yeas and nays were taken and were as follows:

Member	Vote
Peter Perry	yea
Robert Geisler	yea
Mark Cohen	not voting
Ted Berlin	not voting
Ronald Cowell	nay
Anthony DiDonato	yea
James Green	nay
Phyllis Kernick	nay
James Manderino	not voting
James McIntyre	yea
William Renwick	yea
Thomas Stapleton	not voting
Joseph Wargo	yea
Charles Logue	yea
Benjamin Wilson	yea
Richard Cessar	nay
Charlotte Fawcett	yea
Patrick Gleason	not voting
Samuel Hayes, Jr.	yea
Guy Kistler	not voting
Carmel Sirianni	yea
Earl Smith	yea
David Turner	yea

YEAS—13
 NAYS—4
 NOT VOTING—6

The motion passed.

Signed
 PHYLLIS KERNICK
 Secretary

ROLL CALL

The State Government Committee met on June 1, 1976 to vote to table with amendments House Bill No. 2263, Printer's No. 2988, sponsored by Mr. Wilson, seconded by Mr. Cessar.

The yeas and nays were taken and were as follows:

Member	Vote
Peter Perry	yea
Robert Geisler	yea
Mark Cohen	not voting
Ted Berlin	not voting
Ronald Cowell	yea
Anthony DiDonato	yea
James Green	yea
Phyllis Kernick	yea
James Manderino	not voting
James McIntyre	yea
William Renwick	yea
Thomas Stapleton	not voting
Joseph Wargo	yea
Charles Logue	yea
Benjamin Wilson	yea
Richard Cessar	yea
Charlotte Fawcett	yea
Patrick Gleason	not voting
Samuel Hayes, Jr.	yea
Guy Kistler	not voting
Carmel Sirianni	yea
Earl Smith	yea
David Turner	yea

YEAS—17
 NAYS—0
 NOT VOTING—6

The motion passed.

Signed
 PHYLLIS KERNICK
 Secretary

Mr. BONETTO, chairman of the Transportation Committee, presented the following report:

June 7, 1976

Honorable Herbert Fineman
 Speaker of the House
 Harrisburg, Pennsylvania

Dear Herb:

There were no Transportation Committee meetings held during the week of June 1, 1976.

Respectfully submitted,
 Rep. JOSEPH A. PETRARCA
 Secretary
 Transportation Committee

Mr. CAPUTO, chairman of the Urban Affairs Committee, presented the following report:

June 7, 1976

Subject: Report of the Committee on Urban Affairs for the week of June 1, 1976

To: The Honorable Herbert Fineman, Speaker

From: Charles N. Caputo, Chairman
Committee on Urban Affairs

The Committee on Urban Affairs met on Tuesday, June 1, 1976 in Room 401 at 3:00 P.M. Action was taken on the following bills as indicated:

- House Bill No. 2304, Printer's No. 3059—Reported as Amended
- House Bill No. 2305, Printer's No. 3060—Reported as Amended
- House Bill No. 2306, Printer's No. 3061—Reported as Amended
- House Bill No. 2307, Printer's No. 3062—Reported as Amended
- House Bill No. 2308, Printer's No. 3063—Reported as Amended
- House Bill No. 2309, Printer's No. 3064—Reported as Amended
- House Bill No. 2388, Printer's No. 3211—Tabled
- House Bill No. 2389, Printer's No. 3212—Reported as Committed
- House Bill No. 2390, Printer's No. 3213—Tabled
- Senate Bill No. 667, Printer's No. 711—Reported as Amended
- Senate Bill No. 848, Printer's No. 924—Tabled
- Senate Bill No. 849, Printer's No. 925—Tabled

Copies of the Attendance Sheet, together with Roll Calls and Amendments are attached.

CDC:ms
Enclosures

Attendance Report

The Urban Affairs Committee met on June 1, 1976 in Room 401, Main Capitol. The meeting started at 3:05 p.m. and adjourned at 4:10 p.m.

The roll was taken and was as follows:

Member	Present	Absent
Charles N. Caputo	X	
Samuel Rappaport	X	
Bernard J. Dombrowski	X	
Theodore Berlin		X
Matthew J. Cianciulli	X	
Thomas E. Flaherty	X	
William J. McLane	X	
John P. Milliron	X	
Michael M. Mullen	X	
Frank L. Oliver	X	
Stephen R. Reed	X	
David P. Richardson		X
William W. Rieger	X	
Edward G. Williams	X	
Thomas H. Worrilow	X	
Daniel E. Beren	X	
Alvin Katz		X
James W. Knepper, Jr.		X
Stanford I. Lehr	X	

Charles F. Mebus	X	
Fortunato N. Perri		X
Herbert K. Zearfoss	X	

Mr. Katz was excused because of conflicting legislative duties.

Mr. Knepper was granted a leave of absence.

Signed
BERNARD J. DOMBROWSKI
Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to report out as amended House Bill No. 2304, Printer's No. 3059, sponsored by Mr. Rappaport, seconded by Mr. Mullen.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	nay
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	nay
Daniel E. Beren	nay
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	nay
Charles F. Mebus	nay
Fortunato N. Perri	not voting
Herbert K. Zearfoss	nay

YEAS—11
NAYS—6
NOT VOTING—5

The motion passed.

Signed
BERNARD J. DOMBROWSKI
Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to amend House Bill No. 2304, Printer's No. 3059, sponsored by Mr. Zearfoss, seconded by Mr. Beren.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea

William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—17
 NAYS—0
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

AMENDMENTS TO HOUSE BILL No. 2304,
 Printer's No. 3059

Amend Sec. 1 (Sec. 13), page 2, line 21, by removing the period after "service" and inserting: : Provided, further, That he is not entitled to receive, eligible to receive now or in the future, or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency.

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to report out as amended House Bill No. 2305, Printer's No. 3060, sponsored by Mr. Rappaport, seconded by Mr. Mullen.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	nay
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	nay
Daniel E. Beren	nay
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	nay
Charles F. Mebus	nay
Fortunato N. Perri	not voting
Herbert K. Zearfoss	nay

YEAS—11
 NAYS—6
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to amend House Bill No. 2305, Printer's No. 3060, sponsored by Mr. Zearfoss, seconded by Mr. Beren.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—17
 NAYS—0
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

AMENDMENTS TO HOUSE BILL No. 2305,
 Printer's No. 3060

Amend Sec. 1 (Sec. 11), page 2, line 22, by removing the period after "service" and inserting: : Provided, further, That he is not entitled to receive, eligible to receive now or in the future, or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency.

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to report out as amended House Bill No. 2306, Printer's No. 3061, sponsored by Mr. Rappaport, seconded by Mr. Mullen.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	nay
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. WorriLOW	nay
Daniel E. Beren	nay
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	nay
Charles F. Mebus	nay
Fortunato N. Perri	not voting
Herbert K. Zearfoss	nay

YEAS—11
 NAYS—6
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to amend House Bill No. 2306, Printer's No. 3061, sponsored by Mr. Zearfoss, seconded by Mr. Beren.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. WorriLOW	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—17
 NAYS—0
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

AMENDMENTS TO HOUSE BILL No. 2306,

Printer's No. 3061

Amend Sec. 1 (Sec. 204), page 5, lines 21 and 22 by inserting a bracket before "a" in line 21 and after "Government." in line 22 and inserting immediately thereafter: , eligible to receive now or in the future, or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency.

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to report out as amended House Bill No. 2307, Printer's No. 3062, sponsored by Mr. Rappaport, seconded by Mr. Mullen.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	nay
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. WorriLOW	nay
Daniel E. Beren	nay
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	nay
Charles F. Mebus	nay
Fortunato N. Perri	not voting
Herbert K. Zearfoss	nay

YEAS—11
 NAYS—6
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to amend House Bill No. 2307, Printer's No. 3062, sponsored by Mr. Zearfoss, seconded by Mr. Beren.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea

Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—17
 NAYS—0
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

AMENDMENTS TO HOUSE BILL No. 2307,
 Printer's No. 3062

Amend Sec. 1 (Sec. 12), page 3, line 1 by inserting after "board.": No member shall be entitled to purchase such credit if he is receiving, is eligible to receive now or in the future, retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency.

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to report out as amended House Bill No. 2308, Printer's No. 3063, sponsored by Mr. Rappaport, seconded by Mr. Mullen.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	nay
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	nay
Daniel E. Beren	nay
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	nay

Charles F. Mebus	nay
Fortunato N. Perri	not voting
Herbert K. Zearfoss	nay

YEAS—11
 NAYS—6
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to amend House Bill No. 2308, Printer's No. 3063, sponsored by Mr. Zearfoss, seconded by Mr. Beren.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—17
 NAYS—0
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

AMENDMENTS TO HOUSE BILL No. 2308,
 Printer's No. 3063

Amend Sec. 1 (Sec. 4350), page 2, line 10 by removing the period after "service" and inserting: : Provided, further, That he is not entitled to receive, eligible to receive now or in the future, or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency.

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to report out as amended House Bill No. 2309, Printer's No. 3064, sponsored by Mr. Rappaport, seconded by Mr. Mullen.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	nay
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	nay
Daniel E. Beren	nay
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	nay
Charles F. Mebus	nay
Fortunato N. Perri	not voting
Herbert K. Zearfoss	nay

YEAS—11
NAYS—6
NOT VOTING—5

The motion passed.

Signed
BERNARD J. DOMBROWSKI
Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to amend House Bill No. 2309, Printer's No. 3064, sponsored by Mr. Zearfoss, seconded by Mr. Beren.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—17
NAYS—0
NOT VOTING—5

The motion passed.

Signed
BERNARD J. DOMBROWSKI
Secretary

AMENDMENTS TO HOUSE BILL No. 2309,

Printer's No. 3064

Amend Sec. 1 (Sec. 12), page 2, line 11 by removing the period after "service" and inserting: : Provided, further, That he is not entitled to receive, eligible to receive now or in the future, or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency.

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to report out as committed House Bill No. 2389, Printer's No. 3212, sponsored by Mr. Zearfoss, seconded by Mr. Mebus.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—17
NAYS—0
NOT VOTING—5

The motion passed.

Signed
BERNARD J. DOMBROWSKI
Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to report out as amended Senate Bill No. 667, Printer's No. 711, sponsored by Mr. Milliron, seconded by Mr. Reed.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	nay
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—16

NAYS—1

NOT VOTING—5

The motion passed.

Signed

BERNARD J. DOMBROWSKI

Secretary

AMENDMENTS TO SENATE BILL No. 667,

Printer's No. 711

Amend Title, page 1, lines 1 through 7, by striking out all of said lines and inserting: Relating to the rights, obligations, and liabilities of landlord, tenant, managing agent; and powers of local code enforcement agencies in counties of the second class.

Amend Bill, page 1, lines 10 through 20; page 2, lines 1 through 24, by striking out all of said lines and inserting:

ARTICLE I

General Provisions

Section 101. Short Title.—This act shall be known, and may be cited, as the "Second Class County Residential Landlord and Tenant Act."

Section 102. Purposes; Rules of Construction.—(a) This act shall be liberally construed and applied to promote its underlying purposes and policies.

(b) The underlying purposes and policies of this act are:

(1) to simplify, clarify, modernize, and revise the law governing the rental of dwelling units and the rights, obligations and liabilities of landlord, tenant and managing agent; and to define powers of local code enforcement agencies; and

(2) to encourage landlord and tenant to maintain and improve the quality of housing.

Section 103. Supplementary Principles of Law Applicable.—Unless displaced by the provisions of this act, the principles of law and equity, including the law relating to capacity to contract, mutuality of obligations, principal and agent, real property, public health, safety and fire prevention, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause supplement its provisions.

Section 104. Construction Against Implicit Repeal.—This act, being a general act intended as a unified

coverage of its subject matter, no part of it is to be construed as implicitly repealed by subsequent legislation if that construction can reasonably be avoided.

Section 105. Administration of Remedies; Enforcement.—(a) The remedies provided by this act shall be so administered that the aggrieved party may recover appropriate damages. The aggrieved party has a duty to attempt to mitigate damages.

(b) Any right or obligation declared by this act is enforceable by action unless the provision declaring it specifies a different and limited effect.

Section 106. Settlement of Disputed Claim or Right.—A claim or right arising under this act or on a rental agreement, if disputed in good faith, may be settled by agreement between the parties.

Section 107. Territorial Application.—This act applies to, regulates, and determines rights, obligations, and remedies under a rental agreement, wherever made, for a dwelling unit located within any second class county in the Commonwealth of Pennsylvania. Nothing in this act shall be construed to apply to nonresidential property.

Section 108. Exclusions from Application of Act.—Unless created to avoid the application of this act, the following arrangements are not governed by this act:

(1) Residence at a regulated institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service.

(2) Occupancy under a bona fide contract of sale of a dwelling unit or the property of which it is a part, in accordance with the act of June 8, 1965 (P. L. 115, No. 81), known as the "Installment Land Contract Law," if the occupant is the purchaser or a person who succeeds to his interest.

(3) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization.

(4) Transient occupancy in a hotel, motel, or other similar lodging.

(5) Occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises.

(6) Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative.

Section 109. Jurisdiction and Service of Process.—If a landlord is not a resident of this Commonwealth or is a corporation not authorized to do business in this Commonwealth and engages in any conduct in this Commonwealth governed by this act, or engages in a transaction subject to this act, he shall designate an agent pursuant to section 402(a) upon whom service of process may be made in this Commonwealth. The agent shall be a resident of this Commonwealth residing within the said second class county or a corporation operating within the said second class county authorized to do business in this Commonwealth. The designation shall be in writing and filed with the Secretary of the Commonwealth. The registration and designation of out-of-Commonwealth landlords shall be a matter of public record. If no designation is made and filed, or if process cannot be served in this Commonwealth upon the designated agent, process may be served upon the Secretary of the Commonwealth, but service upon him is not effective unless the plaintiff or petitioner forthwith mails a copy of the process or pleading by registered or certified mail to the defendant or respondent at his last reasonably ascertainable address. An affidavit of compliance with this section shall be filed with the clerk of the court on or before the return day of the process, if any, or within any further time the court allows.

ARTICLE II

General Definitions and Principles of Interpretation; Notice

Section 201. General Definitions.—The following words and phrases, when used in this act, shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Action." Includes recoupment, counterclaim, setoff,

suit in equity, and any other proceeding in which rights are determined, including an action for possession.

"Building and housing codes." Include any law, ordinance, or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any premises.

"Dwelling unit." A structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

"Emergency." An "emergency" constitutes any immediate threat to the health and safety of a dwelling's occupants or immediate threat to the structural safety of the dwelling. No state of "emergency" is present without the existence of a compelling reason for a landlord's or his authorized agent's immediate entrance into a dwelling without the provision of proper notice.

"Good faith." Honesty in fact in the conduct of the transaction concerned.

"Landlord." The owner, lessor, or sublessor of the dwelling unit or the building of which it is a part, and it also means a manager of the premises who fails to disclose as required by section 402.

"Local Code Enforcement Agency." Any county or municipal government or agency empowered to enforce a housing code, building code, fire prevention code, plumbing code, or electrical code in any second class county.

"Organization." Includes corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons who have a joint or common interest, and any other legal or commercial entity.

"Owner." One or more persons, jointly or severally, in whom is vested (i) all or part of the legal title to property; or (ii) all or part of the beneficial ownership and a right to the present use and enjoyment of the premises; and the term includes a mortgagee in possession.

"Periodic rent." The basic charge for the residential dwelling unit, paid in equal installments at regular periods of time.

"Person." Includes an individual or organization.

"Premises." A dwelling unit and the structure of which it is a part, and facilities therein, and appurtenances thereto, and grounds, areas, and facilities held out for the use of the tenants generally or whose use is promised to the tenant.

"Rent." All payments to be made to the landlord under the rental agreement.

"Rental agreement." All agreements, written or oral, and valid rules and regulations adopted under section 502, which establish or modify the conditions and terms concerning the use and occupancy of a dwelling unit and premises.

"Security deposit." Any amount of money to secure faithful performance of the rental agreement. This money shall be held by the landlord or his agent to compensate him for damages or for unpaid rent pursuant to section 406(a) and shall be refundable at the end of the term of the rental agreement with interest accrued, where applicable, pursuant to section 406(b).

"Single family residence." A structure maintained and used as a single residential dwelling unit. Notwithstanding that a residential dwelling unit shares one or more walls with another dwelling unit, it is a single family residence if it has direct access to a street or thoroughfare and shares neither heating facilities nor hot water equipment.

"Tenant." A person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others.

Section 202. Obligation of Good Faith.—Every duty under this act and every act which must be performed as a condition precedent to the exercise of a right or remedy under this act imposes an obligation of good faith in its performance or enforcement.

Section 203. Unconscionability.—(a) If the court, as a matter of law, finds:

(1) a rental agreement or any provision thereof was unconscionable when made, the court may enforce the remainder of the agreement without the unconscionable provision, or limit the application of any unconscionable provision to avoid an unconscionable result or where the

unconscionability goes to the essence of the rental agreement, refuse to enforce the entire agreement; or

(2) a settlement in which a party waives or agrees to forego a claim or right under this act or under a rental agreement was unconscionable at the time it was made, the court may refuse to enforce the settlement, enforce the remainder of the settlement without the unconscionable provision, or limit the application of any unconscionable provision to avoid an unconscionable result.

(b) If unconscionability is put into issue by a party or by the court upon its own motion, the parties shall be afforded a reasonable opportunity to present evidence as to the setting, purpose, and effect of the rental agreement or settlement to aid the court in making the determination.

Section 204. Notice.—A person has notice of a fact if (i) he has actual knowledge of it; or (ii) he has received a notice or notification of it.

A person "knows" or "has knowledge" of a fact if he has actual knowledge of it.

A person "receives" a notice or notification when (i) it comes to his attention; or (ii) in the case of the landlord, it is delivered at the place of business of the landlord or his agent or at the place where rent is customarily paid, or mailed by regular mail to such place; or (iii) in the case of the tenant, it is delivered in hand to the tenant, or an adult member of the household or mailed by regular mail to him at the place of residence or, in the absence of such designation, to his last known place of residence.

ARTICLE III

General Provisions of Rental Agreements

Section 301. Terms and Conditions of Rental Agreement.—(a) The landlord and tenant may include in a rental agreement, terms and conditions not prohibited by this act or other rule of law, including rent, term of the agreement, and other provisions governing the rights and obligations of the parties, such as allocation of responsibility for the payment of utility costs.

(b) In the absence of agreement, the tenant shall pay as rent the fair rental value for the use and occupancy of the dwelling unit, and the tenancy shall be governed by the provisions of this act.

(c) Periodic rent shall be payable without demand or notice at the time and place agreed upon by the parties. Unless otherwise agreed, periodic rent is payable at the dwelling unit and is payable at the beginning of any term of one month or less and otherwise in equal monthly installments at the beginning of each month. Unless otherwise agreed, periodic rent shall be uniformly apportionable from day to day.

(d) Unless the rental agreement fixes a definite term, the tenancy shall be week to week in the case of a tenant who pays weekly rent, and in all other cases, month to month.

(e) Where rent or other moneys are paid by cash, the landlord shall issue a receipt to the tenant for same. No receipt is required when payment is by check, bank draft, postal money order or other type of money order.

Section 302. Prohibited Provisions in Rental Agreements.—(a) No rental agreement may provide that the tenant:

(1) agrees to waive or to forego rights or remedies under this act;

(2) authorizes any person to confess judgment for possession and/or monetary damages on a claim arising out of the rental agreement or under this act;

(3) agrees to pay the landlord's attorney fees;

(4) agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(5) agrees to waive the Debtors Exemption provided by act of April 9, 1849 (P. L. 533, No. 356).

(b) A provision prohibited by subsection (a) above, which is included in a rental agreement, is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him to be prohibited, the tenant may recover the actual damages sustained by him.

Section 303. Separation of Rents and Obligations to

Maintain Property Forbidden.—A rental agreement may not permit the receipt of rent free of the obligation to comply with section 403.

Section 304. Landlord Liens; Distress for Rent.—(a) A lien or security interest on behalf of the landlord in the tenant's household goods is unenforceable, except when the lien is obtained pursuant to judgment and execution.

(b) Distraint for rent is abolished.

Section 305. Recovery of Possession Limited.—A landlord may not recover or take possession of the dwelling unit by action or otherwise, including willfull diminution of services to the tenant by interrupting or causing the interruption of electric, gas, water, or other essential service to the tenant, except in cases of surrender, or as permitted in this act.

Section 306. Waiver of Subrogation Clause.—Neither the landlord nor the tenant shall be liable to each other respectively nor to any insurer or other party claiming by way of subrogation through or under either one with respect to any loss, damage, injury, or death to the extent that either of them shall be reimbursed or has the right to be reimbursed out of insurance carried by the landlord or the tenant, as the case may be, with respect to such loss, damage, injury, or death.

ARTICLE IV

Landlord Obligations

Section 401. Landlord to Supply Possession of Dwelling Unit.—At the commencement of the term, the landlord shall deliver possession of the premises to the tenant in compliance with the rental agreement and section 403.

Section 402. Disclosure.—(a) The landlord or any person authorized to enter into a rental agreement on his behalf shall disclose in the written rental agreement or otherwise to the tenant in writing at or before the commencement of the tenancy the name and address of:

(1) the person authorized to manage the premises; and

(2) an owner of the premises or a person authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving and receipting for notices and demands.

(b) The information required to be furnished by this section shall be kept current and this section extends to and is enforceable against any successor landlord, owner, or manager.

(c) A person who fails to comply with subsection (a) becomes an agent of each person who is a landlord for the purpose of:

(1) service of process and receiving and receipting for notices and demands; and

(2) performing the obligations of the landlord under this act and under the rental agreement and expending or making available for these purposes all rent collected from the premises.

Section 403. Landlord to Maintain Fit Premises.—(a) The landlord shall, with reasonable promptness:

(1) comply with the requirements of applicable building, fire prevention and housing codes materially affecting health, safety, and security;

(2) make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;

(3) keep all common areas of the premises in a clean and safe condition; and

(4) maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other facilities and appliances, including elevators and security systems, supplied or required to be supplied by him by law or the rental agreement.

Section 404. Sale, Transfer, Assignment of Property; Transfer of Security Deposits.—(a) Upon termination of the landlord's interest in the residential dwelling unit whether by sale, assignment, appointment of receiver, or otherwise, the landlord shall, within 30 days after conveyance, transfer the security deposits and interest thereto, as provided by law, remaining after any lawful deductions to the landlord's successor in interest, and shall, within 30 days after conveyance, notify the tenants by regular mail of such transfer, the amount transferred,

and of the transferee's name and address, or obtain from the tenant a writing indicating that the tenant received notice of such transfer.

(b) Compliance by the landlord with subsection (a) of this section shall relieve the landlord of further liability with respect to security deposits and interest thereto upon written acknowledgment by the transferee of the receipt of such security deposits.

(c) Any rental agreement shall be binding on the successors and assigns of the parties thereto, and no provisions, terms, or obligations therein contained shall be affected, modified or changed in any respect whatsoever by any sale, transfer, or assignment of any party thereto or affected, modified, or changed in any respect whatsoever by a change of any kind in the legal status, ownership, or management of either party thereto: Provided, however, That the rental agreement may be terminated upon at least 90 days written notice by the landlord in the event of a bona fide or judicial sale of the premises, if the lease agreement provides therefor. Any clause providing for termination of the lease in the event of a sale, shall appear with not less than eight point type in boldface capital letters.

Section 405. Management Transfer.—(a) Upon termination of the managing agent's contract in the dwelling unit, the managing agent shall, within 30 days, transfer all security deposits, current lease files including records of rental payment, and all other books and records to which the landlord is entitled; to the landlord or to the newly appointed managing agent designated by the landlord.

(b) In the event of a sale which results in the termination of the managing agent's contract, the aforementioned records and security deposits shall be turned over to the vendor or other person designated by him within 30 days of the termination.

(c) In the event of the failure on the part of the managing agent whose services have been terminated to comply with this section, the landlord or vendor may immediately bring an action in the court of common pleas for equitable relief, actual damages and/or punitive damages in an amount not to exceed \$1,000 and attorney's fees.

Section 406. Security Deposits.—(a) Security deposits may be requested and held by the landlord, to secure compensations to the landlord, for the following purposes and for no other:

(1) damages caused by the tenant from failure of the tenant to comply with section 501;

(2) a tenant's failure to pay rent due; and

(3) damages caused by a tenant who unlawfully ceases to occupy the residential dwelling unit or otherwise breaches any of the terms or conditions of the rental agreement.

(b) (1) A security deposit shall continue to be the property of the tenant until lawfully applied as compensation to the landlord in accordance with the terms of this act. Said security deposit shall be held by the landlord or the landlord's agent on behalf of the tenant.

(2) The security deposit shall not be an asset of nor shall be mingled with the personal property of either the landlord or the landlord's agent, unless the landlord is bonded in accordance with subsection (e).

(3) The claim of the tenant to the security deposit shall be prior to the claim of any creditor of the landlord, including any trustee in bankruptcy, irrespective of whether the security deposit is commingled with other funds.

(c) (1) The amount of any security deposit shall not exceed a sum equal to two months' periodic rent, which amount need not include any additional deposits which may be required for household pets.

(2) Whenever a tenant has been in continuous possession of the premises for a period of five years or greater, the amount of such tenant's security deposit may not be increased thereafter, irrespective of any increase or increases in rent.

(3) At the beginning of a rental term, a landlord may not require a tenant to pay any moneys other than the first periodic rental payment and a security deposit and reasonable fee for credit report, if any.

(d) Unless a landlord elects to comply with the bonding provisions of section 406(e):

(1) any security deposit which exceeds one month's rent shall be deposited by the landlord with a banking institution which is regulated by the Federal Reserve Board, the Federal Home Loan Bank Board, the comptroller of the currency or the Pennsylvania Department of Banking, in a savings account or in a certificate of deposit, which account or certificate bears interest at no less than the rate currently paid by such banking institution on pass-book savings deposits;

(2) within 30 days of a landlord's receipt of any security deposit which exceeds one month's rent the landlord shall state in the lease or give written notice to each tenant making any such security deposit, of the name and address of the banking institution in which the security deposit is being held, the amount of such security deposit and the name under which the money has been so deposited;

(3) all such security deposits may be placed in one or more interest-bearing accounts or certificates;

(4) a landlord who has placed security deposit funds in an interest-bearing account or certificate, pursuant to this subsection, shall be entitled to receive as reimbursement for administrative expenses, a sum equivalent to 1% per annum of such funds, which sum shall be in lieu of all other administrative and custodial expenses and which sum may be withdrawn by the landlord as it is earned and as it accrues; and

(5) the balance of interest earned on all such security deposits shall be the property of the tenant making the security deposit less deductions provided for in section 406(a) and shall be paid by the landlord to the tenant within 30 days after either the termination of the rental agreement or the surrender and acceptance of the leasehold premises, whichever first occurs: provided, nevertheless, that the balance of accrued interest shall be paid to the tenant no less than once every three years, the first interest payment being due three years after the initial deposit of the security deposit in an interest-bearing account or certificate.

A landlord which would otherwise be subject to the requirements of section 406(d) may, in the alternative, secure a bond which meets each of the following requirements:

(1) The landlord shall guarantee to the tenant that, within 30 days of either the termination of the rental agreement or the surrender and acceptance of the leasehold premises, whichever first occurs, the security deposit will be returned to the tenant, together with interest on the security deposit at the passbook rate, less the cost of any compensation due to the landlord for either damages caused by the tenant or for past due rent or any other breach of the rental contract.

(2) The guarantee shall be made in writing, shall be payable to the tenant as obligee, shall be secured by a good and sufficient guarantee bond issued by a bonding company or other surety licensed to do business in Pennsylvania and tenant shall be provided with the name of the bonding company within 30 days of the landlord's receipt of the security deposit.

(3) The tenant shall not be liable for the payment of any expenses or charges in connection with the landlord's securing such a bond. A landlord which elects to comply with the provisions of this subsection shall not be entitled to receive the reimbursement for administrative expenses which is provided by subsection (d) (4).

(f) Every landlord which requires a security deposit shall, within 30 days after either the termination of the rental agreement or the surrender and acceptance of the leasehold premises, whichever first occurs, provide the tenant with a written list of any and all damages to the leasehold premises and all other charges pursuant to subsection (a) for which the landlord claims the tenant is liable. Delivery of the list shall be accompanied by payment of the difference between the security deposit, including any unpaid interest thereon, and any compensation due to the landlord for tenant caused damages and other violations of subsection (a).

(g) Every tenant shall provide his or her landlord with such tenant's forwarding address in writing, upon, before

or within ten days of the termination of the lease or surrender and acceptance of the leasehold premises. Any tenant who fails to provide a written forwarding address at such time, shall forfeit all rights to recover more than that provided for under subsection (f)

(h) If a landlord fails to comply with subsection (f) and the tenant has complied with subsection (g), the landlord shall be liable in assumpsit for double the amount by which the security deposit, including any unpaid interest thereon, exceeds the actual damages to the leased premises caused by the tenant, as determined by any court of record or any court not of record having jurisdiction in civil actions at law.

(i) The burden of proving actual damages caused by the tenant to the leasehold premises shall be on the landlord.

(j) Any attempted waiver by a tenant of any portion of this section, whether by contract or otherwise, shall be void and unenforceable.

(k) In so far as they may alter existing law, the provisions of this section shall apply only to rental agreements as they are executed, reexecuted or renewed subsequent to the effective date of this act.

ARTICLE V

Tenant Obligations

Section 501. Tenant to Maintain Dwelling Unit and Surrender Possession.—The tenant shall:

(1) comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health, safety, and security;

(2) keep that part of the premises that he occupies and uses as reasonably clean as the condition of the premises permit;

(3) dispose from his dwelling unit all ashes, rubbish, garbage, and other waste in a clean and safe manner;

(4) use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other facilities and appliances including elevators and security systems in the premises;

(5) not deliberately or negligently destroy, deface, damage, or remove any part of the premises, or knowingly permit any person to do so;

(6) conduct himself and require other persons on the premises with his consent to conduct themselves in a reasonable manner which will not unduly disturb his neighbors peaceful enjoyment of the premises;

(7) take steps reasonably calculated to notify the landlord of any emergency maintenance problems as soon as possible; and

(8) peaceably surrender possession of the premises at the end of the term of the rental agreement.

Section 502. Rules and Regulations.—A landlord, from time to time, may adopt any rule or regulation, however described, concerning the tenant's use and occupancy of the premises. Such rule or regulation is enforceable against the tenant only if:

(1) its purpose is to promote the convenience, safety, or welfare of the tenants in the premises, preserve the landlord's property from abusive use, or make a fair distribution of services and facilities held out for the tenants generally;

(2) it is reasonably related to the purpose for which it is adopted;

(3) it applies to all tenants in the premises in a fair manner;

(4) it is sufficiently explicit in its prohibition, direction, or limitation of the tenant's conduct to fairly inform him of what he must or must not do to comply;

(5) it is not for the purpose of evading the obligations of the landlord; and

(6) the tenant has notice of it at the time he enters into the rental agreement; however, a rule or regulation adopted after the tenant enters into the rental agreement is enforceable against the tenant if 30 days notice of its adoption is given to the tenant and it does not work a substantial hardship upon the tenant.

Section 503. Access.—(a) The tenant shall not unreasonably withhold consent to the landlord or his authorized agent to enter into the dwelling unit in order to inspect

the premises, make necessary or agreed repairs, decorations, alterations, or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen, contractors, insurers, or prospective insurers.

(b) The landlord or his authorized agent may enter the residential dwelling unit without the consent of the tenant in case of emergency.

(c) The landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency, or if it is impracticable to do so, the landlord shall give the tenant at least 24 hours notice of his intent to enter and may enter only at reasonable times.

(d) The landlord has no other right of access except by court order or as permitted by this section, or if the tenant has abandoned or surrendered the premises.

Section 504. Tenant to Use and Occupy.—Unless otherwise agreed, the tenant shall occupy his dwelling unit only as a dwelling unit.

ARTICLE VI

Tenant Remedies

Section 601. Noncompliance by the Landlord.—Except as provided in this act, the tenant may obtain injunctive relief for any material noncompliance by the landlord with the rental agreement or section 403, as well as damages for any noncompliance thereof.

Section 602. Failure to Deliver Possession.—If the landlord fails to deliver possession of the dwelling unit to the tenant as provided in section 401, rent abates until possession is delivered and the tenant may:

(1) upon at least five days written notice to the landlord terminate the rental agreement and upon termination, the landlord shall return all prepaid rent and security; or

(2) demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the dwelling unit against any person wrongfully in possession and recover damages sustained by him.

Section 603. Self-Help for Minor Defects.—(a) (1) If the landlord fails to comply with section 403 of this act, the tenant may notify the appropriate local code enforcement agency and request an inspection of his dwelling unit and premises.

(2) If the local code enforcement agency finds that there are conditions at the premises that are in violation of building and housing codes and are the responsibility of the landlord for their correction, the local enforcement agency shall give notice to the landlord to correct the conditions.

(3) The local code enforcement agency shall provide the tenant with a list of such violations found at the dwelling in which he or she resides.

(4) If the local code enforcement agency is unable to serve notice of the violations upon the landlord or if the landlord has not commenced, in good faith, the correction of the cited violations within 15 days from the receipt of the violation notice, or if, at any time thereafter, the landlord does not continue to make a good faith effort to correct the cited violations, the local code enforcement agency may give notice to the tenant authorizing the tenant to proceed under subsection (b).

(b) If the tenant has received authorization to proceed under this section by the local code enforcement agency, he or she may do the following:

(1) The tenant shall submit to the landlord and the local code enforcement agency that authorized the tenant to proceed under this section, a written estimate listing the repair work to be completed and its cost. The estimate shall not include any costs for repairs which are not listed as required by the local code enforcement agency pursuant to section 603(a) (3) or (4). If the tenant will be making the repairs himself, the tenant may include in the estimate labor costs of up to but not more than the prevailing Federal Minimum Hourly Wage Rate.

Included with the estimate, the tenant must submit to the landlord and the local code enforcement agency, a statement that he or she intends to correct the cited violations at the expense of the landlord by deducting the cost of the repairs from the rental payments.

(2) If the cost of the repairs do not exceed the total of two months periodic rent or \$300, whichever is greater and the landlord has not made a good faith effort to correct the cited violations, the local code enforcement agency that authorized the tenant to proceed under this section shall, within ten days from the date of the receipt of the estimate submitted by the tenant, notify the tenant and the landlord that the tenant is authorized or is not authorized to make the repairs at the expense of the landlord by deducting the cost of the repairs from the rental payments. Authorization shall be granted whenever the estimate submitted by the tenant lists only repair work covering violations found at the dwelling.

(3) If the local code enforcement agency notifies the tenant that he is not authorized to make the repairs at the expense of the landlord by deducting the cost of the repairs from the rental payments, the tenant may submit a revised estimate listing the repair work to be completed, its cost, and a statement that he or she intends to correct the cited violations at the expense of the landlord by deducting the cost of the repairs from the rental payments.

(4) If the tenant receives authorization to make repairs pursuant to section 603(b) (2), then the violations listed by the local code enforcement agency may be corrected by the tenant or by a contractor or repairman hired by the tenant.

(5) After the repairs have been completed by the tenant and the violations have been certified as abated by the local code enforcement agency, the tenant shall deduct from his rent the cost of the repairs, including labor costs, provided that the tenant shall not deduct more than the total of two months periodic rent or \$300, whichever is greater.

(6) The tenant shall submit to the landlord a copy of the receipts for the cost of the repairs made in lieu of payment for rent when the next rental payment is due.

(c) The tenant shall not be permitted to use the provisions of this section if the tenant has not commenced, in good faith, the correction of the cited violations within 30 days from the receipt of authorization to make repairs pursuant to section 603(b) (2).

(d) The total cost of repairs made pursuant to this section in lieu of payment for rent during each six month period shall not exceed an amount equal to two months periodic rent or \$300, whichever is greater.

(e) In no event may a tenant repair a dwelling at the expense of the landlord in lieu of payment for rent when the condition complained of was caused by the deliberate or negligent act of the tenant, a member of the tenant's family, or other person on the premises with the tenant's consent.

(f) The tenant shall not be permitted to proceed under this section if the tenant has, within the previous 12 months, paid rent into an escrow account pursuant to section 605 of this act while living in the same dwelling unit.

(g) This section shall not be construed to impose upon the tenant any additional duties or obligations to repair the subject dwelling other than those contained in Article V of this act.

(h) This section shall not be construed at any time as limiting the obligations of the landlord to maintain the dwelling in compliance with the laws, ordinances, or rules and regulations of the Commonwealth of Pennsylvania, second class county or municipality in which the dwelling is located, or with section 403 of this act.

(i) If the local code enforcement agency gives authorization to the tenant to make repairs pursuant to this section, the authorization shall be construed only as a notice that the terms of section 603(b) (2) have been fulfilled and the local code enforcement agency, the second class county, or municipality shall not be liable for damages to any person which may result from the tenant's bad faith submission of the estimate, errors in the estimate, or the quality of the repairs made to the subject premises.

(j) The provisions of the act of August 24, 1963 (P. L. 1175, No. 497), known as the "Mechanics Lien Law of 1963," shall not be applicable to repairs made by the tenant pursuant to this section and no lien shall be im-

posed upon the real property contained in the rental unit.

Section 604. Self-Help for Defects; Emergency.—(a) (1) If the landlord fails to comply with section 403, the tenant may notify the appropriate local code enforcement agency and request an inspection of his dwelling unit or premises.

(2) If the local code enforcement agency finds that there are conditions at the premises that are of imminent danger to the health or safety of the tenants of the dwelling which are the responsibility of the landlord, the local code enforcement agency shall give notice to the landlord to correct the conditions within not less than 48 hours from the receipt of the notice.

(3) The local code enforcement agency shall provide the tenant with a list of violations constituting an imminent danger to the health or safety of the tenant. The local code enforcement agency shall also give notice to the tenant authorizing the tenant to proceed under subsection (b).

(b) If the tenant has received authorization to proceed under this section by the local code enforcement agency, he or she may do the following:

(1) The tenant shall submit to the landlord and the local code enforcement agency that authorized the tenant to proceed under this section an estimate listing the emergency repair work to be completed and its cost. The estimate shall not include any costs for repairs which are not listed as required as emergency repairs by the local code enforcement agency. If the tenant will be making the repairs himself, the tenant may include in the estimate labor costs of up to but not more than the prevailing Federal Minimum Hourly Wage Rate.

Included with the estimate, the tenant must submit to the landlord and the local code enforcement agency a statement that he or she intends to correct the cited emergency violations at the expense of the landlord by deducting the cost of the repairs from the rental payments.

(2) If the cost of the emergency repairs does not exceed the total of two months periodic rent or \$300, whichever is greater and the landlord has not made a good faith effort to correct the cited emergency violations within the time period prescribed by the local code enforcement agency, the local code enforcement agency that authorized the tenant to proceed under this section shall notify the tenant and the landlord that the tenant is authorized or is not authorized to make the repairs at the expense of the landlord by deducting the cost of the repairs from the rental payments.

(3) If the local code enforcement agency notifies the tenant that he is not authorized to make the repairs at the expense of the landlord by deducting the cost of the repairs from the rental payments, the tenant may submit a revised estimate listing the emergency repair work to be completed, its cost, and a statement that he or she intends to correct the violations at the expense of the landlord by deducting the cost of the repairs from the rental payments.

(4) After the tenant receives authorization to make repairs pursuant to section 604(b) (2), then the violations listed by the local code enforcement agency may be corrected by the tenant or by a contractor or repairman hired by the tenant.

(5) After the repairs have been completed by the tenant and the violations have been certified as abated by the local code enforcement agency, the tenant shall deduct from his rent the cost of the repairs, including labor costs, provided that the tenant shall not deduct more than the total of two months periodic rent or \$300, whichever is greater.

(6) The tenant shall submit to the landlord a copy of the receipts for the cost of the repairs made in lieu of payment for rent when the next rental payment is due.

(c) The tenant shall not be permitted to use the provisions of this section if the tenant has not commenced, in good faith, the correction of the cited violations within 30 days from the receipt of authorization to make repairs pursuant to section 604(b) (2).

(d) The total cost of repairs made pursuant to this section in lieu of payment for rent during each six month

period shall not exceed an amount equal to two months periodic rent or \$300, whichever is greater.

(e) In no event may a tenant repair a dwelling at the expense of the landlord in lieu of payment for rent when the condition complained of was caused by the deliberate or negligent act of the tenant, a member of the tenant's family, or other person on the premises with the tenant's consent.

(f) This section shall not be construed to impose upon the tenant any additional duties or obligations to repair the subject dwelling other than those contained in Article V.

(g) This section shall not be construed at any time as limiting the obligations of the landlord to maintain the dwelling in compliance with the laws, ordinances, or rules and regulations of the Commonwealth of Pennsylvania, the second class county or municipality in which the dwelling is located, or with section 403.

(h) If the local code enforcement agency gives authorization to the tenant to make repairs pursuant to this section, the authorization shall be construed only as a notice that the terms of section 604(b) (2) have been fulfilled and the local code enforcement agency, the second class county, or municipality shall not be liable for damages to any person which may result from the tenant's bad faith submission of the estimate, errors in the estimate, or for the quality of the repairs made to the subject premises.

(i) The provisions of the act of August 24, 1963 (P. L. 1175, No. 497), known as the "Mechanics Lien Law of 1963," shall not be applicable to repairs made by the tenant pursuant to this section.

Section 605. Rent Withholding.—Notwithstanding any other provision of law, or of any agreement, whether oral or in writing, whenever the Department of Public Safety, Public Health Department, Department of Building Inspection, or other local code enforcement agency of any county of the second class or any municipality situated therein, certifies a dwelling as unfit for human habitation, the duty of any tenant of such dwelling to pay, and the right of the landlord to collect rent shall be suspended without affecting any other terms or conditions of the landlord-tenant relationship, until the dwelling is certified as fit for human habitation or until the tenancy is terminated for any reason other than nonpayment of rent. During any period when the duty to pay rent is suspended, and the tenant continues to occupy the dwelling, the rent withheld shall be deposited by the tenant in an escrow account in a bank or trust company approved by the municipality or county as the case may be and shall be paid to the landlord when the dwelling is certified as fit for human habitation at any time within six months from the date on which the dwelling was certified as unfit for human habitation. If, at the end of six months after the certification of a dwelling as unfit for human habitation, such dwelling has not been certified as fit for human habitation, any moneys deposited in escrow on account of continued occupancy shall be payable to the depositor, except that any funds deposited in escrow may be used for the purpose of making such dwelling fit for human habitation and for the payment of utility services for which the landlord is obligated but which he refuses or is unable to pay. While rent is deposited in escrow, no tenant shall be evicted on the grounds that:

(1) the term for which the property was leased or rented is fully ended;

(2) rent reserved and due has, upon demand, remained unsatisfied; or

(3) the tenant caused any damages to the premises which resulted in said dwelling being certified as unfit for human habitation.

Furthermore, no tenant shall be evicted in retaliation for exercising rights provided under this section. Retaliation shall be presumed whenever the landlord institutes eviction proceedings on the basis of breaches of the lease or violations of this act known to the landlord for a reasonable time prior to the date upon which the tenant exercised his rights under this section.

This section shall not apply to any dwellings situated

within a borough or township located within any second class county unless:

(1) the Department of Public Safety, Public Health Department, Department of Public Inspection or other local code enforcement agency of the borough or township has elected to extend this coverage under this section to said municipality; or

(2) the Department of Public Safety, Public Health Department, Department of Building Inspection or other local code enforcement agency of any county of the second class has elected to extend the coverage under this section to said borough or township.

A code enforcement agency may elect to extend the coverage under this section to a borough or township located within a second class county whenever it determines that said extension will promote the goal of maintaining or improving the quality of housing within said borough or township.

Section 606. Deliberate or Negligent Failure to Supply Heat, Water, Hot Water, Electricity or Gas.—(a) If contrary to the rental agreement or section 403, or under applicable building or housing codes, the landlord or his agent deliberately or negligently fails to supply running water, hot water, heat, electricity or gas, the tenant or an appropriate local code enforcement agency may immediately bring an action in equity in the court of common pleas to secure the immediate restoration of such services. Said equity action shall proceed ex parte if reasonable efforts to notify the landlord or his agent have been made. Said court shall give immediate attention to this action. If said court finds that said services were terminated deliberately by the landlord or his agent contrary to the rental agreement, section 403, or other law, the court shall immediately issue a special injunction requiring the landlord or his agent to restore said services immediately. No bond shall be required for such injunction to take effect.

(b) In the equity action referred to in subsection (a) where the landlord's action is wilful and deliberate, the appropriate county or municipal building or housing code enforcement agency may also be awarded civil penalties not to exceed \$500 to be assessed against the landlord.

Section 607. Fire or Casualty Damage.—(a) If the dwelling unit or premises are damaged or destroyed by fire or casualty to an extent that enjoyment of the dwelling unit is substantially impaired, the tenant may:

(1) immediately vacate the premises and notify the landlord in writing within 14 days thereafter of his intention to terminate the rental agreement, in which case the rental agreement terminates as of the date of vacating; or

(2) if continued occupancy is lawful, vacate any part of the dwelling unit rendered unusable by the fire or casualty, in which case the tenant's liability for rent is reduced in proportion to the diminution in the fair rental value of the dwelling unit.

(b) If the rental agreement is terminated, the landlord shall return all of the security deposit or portion thereof recoverable by law. Account for rent in the event of termination or apportionment is to occur as of the date of vacating.

(c) This section shall not apply if the dwelling unit or premises are damaged or destroyed by fire or casualty caused by the deliberate or negligent act or omission of the tenant, a member of his family, or other person on the premises with his consent.

Section 608. Tenant's Remedies for Landlord's Unlawful Ouster, Exclusion, or Diminution of Service.—If the landlord unlawfully removes or excludes the tenant from the premises or wilfully and deliberately diminishes services to the tenant by interrupting or causing the interruption of electric, gas, water, or heat to the tenant, the tenant may recover possession or terminate the rental agreement, and, in either case, recover an amount of \$300 or the actual damages sustained by him, whichever is greater.

Section 609. Appeals.—(a) Appeal rights provided by a local code enforcement agency and by law shall not be abrogated by this article.

(b) In the event of an appeal by the landlord of any determination of a local code enforcement agency, a

tenant, authorized by the local code enforcement agency to proceed under sections 603 or 604, may make such repairs; but in the event that the determination of the local code enforcement agency is overruled, tenant shall pay the amount which was deducted from the rent pursuant to sections 603 and 604.

(c) Payment pursuant to subsection (b) shall be made to the landlord within 30 days from the receipt of the notice of a final determination of the appeal.

ARTICLE VII

Landlord Remedies

Section 701. Noncompliance with Rental Agreement; Failure to Pay Rent.—(a) Except as provided in this act, if there is a material noncompliance by the tenant with the rental agreement or a noncompliance with section 501 materially affecting health, safety, or security, the landlord may deliver a written notice to the tenant specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than 14 days after receipt of the notice, if the breach is not remedied in 14 days; and the rental agreement shall terminate as provided in the notice subject to the following: If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement will not terminate.

(b) If rent is unpaid when due and the tenant fails to pay rent within 14 days after written notice by the landlord of nonpayment and of his intention to terminate the rental agreement if the rent is not paid within that period of time, the landlord may commence an action for possession.

(c) Notwithstanding any provision to the contrary contained in this act, the following waiver clause contained in any rental agreement shall be enforced:

"The parties to this agreement agree that the landlord may commence an action for possession if rent is unpaid when due and the tenant has failed to pay the rent within five days after written notice by the landlord of nonpayment and of his intention to terminate the rental agreement if the rent is not paid within that period. The landlord, when proceeding under this clause, shall be responsible for payment of all court costs incurred in instituting said action for possession provided that the tenant pays the rent within ten days following the commencement of said action for possession. Also the landlord, when proceeding under this clause, shall not file with the justice of the peace a request for an order for possession until the 20th day from the date that any justice of the peace has rendered a judgment that the leased premises be delivered up to the landlord."

(d) Except as provided in this act, the landlord may obtain injunctive relief for any material noncompliance by the tenant with the rental agreement of section 501, as well as damages for any noncompliance thereof.

Section 702. Remedy after Termination.—If the rental agreement is terminated pursuant to section 701, the landlord may have a claim for possession and for rent and a separate claim for actual damages for breach of the rental agreement.

ARTICLE VIII

Periodic Tenancy; Holdover; Abuse of Access

Section 801. Periodic Tenancy; Holdover Remedies.—(a) The landlord or the tenant may terminate a week-to-week tenancy by a written notice given to the other at least seven days prior to the termination date specified in the notice.

(b) The landlord or the tenant may terminate a tenancy longer than a week-to-week tenancy and up to and including a month-to-month tenancy by a written notice given to the other at least 30 days prior to the periodic rental date specified in the notice.

(c) In a tenancy of more than month-to-month, in the absence of an agreement to the contrary regarding notice, 30 days' notice shall be given by the landlord; no notice shall be required of the tenant.

(d) If the tenant remains in possession without the landlord's consent after expiration of the term of the rental agreement or its termination, the landlord may bring an action for possession; the landlord may recover an amount not more than twice the actual damages sustained by him. If the landlord consents to the tenant's continued occupancy, subsection (d) of section 301 applies.

ARTICLE IX

Retaliatory Action

Section 901. Retaliatory Conduct Prohibited.—(a) Except as provided in this section, a landlord may not retaliate by increasing rent or decreasing services agreed to in the rental agreement or by bringing or threatening to bring an action for possession after:

(1) The tenant has complained to a governmental agency charged with responsibility for enforcement of a building or housing code of a violation applicable to the premises materially affecting health and safety or security.

(2) The tenant has joined or otherwise become involved with a tenant organization.

(b) Notwithstanding subsection (a), a landlord may bring an action for possession if:

(1) the violation of the applicable building or housing code was caused primarily by lack of reasonable care by the tenant or other person in his household or upon the premises with his consent; or

(2) the tenant is in default in rent; or

(3) compliance with the applicable building or housing code requires alteration or remodeling which would effectively deprive the tenant of the use of the dwelling unit. A detailed description of the work that is planned together with a timetable for completion must be submitted in writing to the local building or housing code enforcement agency before the action for possession will be permitted.

The maintenance of the action for possession does not release the landlord from liability under section 601(b).

ARTICLE X

Summary Proceedings for Possession

Section 1001. Jurisdiction and Venue.—Summary proceedings to recover the possession of real property may be brought before a justice of the peace in the magisterial district where the real property possession of which is sought to be recovered is located.

Section 1002. Grounds for Summary Proceedings.—A summary proceeding to recover the possession of real property may be maintained on one or more of the following grounds:

(1) The tenant unlawfully continues in possession of any part of the premises after the expiration of the rental agreement without the permission of the landlord or, where a new tenant is entitled to possession, without the permission of the new tenant.

(2) The tenant unlawfully continues in possession of any part of the premises after termination of the rental agreement pursuant to section 701(a) or 701(b).

(3) The defendant has wrongfully ousted the petitioner, who is the rightful tenant of the rental unit.

(4) The landlord sues to gain possession of the premises to alter or remodel the premises pursuant to section 901(c) (3).

Section 1003. Who May Maintain Proceeding.—(a) The proceeding may be initiated by:

(1) The landlord or his duly authorized agent.

(2) The tenant or his duly authorized agent who has been wrongfully put out or kept out.

(3) The next tenant of the premises whose term has begun, or his duly authorized agent.

(4) The mortgagee in possession or his duly authorized agent.

(b) Pursuant to this section, an agent's authority must be in writing, signed by his principal.

Section 1004. Tenant's Duty to Pay Rent.—(a) When an action for recovery of possession of real property is commenced upon the grounds of nonpayment of the rent

and the tenant continues to occupy the premises, the tenant shall on or before the tenth day of the month following commencement of the action, and on or before the tenth day of each month thereafter in which he continues to occupy the premises, deposit with the justice of the peace before whom the action was commenced the periodic rental payment for that month.

(b) In lieu of the rental payment, the justice of the peace shall accept a receipt issued to the tenant by the landlord showing that the rental payment for the month was made to the landlord, or if the property is on rent withholding, a receipt from the escrow agent showing that the rental payment for the month was withheld and deposited in the appropriate escrow account.

(c) If there is a dispute over the amount of the monthly rental payment, the tenant shall deposit only the monthly rental payment which he claims is due unless the justice of the peace determines after notice and hearing that a greater rental payment is due.

(d) The justice of the peace shall attach to the complaint which is to be served on the tenant a separate notice clearly advising the tenant of his obligations to make the rental payments pursuant to this section 1004 and of the consequences of his failure to do so.

(e) If there is no dispute over the amount of rent which is owing, the landlord may obtain from the justice of the peace rental payments deposited by the tenant as soon as they are deposited. If there is a dispute over the amount of the monthly rental payments, the landlord may obtain from the justice of the peace only the amount of rent which the tenant claims is due. Any remaining deposits shall be held by the justice of the peace until the relevant proceedings, including appeals, are terminated.

(f) Deposits of the monthly rental payments as provided above shall operate as a supersedeas in any appeal or certiorari proceedings involving judgments for the possession of real property.

Section 1005. Special Order for Possession.—If the tenant has failed to make rental deposits with the justice of the peace as required by section 1004, upon request of the plaintiff, the justice of the peace shall immediately issue a special order for possession and shall deliver it for service and execution to the appropriate executing officer. Five days after service of said order of possession on the tenant, the executing officer shall eject the tenant and deliver possession of the real property to the plaintiff, provided, however, that if at any time before actual delivery of the real property is made in execution of the order for possession, the tenant establishes that the rent due under section 1004 has been paid or pays the justice of the peace or executing officer the rent due pursuant to section 1004 and the costs of the proceedings, the special order for possession shall be withdrawn.

Section 1006. Stay of Order for Possession.—(a) Except as provided by section 1006(b), the special order for possession referred to in section 1005, is in addition to any other rights which the plaintiff has under law and rules of court and nothing herein shall preclude the plaintiff from obtaining an order for possession as provided by the existing law and rules of court.

(b) When a tenant who is making regular rental deposits with the justice of the peace as required by section 1004 is served with an order for possession requiring vacation of the premises, the justice of the peace, at the request of the tenant and upon a showing that the tenant is making a good faith effort to locate other premises, may permit the tenant to occupy the premises for an additional time period not to exceed 60 days provided that the tenant continues to make regular rental deposits with the justice of the peace as required by section 1004. If the tenant continues to occupy the rental premises and fails to make timely rental deposits, the justice of the peace shall issue an order directing the officer executing the order for possession to give the tenant immediate notice that the premises are to be vacated within five days and to deliver the premises to the landlord at the expiration of the five day period.

Section 1007. Procedure Before Justice of the Peace.—The procedure before a justice of the peace for the recovery of possession of real property, and appeals there-

from, unless inconsistent with this article, shall be governed by the Pennsylvania Rules of Civil Procedure Governing Actions before Justices of the Peace.

ARTICLE XI

Policy and Procedure

Section 1101. Powers of Local Agencies.—Local code enforcement agencies may adopt rules, regulations and procedures which implement the provisions of this act.

ARTICLE XII

Repeals and Effective Date

Section 1201. Application.—(a) This act shall have no application in counties of the second class A.

(b) This act applies to rental agreements entered into or extended after the effective date of this act.

Section 1202. Repeals.—The following acts and parts of acts in so far as they relate to the second class counties, are hereby repealed in so far as they relate to leased dwelling units covered by this act:

(1) The act of April 6, 1951 (P. L. 69, No. 20), known as "The Landlord and Tenant Act of 1951."

(2) All acts or parts of acts heretofore enacted are repealed in so far as such acts conflict or are inconsistent with the provisions in this act.

Section 1203. Savings Clause.—Transactions entered into before the effective date of this act, and not extended or renewed after that date, and the rights, duties, and interests flowing from them remain valid and may be terminated, completed, consummated, or enforced as required or permitted by any statute or other law amended or repealed by this act as though the repeal or amendment had not occurred.

Section 1204. Effective Date.—This act shall take effect in six months from the date of passage.

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to table Senate Bill No. 848, Printer's No. 924, sponsored by Mr. Reed, seconded by Mr. Zearfoss.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. WorriLOW	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—17
NAYS—0
NOT VOTING—5

The motion passed.

Signed
BERNARD J. DOMBROWSKI
Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to table Senate Bill No. 849, Printer's No. 925, sponsored by Mr. Reed, seconded by Mr. Zearfoss.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	yea
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. WorriLOW	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—17
NAYS—0
NOT VOTING—5

The motion passed.

Signed
BERNARD J. DOMBROWSKI
Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to table House Bill No. 2388, Printer's No. 3211, sponsored by Mr. Beren, seconded by Mr. WorriLOW.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas E. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	nay
David P. Richardson	not voting
William W. Rieger	yea

Edward G. Williams	yea
Thomas H. Worrilow	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—16
 NAYS—1
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

ROLL CALL

The Urban Affairs Committee met on June 1, 1976 to vote to table House Bill No. 2890, Printer's No. 3213, sponsored by Mr. Beren, seconded by Mr. Worrilow.

The yeas and nays were taken and were as follows:

Member	Vote
Charles N. Caputo	yea
Samuel Rappaport	yea
Bernard J. Dombrowski	yea
Theodore Berlin	not voting
Matthew J. Cianciulli	yea
Thomas F. Flaherty	yea
William J. McLane	yea
John P. Milliron	yea
Michael M. Mullen	yea
Frank L. Oliver	yea
Stephen R. Reed	nay
David P. Richardson	not voting
William W. Rieger	yea
Edward G. Williams	yea
Thomas H. Worrilow	yea
Daniel E. Beren	yea
Alvin Katz	not voting
James W. Knepper, Jr.	not voting
Stanford I. Lehr	yea
Charles F. Mebus	yea
Fortunato N. Perri	not voting
Herbert K. Zearfoss	yea

YEAS—16
 NAYS—1
 NOT VOTING—5

The motion passed.

Signed
 BERNARD J. DOMBROWSKI
 Secretary

BILLS REPORTED FROM COMMITTEES

HOUSE BILL No. 861 (Amended) By Mr. BENNETT

An Act amending the "State Harness Racing Law," approved December 22, 1959 (P. L. 1978, No. 728), increasing the number of racing days; changing a penalty;

changing the rate of tax; providing for exotic wagers and further providing for its disposition.

Reported from Committee on Business and Commerce.

HOUSE BILL No. 1958 By Mr. BENNETT

An Act amending the "Credit Union Act," approved September 20, 1961 (P. L. 1548, No. 658), further providing for rates and fines.

Reported from Committee on Business and Commerce.

HOUSE BILL No. 2100 By Mr. BENNETT

An Act amending the act of July 25, 1961 (P. L. 857, No. 372), entitled "An act regulating the manufacture of stuffed toys intended for sale, gift, or use in Pennsylvania; providing for registration of such manufacturers, the paying of a fee for such registration, the issuance of a seal of approval to such manufacturers; *** and prescribing penalties," providing for exclusions from applicability, registration fees, certificates of registration and making an editorial change.

Reported from Committee on Business and Commerce.

HOUSE BILL No. 2352 By Mr. FRYER

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), changing the superannuation retirement age and years of service for prison guards and matrons at jails, workhouses and prisons.

Reported from Committee on Local Government.
 Rereferred to Committee on Urban Affairs.

HOUSE BILL No. 2388 (Amended) By Mr. CAPUTO

An Act amending the act of May 9, 1949 (P. L. 927, No. 261), entitled, as amended, "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by the sheriff in counties of the second, second A, third, fourth, fifth, sixth, seventh and eighth classes for their official acts and the services of their deputies, watchmen, appraisers and other agents; ***," changing fees.

Reported from Committee on Urban Affairs.

HOUSE BILL No. 2390 By Mr. CAPUTO

An Act amending the act of June 11, 1915 (P. L. 938, No. 413), entitled, as amended, "An act to regulate and establish the fees to be charged and collected by the several clerks of the courts of oyer and terminer, general jail delivery, and quarter sessions of the peace, in counties of the second and second A class," changing the fees.

Reported from Committee on Urban Affairs.

HOUSE BILL No. 2446 By Mr. PERRY

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for optional membership in the system.

Reported from Committee on State Government.

HOUSE BILL No. 2462 By Mr. CAPUTO

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 acts," further regulating prothonotary fees in courts of common pleas in counties of the second class.

Reported from Committee on Urban Affairs.

SENATE BILL No. 1415

By Mr. BENNETT

An Act amending the act of November 30, 1967 (P. L. 658, No. 305), entitled, as amended, "Business Improvement District Act of 1967," making the act uniform for all municipal corporations and further providing for the method of imposing and collecting assessments for improvements.

Reported from Committee on Business and Commerce.

SENATE BILL No. 1472

By Mr. PERRY

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

Reported from Committee on State Government.

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

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

Rereported from Committee on Business and Commerce.

CALENDAR**JUDICIARY BILL ON FINAL PASSAGE**

Agreeable to order,

The House proceeded to the consideration on final passage of **Senate bill No. 935, printer's No. 1955**, 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,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. IRVIS moved that Senate bill No. 935 be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL TAKEN FROM TABLE

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

Mr. IRVIS. Mr. Speaker, on page 20, House bill No. 1577, printer's No. 1908—I move that this bill be taken from the table and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL TAKEN FROM TABLE AND REREFERRED

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

Mr. IRVIS. Mr. Speaker, the Rules Committee has instructed me to make a motion to move the following bill from the table for the purpose of rereferral to the Appropriations Committee for a fiscal note, and I so move:

House bill No. 620, printer's No. 3339.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RECONSIDERATION OF VOTE ON REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 1

Mr. IRVIS moved that the vote by which the report of the Committee of Conference on Senate bill No. 1 was defeated be reconsidered.

Mr. MANDERINO seconded the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

Will the House adopt the report of the Committee of Conference on Senate bill No. 1?

PARLIAMENTARY INQUIRY

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

Mr. POLITE. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. POLITE. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that when a bill falls twice, it cannot be brought up in the same session. Is that correct?

The SPEAKER pro tempore. The answer is "yes"; the rules so provide.

Mr. POLITE. It seems to me, if my memory serves me rightly, that Senate bill No. 1 was defeated twice.

The SPEAKER pro tempore. I believe the gentleman is correct, but I do not believe the conference report was defeated twice.

Mr. POLITE. I think it was. Shall we check the record?

The SPEAKER pro tempore. We will check it.

Mr. POLITE. Thank you.

LABOR RELATIONS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1819, printer's No. 2328**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

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

NAYS—0

NOT VOTING—12

- | | | | |
|------------|--------------|-----------|--------------|
| Crawford | Hammock | McGraw | Wagner |
| Dreibelbis | Hayes, D. S. | Rappaport | Walsh, T. P. |
| Gleason | Knepper | Rhodes | Yahner |

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

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

SENATE BILL No. 159 PASSED OVER

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

Mr. IRVIS. Mr. Speaker, Senate bill No. 159 is not to be called up. We have discovered an error in the amendment which was to be offered today. Therefore, the bill will have to be passed over until tomorrow.

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

LAW AND JUSTICE BILL ON THIRD CONSIDERATION

Agreeable to order,
The House proceeded to third consideration of House bill No. 835, printer's No. 2647, entitled:

An Act amending the "Second Class City Policemen Relief Law," approved May 22, 1935 (P. L. 233, No. 99), further providing for disability benefits.

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

Amend Sec. 1 (Sec. 13), page 2, line 16, by striking out the bracket before "after"

Amend Sec. 1 (Sec. 13), page 2, line 16, by striking out the bracket after "service"

Amend Sec. 1 (Sec. 13), page 2, line 17, by inserting after "pension.": The city may by ordinance reduce the number of years of service to qualify for the pension.

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

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

Mr. ITKIN. Mr. Speaker, House bill No. 835 would reduce the number of years required for a policeman in the city of Pittsburgh to qualify for a disability pension because of an off-the-job accident causing such a disability. Present law allows that a policeman in the city of Pittsburgh who, after 10 years of service, is disabled off the job, could qualify for disability pension paid by the city. House bill No. 835 would change the law to allow a city policeman after 1 day on the job to qualify for such a disability pension for a non-job-related disability.

Mr. Speaker, I have problems with the basic intent of the bill because I have serious reservations about whether any municipality should be required to provide a disability pension and pay the cost of a disability pension for those individuals who acquire an injury not related to their work function.

The financial impact of House bill No. 835 would be tremendous on the police pension fund of the city of Pittsburgh. There are, according to the fiscal note, some 200 policemen who would qualify now for a disability pension if House bill No. 835 were passed into law.

If we assume a \$400-a-month disability, and we assume 12 months in the year, that is \$4,800 a year; we call it \$5,000 a year. If we allow 200 policemen to qualify under that—\$5,000 a year times 200 policemen—this bill will cost the city in the range of \$1 million a year for this particular type of benefit.

Now I believe that the law is dubious, at best. I believe that we should not provide this type of a fringe benefit since I know of no other private employer or any other public employer who does this. The amendment that I am offering today says, I do not want to make that decision and I do not want the legislature to make that decision; this is a decision that should be made consistent with the home rule mandate voted on by the voters in the city of Pittsburgh. What my amendment would do would be to allow the city by ordinance to reduce the number of years of service to qualify for the pension.

In that way, we would give the city by this bill, if

enacted into law, the authority to reduce the number of years of service if they so elect and they feel it is in the best interest of the community at a price that the city pension system can afford to pay. Mr. Speaker, I ask for support of this amendment.

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

Mr. CAPUTO. Mr. Speaker, I rise to oppose this amendment. I want to say that I have never heard an argument that is as off base as the one I have just heard.

I think all of the members have been provided with a copy of the fiscal note. Although Mr. Itkin has indicated that this would cost the city \$1 million, a brief review of the fiscal note would indicate that this bill, which reduces the required service time before a person becomes eligible for total disability in nonrelated job injury, indicates that only one person will be affected, not 200 persons. There is only one man who would qualify for this pension if this bill were passed into law.

Further on in the last paragraph of the fiscal note, you will read this:

Projecting future incidence of off-duty disability from past experience, only two policemen have been disabled while off-duty during the history of the City of Pittsburgh's police force.

This has happened twice. This legislation will take care of one of them. The other person has long since passed by. I ask for a "no" vote on the amendment.

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

Mr. ITKIN. Mr. Speaker, I hope I am reading from the same fiscal note as Mr. Caputo. I am going to read part of that fiscal note that I used in my preliminary remarks. It says in the fiscal note from the Appropriations Committee: "Currently, approximately 200 policemen in the City of Pittsburgh would be added to the list of those eligible for such a disability pension, as they have served less than ten years."

Let me say, Mr. Speaker, if I am wrong in the total number of people and if this Appropriations Committee fiscal note is in error or is misleading, let me say that it could be of a substantial financial impact to the city.

And the question as to whether this legislature should make the requirement for the city of Pittsburgh unilaterally, that only in the city of Pittsburgh should people who are policemen be allowed the pension benefit of being injured off the job and then have the city of Pittsburgh pay for that disability pension, nobody in the state whom I know of can go ahead and get injured in his home and qualify for disability pension. I do not know of any municipality in Pennsylvania where a person can be injured off the job and then go down to city hall and say, now, city, you owe me a disability pension because the law of Pennsylvania says that you have to give me a disability pension.

For these reasons, irrespective of the financial impact on the city which may be difficult to ascertain at this time, I think it would be far better to accept the amendment which says, let the city of Pittsburgh decide whether it can well afford this type of pension benefit. Thank you, Mr. Speaker.

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

Mr. ZORD. Mr. Speaker, under the fiscal note it says: "Currently, approximately 200 policemen in the City of Pittsburgh would be added to the list . . ." That is probably true, but this would be a probability that these individuals would be injured. The bill itself only covers one police officer at the present time, and this is what the bill addresses itself to. So I, too, ask for defeat of this amendment.

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

Mrs. KERNICK. Mr. Speaker, the issue here is not one of money. The issue is: Are we going to set a precedent? Are we going to tell a city which has opted for home rule what they must do? I say, no. And I say we should support the Itkin amendment.

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

Mr. CAPUTO. I think those who say to support the Itkin amendment because we are telling the city what to do, do not understand either the fiscal note or the bill.

Let it be very, very clear that presently any police officer who has been employed in the city of Pittsburgh for at least 10 years may now receive under existing law—this is not law, new law; under existing law anyone who has worked as a policeman for the city of Pittsburgh—gets a disability pension if he is hurt off the job. It does not have to be service-connected disability.

The police officers in Philadelphia have this same provision. There are other municipalities that have this. The only thing we are doing in this particular bill is shortening the required tenure. They do not have to work 10 years to get the disability if they are hurt off the job. It is not a new idea. It is a bill to take care of one man in a case where only two men since the inception of the city of Pittsburgh, which goes back to when it was chartered in 1905 and prior to that time, would have received any relief under this type of legislation. I ask again for a defeat of the amendment.

On the question recurring,

Will the House agree to the amendments?

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

YEAS—44

Anderson, J. H.	Poster, A.	Kernick	Renninger
Arthurs	Foster, W.	Klingaman	Scheaffer
Brandt	Freind	Kolter	Shelhamer
Cole	Fryer	Levi	Shelton
Cowell	Gallen	Mebus	Shuman
Davies	Haskell	Milanovich	Siranni
Deverter	Hayes, S. E.	Moehlmann	Smith, E.
DeWeese	Hill	Morris	Stahl
Dietz	Hutchinson, W.	Mrkonje	Taddonio
Dorr	Itkin	Pancoast	Vroon
Eckensberger	Kelly, J. B.	Pitts	Zearfoss

NAYS—143

Abraham	Gillespie	McLane	Schmitt
Barber	Gillette	Menhorn	Schweder
Bellomini	Gleeson	Miller, M. E.	Scirca
Bennett	Goodman	Miller, M. E., Jr.	Seltzer
Beren	Green	Milliron	Shane
Berlin	Grieco	Miscevich	Shupnik
Berson	Gring	Mullen	Smith, L.
Bittle	Halverson	Mullen, M. P.	Spencer
Bradley	Hamilton, J. H.	Musto	Stapleton
Brunner	Hasay	Myers	Stout
Burns	Hepford	Novak	Taylor

Butera	Hopkins	Noye	Thomas
Caputo	Hutchinson, A.	O'Brien	Toll
Cessar	Irvjs	O'Connell	Trello
Cianciulli	Johnson, J.	O'Keefe	Turner
Cimini	Katz	Oliver	Ustynoski
Cohen	Kelly, A. P.	Parker, H. S.	Valicenti
Cumberland	Kistler	Perri	Wansacz
DeMedio	Kowalyszyn	Perry	Wargo
Dicarlo	Kuse	Petrarca	Weidner
DiDonato	LaMarca	Pievsky	Westerberg
Dininni	Laudadio	Polite	Whelan
Dombrowski	Laughlin	Pratt	Wiggins
Doyle	Lederer	Prendergast	Williams
Dumas	Lehr	Pyles	Wilson
Englehart	Letterman	Ravenstahl	Wilt, R. W.
Fawcett	Lincoln	Reed	Wilt, W. W.
Fee	Logue	Renwick	Worrlow
Fischer	Lynch	Richardson	Wright
Fisher	Manderino	Rieger	Yohn
Flaherty	Manmiller	Ritter	Zeller
Gallagher	McCall	Ross	Zwickl
Garzia	McClatchy	Ruggiero	
Geesey	McCue	Ryan	Fineman.
Geisler	McGinnis	Saloom	Speaker
George	McIntyre	Salvatore	
Giammarco			

NOT VOTING—16

Bonetto	Greenfield	McGraw	Wagner
Crawford	Hammock	O'Donnell	Walsh, T. P.
Dreibelbis	Hayes, D. S.	Rappaport	Wojdak
Gleason	Knepper	Rhodes	Yahner

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 Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, before this bill is voted, I just want to make one thing very clear to the membership. Presently, the city of Pittsburgh has the authority to do this. Presently, the city council could by ordinance provide this benefit. The question as to whether the mayor of the city of Pittsburgh may oppose this or not, or whether you are a pro-Flaherty supporter or an anti-Flaherty person, is irrelevant because the city of Pittsburgh by ordinance by city council can, if it wishes, approve this legislation even above the mayor's veto, if they feel it is the right thing to do.

Now I would like to leave this one doubt in your mind. If this legislation was so worthy of passage, why have the proponents of this legislation not gone before the city council of Pittsburgh and got them by ordinance to pass this particular bill which is supposed to be fiscally of little consequence and is just going to help one old policeman who has suffered an off-the-job disability?

Persons employed by the city of Pittsburgh who cannot get the council of Pittsburgh to be receptive of their demands or their desires come to this legislature because they know that most of the members of the legislature here have no vested interest in the affairs of the city of Pittsburgh and, in doing so, they can probably get an affirmative vote and have it enacted into law.

Once again, I would urge the members of this House to allow the city council of Pittsburgh—those nine members elected from the city who represent the city, who are of

my political party, by the way—to make that decision in this regard. Thank you, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, will the gentleman, Mr. Itkin, agree to a brief interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Itkin, agree to interrogation?

Mr. ITKIN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. CAPUTO. Mr. Speaker, will you tell me where you get the authority that indicates that city council can change a state statute?

Mr. ITKIN. Mr. Speaker, it is my understanding now that since the city became a home-rule-charter city that they would have the option of providing benefits because it would not be inconsistent with law.

Mr. CAPUTO. Mr. Speaker, will you tell me where you got that idea?

Mr. ITKIN. I got that idea from the preliminary discussion we had on House bill No. 1319, wherein my learned colleague indicated that the city of Pittsburgh already has the authority to grant pension benefits.

Mr. CAPUTO. Mr. Speaker, this is a state law that could be permitted by arbitration between the mayor and the bargaining representative for the Fraternal Order of Police, but city council would have no authority to change this law. I ask that the House do it today and vote affirmatively for the bill.

Mr. ITKIN. Mr. Speaker, I differ with that analysis.

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

Mr. ITKIN. I have no further comments except that it would be, leave it to the city to make this decision. Vote "no" on the bill.

On the question recurring,
Shall the bill pass finally?

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

YEAS—136

Abraham	George	McGinnis	Schmitt
Barber	Giammarco	McIntyre	Schweder
Bellommi	Gillespie	McLane	Scirica
Bennett	Gillette	Menhorn	Shane
Beren	Gleason	Miller, M. E.	Shelton
Berlin	Goodman	Miller, M. E., Jr.	Shupnik
Berson	Green	Milliron	Smith, L.
Brunner	Grileo	Mullen, M. P.	Spencer
Burns	Halverson	Mullen	Stapleton
Butera	Hamilton, J. H.	Musto	Stout
Caputo	Hasay	Myers	Taylor
Cessar	Haskell	Novak	Thomas
Cianciulli	Hepford	Noye	Toll
Cimini	Hill	O'Brien	Trello
Cohen	Hopkins	O'Keefe	Ustynoski
Cole	Hutchinson, A.	Oliver	Valicenti
Cowell	Irvjs	Perri	Wansacz
Cumberland	Johnson, J.	Perry	Wargo
DeMedio	Katz	Petrarca	Whelan
DeWeese	Kelly, A. P.	Pievsky	Wiggins
Dicarlo	Kelly, J. B.	Polite	Williams
DiDonato	Kolter	Pratt	Wilson
Dininni	Kowalyszyn	Ravenstahl	Wilt, R. W.
Dombrowski	Kuse	Reed	Wilt, W. W.
Doyle	Laudadio	Renninger	Wojdak
Dumas	Laughlin	Renwick	Worrlow
Eckensberger	Lederer	Richardson	Wright
Englehart	Lehr	Rieger	Yohn
Fee	Letterman	Ritter	Zeller

Fischer	Lincoln	Ross	Zord
Fisher	Logue	Ruggiero	Zwilk
Flaherty	Lynch	Ryan	
Gallagher	Manderino	Saloom	Fineman.
Garzia	Manmiller	Salvatore	Speaker
Geisler	McCall		

NAYS—48

Anderson, J. H.	Fryer	McCue	Saltzer
Arthurs	Gallen	Mebus	Shelhamer
Bittle	Geesey	Milanovich	Shuman
Brandt	Gring	Moehlmann	Sirianni
Davies	Hayes, S. E.	Morris	Smith, E.
Deverter	Hutchinson, W.	Mrkonjc	Stahl
Dietz	Itkin	O'Connell	Taddonio
Dorr	Kernick	Pancoast	Turner
Fawcett	Klingaman	Parker, H. S.	Vroon
Foster, A.	LaMarca	Prendergast	Waldner
Foster, W.	Levi	Pyles	Westerberg
Freind	McClatchy	Scheaffer	Zearfoss

NOT VOTING—19

Bonetto	Greenfield	McGraw	Rhodes
Bradley	Hammock	Miscevlch	Wagner
Crawford	Hayes, D. S.	O'Donnell	Walsh, T. P.
Dreibelbis	Kistler	Pitts	Yahner
Gleason	Knepper	Rappaport	

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

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

MILITARY AND VETERANS AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1858, printer's No. 2382**, entitled:

An Act amending the act of August 1, 1975 (No. 87), entitled "An act relating to pensions for employees of the City of Pittsburgh," authorizing members to purchase credit for military service and clarifying the effective date of the act.

On the question,

Will the House agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 4), page 1, line 12, by striking out "Any" and inserting: When authorized by ordinance; any

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, the amendment that I have offered is to a bill which the House graciously tabled several weeks ago and relates to the military buy-back provisions that would be provided in the bill to present nonuniformed employes in the city of Pittsburgh. If this bill is enacted into law, it would allow any employe of the city, as a member of the pension fund, to buy back up to 3 years of military service by putting in 5 percent of the salary he would have received at the time he was in the service and 5 percent annual interest between that time and the present time of the buy back.

Mr. Speaker, I rise today as I rose several weeks ago, to urge caution in the passage of this piece of legislation. This is one that has significant fiscal impact on the pension fund of the city of Pittsburgh. I would like to read to you the fiscal impact from the fiscal note:

The City of Pittsburgh does not prefund its Retirement System as the Commonwealth does, rather they fund each year's particular costs as they occur.

This is a serious problem that ought to be corrected. Nevertheless, if the city's retirement system were pre-funded, this would increase the city's annual retirement cost by about 13 percent.

Right now the annual funding of the city of Pittsburgh to the system should be \$11½ million a year. This would raise it to provide for a fiscally sound pension system, to \$12,300,000 a year, an increase of \$800,000 or 13 percent in the total pension cost obligation of the city of Pittsburgh.

Now the total value of the change to the city pension fund resulting from this bill is an estimated \$9,750,000, including employe contributions of \$1¼ million that would be required under the bill. This leaves a total estimated cost to the city of \$8½ million. At this time the city's method for paying this additional cost is undecided.

Now I would like to indicate to the House what they will be doing if they approve this bill without my amendment. What they will be doing is requiring the employes to put in \$1¼ million, but they will be taking out \$9¾ million. That is about a 7- or 8-to-1 multiplier effect. For every \$1.25 they put in, they will get \$9.75 in return.

Mr. Speaker, I have a Mailgram from the mayor of the city of Pittsburgh to the Pennsylvania League of Cities, which I read to the House in regard to this bill:

The subject bill has just been released from the Appropriations Committee onto the floor of the House. I urgently enlist your help in stopping passage of the above bill.

The above bill will cost the City of Pittsburgh 13 percent over and above the amount paid in by employes who would purchase the military time. This would seriously impair the fiscal stability of the City of Pittsburgh.

A recent report from the Department of Community Affairs has already criticized the fact that our pension system in Pittsburgh is unfunded. To add this burden onto the present pension fund would further impair the stability of the pension fund and seriously affect the City of Pittsburgh's finances.

The city should be given the decision as to whether or not it can afford additional pension increases and given the opportunity to bargain collectively under Act 195 of 1970 in this regard.

In addition I am advised by the city solicitor that the state legislature no longer has the authority to increase the burden of our municipal pension fund because of state enabling legislation which provided home rule powers to the City of Pittsburgh pursuant to which a home rule charter was adopted on January 4 of this year.

For the above reasons I request your support and consideration to table this bill.

Now, the Pennsylvania League of Cities has come to the support of the city of Pittsburgh and, in a letter that I received from the league, states as follows:

The Pennsylvania League of Cities sincerely thanks you for your efforts and your success in tabling the bill that would have extended military buy-back credits to the city of Pittsburgh. You are entirely correct that it would indeed add at least \$800,000 to the city's retirement expenditures.

It goes on to say that there is a question of legality involved by the legislature passing this bill.

In addition, I would like to point out that the league is very much concerned about this growing problem of the municipal pensions. The Pennsylvania League of Cities' Newsletter reports:

On April 13, 1976 Mayor John D. Krout, Chairman of the League's Pension Committee and Richard G. Marden, Executive Director of the League, met with Governor Shapp and DCA (Department of Community Affairs) Secretary William H. Wilcox to discuss city pension problems and present recommendations.

It goes on to say:

Last year Secretary William H. Wilcox of the Pennsylvania Department of Community Affairs commissioned Conrad Siegel, Harrisburg actuary, to study and report on the pension systems in Pennsylvania cities. The report showed unfunded liabilities of more than one billion dollars.

The League believes that everyone must share the blame for this situation: employees for making unreasonable demands on the pension systems; city officials for acceding to these demands and the Commonwealth for imposing bad pension legislation on the cities.

Mr. Speaker, what my amendment will do is to allow by ordinance the city of Pittsburgh to make that decision as to whether its employes can and should be allowed to purchase military buy-back.

Thank you.

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

Mr. CAPUTO. Mr. Speaker, I ask the House once again to vote "no" to the amendment. A review of the fiscal note would indicate that the increased cost to the city, if this were to become law and if every city employe were to buy back the military time and were to retire after they had reached full retirement age, would be approximately \$800,000 a year.

Now, Mr. Speaker, the only employes in the city of Pittsburgh who do not have the privilege of buying back their military time are the employes covered in this bill.

There are something like 2,900 city employes who come under the civil service classification. Of that number approximately, according to figures I received from the city of Pittsburgh, 6,000 to 7,000 are women who have no military time. Of those left, and we are going back to those who served in the Vietnam war in this bill, approximately not more than 500 would have the privilege of buying back some civil service time. The limitation under this bill is 3 years of civil service time.

This is the last of the city bills that we have on this calendar. The members of this House have been very

gracious to me. I will ask them to be gracious once again and to defeat this amendment.

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

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

YEAS—48

Abraham	Fryer	Kusse	Pitts
Anderson, J. H.	Gallen	Levi	Pyles
Arthurs	Garzia	McClatchy	Renninger
Cowell	Gring	McCue	Scheaffer
Davies	Hasay	Mebus	Shelhamer
DeWeese	Haskell	Menhorn	Strianni
Dietz	Hayes, S. E.	Milanovich	Stahl
Dorr	Itkin	Miscevich	Taddonio
Fawcett	Kelly, J. B.	Moehlmann	Weidner
Foster, A.	Kernick	Morris	Westerberg
Foster, W.	Kistler	Mrkonc	Wilt, R. W.
Freind	Klingaman	Pancoast	Zearfoss

NAYS—136

Barber	Giammarco	McLane	Seltzer
Bellomini	Gillespie	Miller, M. E.	Shane
Bennett	Gillette	Miller, M. E., Jr.	Shelton
Berlin	Gleeson	Milliron	Shuman
Berson	Goodman	Mullen, M. P.	Shupnik
Bittle	Green	Mullen	Smith, E.
Bradley	Greenfield	Musto	Smith, L.
Brandt	Grieco	Myers	Spencer
Brunner	Halverson	Novak	Stapleton
Burns	Hamilton, J. H.	Noye	Stout
Rutera	Hepford	O'Brien	Taylor
Caputo	Hill	O'Connell	Thomas
Cessar	Hopkins	O'Keefe	Toll
Cianciulli	Hutchinson, A.	Oliver	Trelio
Cimini	Hutchinson, W.	Parker, H. S.	Turner
Cohen	Irvia	Perri	Ustynoski
Cole	Johnson, J.	Perry	Vallcenti
Cumberland	Katz	Petrarca	Vroon
DeMedio	Kelly, A. P.	Polite	Wansacz
Deverter	Kolter	Pratt	Wargo
Dicarlo	Kowalshyn	Prendergast	Wiggins
DiDonato	LaMarca	Ravenstahl	Williams
Dininni	Laudadio	Reed	Wilson
Dombrowski	Laughlin	Renwick	Wilt, W. W.
Doyle	Lederer	Richardson	Wojdak
Dumas	Lehr	Rieger	Worrlow
Eckensberger	Letterman	Ritter	Wright
Engelhart	Lincoln	Ross	Yohn
Fee	Logue	Ruggiero	Zeller
Fischer	Lynch	Ryan	Zord
Flaherty	Manderino	Saloom	Zwinkl
Gallagher	Manmiller	Salvatore	
Geesey	McCall	Schmitt	Fineman, Speaker
Geisler	McGinnis	Schweder	
George	McIntyre		

NOT VOTING—19

Beren	Gleason	O'Donnell	Wagner
Bonetto	Hammock	Pievsky	Walsh, T. P.
Crawford	Hayes, D. S.	Rappaport	Whelan
Dreibelbis	Knepper	Rhodes	Yahner
Fisher	McGraw	Scirica	

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 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 Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I really do not know how the

House can support this piece of legislation. Someone behind me said that I will find out, and I know that I will. I know this bill is going to pass. I think that this is a very, very shallow, weak participation of the members of this House to support this type of legislation.

Everyone knows the problems that we are having with our municipal pension funds. Everyone knows the problems that New York City and the other large cities are having with their municipal pension funds. And everyone knows the reason why. The reason is that because in New York, they went to Albany, and the reason will come to Pennsylvania because they went to Harrisburg.

I could understand if this were several years ago when the consequences of prior actions were not so demonstrative as to what the potential liability of these pension systems are now going through. But in the face of knowing that there are serious fiscal problems with our unfunded municipal pensions that are going to require someday fantastic tax increases in order to make them viable, to make them stable, I think that if this type of action passes today, everyone in Pennsylvania will have the right to look at this legislature and say that they did not do the right thing, that they did not do the right thing to us, and that they would, in my judgment, be entitled to do the right thing on November 7. Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker. I will try to be very brief. I would just like to take the opportunity to join Mr. Itkin in asking for the defeat of this bill.

We, the legislature, are often criticized for things we do to local government, the local school districts and what-have-you in forcing them to do things that cost them more money. That in itself does not always bother me because sometimes we validly make policy decisions where their merits justify the financial costs that may be incurred. But this is not one of those cases.

Our local governments across this state, not just in Pittsburgh but across the state, are running into financial problems. Sometimes those problems are going to be much more real, much more at hand tomorrow than they may seem to be today. But we are all going in that direction, which is a wrong direction; it is a bad direction and it is one that is going to have a detrimental effect on those people who are paying those local taxes.

I would just appeal to the members of the House as Mr. Itkin has done: Let us not do this to Pittsburgh because what we do to Pittsburgh today, we could be doing to Philadelphia or Erie or any small township or municipality across this state tomorrow.

Thank you very much, 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—124

Barber	Geisler	Miller, M. E.	Shane
Bellomini	George	Miller, M. E., Jr.	Shelhamer
Bennett	Giammarco	Milliron	Shelton
Beren	Gillette	Mullen, M. P.	Shupnik
Berlin	Gleason	Mullen	Smith, L.
Berson	Goodman	Musto	Spencer
Bonetto	Green	Myers	Stapleton
Brunner	Greenfield	Novak	Stout

Burns	Grieco	O'Brien	Taylor
Butera	Hamilton, J. H.	Oliver	Thomas
Caputo	Haskell	Perrri	Toll
Cessar	Hepford	Perry	Trello
Cianciulli	Hill	Petrarca	Ustynoski
Cimini	Hutchinson, A.	Pievskey	Valicenti
Cohen	Irvis	Pratt	Wansacz
Cole	Johnson, J.	Prendergast	Wargo
Cumberland	Katz	Ravenstahl	Whelan
DeMedio	Kelly, A. P.	Reed	Wiggins
Deverter	Kolter	Renninger	Williams
DeWeese	Kowalyshyn	Renwick	Wilt, R. W.
Dicarlo	LaMarca	Richardson	Wilt, W. W.
DiDonato	Laudadio	Rieger	Wojdak
Dombrowski	Laughlin	Ritter	Worrlow
Doyle	Lederer	Ross	Wright
Dumas	Lincoln	Ruggiero	Zohn
Eckensberger	Logue	Ryan	Zeller
Englehart	Lynch	Saloom	Zord
Fee	Manderino	Salvatore	Zwinkl
Fischer	McCall	Schmitt	
Flaherty	McIntyre	Schweder	Fineman,
Gallagher	McLane	Scirica	Speaker
Garzia	Milanovich		

NAYS—64

Abraham	Geesey	Levi	Pitts
Anderson, J. H.	Gillespie	Mann Miller	Polite
Arthurs	Gring	McClatchy	Pyles
Bittle	Halverson	McCue	Scheaffer
Brandt	Hasay	McGinnis	Seltzer
Cowell	Hayes, S. E.	Mebus	Shuman
Davies	Hopkins	Menhorn	Sirianni
Dietz	Hutchinson, W.	Miscevich	Smith, E.
Dininni	Itkin	Moehlmann	Stahl
Dorr	Kelly, J. B.	Morris	Taddonio
Fawcett	Kernick	Murkonic	Turner
Foster, A.	Kistler	Noye	Vroon
Foster, W.	Klingaman	O'Connell	Weidner
Freind	Kusse	O'Keefe	Westerberg
Fryer	Lehr	Pancoast	Wilson
Gallen	Letterman	Parker, H. S.	Zearfoss

NOT VOTING—15

Bradley	Gleason	McGraw	Wagner
Crawford	Hammock	O'Donnell	Walsh, T. P.
Dreibelbis	Hayes, D. S.	Rappaport	Yahner
Fisher	Knepper	Rhodes	

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 pro tempore. I would like to make an announcement first to the members concerning a motion to reconsider the vote by which the Conference Committee Report on Senate bill No. 1 had been defeated. At the time the motion was made, the Chair was not aware of the fact that Senate bill No. 1 had already left the chamber of the House and had been returned to the Senate. The motion is, therefore, ineffective and it will be considered as not having been made.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, just to make Frank O'Connell deliriously happy, I talked to Frank Kury and he agreed that he would forget it.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 883

Mr. IRVIS called up the following report of the Committee of Conference on Senate bill No. 883, 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. 883, entitled: "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,' changing provisions relating to Food Stamp Computations."

respectfully submit the following bill as our report:

EUGENE F. SCANLON
JAMES A. ROMANELLI

(Committee on the part of the Senate.)

CHARLES N. CAPUTO
ANITA PALERMO KELLY

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

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," changing provisions relating to Food Stamp Computations.

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

Section 1. Section 471, act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," is amended to read:

Section 471. Food Stamp Computations.--To compute for each quarter the amount of Commonwealth funds expended by the department for the administration of the food stamp program for [each county or] every county, and for each city of the first class. For the fiscal year 1965-1966, thirty percent; for the fiscal year 1966-1967, forty percent; and, for the fiscal [year] years 1967-1968, [and thereafter,] through 1974-1975 and the nine month period ending March 31, 1976, fifty percent of the amount so expended for [each county or] every county, and for each city of the first class shall be certified to it, and shall become its obligation to be paid to the department.

On the question,

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

CONFERENCE REPORT RECOMMITTED

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

Mr. IRVIS. Mr. Speaker, the chairman of the Committee of Conference phoned me and indicated that there is some technical language changes which have to be made in the Committee of Conference Report on Senate bill No. 883. For that reason I am moving to return Senate bill No. 883, printer's No. 1941, to the Committee of Conference. I so move, Mr. Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. M. P. MULLEN requested and obtained unanimous consent to address the House.

Mr. M. P. MULLEN. Mr. Speaker, a very distinguished lady in Pennsylvania, Mrs. William Fenton Price of 301 Chestnut Street, Harrisburg, Pennsylvania, gave me a copy of a report from the Committee on Judiciary in the United States Senate, dealing with "The Attempt to Steal the Peoples Bicentennial Commission."

It is a very interesting report and I would like per-

mission to enter it into the House Journal. I am asking permission to enter it into the House Journal, Mr. Speaker.

Mr. M. P. MULLEN presented the following report for the Legislative Journal:

94th Congress
2d Session

Committee Print

THE ATTEMPT TO STEAL THE BICENTENNIAL

The Peoples Bicentennial Commission

REPORT

of the

SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS

of the

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
Ninety-Fourth Congress
Second Session

May 1976

U. S. Government Printing Office
Washington : 1976

70-140 O

For sale by the Superintendent of Documents,
U. S. Government Printing Office
Washington, D.C. 20402
Price 45 cents

There is a minimum charge of \$1.00 for
each mail order

INTRODUCTION

By

SENATOR JAMES O. EASTLAND

This report has aptly been captioned, "The Attempt to Steal the Bicentennial".

This year our nation is celebrating the 200th anniversary of its founding. So that this anniversary could be observed in a proper, dignified and meaningful manner at every level of our society, Congress in July of 1966 established the American Revolutionary Bicentennial Commission which, under new legislation enacted in January 1974, was converted into the American Revolutionary Bicentennial Administration. AR-BA is currently funded at an approximate level of ten million dollars a year, with another eleven million disburseable to assist states and communities in planning their observances. In enacting this legislation, it was the hope and expectation of Congress that in this way our citizens, old and young, would be given a better

understanding of our magnificent national history and would be able to draw a fresh inspiration from the examples of the founding fathers and the immortal documents of liberty which they handed down to us.

It is obvious that the successful national observance of our Bicentennial will require the cooperation of our schools, of our churches, of our media, and of our great national organizations. But the evidence presented in this report and in the hearing record on which it is based points to the conclusion that a privately funded organization, the Peoples Bicentennial Commission, operating with some hundreds of thousands of dollars, has been far more successful in reaching our churches, our schools, and our media, than has the official Bicentennial organization, ARBA. What is more, this heavily documented evidence establishes beyond challenge that the Peoples Bicentennial Commission is a far-left organization whose true views are far closer to those of Castro and Mao than they are to those of our founding fathers. Its participation in the Bicentennial is a deception and a fraud. By muscling in on the Bicentennial observance, it seeks first of all to pervert its meaning, and secondly, to exploit it for the purpose of overthrowing our free society.

Because the PBC propaganda is skillful, many well-intentioned people have been taken in by it. As Mr. Frank Watson, one of the witnesses who testified, put the matter:

As to attracting large numbers of people who might not feel comfortable relating directly to a radical organization, the PBC has set some new sort of record. Indeed, there is hardly a question that if the PBC's true origin and ancestry were known, many of the current participants, supporters and endorsers would not have touched it with the proverbial ten foot pole.

In opening the hearing which is the subject of this report, I made the following statement:

It is important that the Congress and the public be aware of the existence of organizations of the revolutionary left which seek to pervert the legitimate meaning of the American Revolution and which, with the tacit connivance of front organizations, have engaged in a massive campaign to try to "capture" the Bicentennial celebration for themselves.

Knowing something of the evidence which a lengthy staff investigation had already developed, I expressed the belief that our hearings would be able to—

Peel back the patriotic veneer of the name "Peoples Bicentennial Commission" for the purpose of examining and laying before the Congress and the public, facts by which the legitimacy of this organization's publicly stated goals and objectives and the integrity of their spokesmen may be objectively evaluated.

That the committee was able to achieve the objectives suggested by the preliminary evidence is amply demonstrated in the report that follows.

THE ATTEMPT TO STEAL THE BICENTENNIAL

The Peoples Bicentennial Commission

On March 18th and 19th the Senate Subcommittee on Internal Security held hearings on the Peoples Bicentennial Commission, a private activist organization that has attracted much attention. The witnesses were Mr. Frank M. Watson, Jr. of Dunn Loring, Virginia, and Mrs. Mary Walton of the State of Illinois.

Mr. Watson, who is a retired Army officer with a masters degree in Journalism, has worked for over 12 years in the field of media analysis and propaganda analysis. In the latter field, he has been primarily concerned with revolutionary organizations.

A private citizen, writer and lecturer, Mrs. Walton has for 14 years made an intensive study of revolutionary movements, has worked with many educators on the problem of student radicalism and drug abuse, and served on the Illinois Governor's Advisory Council on Student Radicalism under Governor Ogilvie.

The report that follows is based on the testimony Mr. Watson and Mrs. Walton presented to the Subcommittee and the numerous exhibits which they submitted in support of their testimony.

* * * * *

The Peoples Bicentennial Commission over the past two years or more has received considerable attention from the American media. The early reports placed their primary emphasis on the PBC's educational activities and on its opposition to the commercialization of the Bicentennial. These reports were generally highly laudatory in nature. But the PBC's roster of activities—especially in recent months—has included certain items which could not have washed too well even with its best misguided friends in the media:

In April of 1975 it was responsible for the disorderly counter-demonstration which heckled President Ford and uglified the commemorative proceedings at Concord, Massachusetts.

Within the past month, it has sent 8,000 cassette recordings, accompanied by first name covering letters, to the wives of corporate executives. The tape recordings told the wives about "the recent wave of corporate scandals and criminal activity," and called upon the wives in effect, to crossexamine their husbands about any "criminal and abusive policies" in which they might be involved.

In recent weeks, too, the PBC has sent letters to some thousands of secretaries of corporation executives, offering a reward of \$25,000 to any secretary who would provide information leading to the successful prosecution of her boss.

It has announced plans for a mass demonstra-

tion, similar to the Concord demonstration, in Washington, D.C. on July 4th; and the PBC has repeatedly claimed that it plans to mobilize 250,000 people for the occasion. It is also secretly collaborating with the National July 4th Coalition, an amalgam of far-left organizations which is planning a parallel demonstration in Philadelphia.

Despite all this, there is widespread public confusion about the real nature and purpose of the PBC. Because the name is so similar, many people, in fact, tend to confuse it with the official "American Revolutionary Bicentennial Administration (ARBA)". An elementary school teacher in Fort Dodge, Iowa, for example, wrote in to ARBA to ask if "the Peoples Bicentennial Commission is another name for your group of coordinators, or if it is a separate organization . . ."

What is the "Peoples Bicentennial Commission"?

The "Peoples Bicentennial Commission", with headquarters at 1346 Connecticut Ave., N.W., Washington, D.C., poses as a "nationwide citizens organization dedicated to restoring the democratic principles that shaped the birth of this republic." In actual fact, it is a propaganda and organizing tool of a small group of new-left political extremists whose pantheon of political heroes include such Marxist luminaries as Fidel Castro, Mao Tse-tung, Che Guevara, and Regis Debray, and who seek to pervert the meaning of the American Revolution and to exploit the Bicentennial celebration in order to further their own revolutionary goals.

In a document prepared for the Subcommittee, Mr. Watson described the purposes and modus operandi of the Peoples Bicentennial Commission in the following apt words:

Under the guise of the noblest of patriotic claims, and with the appearance of the most altruistic concern for the "little guy", they seek to promote dissatisfactions and divisions among broad segments of the population. Methodically they seek to discredit each of the traditions and institutions of the existing political and economic system, and to encourage the citizenry to demand the bit-by-bit substitution of those of a socialist state. Their program is extremely well thought out, and it is subtle. It has fooled quite a number of honest and well-meaning people and organizations, and has garnered encouragement and financial support from some most unlikely sources. Indeed, an amount of careful study is required to unmask the scheme for what it is.

To quote an expression which was responsible for launching the PBC, the Peoples Bicentennial Commission seeks to "radicalize Americans by Americanizing radicalism." It is a tribute to the skillfulness of the PBC's propaganda that it has been able to persuade most of the American media that its patriotism is for real. Newspaper

columns and TV and radio programs have thrown open their doors to the PBC—to the point where the coverage it has received far exceeds that of the official American Revolutionary Bicentennial Administration (ARBA). In general, the media coverage of the PBC has ranged from uncritical to laudatory. Even the staid Wall Street Journal has written favorably about the PBC, describing its program as "old-fashioned egalitarianism"—this, despite the fact that the PBC literature calls for the abolition of corporate ownership and its replacement by worker and community ownership. As Mr. Watson summed up the matter, even their bad press would have been a public relations man's dream.

PBC reports that its radio series, "The Voices of '76" is being aired on a daily basis by 924 radio stations across the U.S.; that a television series with a similar caption is being aired on an ongoing basis by 102 TV stations in major metropolitan areas; that the PBC feature services are sent to over 14,000 general and specialized media publications and journals; and that the PBC's ambitious book publishing program includes major publishers like Bantam Books, Simon and Schuster, and McGraw Hill.

Following the lead of the media, PBC reports that "thousands of libraries, churches, fraternal clubs, schools, civic associations, etc., are currently using [educational] materials and [social action] programs especially developed by the PBC." According to PBC, 65,000 churches are using Bicentennial material prepared by it.

THE ORIGINS OF THE PBC— JEREMY RIFKIN AND JOHN ROSSEN

The man who is generally credited with having launched the Peoples Bicentennial Commission and who serves as its principal spokesman is a 30-year old Chicagoan by the name of Jeremy Rifkin. Rifkin describes himself as an "economist". There is more to his background than this, however.

Jeremy Rifkin, as a New Left activist, played a prominent role in the anti-Vietnam war movement, serving as National Coordinator for the National Committee for Citizens Commission of Inquiry on U.S. War Crimes in Vietnam. (Like the rest of the Old Left and New Left "humanitarians", Rifkin exploded with fraudulent indignation over the massacre of several score civilians at Mylai—in violation of a whole series of orders and troop directives—but has remained completely silent over the Communist killing of half a million Cambodians through executions, forced marches, and starvation.)

At a later date, in 1971, Rifkin was a founding member of the New American Movement, a far left New-Left organization, which combined calls for revolution with professions of commitment to democracy. What these professed commitments to democracy really meant is apparent from the fact that the NAM repudiated the moderate and democratic socialist parties of Wes-

tern Europe as upholders of the capitalist regime, and sent fraternal delegates to last year's conference of the Castro-dominated Puerto Rican Socialist Party, in the company of other fraternal organizations like the Prairie Fire Organizing Committee (the support organization of the terrorist Weather Underground), the American Indian Movement, and the American Section of the Philippine Communist Party.

In attempting to describe the NAM's position in the Left Wing spectrum, Mr. Frank Watson said:

If you were to draw up a family tree of the splintering and combining of the Communist factions in the U.S. over the past 5 or 6 years, you would probably have to consider the New American Movement something of a second cousin to such terrorist organizations as the Weathermen and the Symbionese Liberation Army.

At the founding meeting of the NAM, Jeremy Rifkin successfully urged that the movement commit itself to a Peoples Bicentennial Commission program. In a statement subsequently published in the November-December 1971 issue of the "New American Movement", Rifkin said:

It makes no sense for the U.S. to allow the defenders of the system the advantage of presenting themselves as the true heirs and defenders of the American revolutionary tradition. Instead, our revolutionary heritage must be used as a tactical weapon to isolate the existing institutions and those in power.

The article argued further that by establishing "Peoples Bicentennial Commissions" on the state or local level the New American Movement could attract citizens from communities, unions, civic organizations, grade schools, high schools, and colleges, for eventual recruitment to the local chapters of the New American Movement itself. "Aside from engaging large numbers of people for the first time who might not feel comfortable relating directly to the New American Movement," said the article, "the Peoples Commissions would provide a unique forum for mass media exposure over the next four years. This mechanism could be used to raise political awareness and to promote the New American Movement and other radical activities and demands."

Today Jeremy Rifkin is no longer listed as a member of the NAM, and the PBC does its utmost to obscure NAM's seminal role in the founding of the PBC. The language Rifkin uses and the authorities he invokes are selected with care so that people will be led to believe that his radicalism is in the Jeffersonian tradition and that it reflects nothing more than an "old-fashioned egalitarianism"—to quote the Wall Street Journal again.

A Washington Star News article on November 24, 1974, had this to say about Jeremy Rifkin:

When he calls himself and his colleagues revolutionary, he says he is not thinking

about Lenin and Karl Marx, he is thinking about Paul Revere and Nathan Hale. Thomas Paine, Thomas Jefferson, John Adams are the revolutionaries he likes to quote.

In the article in the New American Movement which has already been quoted above, Rifkin put things a little bit differently:

A genuine understanding of the revolutionary ideals," he said, "is what links Thomas Paine, Sam Adams, and Benjamin Rush and the American people with Lenin, Mao, Che [Che Guevara], and the struggles of all oppressed peoples in the world. Not until the masses of Americans begin to reidentify with these principles and develop their own revolutionary struggle will they be able to form a real bond of fraternalism and solidarity with the struggles of all oppressed people.

Mr. Watson pointed out that Rifkin was one of a committee of seven appointed to sanitize the NAM's literature for the purpose of eliminating telltale rhetoric that would frighten away the ordinary citizen. Rifkin did his work well. The paragraph quoted above, in a "sanitized" version, appeared in the introduction to "America's Birthday", a PBC volume published by Simon and Schuster. (page 13.) The sanitized paragraph is reproduced below, with the changes indicated in brackets:

A genuine understanding of American democratic ideals ["revolutionary" has been changed to "democratic"] is what links the American people with the struggles of all oppressed people in the world. [Rifkin's previous reference to "Lenin, Mao and Che" has been deleted.] Indeed, the American Revolution has stood as an example of revolution to the Third World. Not until the majority of Americans begin to reidentify with our democratic principles [the word "democratic" has been inserted] and develop our own revolutionary struggle will we be able to form a real bond of fraternalism and solidarity with the struggles of all oppressed peoples.

Mr. Watson underscored the fact that this kind of camouflage consistently characterizes PBC propaganda. He said that, in the case of Rifkin's introduction to "America's Birthday", "you can go down through it page by page and find whole paragraphs that have been picked up and plopped in there—with the scare words and scare names taken out." He offered for the record a comparative sheet, on one side of which were four paragraphs from Rifkin's writings for the underground press, where he was speaking to fellow leftists, while on the other side were the same four paragraphs as they appeared in "America's Birthday", with scare words and scare names deleted.

Despite the fact that Jeremy Rifkin is generally portrayed as the founder of the PBC, according to both witnesses the real ideological and propa-

ganda genius responsible for launching the Peoples Bicentennial Commission was not Rifkin but an aging fellow Chicagoan by the name of John Rossen.

The witnesses submitted extensive documentation to establish that the basic set of ideas behind the PBC, its rhetoric, its revolutionary quotations, its graphic designs, including the "Don't tread on me" coiled rattlesnake logo, were all the product of Rossen's earlier efforts, preceding the PBC by a good several years. As Mr. Watson put the matter, "Rifkin, more generally acceptable, 30 years of age versus Rossen's age between 65 and 70, simply took the blueprints for the PBC and moved the locus of the operation from Chicago to Washington."

The evidence established that Rossen had been a long time member of the Communist Party, from approximately 1930 to the mid-50's. Among other things, he served as a Communist Party organizer in the State of Illinois, he ran for mayor of St. Louis on the Communist Party ticket, and he served with the Communist-dominated Abraham Lincoln Brigade in the Spanish Civil War. Although Rossen claims that he broke with the Communist Party—apparently some time in the 50's—he still speaks with pride of the years he spent as a Communist activist and organizer.

In the early 60's, Rossen was a leader of the Fair Play for Cuba Committee in the Chicago area. (The Fair Play for Cuba Committee was the subject of an intensive investigation by the Senate Subcommittee on Internal Security. This investigation established that the Committee received a substantial part of its funding from the Castro government.) At a later stage, he was prominently identified with the SDS—the SDS, in fact, maintained its national headquarters in a Chicago building owned by Rossen.

In the late 60's, together with a group of other American radicals, Rossen met with a delegation of North Vietnamese and Vietcong in Bratislava, Czechoslovakia. Rossen quoted the Vietnamese Communists as telling the American delegation: "The problem with you American friends is that you have not yet found your identity; you do not identify with the American people." When he got back to the United States, Rossen used his own publishing operation, the Johnny Appleseed Press of Cicero, Illinois, to print and distribute "an open letter to the American Left."

The basic problem confronting the American left, said Rossen in this "open letter", was "how to get started on the American road to socialism." The letter continued:

If one accepts the proposition that there is an American road to socialism, that no social revolution can be transplanted or grafted onto American society, then it is clear that the humanist-socialist transformation of society in the United States can come about only as an unfolding of the unique history and the unique experiences of the American

nation, as a further development and flowering of the great American Revolution of 1776.

Is it possible that there is only one American revolution? That it began in 1776, and that in 1969 Americans had the revolutionary task of bringing that revolution up to date?

American radicals, who are really American and really radical, must accept the proposition that 20th century Americanism is humanist-socialism.

A revival and updating of the spirit of '76 by the American left, and a revamping of left theory and practice in terms of that spirit would not only defeat the fascist danger, but would create conditions for an offensive by the left that would speed the day of the arrival of the American people at the next milestone in our history—a humanist-socialist society.

In conjunction with his open letter to the American left, Rossen announced the launching of a new movement, which he called the "New Patriotic Movement", and he also published a paper called *The New Patriot*.

About the time he started putting out *The New Patriot*, Rossen published a pocket-sized booklet entitled, "Revolutionary Quotations From the Thoughts of Uncle Sam". The first edition, published in 1969, said in its foreword that it had been inspired by the "Little Red Book" of quotations from Mao Tse-tung. This booklet was offered as a subscription bonus with some of the more radical underground papers in the Midwest, such as *Rising Up Angry*, published in Chicago, and *Kaleidoscope*, published in Milwaukee. Mr. Watson submitted for the record a copy of an advertisement for the Rossen book of quotations which appeared in the nationally circulated weekly, *The Guardian*, which claims to be Marxist-Leninist, and whose sympathies are obviously Maoist. (*The Guardian*, May 3, 1969.) The advertisement, again, drew a comparison between "Revolutionary Quotations by Great Americans" and the "Little Red Book" of Mao. The advertisement said that the book contained quotations from Thomas Paine to Tom Hayden, from *Sitting Bull* to Eldridge Cleaver and Huey Newton, from Gene Debs and Bill Haywood to Helen Keller and C. Wright Mills, and from Richard Daley to Rennie Davis.

When this booklet was advertised a short while later in "*The New Patriot*", where Rossen was seeking a broader and somewhat less radical audience, Mr. Watson pointed out that a few dramatic changes took place. First, the name of the booklet was altered to read "Little Red, White and Blue Book of Revolutionary Quotations by Great Americans". Second, there was no reference to Mao's book. Third, there was no longer any reference to names like Eldridge Cleaver and Huey Newton and *Sitting Bull*, etc.—for the very good reason that most Americans are not inclined to regard such people as revolutionary heroes.

This early deception by John Rossen is characteristic of the more grandiose deception practiced by the PBC.

Mr. Watson pointed out that the packet of educational materials which the PBC is now sending out, contains a little booklet, approximately 3½" by 5" in size, entitled "First Principles". He said that this had a table of contents that bore many similarities to the table of contents of the two versions of Rossen's "Revolutionary Quotations", but that it had been further sanitized to eliminate the traces of modern revolutionaries.

The themes of "revolutionary nationalism" and of "radicalizing Americans by Americanizing radicalism" run consistently through Rossen's writings. In his contribution to "How to Commit Revolution American Style", Rossen, for example, quoted Regis Debray, the French Marxist writer (his principal book is the "Revolution Within the Revolution") who was an aide to Che Guevara in his guerrilla foray against Bolivia. "There will never be an authentic nation on this continent without revolutionary socialism, just as there will never be socialism without revolutionary nationalism."

Rossen participated, together with Rifkin, in the founding conference of the "New American Movement" in the fall of 1971. He and Rifkin were the prime movers in selling the PBC concept to the conference. Describing the Rifkin-Rossen presentation to their NAM comrades, Mr. Watson said their argument ran roughly as follows:

Look, they were saying to the New Left radicals, you have been trying to bring a Marxist-Leninist-Maoist revolution to the United States by using opposition to the Vietnam War as an issue, and we agree with you on this goal. But you're going at it wrong. People in this country are not going to buy off from the turgid writing of Marx, the easily identifiable polemics of Lenin, or "Quotations from the Thoughts of Chairman Mao." You have tried that, and it has not worked. Here, give them the "Revolutionary Quotations From the Thoughts of Uncle Sam." We are completely committed to bringing a Cuban or Chinese type regime to the U.S. just as you are, but it simply cannot be done the way you are trying to do it.

As part of the current emphasis on camouflage, Rossen rejects indignantly the allegation that he is a Marxist. He told Bob Wiedrich of the Chicago Tribune: "I reject Marxism and Stalinism and Maoism. I have abandoned any ideas that were purely Marxist."

This denial by Rossen, said Mr. Watson, called to mind an editorial which Rossen had written in his tabloid The New Patriot. He quoted Rossen as follows:

I would say that for a revolutionary-socialist in the 20th century to label himself as a Marxist or a Marxist-Leninist is as ridiculous as for a modern physicist to call

himself a Newtonian, or for a modern biologist to call himself a Darwinian. Marx laid the sturdy foundations for the scientific revolutionary-socialist methodology, and for any modern revolutionary to ignore these foundations would be as stupid as for a physicist to ignore the findings of Isaac Newton. But neither can the modern revolutionary limit himself to the findings of Marx. That is why I use the expression "scientific revolutionary methodology" rather than the expression "Marxism."

The problem with most of those who call themselves Marxists today, is that they accept Marxism as a dogma and not as a scientific tool, a revolutionary methodology which is constantly being refined, added to, improved on, on the basis of the revolutionary experience of the last century and a quarter.

Rossen speaks of "scientific revolutionary-socialist methodology." Marx and Lenin also spoke of "scientific revolutionary-socialist methodology". From his statement it is clear that Rossen does not completely reject Marx—indeed he believes that modern revolutionaries must build on the sturdy foundations laid by Karl Marx.

So much for John Rossen's anti-Marxism.

As part of the grandiose deception in which they are now involved, Rifkin and Rossen now seek to conceal the fact that Rossen and his Johnny Appleseed Press and the New American Movement were responsible for the conception and launching of the Peoples Bicentennial Commission; they seek to downplay their own relationship; and they are doing their utmost to convert "How to Commit Revolution American Style", which they coedited in 1973 as PBC's first publication, into a "nonbook". On this point, Mr. Watson observed:

The odds are that much of this cover-up attitude came from a degree of success with the PBC idea that none of those involved in the launching had predicted. PBC did catch on quite rapidly, and, as we have pointed out earlier, with people who would not have had anything to do with the goals and strategy Rossen and Rifkin were expressing in their initial writings.

In the light of the massive documentation submitted to the Subcommittee by both witnesses, Rossen's protestations that he is not the true father of the Peoples Bicentennial Commission ring very hollow. The complete record can be found in the proceedings of the two hearings of March 17th and 18th and in the appendices to these hearings. But it might be of interest before leaving this point to note that when Mrs. Walton recently wrote to the PBC office in Chicago asking for a copy of an early edition of Rossen's "The New Patriot" which appeared in September 1970, the PBC obliged by sending her a copy of the 6-year-old publication—with the PBC's insignia conveniently stamped on the front page. Mrs. Walton also noted that:

Last year the Peoples Bicentennial Commission in Chicago began to issue a monthly newsletter called *The Chicago Patriot*, and in their Volume One, Number 4, which was December 1975-January 1976, they stated, "The *New Patriot*, the newspaper formerly put out by the Johnny Appleseed Patriotic Publications, will be resumed by the Peoples Bicentennial Commission of Chicago and Johnny Appleseed. The *Chicago Patriot* is hereby discontinued. Subscribers will receive instead *The New Patriot* with its large colorful format of 20 to 30 pages. \$3.50 is our special rate for early subscribers to *The New Patriot* in January."

The PBC Program—
The Camouflage and the Reality

In a widely distributed flyer, the PBC describes itself in these terms:

The Peoples Bicentennial Commission is a nonprofit public foundation, founded in the belief that it is time to reaffirm the democratic principles of the Declaration of Independence of the American Revolution. Today we face economic and political crises as great as those of 1776. Like our ancestors, we must meet the challenge to our democratic birthrights. We must dedicate ourselves to a new patriotism, one that calls for allegiance to the revolutionary democratic principles that launched our first national rebellion against tyranny.

Statements such as this; plus the repeated invocation of the names of the founding fathers; plus the numerous quotations from the writings of Thomas Jefferson, John Adams, and Tom Paine; plus the clever use of various paraphrases of the Declaration of Independence; plus the authentic revolutionary line drawings and engravings and woodcuts with which they have so lavishly illustrated their literature; plus their continuing emphasis on the American revolutionary tradition, and their avoidance of scarewords like Marxism, Castroism, Maoism—all of these things taken together have effectively camouflaged the real goals of the Peoples Bicentennial Commission and have given it a popular credibility a thousand times greater than anything it could expect to enjoy if it presented its objectives honestly to the American people.

What are the real objectives of the PBC?

In 1973, Jeremy Rifkin and John Rossen were co-editors of a PBC anthology of revolutionary writings captioned "How to Commit Revolution American Style". The book was published by Lyle Stuart of New York, a publishing house specializing in revolutionary literature of all kinds.*

*Among Lyle Stuart's more notorious productions in recent years was "The Anarchist Cookbook" a terrorist manual complete with detailed how-to-do-it instructions for bombers and other categories of terrorists. In presenting his evidence about "How to Commit Revolution Amer-

Rifkin and Rossen do not talk about "How to Commit Revolution American Style" today. It is clear from the evidence that they are embarrassed by it and that they would like to hide it—if they could. At that early stage in their operation, the two founders of the Peoples Bicentennial Commission were still amateurs at the art of revolutionary camouflage, and they expressed their beliefs and commitments in terms which they carefully avoid today.

In an article on Revolutionary Nationalism which appeared in "How to Commit Revolution American Style", John Rossen paid tribute to Castro as "an early revolutionary nationalist" who was "clearly aware of this powerful new current and its effect on world revolutionary strategy."

Rossen continued:

In the Caribbean Islands, new black liberation movements are popping up all over. In Canada, the Quebecois Liberation Front has brought the fires of revolutionary nationalism right up to the U.S. frontier.

On the European Continent similar fires are scorching the hides of imperialists. In Spain, Franco's fascist empire, kept afloat for nearly three decades with the aid of the U.S. imperialist establishment, may well be smashed on the rocks of Basque and Catalan revolutionary opposition and the new patriots within Castile itself. In Northern Ireland, the Catholic minority represents a form of revolutionary nationalism; and closer to home for the British imperialists, the resistance of Scottish and Welsh nationalists forbodes new headaches for No. 10 Downing Street.

In the Middle East, the Palestinian Liberation Movement and in Africa the struggle to free Angola stands out as the revolutionary-nationalist bastions of the anti-imperialist front. In the Philippines, the resurgent anti-U.S. imperialism movement is clearly another manifestation of the new revolutionary nationalism.

In Asia the entire continent seethes with the movement. The victory of the first stage of the Chinese revolution can be said to have struck the sparks that set off the whole worldwide phenomenon of revolutionary nationalism.

For the paragraphs quoted above, it is impossible to escape the conclusion that the New American Revolution which Rossen talks about is one which would establish in the United States regimes very similar to those that exist in Cuba and China. The expression "revolutionary nationalism", as Rossen and the PBC use

ican Style", Mr. Watson reminded the Subcommittee that Lyle Stuart had served as the Treasurer of the Fair Play for Cuba Committee in the early 1960's, when investigations conducted by the Senate Subcommittee on Internal Security established that the Fair Play for Cuba Committee had been set up with the connivance of the Castro Government and had received money from it.

it, is simply PBC "doublespeak" for what most people would call a Communist takeover.

It is also interesting to note that Rossen speaks with undisguised sympathy for terrorist nationalist organizations like the Quebecois Liberation Front and the Irish Republican Army. Apparently these movements, too, are covered by the euphemism "revolutionary nationalism" and this sanctifies them in the eyes of Rossen.

Despite their endless quotations from the founding fathers and their deliberate obfuscation of their own objectives, the PBC should not remain a mystery to any intelligent reader who looks beyond the beautiful revolutionary drawings in their literature. The PBC, for example, has printed a document called the "Declaration of Economic Independence" in which they set forth their economic program for America. This document, which was put into the record by Mrs. Walton, reads, in part:

When in the course of human events, it becomes necessary for one people to dissolve the economic bonds which have tied them to another, a decent respect for the opinions of human kind requires that they should declare the causes which compel them to separation.

We hold these truths to be self evident, that all people are created equal. That they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights economic institutions are instituted among people, deriving their just power from the consent of the citizens.

That whenever an economic system becomes destructive of these ends, it is the right of the people to alter or abolish it and to institute a new economic system laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to affect their safety and happiness.

The history of the present giant corporations is a history of repeated injuries and usurpations, all having as their direct object an establishment of absolute tyranny over the states.

To prove this, let the facts be submitted to a candid world. America's giant corporations have seized control over the great land and resources of our country. They have forced millions of Americans into unemployment lines by systematically closing down their American plants and moving their business operations abroad so they can hire cheaper labor and reap still greater profits for their owners.

After listing further grievances against the corporate system, the Declaration continues:

We, therefore, the citizens of the United States of America, hereby call for the abolition of these giant institutions of tyranny and the establishment of new economic en-

terprises, with new laws and safeguards to provide for the equal and democratic participation of all American citizens in the economic decisions that effect the well-being of our families, our communities, and our nation. In furtherance of our joint hopes and aspirations and mindful of the lessons of history, we steadfastly adhere to the general principle that a democratic republic can only exist to the extent that economic decision-making power is above the exercise by the people and not delegated to a few.

Such is the necessity which compels us to act in support of decentralized economic enterprises with ownership and control being shared jointly by the workers in the plants and by the local communities in which they operate, with similar patterns of shared representative control being exercised on a regional and national level to insure the smooth and efficient coordination of all economic operations. For the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge our lives, our fortunes, and our sacred honor.

Not a word is breathed about the fact that the American free enterprise system, despite its shortcomings has produced for the American people the highest standard of living known to history, or about the fact that millions of people would have starved in recent years in Communist countries if American free enterprise agriculture had not made up for the colossal failure of socialized agriculture.

Is the PBC, in its Declaration of Economic Independence and other economic statements, talking about Communism or Socialism?

Mr. Watson told the Subcommittee that efforts to get the PBC to answer this question have resulted in repeated evasions. But Rossen was not evasive in this point in his chapter on revolutionary nationalism in "How to Commit Revolutionary American Style". There he said, "The American version of the concept of revolutionary nationalism will be anti-capitalist and socialist in content and national in form and rhetoric."

That the PBC advocates the total destruction of the free enterprise system rather than any reforms designed to make it a more effective servant of the people, is repeatedly made clear in the literature of the organization. For example, the April 1974 issue of Common Sense says the following:

Can any reformer of the giant corporation tell us how it is possible to put that institution into the hands of the people without taking it out of the hands of the wealthy to control it? Make no mistake about it! This was the same dilemma that faced the moderate reformers of the Continental convention in 1776. They advocated power to the People and preservation of the monarchy at the

same time. The fallacy of their position seemed self evident in perspective. Yet there are some among us today who hold the same position in regard to the business corporation.

Even in its current literature, the PBC says many things which makes it clear that they are not thinking of any liberalized or reformed variant of the free enterprise system. Mrs. Walton submitted for the record, a page from the PBC organ, Common Sense. On one page, there was a picture of all the Presidential candidates as of March 1975, ranging from conservative candidate Governor Ronald Reagan, to Senator Birch Bayh and Former Senator Fred Harris, whom the press have regarded as the most liberal of the Democratic candidates. On the page facing the photographs, the PBC says:

After 200 years, is this the best we can do? Look at these men. All of them want to be President of the United States. Each of them wants your vote . . . We think it is time to put the candidates on notice we are fed up with worthless cliches and endless chatter from a cast of tweedle dee dee and tweedle de dum candidates. We want some action.

The PBC then states that it is conducting the "Common Sense Campaign for a Democratic Economy". The Common Sense Campaign for a Democratic Economy, it says, is forming groups across the country to heckle all the Presidential candidates.

The PBC'S High School Program

The PBC has had remarkable success in the high schools, thanks in part to the cleverness and deceptiveness of their own propaganda, and thanks in other part to the failure of the American Revolutionary Bicentennial Administration—the official Bicentennial body—to provide ready-made packages of educational material for the high schools and to suggest detailed activities in which high school students could engage in connection with the Bicentennial. Thousands of teachers and student leaders, searching for such prepared packages of material on the Bicentennial and seeking guidance for their activities, have ordered the standard PBC package at \$10.00, or else have taken advantage of the PBC's offer to send the package gratis to anyone who can't afford it.

According to both witnesses before the Subcommittee, some teachers have been horrified by what they have found and have sought to have the use of the PBC material discontinued in their schools. It is a tribute to the cleverness of the PBC package, however, that the "Student-Teacher Programs for a Peoples Bicentennial"—if PBC claims of success can be believed—has apparently resulted in deceiving and misleading scores of thousands of less knowledgeable and less critical teachers and students.

The PBC states that their program is designed

to reawaken the radical student movement of the 60's. In the words of the PBC's Student-Teacher Program:

Educational reform today is meaningless without a general reorientation of our society. Students and teachers can never really take control of the educational process from administrators, boards of education, and the needs of big business and demagogic politicians, until the people of America take control of our society from the neo-tories who run our government and economic system.

The PBC appeals to student grievances, real and imagined, and to the natural desire of young people to feel themselves involved with history. One of their cleverest gimmicks is the Declaration of Student Independence. This declaration starts out:

As the 200th anniversary of the American Revolution nears, we, the students of High School, pledge ourselves to reaffirm and live the revolutionary principles, the ideals that founded this country.

It is clear to us students that education today is run on the same basis on which King George the Third ran his empire—inequality, arbitrary regulations and lack of personal freedom.

The Declaration of Student Independence goes on to declare, in language carefully modeled after the Declaration of Independence, that students are forbidden the basic right of freedom of speech, press, assembly and thought; that students are at the mercy of their teachers and administrators; that they have no part in hiring or firing faculty; and that they therefore have no meaningful decision-making power over their lives as students.

After spelling out a long list of grievances, the Declaration concludes:

Therefore, we the students of High School, endorse and present this declaration to the school and our community, and declare that students are, and of right ought to be, free and independent human beings, fully participating in shaping their education.

We pledge to one another that, having stated and endorsed these grievances, we commit ourselves, as the founders of America did, to right these wrongs, to take control of our lives and education, and, as the patriots proclaimed in 1776, to use every method in our power to secure our rights.

The Student-Teacher Program then provides the students with detailed instructions on how to publicize and implement their Declaration of Independence. They are told to make large copies of the Declaration and paste them up around the school and student hang-outs and stores. They are also told to present it to the principal, who is cast in the role of King George in this script. Finally, they are told that when

70% of the students have endorsed the student declaration of independence, they should hold a public festival to celebrate the occasion.

While the PBC package is targeted primarily at the high schools, they also state that the program of activities outlined in the package can be adopted for elementary and junior high schools and for college campuses. They suggest that student activists take the initiative in creating high school or college PBC chapters. "Building a campus Bicentennial Commission," they say, "will give a sense of movement, energy and growth. Imagine how powerful an entire network of campus PBC's could make students feel by 1976." They instruct the students to organize around what they call "oppressive issues", and "the purpose of achieving student freedom and self-determination."

All told, the student-teacher guide outlines 16 different activities in which students and teachers can engage, each one with a set of instructions. Basically, these activities are supposed to take them out into the community for the purpose of discovering how existing conditions in our society stack up against the ideals of the American Revolution.

The first activity called "Consent of Who?" The purpose of this activity, ostensibly, is to explore the concept of government by the consent of the governed. Students are instructed to conduct surveys, asking employers, military officers, and landlords whether they actually govern by the consent of their employees, enlisted men, and tenants. Conversely, the private soldier is asked, for example, whether he is taking orders from his officer on the basis that he has consented to be governed by him. As Mr. Watson pointed out after describing this project, "I would argue that this is a propaganda gimmick guaranteed to produce an amount of dissatisfaction, and an unrealistic application of the meaning of our founding documents."

Students are told to read the original Declaration of Independence and to discuss its language. The manual asks a series of questions:

Is your school, like King George's empire, destructive of your rights as human beings? Are your grievances similar to those of 1776? Has your school's administration refused to institute any rules "wholesome and necessary for the public good," such as freedom of press and assembly for students? When students are suspended, are they deprived "of the benefits of trial by jury?" Has your school answered your demand for democratization of your education only by repeated injury?

Students are also urged to circulate a petition for the purpose of compelling the school administration's acceptance of a "Student Bill of Rights." Mrs. Walton pointed out that this Student Bill of Rights is modeled very closely after the "High School Bill of Rights", originally promulgated by the Student Mobilization Committee

in 1970. This High School Bill of Rights at the time was presented to school districts across the country. Although a few school districts accepted parts of the proposed Bill of Rights, it was rejected out of hand by the overwhelming majority of school districts. The Student Mobilization Committee then went to the American Civil Liberties Union and asked for their assistance. The Civil Liberties Union, in response, printed a little booklet which was distributed to students throughout the country, telling them what their rights are—as Mrs. Walton observed, the rights in this booklet were identical to the rights demanded by the Student Mobilization's High School Bill of Rights.

Mrs. Walton expressed particular concern over two of the "rights" recommended for implementation. First, she said, students are encouraged to assess their textbooks. If they decide their textbooks are worthless, they are told to organize for the purpose of having them "assigned to the trash bin." Finally, in order to dramatize their objections, students are told to rewrite the textbooks, chapter by chapter. The books written by the students, they are told, should be called "peoples textbooks".

Second, students are encouraged to push for a "free week"—a time when anyone will teach any class he wishes to teach. As an example, the student-teacher guide suggests that the history of the peace movement could be taught, with students doing the bulk of the teaching and teachers learning.

Students are told they should have the choice of curriculum and they should be able to decide how subjects will be taught, with teachers serving only as advisors. They are told that once they succeed in breaking down curriculum barriers, exams, grades, and homework will be the next issues. It is suggested to them that suitable issues to be taken up during the Bicentennial year would be compulsory school attendance, access to school buildings and equipment for organizing purposes, dress codes, and so on.

The teacher-student guide tells students that official school newspapers are controlled and censored by the administration. They are encouraged to seize control of the official school paper, but, if this fails, then they are told to start their own underground paper.

To start such a paper, they are advised to write to FPS, Youth Liberation, 2007 Washtenaw Ave., Ann Arbor, Michigan for its 25¢ pamphlet, "How to Start a High School Underground Newspaper." For an additional dollar, they can receive a sample package of ten high school underground newspapers. Mrs. Walton submitted as evidence a sample of such a package of high school underground newspapers. These newspapers were generally Marxist or New Left in orientation, including the use of the clenched fist salute, shared by the Old and New Left.

As step No. 1, students are told that if they have any difficulty in obtaining a paper supply

for the publication of their underground paper, they can always rip off a paper supply from their own high school.

In step No. 2, students are told that if the school administration opposes their underground paper, they should pass it out anyway, and sue the school for violating their First Amendment rights.

Mrs. Walton said that the PBC provides teachers with a whole series of multi-media tools for use in the schools. All of these, she said:

Have the theme that ours is an oppressive Tory society and that they—students, teachers, PBC people—are today's "new patriots", and it is their duty to overthrow their oppressors. One tool is the "Patriots Handbook", a syllabus and study guide to the American Revolution, with such recommended books as Herbert Aptheker's "The Colonial Era of the Americana Revolution" and "The Negro in the American Revolution".

(Herbert Aptheker, it should be noted, has long been regarded as the principal theoretician of the American Communist Party.)

Mrs. Walton related that earlier this year she was lecturing in a Chicago suburb, and when she mentioned Dr. Aptheker, a concerned mother approached her and said that her daughter had brought home Dr. Aptheker's book on the American Revolution from her high school and that they were using this as a Bicentennial educational book.

What does the PBC hope to accomplish through its Student and Teacher Programs for a Peoples Bicentennial? They are careful to avoid the references to Castro and Mao that characterized their earlier writings and that might give unwary readers some understanding of their true objectives. On the other hand, they do make it clear that they seek nothing less than total revolution. "In the end," says "America's Birthday," "the patriots of 1776 should teach us not only patience, but that revolutionizing individual institutions in society without a societal revolution is meaningless. After all, we go to high school for just three or four years. We live in American society for 60 or 70. We can begin laying the basis for a revolutionary education, but we cannot change it until we have revolutionized society."

Peoples Research Operation for the Bicentennial Era (PROBE)

The Community Program for the Peoples Bicentennial suggest to its readers that they take the initiative in their communities or on their campuses in launching research operations to be called "Peoples Research Operation for the Bicentennial Era (PROBE)." Students are told that PROBE can be used as a continuing aspect of the student revolt of the 60's. They are instructed that PROBE should go into the community and ask a series of questions—many of which sound perfectly proper and patriotic, while

others are clearly designed to foster discontent wherever a grievance can be found. Among the suggested questions are the following:

What do the people of your community know about the ideals of the American Revolution?

Do the institutions that effect the community operate in accordance with those ideals?

The Russians have the Communist Manifesto; the Chinese have the "Quotations of Chairman Mao." Do Americans have a political document to lean on for guidances?

When the Founding Fathers signed the Declaration of Independence, they pledged their lives and fortunes . . . Do you think modern politicians are that dedicated to the people they represent?

The Declaration says that whenever any form of government turns against our rights and tries to destroy them, it is our duty to change or abolish that form of government. Do you agree with that?

The colonists complained that they had no voice in making decisions. Do you feel that you have a voice in local decisions? In state decisions? In national decisions?

Mr. Watson pointed out that PBC in virtually all of its literature and in its abbreviations and paraphrases of the Declaration of Independence, goes heavy on emphasizing the "duty and right" to overthrow oppressive governments but invariably ignores the Declaration's vital caveat that "prudence, indeed will dictate that Governments long established should not be changed for light and transient causes."

Those who buy the PBC approach, are urged to organize around a whole series of community issues, dealing with education, recreation, jobs, senior citizens, transportation, sanitation, police, courts, health, welfare, and daycare. On the latter point, the PBC proposes the development of a daycare operation—the National Daycare Child Development Council of America—that would be the largest in the nation. Mrs. Walton noted that the PBC's grassroots door to door campaign "Birthday Parties for Kids" aims at enlisting 10 million parents into a daycare lobby to press for quality community control daycare by 1976.

"The Light in the Steeple"—The PBC's Church Program

Many of these activities sound proper and even noble, and some of the grievances to which they point are certainly legitimate. But the far left has always been adept at exploiting legitimate grievances and ostensibly noble purposes for evil and totalitarian ends.

One of the most remarkable coups pulled off by the PBC involved the production, under contract to the National Council of Churches, of a church guide for Bicentennial observance, bearing the title "The Light in the Steeple." "The Light in the Steeple" contains suggestions for sermons by clergymen, suggestions for discus-

sions by church groups, and outlines of activities in which church groups can engage in connection with the Bicentennial.

In an apparent effort to give the publication the broadest possible acceptance by all religious groups, "The Light in the Steeple" was published and has been distributed by the Ecumenical Task Force on the Religious Observance of the Nation's Bicentennial. But from statements made by both sides, it is clear that the PBC, rather than the Ecumenical Task Force, must be given primary credit for the general conception of the publication and for most of its content, as well as for the lay-out and printing. In his U.S. News and World Report interview of March 24, 1975, Jeremy Rifkin claimed that "there are 65,000 churches using that guide right now."

Copies of "The Light in the Steeple" are contained in the standard PBC kit. The publication bears the notation that additional copies may be obtained from the Ecumenical Institute, Riverside Drive, New York.

Campaign Corporate Exposure

In early April the PBC announced the launching of "Campaign Corporate Exposure," "to mark the 200th anniversary of capitalism." They said that by sending out tape recordings and covering letters to the wives of corporate executives, they planned to "reach directly into the living rooms of America's top 8,000 corporate families." The press release said further:

Over the next 40 days each of America's most prominent corporate families will be receiving a series of personal tape recorded communiques and letters detailing their involvement in big business policies that are threatening the economic survival of millions of hardworking Americans and undermining the democratic foundations of our Republic.

Our first communication, a tape recorded message concerning the recent wave of corporate scandals and criminal activity, has already been sent out to the private home addresses of America's most prominent business families (see enclosed transcript of the messages).

This unprecedented communication effort is aimed directly at the families of America's top business leaders because we believe that the family itself is the basic social unit that must take on the responsibility of confronting and dealing with the criminal and abusive policies that our Nation's business leaders are involved in.

We are calling on the wives and children of America's top business leaders to begin a frank and open discussion, in their own homes, of the immoral and amoral behavior of America's financial leaders.

The standard tape recording that was sent out said to the wives of corporation executives:

We are communicating with you because your husband is one of the top business lead-

ers in the country. For that reason we think you should listen carefully to what we have to say.

No doubt you are aware of the recent revelations of widespread corruption and criminality in the corporate board rooms . . . We say these corporate scandals put a special responsibility on your family to ask some probing questions of your husband because it is no longer possible to argue that the rapid [rampant?] corporate criminality represents merely isolated incidents or the abberational behavior of a few perverted individuals. In fact, a recent survey by the prestigious Conference Board found that over half the executives surveyed said that they would not hesitate to make the same kind of payoff [referring to the recently revealed payoffs by Lockheed and other aviation concerns] if they felt it would help their company make a sale.

Have you ever asked your husband which half of that survey he falls in? Have you ever asked him if he or his colleagues of his firm have ever been involved in criminal activity? . . .

Would you inform the authorities if you uncovered such information?

A follow-up letter to the recipients of the tape said the following:

We hope your family has begun to discuss some of the questions regarding corporate immorality that we raised in our last communication to you.

As you probably know, the extent of corporate abuse of power goes well beyond the question of strictly illegal activity.

Today, 200 giant corporations already own over two-thirds of the manufacturing assets of the country. Heading up these corporate empires are a small group of nameless, faceless men who have amassed enough power to virtually dominate American life, from the aisles of the supermarket to the halls of Congress.

Your husband is a part of this small privileged business elite. That puts a special responsibility on you and your family to speak up against corporate policies that result in price-fixing, induced unemployment, environmental destruction, excessive profiteering, unfair distribution of wealth and other abuses.

On the heels of their letters to corporation wives, apparently as part of their operation "Campaign Corporate Exposure," the PBC announced that it was sending personal letters to over 10,000 secretaries who work for major corporate executives, and to 13,000 journalists across the country, offering them \$25,000 in cash for "information that leads directly to the arrest, prosecution, conviction and imprisonment of a chief executive officer of one of America's Fortune 500 corporations for criminal activity relating to corporate operations."

[The information contained in the paragraphs above is based on documents submitted by Mr. Frank Watson subsequent to his testimony, and ordered into the record by the Chairman.]

Some Other Activities of the PBC

The PBC has engaged in a number of other activities in various parts of the country. A few of them are worth noting, because they underscore both its deviousness and its effectiveness.

Mrs. Walton reported that on December 16, 1974, the PBC had organized an observance at the graveside of David Kennison, who was the last survivor of the Boston Tea Party. The stone at the gravesite originally had a dedication on it from the Daughters of the American Revolution. Just before the commemoration, the bronze plaque was stolen. John Rossen, who has been in charge of the PBC operation in Chicago, contacted the regent of the David Kennison Chapter of the DAR in Oak Park and asked if they would work with the PBC to restore the plaque and join with them in a commemoration ceremony. Mrs. Walton said that she found out about the invitation in time to alert the DAR to the true nature of the PBC. The DAR did not participate in the ceremony. Nevertheless, the Chicago press gave handsome coverage to the ceremony, photographs and all.

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Mrs. Walton also reported that the PBC had a protest demonstration in Chicago on the 2nd and 3rd of August, 1975, when the Freedom Train visited the city. (The Freedom Train has toured the country, bearing documents and memorabilia of the American Revolution, as part of the official Bicentennial program.) PBC put out flyers and letters which called upon the people to protest the "Freedom Train rip-off." They said that General Motors invested one million dollars in the Freedom Train while laying off workers, that Kraft food had invested one million dollars while raising their prices at the supermarket, that Pepsi Cola had received a one million dollar tax write-off in helping to bring the Freedom Train to Chicago.

* * * * *

An item from the Daily Chicago News for Friday, October 31, 1975, submitted by Mrs. Walton, described another demonstration sponsored by the PBC in collaboration with other organizations. The item read:

Veterans for Peace [Veterans for Peace has been cited as a Communist Party front] will hold an all day vigil outside the Federal Building, 219 South Dearborne, on Veterans Day, on November 11th, to urge amnesty for Vietnam war resisters.

Joining in the effort will be the Chicago PBC, the Chicago Peace Council [which has been cited by the House Internal Security Committee report as being a Communist Party front] and Women for Peace.

Mrs. Walton said that she later heard Leroy Wollins, head of Veterans for Peace, state over

radio WBBM on the 10 p.m. news on October 6, 1975, that Veterans for Peace were co-sponsoring the Vietnam Amnesty Vigil with the Peoples Bicentennial Commission.

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One of PBC's most effective propaganda ploys took the form of a highly questionable poll, conducted for PBC by Peter Hart Associates, on public attitudes toward the free enterprise system and the business community. The purported findings of this poll received tremendous pick-up in the national press. The Wall Street Journal, for example, on August 22, 1975, in a front page item captioned "Anti-Business Feelings," said:

Anti-business feelings run high, pollster Peter Hart finds. He says 61% of the Americans believe that there is a big business conspiracy to keep prices high. Only 17% favor the present economic system. 41% want major changes. By a 66% to 25% margin, Americans favor employees owning most of their company stock.

The Wall Street Journal article did not even indicate that the poll had been commissioned by the PBC; nor did it suggest that, in view of the origins of the poll, the possibility existed that the poll had been specifically tailored to provide the PBC with the kind of information they wanted for their propaganda purposes.

* * * * *

While the PBC attacks the official American Revolutionary Bicentennial Administration and advertise themselves as an alternative to ARBA, they have, as a matter of tactics, refrained from attacking the state and local commissions and instead have sought to cooperate with them and infiltrate them.

Mr. Watson said that he had sat at meetings of the PBC and listened to the speakers tell the people "to go back home and, if you can't start a PBC of your own, get yourself a job in the official Bicentennial Commission and see that this literature gets used."

* * * * *

The PBC pulled another major coup with its counter-demonstration at Concord, Massachusetts, on April 19, 1975, commemorating the 200th anniversary of the Battle of Concord. The PBC was able to mobilize some 40,000 to 45,000 people for the occasion. Mrs. Walton pointed out that they received a permit from the Park District in Concord to camp out on Punkahasset Hill, which is on the side of the Concord bridge where the embattled farmers stood—thus forcing President Ford and the Official Commemoration Committee to hold their service on the side where the British had stood. In addition to their heckling and disrupting of the official ceremony, Mrs. Walton said that the PBC demonstrators had left Punkahasset Hill in the "worse kind of mess" and that there had been a great deal of property damage.

The PBC's Finances

The witnesses were able to provide only limited information about the finances of the Peoples

Bicentennial Commission. Mr. Watson testified that the first money they received was in the form of a grant of \$7,210 from the National Endowment for the Humanities, a government organization. The Subcommittee has received evidence indicating that this initial grant was approved by the American Revolutionary Bicentennial Commission—acting in complete ignorance of the real purposes of the PBC. The witnesses also said that the PBC had received grants from the Stern Foundation and other foundations.

According to Mr. Watson, when Rifkin is asked about the sources of their money, he "sometimes . . . will simply say that they received donations from a lot of concerned citizens, plus the fact that they sell these packets for \$10.00 apiece. At other times, and especially when he thinks that he is off the record, in his remarks he will laugh and say, "Hell, I go to rich liberals and tell them that there is a new McCarthy era pressing down on us and if we don't do something about it, we are all going to be in trouble and they jerk out their checkbooks. They just lap up what I am saying and write me a check."

Mr. Watson said that the staff of the PBC in the Washington office range from 12 to 15, and that according to Jeremy Rifkin, nobody on the staff makes more than \$85.00 a week. He said that the total income of the PBC was generally quoted as somewhere between \$200,000 and \$300,000 a year. This money, however, is very effectively spent because of the low salaries paid to staffers and because of the great amount of volunteer assistance they receive in their travels around the country.

The July 4th Demonstration in Washington

The PBC, as has previously been indicated, has set itself the target of mobilizing 250,000 people for a mass demonstration in Washington on July the Fourth. According to the PBC's plans, the demonstration will begin with an 8:00 a.m. memorial service at the Jefferson Memorial and from that point, when the service is over, the demonstrators will march to the Capitol.

Advertised speakers include a number of people who would have to be placed in the left liberal spectrum—but in addition to these, the speakers' list includes far left radicals like Phil Foner, a Marxist historian long associated with the CPUSA's Jefferson School in New York City; Eqbal Ahmed, head of the Transnational Institute of the Institute for Policy Studies, a New Left think tank; and Sam Lovejoy, who publicly took responsibility in February 1974 for sabotaging a power facility in Montague, Mass.

The PBC, the July 4th Coalition, and the Planned Mass Demonstration in Philadelphia

While the PBC is in command of the mass demonstration scheduled for Washington, D.C. on July 4th, another organization, the "National July 4th Coalition," is planning a parallel mass demonstration in Philadelphia for that day. The in-

dividuals and organizations supporting the July 4th Coalition belong to the far left end of the political spectrum. Among the organization affiliations which appear in the list of sponsors are the National Lawyers Guild (long identified as a Communist Party front), the Puerto Rican Socialist Party (identified in testimony before the Senate Subcommittee on Internal Security as a Castro DGI operation), the American Indian Movement, the Center for Constitutional Rights (William Kunstler), the Prairie Fire Organizing Committee (Jennifer Dohrn), the Communist Party (Grace Mora), the National Committee of the New American Movement, and the Third World Coalition. The solid far left nature of the July 4th Coalition is remarkable despite the notation that organizations are listed "for identification purposes only."

The temper of the propaganda put out by the July 4th Coalition and of the upcoming demonstration in Philadelphia may be gleaned from the following sentence taken from a newspaper-size throwaway:

Today, the abuses and crimes committed by the U. S. Government and the giant corporations it serves against the peoples of the United States and the world exceed in their inhumanity those committed by the British against the people of the 13 colonies.

Publicly, the PBC has so far not identified with the July 4th Coalition because the image it casts is far to the left of what the PBC considers desirable. There is, however, evidence indicating that the two movements are coordinating their July 4th actions in Washington and Philadelphia. The Subcommittee has received a copy of a form letter sent out by the Chicago July 4th Coalition. The return address on the form letter is the same as the address for the PBC—2440 North Lincoln Avenue—and the phone number given is also identical to the PBC's Chicago phone number—327-1776. What clearly emerges from this is that the Chicago July 4th Coalition is running its operation out of PBC's Chicago headquarters.

The Subcommittee has also been informed that on Monday, April 19, at an organizing meeting of the Chicago July 4th Coalition, John Rossen was on hand, manning a PBC literature table.

PBC and ARBA

Mrs. Walton in her testimony underscored the fact that much of the success the PBC has had has been due to the failure of ARBA to provide ready made packets of educational materials for use in the schools and elsewhere. Mrs. Walton's words on this point are worth quoting:

In furtherance of their program of education for the Bicentennial, the PBC, working with Bantam Books Inc., which is a subsidiary of Simon and Schuster, the publishers of "America's Birthday," has put out a flyer directed at teachers and schools.

Bantam Books has what they call a "Learning Adventures Section," which puts out educational publications. There has been set

up a PBC department within the Learning Adventures Section. Their flyer has been widely distributed. It is called "Create Your Own Birthday Package." It is a complete educational program for the Bicentennial, based primarily on the Peoples Bicentennial Commission's documents, using this particular one, "Common Sense II" which was authored by Jeremy Rifkin.

If I may say at this time, I am disturbed by the fact that no one else has seemed to come up with an educational program through the schools on the Bicentennial. I feel very strongly that ARBA should have done so—this should have fallen within the realm of ARBA's activities. . . . They have not come up with an educational program for the schools. To the best of my knowledge, the PBC is the only organization that has done this.

In speaking to educators when I go around to lecture, they are very disappointed that the government did not come up with an educational program for the Bicentennial because they are looking for that and many of them have said that they have put their own programs together because they have received nothing. It is likely that the Bantam Books PBC program has, in many instances, filled this void, as have other PBC educational materials.

Mrs. Walton was asked, "When a concerned citizen has questions that they would like answered about the PBC, and they contact the official American Revolutionary Bicentennial Administration, what type of response do they get?" Mrs. Walton replied that she had had some correspondence on the subject with Mr. John Warner, who is Chairman of the American Revolutionary Bicentennial Administration, and that the reply she had received was "completely neutral and lacking in information." Mrs. Walton said that, after learning that Mr. Warner planned to invite Jeremy Rifkin to a planning session for the Bicentennial, she sent Mr. Warner a letter providing him with background material on the PBC. She received from Mr. Warner a reply dated May 7, 1975, providing her with background information about ARBA. About the PBC, the reply stated:

The Peoples Bicentennial Commission, which was established long before this new administration, is one of many organizations springing up across the United States in response to the particular needs and desires of our diverse peoples.

Under PL93179, Congress authorized the Administration to pass judgment on Bicentennial programs which are submitted to us for official recognition. Since the Peoples Bicentennial Commission has not made any such request, we have not officially reviewed any of their activities. In general, this organization, as well as others participating in the Bicentennial, express their views freely,

consistent with the Constitutional guarantees provided all of us.

In the end the people of the United States, quite properly, will make the ultimate choice from among the many Bicentennial themes being advanced.

At this point, the Subcommittee staff added the information that ARBA, in responding to requests for information about the PBC, has advised people that they could obtain PBC literature by writing to the National Office, whose address they then provided.

PBC and the Media

The tremendous public impact of the PBC is due in large measure to its success in harnessing the media to its bandwagon. Comparing media treatment of the PBC with media treatment of the government-sponsored American Revolutionary Bicentennial Administration, Mr. Watson told the Subcommittee: "To say that the PBC has gotten more time and space than the official Bicentennial administration is an understatement." He said that the media, conservative and liberal, "have fallen all over themselves in providing Rifkin and his self-appointed Peoples Bicentennial Commission time and space. Newspapers, news magazines and radio and television outlets have taken things at face value, and, in the process, have simply made themselves conveyor belts for anything the PBC wants to pump out to the American public." Among the many publications named as having run favorable or uncritical articles about the PBC were the New York Times, the Washington Post, the Washington Star News, the Boston Globe, Playboy Magazine, the National Observer, the Wall Street Journal, and U. S. News and World Report. Mr. Watson estimated that 90 to 95 percent of the press coverage of the PBC had been favorable. He said that some of this coverage was lavish to the point of being amazing.

The New York Times, for example, on May 26, 1975, carried an article by Jeremy Rifkin on the subject of economic freedom. This article was basically a rewrite of the PBC's declaration of economic independence, which calls for the elimination of the free enterprise system, or the "corporate system," as they call it. In describing Jeremy Rifkin's credentials, the New York Times said simply that he was an economist, co-director of the Peoples Bicentennial Commission, and author of "Common Sense II." Not a word was said about Rifkin's revolutionary antecedents, or about his many public statements in recent years which make it clear that his real goal is the establishment of a Castroite or Maoist society in America.

There was a similar article by Rifkin—a feature article—in the Sunday magazine section of the Boston Globe on April 13, 1975, under the caption "What Dare We Dream?"

The editors of the U. S. News and World Report accorded Rifkin the same uncritical treatment in a 2-page interview published in their

issue of March 24, 1975. The interview was captioned "The Government Bicentennial is Very Shallow." Rifkin could not possibly have hoped for more considerate treatment, or for more effective promotion. For example, in response to the question, "Exactly what is the Peoples Bicentennial Commission?" Rifkin replied—without challenge of any kind: "We're a nonprofit organization. We felt there had to be a Bicentennial on a national level that could help develop programs and ideas for a meaningful Bicentennial. We have a very specific move in mind—helping to shape a new patriotic movement in this country."

Mr. Watson also offered for the record a copy of an article which appeared in the Wall Street Journal of April 15, 1975. This article was titled "The Spirit of (19)76—Is it a Bicentennial or a Buycentennial?" (The pun "Buycentennial" is frequently used by the PBC to describe the official Bicentennial program.) The article had the following to say about the PBC:

The Peoples Bicentennial Commission, a private activist group, eschews commercial products altogether. Through groups like the National Campfire Girls or the National Council of Churches, it distributes literature aimed at reacquainting Americans with social, political, and economic issues in the revolutionary era that still exist today. The Peoples Bicentennial Commission seems motivated by an old-fashioned egalitarianism.

All of which must have made the PBC sound downright fascinating to readers of the Wall Street Journal, with their firm attachment to the free enterprise system. As Mr. Watson observed, the article made PBC appear as an "altruistic alternative to the government's Bicentennial agency."

Even Rifkin's bad press, observed Mr. Watson, would be "a public relations man's dream." He pointed out that when PBC-inspired rowdies tried to disrupt the ceremonies at Concord, Massachusetts on April 19, 1975, shouting "Down with the corporations" and heckling President Ford to the point where it was almost impossible for him to speak, even the conservative U. S. News and World Report described the PBC demonstrators as "a bunch of juvenile delinquents out for a good time."

The American press has an unrivaled genius for investigative journalism. But where the PBC is concerned, investigative journalism has been virtually nonexistent. Mr. Watson did pay credit to investigative articles exposing the real facts about the PBC, written by Chicago Tribune columnist Bob Weidrich and by Lloyd Jenkins Jones of Tulsa, Oklahoma. But he underscored the fact that such articles were very rare exceptions.

The media have further assisted the PBC in putting its imprint on the Bicentennial celebration by the lavishly laudatory reviews of the PBC book, "America's Birthday"; and they have been assisted, further by the many favorable

comments on their packaged material emanating from reputable sources.

The Organization of American Historians' newsletter of January 1975, for example, stated that the PBC had produced a complete Bicentennial display package of books on the American Revolution entitled "In the Minds and Hearts of the People," and that this display package was highly suited to library and school use. Describing this display package, the newsletter said: "It contains eight large posters, based on quotes from the founding fathers and mothers, 30 reproductions of the revolutionary era, engravings, captions and headlines describing the major events and themes of the American Revolution, and a syllabus and study guide developed by Dr. Page Smith, senior staff historian and Bancroft Award winning author. The display package can be ordered from PBC, 1346 Connecticut Ave., N.W., Washington, D.C., for \$20.00."

The New York Times book review of "America's Birthday" contained this uninhibited paragraph of praise: "The only book to come along that is dedicated to Sam Adams and Tom Paine . . . 'America's Birthday' is opposed to flag-waving and commercialism. The book demands that Americans need not relive the past, but at least think and act like descendants of the men who wrote the Declaration and Constitution . . . A readable, challenging, handsomely illustrated and designed book."

In the article anticipating the PBC which he wrote for the November-December 1971 issue of "New American Movement," a New Left organization of which he was a founder, Jeremy Rifkin called for the establishment of "Peoples Bicentennial Commissions" on the state and local level. In his concluding paragraphs, he set forth this ambitious estimate of what such a movement could expect to accomplish:

Aside from engaging large numbers of people for the first time who might not feel comfortable relating directly to the New American Movement, the Peoples Commissions would provide a unique forum for mass media exposure over the next four years. This mechanism could be used to raise political awareness and to promote the New American Movement and other radical activities.

As Mr. Watson observed in his commentary, almost every line in this paragraph has come true in the four years that have elapsed since the article was written—to a degree probably surpassing Jeremy Rifkin's fondest dreams.

What Can Be Done

Obviously, the first thing that has to be done is to establish the true facts about the Peoples Bicentennial Commission and about the two men primarily responsible for the movement, Jeremy Rifkin and John Rossen. It is to be hoped that now some of the facts have been set forth in this record, the media, conservative as well as liberal,

will be disposed to show a bit more investigative zeal in writing their stories about the PBC.

But in addition to setting forth the facts about the PBC, there are certain positive things that can be done to counteract the propaganda of the PBC and to provide our young people, in particular, with meaningful alternatives to PBC's sponsored activities. On this point, Mr. Frank Watson offered the following thoughts in a document he left with the Subcommittee:

Why not sponsor projects, right down into the communities, to examine just the opposite of the "Peoples" group's contentions, and have people going around among their institutions looking for freedoms Americans enjoy that other people in the world do not? Why not sponsor discussions, papers, or even displays, which illustrate the interrelationship of our freedoms—how the freedom to do the kind of work you choose, to sell your products on an open market, and to bargain with others freely for goods and services, are inherent to the maintenance of freedom of speech, press, worship, and assembly?

Why not instigate the formulation of a new Declaration of Independence—a 1976 Declaration of Independence from Despair—and get people in the communities to sign it? Why not recognize "gloom" and "doom" as the King and the Tories of 1976, and set people out to put their fingers on the "long train of abuses" at their hands?

Why not also make the Bicentennial an occasion on which everybody is encouraged to give a birthday present to the country—individuals, schools, churches, and businesses. Why not move the spotlight from criticism and the "discussion of issues" to finding solutions and break people out of the "rap session" approach, where the most vocal participants carry the day. Find ways for letting individuals think as free individuals again. Take a cue from former President Kennedy's remark and pose the question to every man, woman and child: "What can I do for my country"—not just "what do I think the country's most serious problem is," but "what can I do, in my own little way, toward solving it?" Why could not business at local levels offer prizes for the best individual answers to questions of this sort?—with state and national elimination contests? Why not get executives, newspaper editors, doctors, lawyers, and educational, religious and political leaders to address themselves to such questions—trying to define and put into action solutions that do not erode individual freedoms.

There are many, many subordinate projects that would help to provide us all a better understanding of the relationships between individual freedom and the system in which we enjoy it—moral codes and freedom; laws and freedom; the profit, or incentive, motive and freedom; violence and freedom; the press

and freedom; and on and on. A really impressive list of ways for getting people and institutions involved in constructive ways could be made if the amount of thinking and research that went into the "Peoples" program were applied to a positive approach to the Bicentennial. It will take that magnitude of effort, though. No one should think otherwise. And the businessman should expect it to cost him time and money. But it will not be nearly so expensive as the dissent, protests, boycotts, strikes, consumer rebellions, and restrictive legislation that the "People's Bicentennial Commission" program can bring on if it is left to dominate the field.

BILLS REPORTED FROM COMMITTEES

HOUSE BILL No. 2334

By Mr. POLITE

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania limiting the power of the Supreme Court to prescribe rules governing sheriffs, constables and others.

Reported from Committee on Law and Justice.

SENATE BILL No. 127

By Mr. ZORD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for violation of rules and regulations regarding conduct on Commonwealth property.

Reported from Committee on Law and Justice.

BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 353, printer's No. 390**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining the offense of obscenity, redefining obscene and further providing for injunctions.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1130, printer's No. 3321**, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing for electronic voting systems.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1145, printer's No. 3294**, entitled:

An Act amending the "State Highway Department Law," approved May 31, 1911 (P. L. 468, No. 193), further providing for retainages.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1147, printer's No. 1324**, entitled:

An Act amending the "Sproul Highway Law," approved May 31, 1911 (P. L. 468, No. 193), changing the rate of interest paid to contractors on amounts of money returned.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1281, printer's No. 3140**, entitled:

An Act amending the act of June 21, 1963 (P. L. 174, No. 104), entitled "An act granting and regulating exemption from payment of real estate taxes by war veterans in need thereof who are blind, paraplegic or have suffered the loss of two or more limbs as a result of military service; **," extending the exemption to certain widows.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1491, printer's No. 3290**, entitled:

An Act amending the "Dog Law of 1965," approved December 22, 1965 (P. L. 1124, No. 437), transferring certain functions from the Department of Revenue to the Department of Agriculture.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1618, printer's No. 2001**, entitled:

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.

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

Ordered, to be transcribed for third consideration.

Agreeable to order.

The House proceeded to second consideration of **House bill No. 1833, printer's No. 3341**, entitled:

A Supplement to the act of _____ entitled "An Act providing for the capital budget for the fiscal year 1975-1976," itemizing public improvement projects to be acquired or constructed by the Department of General Services together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects, stating the estimated useful life of the projects and making an appropriation.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1845, printer's No. 2369**, entitled:

An Act amending the "Parking Authority Law," approved June 5, 1947 (P. L. 458, No. 208), authorizing the purchasing of errors and missions insurance.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1887, printer's No. 2422**, entitled:

An Act amending the act of May 19, 1897 (P. L. 67, No. 53), entitled "An act regulating the practice bail costs and fees on appeals to the Supreme Court and Superior Court," further providing for the cost of an appeal to an appellate court.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1924, printer's No. 2474**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, requiring reports to the Pennsylvania State Police of retail theft convictions.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1942, printer's No. 2492**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for civil service status for persons in charge of districts or divisions in the Department of Transportation.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1943, printer's No. 2493**, entitled:

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), further defining classified service as it applies to the Department of Transportation.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2052, printer's No. 3331**, entitled:

An Act creating a temporary Joint Legislative Committee on Regulatory Reform; prescribing its powers and duties; and making an appropriation.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2077, printer's No. 3322**, entitled:

An Act regulating the term and conditions of certain leases regarding natural gas and oil.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2095, printer's No. 2702**, entitled:

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), further providing for discharge, suspension and demotion of classified civil service employees.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2101, printer's No. 2725**, entitled:

An Act amending the act of May 18, 1937 (P. L. 654, No. 174), entitled, as amended, "An act to provide for the safety and to protect the health and morals of persons while employed; * * *; and fixing penalties," providing for the safe maintenance and operation of railroads other than common carriers.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2163, printer's No. 2819**, entitled:

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

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2184, printer's No. 2859**, entitled:

An Act amending the act of September 18, 1961 (P. L. 1389, No. 615), referred to as the County and Municipal State Highway Law, deleting and adding routes in Allegheny County.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2265, printer's No. 2992**, entitled:

An Act relating to the rights of grandparents to visit or have temporary custody of their grandchildren in certain cases.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2285, printer's No. 3034**, entitled:

An Act amending the "State Highway Law," approved June 1, 1945 (P. L. 1242, No. 428), changing the length of certain connecting roads the secretary is authorized to take over or construct.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2340, printer's No. 3117**, entitled:

An Act providing for a productivity improvement program for the development and utilization of productivity measurements in the application of State resources; and requiring the submission of productivity improvement reports by the Governor to the General Assembly.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2353, printer's No. 3146**, entitled:

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act entitled 'An act to establish a board of wardens for the Port of Philadelphia ***,' approved March twenty-ninth one thousand eight hundred and three ***," further regulating the rates of pilotage and class of pilots.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2354, printer's No. 3268**, entitled:

An Act amending the act of September 19, 1974 (P. L. 644, No. 210), entitled "An act exempting physicians and nurses from certain liability when participating in a mass immunization project approved by the Pennsylvania Department of Health," extending the provisions of the act to certain societies, facilities, agencies and clinics.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2358, printer's No. 3151**, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, providing for February 29 in computing time and repealing certain acts relating to time.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2364, printer's No. 3171**, entitled:

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

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

Ordered, to be transcribed for third consideration.

Agreeable to order,
The House proceeded to second consideration of **House bill No. 2379, printer's No. 3343**, entitled:

An Act establishing the Miss Pennsylvania Scholarship Fund, providing for its administration by the Secretary of Commerce and making an appropriation.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2387, printer's No. 3210**, entitled:

An Act reenacting and amending the act of September 29, 1951 (P. L. 1615, No. 414), entitled "An act to authorize the Secretary of Public Assistance of the Commonwealth of Pennsylvania to apply to the Secretary of Agriculture of the United States for the return of assets of the former Pennsylvania Rural Rehabilitation Corporation ***" transferring functions and duties to the Department of Agriculture and creating a Policy Committee to allocate the funds.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2389, printer's No. 3212**, entitled:

An Act amending the act of August 14, 1963 (P. L. 839, No. 407), entitled, as amended, "An act creating a county records committee; *** and authorizing the disposition of certain county records by county officers in counties of second class A and third to eighth class," including counties of the second class.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2406, printer's No. 3324**, entitled:

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

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2448, printer's No. 3326**, entitled:

An Act transferring part of an appropriation account of the House of Representatives to another house account for the fiscal year 1975-1976.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2456, printer's No. 3351**, entitled:

An Act amending the "Capital Facilities Debt Enabling Act," approved July 20, 1968 (P. L. 550, No. 217), further defining "Transportation Assistance Projects."

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2457, printer's No. 3352**, entitled:

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 assis-

stance project and a highway project *** and making an appropriation.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2458, printer's No. 3353**, entitled:

An Act making an appropriation to the Department of Commerce for the Pennsylvania Industrial Development Authority.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 254, printer's No. 1830**, entitled:

An Act prohibiting the directing of objects at locomotives, stationary engines and self-propelled motor vehicles under certain circumstances and prescribing a penalty.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 636, printer's No. 1699**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further regulating the computation of the reserve liability of life, health and accident insurance policies and annuity contracts.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 637, printer's No. 1700**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," increasing the interest rate for computation of minimum nonforfeiture benefits and cash surrender values required in life insurance policies.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 888, printer's No. 1929**, entitled:

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

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 954, printer's No. 1943**, entitled:

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 Common-

wealth," further providing for computations affecting counties.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1025, printer's No. 1885**, entitled:

An Act relating to mental health procedures; providing for the treatment and rights of mentally disabled persons for voluntary and involuntary examination and treatment and for determinations affecting those charged with crime or under sentence.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1031, printer's No. 1215**, entitled:

An Act amending the act of May 5, 1933 (P. L. 284, No. 104), entitled, as amended, "Malt Beverage Tax Law," extending the emergency malt or brewed beverage tax credits.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1093, printer's No. 1297**, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Transportation for the Appalachian Local Access Roads program.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate Bill No. 1096, printer's No. 1663**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Public Welfare, the Department of Transportation and the Governor, to convey to the Chartier Valley School District 24.115 acres of land, more or less, situate in Collier Township, Allegheny County, Commonwealth of Pennsylvania.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1183, printer's No. 1412**, entitled:

An Act repealing section 2 of the act of December 13, 1974 (P. L. 962, No. 316), entitled "An act authorizing the Department of Property and Supplies, with the approval of the Governor, to convey land situate in the City of Carbondale, Lackawanna County, to the Carbondale Re-development Authority."

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1267, printer's No. 1805**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess. 1937, P. L. 2897, No. 1), entitled "Unemployment Compensation Law," providing for a movable base year; eliminating the word "private" from certain pension plans; providing for a percentage of benefits to be charged against certain employers; reducing the amount of certain bonds and making editorial corrections.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1268, printer's No. 1690**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for appointed members of the Workmen's Compensation Appeal Board.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1327, printer's No. 1613**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," increasing the amount of expenditure disbursement by a domestic life insurance company for which a voucher is required.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1329, printer's No. 1703**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for certain penalties.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1330, printer's No. 1616**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for examination of insurance companies.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 1359, printer's No. 1645**, entitled:

An Act amending the act of June 28, 1947 (P. L. 1062, No. 453), entitled "An act providing for the issuance and sale of bonds by the Commonwealth of Pennsylvania for the construction of public buildings; . . .," providing for the transfer of unneeded moneys from the Public Building Construction Fund to the Public Building Construction Sinking Fund and further providing for the abolishment of both funds after payment of all outstanding obligations.

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

Ordered, to be transcribed for third consideration.

HOUSE BILL SIGNED BY SPEAKER

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

HOUSE BILL No. 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.

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. 506

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.

SENATE BILL No. 1397

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

Whereupon,

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

ANNOUNCEMENT

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

Mr. VALICENTI. Mr. Speaker, I would like to make an announcement.

The SPEAKER pro tempore. The gentleman will proceed with his announcement.

Mr. VALICENTI. The Labor Committee will meet tomorrow at 11:30 in room 313-A to discuss two bills. Thank you.

The SPEAKER pro tempore. The Committee on Labor will meet tomorrow morning at 11:30 in room 313-A.

CITATIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, who offers the following citations:

HOUSE OF REPRESENTATIVES

WHEREAS, Leonard Armstrong, director of the East Germantown Recreation Center, has contributed his time and efforts unselfishly to his community. Through his efforts the community has unified to pull through periods of crises. The devotion, commitment, and self-determination of Leonard Armstrong has given the East Germantown Recreation Center high esteem and morale.

Now therefore, The House of Representatives of the Commonwealth of Pennsylvania, congratulates Leonard Armstrong for his unselfish service rendered as Director of the East Germantown Recreation Center, expresses its appreciation for his efforts to use community talents and skills for community improvement and wishes that his able leadership and guidance continues; and further directs that a copy of this citation be delivered to Mr. Leonard Armstrong, Center Director, East Germantown Recreation Center, Chelton Avenue and Ardleigh Street, Philadelphia, Pennsylvania 19138.

DAVID P. RICHARDSON, JR.

On the question,

Will the House adopt the citation?

Citation was adopted

HOUSE OF REPRESENTATIVES

WHEREAS, The Senior Citizens Program of the East Germantown Recreation Center has contributed vastly to the East Germantown community, in particular, and to the entire community in general. Their dedication, devotion and commitment has not gone unnoticed in serving older persons of this Commonwealth. The Senior Citizens of the East Germantown Senior Citizens Program, without whose involvement and participation there would be little or no hope, has enlightened and given direction towards bringing the community closer together.

Now therefore, The House of Representatives of the Commonwealth of Pennsylvania, congratulates the Senior Citizens of the East Germantown Recreation Center on their community participation and involvement, commends them on their efforts to unify and guide the community and wishes that their endeavors continue successfully; and further directs that a copy of this citation be delivered to The Senior Citizens of East Germantown Recreation Center, Chelton Avenue and Ardleigh Street, Philadelphia, Pennsylvania 19138.

DAVID P. RICHARDSON, JR.

On the question,

Will the House adopt the citation?

Citation was adopted.

ANNOUNCEMENT

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

Mr. IRVIS. Mr. Speaker, there is no further business before the House today.

I would suggest to the members that they check their calendars carefully this evening. I think we have sent a note around to each member suggesting this. There are a number of bills on the calendar now; they will not stay on the calendar for 10 or 12 days. Some of them may be called up for final passage as early as tomorrow; some others for final passage as early as Wednesday. I would ask that the members take the opportunity now and this evening to check those bills to see if there are any amendments thereto which they wish to add. If there be such, then it is my request that you get copies of those amendments to Mr. Bittle, Mr. Englehart, and me or some member of my staff, preferably Lynn Fields, who sits with me on the floor, so that we can mark our calendars with your amendments.

We will not be in voting session next week; next week will be a committee week. Inform your secretaries that we expect them to be on the job on Monday, despite the fact that I am told it is Flag Day. We are scheduling hearings and committee meetings all during the week.

The week after next will be a voting week and may well be the next to the last voting week of this session.

So we cannot allow these bills which are now currently on our calendar to stay there for days on end.

Tomorrow we shall be taking up the bill on the question of obscenity. That will be one of the major bills. We may well be taking up the Judicial Code. There were some technical amendments to be added and that is the reason we recommitted the Judicial Code to committee and that may well be coming up tomorrow. There will be a number of minor bills scheduled for tomorrow.

We expect on Wednesday to be prepared to take up the committee report on the Motor Vehicle Code. There will be the necessity of a caucus between both parties tomorrow afternoon. At least at this point in time we are thinking about having our caucuses at 3 o'clock and at 4 o'clock so that the executive branch may visit each caucus to explain the importance of the Volkswagen bills and the intricate details thereof.

DEMOCRATIC CAUCUS

Mr. IRVIS. I am at this time going to ask for a recess of the House of Representatives subject to the call of the Speaker. The reason for that is that we want to keep the desk open in case we have certain messages coming over from the Senate. It will not be necessary—I repeat, it will not be necessary—for any one member to report back to the floor of the House today.

During the recess and immediately on the call of the recess, I should like to have the members of the Democratic caucus report. We will be discussing the judiciary reform bill and we have asked an expert, a judge on the bench, to be in our caucus to answer questions about this particular item.

Mr. Speaker, unless the minority leader has further business, I would ask for a declaration of a recess at this time for an indeterminate period, the understanding being that no member would have to report back on the floor of the House for any further business today.

REPUBLICAN CAUCUS

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

Mr. BUTERA. Mr. Speaker, there will be a Republican caucus for the same purposes immediately upon the adoption of the recess motion.

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. 77**, entitled:

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

And has appointed Messrs. LYNCH, SMITH and MAN-BECK a committee to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the sub-

ject of the differences between the two Houses in relation to said bill.

HOUSE INSISTS ON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. IRVIS moved that the House insist upon its non-concurrence in amendments made by the Senate to **HOUSE BILL No. 77**, printer's No. 3014, 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 HOUSE BILL No. 77

The SPEAKER pro tempore. The Chair appoints the following members as a Committee of Conference on the part of the House: Messrs. PETRARCA, DeMEDIO and S. E. HAYES.

Ordered, That the clerk inform the Senate accordingly.

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

Mr. IRVIS. Mr. Speaker, I beg the pardon of the members, I neglected to announce that the time of convening tomorrow is 9:30, 9:30 tomorrow morning.

Thank you, Mr. Speaker.

LABOR COMMITTEE MEETING CANCELED

The SPEAKER pro tempore. The chairman on the Labor Committee has requested me to announce that the committee meeting scheduled for tomorrow morning at 11:30 has been canceled and will be rescheduled next week.

RECESS

The SPEAKER pro tempore. The Chair now declares this House to be in recess until the call of the Speaker.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (Edward F. Burns, Jr.) IN THE CHAIR

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

By Messrs. REED, ECKENSBERGER, SCHWEDER
and BRANDT

HOUSE BILL No. 2485

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions making unlawful the use of reimbursement coupons under certain circumstances.

Referred to Committee on Judiciary.

By Mr. REED, Mrs. KERNICK, Messrs. STAPLETON,
FLAHERTY, MENHORN and HOPKINS

HOUSE BILL No. 2486

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania authorizing the use of the initiative and referendum as

Commonwealth and local government processes under certain circumstances.

Referred to Committee on State Government.

By Messrs. O'BRIEN, DeWEESE, McCALL, GOODMAN, L. E. SMITH, WRIGHT, BURNS, ABRAHAM and MISCEVICH

HOUSE BILL No. 2487

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), providing for contracts for services between utilities and certain agents.

Referred to Committee on Consumer Protection.

By Messrs. WOJDAK, FINEMAN, IRVIS, MANDERINO, PRENDERGAST, WARGO, SHUPNIK, PIEVSKY, SHANE, GEISLER, O'BRIEN, GOODMAN, JOHNSON, KOLTER, BELLOMINI, ENGLEHART, FEE, KOWALYSHYN, A. K. HUTCHINSON, BRUNNER and LaMARCA

HOUSE BILL No. 2488

An Act relating to Commonwealth budget procedures.

Referred to Committee on Appropriations.

**REPORT OF COMMITTEE OF CONFERENCE
ON HOUSE BILL No. 1817**

Mr. BONETTO presented the report of the Committee of Conference on House bill No. 1817.

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

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 at this time

would like to welcome to the hall of the House, Mr. Charles Burmosk, the southern division manager of the General Telephone Company from Johnstown, who is the guest of the Acting Speaker and the gentleman from Cambria, Mr. Whelan.

The Chair would also like to welcome to the hall of the House from the Jim Thorpe Elementary Center, St. Josephs School of Jim Thorpe and the Immaculate Conception School of Jim Thorpe, the chaperons and teachers, Barry Hackenberg, William Kralik, Anita Van Dine, Mrs. Lucille Tracy, Mrs. Nancy McGinley, Mr. and Mrs. John Pantazis and Mr. and Mrs. George Manolas.

They are the guests of the gentleman from Carbon County, Mr. McCall.

The Chair is pleased to welcome to the hall of the House today Mrs. Mae Shaub, who is the guest of the Lancaster County delegation.

The Chair would like to welcome to the hall of the House, Mayor Delassandro of Donora and Mr. Stephen Kray, the United Steelworkers Staff Representative, all of whom are the guests of the gentlemen from Allegheny: Messrs. Novak, Valicenti, Mrkonic, Misceovich and Abraham.

Before the members leave, I would like to welcome to the hall of the House some officers from District 19 and 20, United Steel Workers of America, AFL-CIO, Messrs. Ed Bono, Ray Denny, Lowell Hancock, Richard Hankey, William Keene and Devon Bergholtz. They are the guests of the gentlemen from Westmoreland: Messrs. Petrarca and C. L. Schmitt.

ADJOURNMENT

Mr. BONETTO moved that this House do now adjourn until Tuesday, June 8, 1976, at 9:30 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 8:15 p.m., e.d.t.) the House adjourned.