

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 29, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 23

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (SAMUEL RAPPAPORT) IN THE CHAIR

PRAYER

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

Our most gracious Father, in this troubled and selfish world of ours, enable us to sow peace and love; in the turbulent storms and difficulties which confront us, challenge us to bring serenity and concerted action; in our troublesome encounters and conflicting associations with our fellowmen, counsel us to show patience and compassionate wisdom; and in this carefree and ill-directed society in which we live, prick the conscience of each one of us to live lives of purpose and direction that we may draw men to Thee and give them all a reason for living. This we ask in Thy blest name who art the God and Father of us all. Amen.

JOURNALS APPROVED

The SPEAKER pro tempore. Are there any corrections of the Journals of February 9, 10, 14 and 15, 1977?

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal for Monday, March 28, 1977, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 797 By Messrs. GOODMAN, B.F. O'BRIEN, TAYLOR, J.L. WRIGHT, LEHR, GAMBLE, MISCEVICH, GEORGE, YAHNER, BURNS, WASS, L.E. SMITH and McCALL

An Act relating to the location and construction of major electric generating facilities and providing penalties.

Referred to Committee on Mines and Energy Management.

No. 798 By Messrs. DeVERTER, LETTERMAN and NOYE

An Act making an appropriation to the Beacon Lodge Camp for the Blind, Lewistown, Pennsylvania.

Referred to Committee on Appropriations.

No. 799 By Messrs. DeMEDIO, FRYER, RITTER, MEBUS and WEIDNER

An Act amending the "Public Auditorium Authorities Law," approved July 29, 1953 (P. L. 1034, No. 270), increasing the amount of supplies and materials which may be purchased without advertising.

Referred to committee on State Government.

No. 800 By Messrs. DeMEDIO, RITTER, FRYER, MEBUS and WEIDNER

An Act amending the act of August 7, 1936 (1st Sp. Sess. P. L. 106, No. 46), referred to as the Flood Control Law, further providing for contracts.

Referred to Committee on State Government.

No. 801 By Messrs. DeMEDIO, FRYER, RITTER, MEBUS and WEIDNER

An Act amending the Act of July 12, 1972 (P. L. 762, No. 180), entitled "An act relating to intergovernmental cooperation," regulating joint purchases and bids on such purchases.

Referred to committee on State Government.

No. 802 By Messrs. DeMEDIO, FRYER, RITTER, MEBUS and WEIDNER

An Act amending "The Marriage Law," approved August 22, 1953 (P. L. 1344, No. 383), further providing for the contents of a marriage license application and changing the fee.

Referred to Committee on State Government.

No. 803 By Messrs. DeMEDIO, RITTER, FRYER, MEBUS and WEIDNER

An Act establishing a uniform mileage fee for all employees of the Commonwealth and its political subdivisions.

Referred to Committee on State Government.

No. 804 By Messrs. DeMEDIO, FRYER, RITTER, MEBUS and WEIDNER

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), providing for the investment of certain funds.

Referred to Committee on Local government

No. 805 By Messrs. DeMEDIO, FRYER, RITTER, MEBUS and WEIDNER

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing agreements with certain municipalities, under certain conditions, for the promotion of the health and welfare of certain citizens, and acceptance of money, property and services.

Referred to Committee on Local Government.

**No. 806** By Messrs. DeMEDIO, RITTER, FRYER, MEBUS and WEIDNER

An Act amending the act of June 24, 1968 (P. L. 237, No. 111), entitled "An act specifically authorizing collective bargaining between policemen and firemen and their public employers, \*\*\*" restricting membership on the board of arbitration to certain individuals.

Referred to Committee on Labor Relations.

**No. 807** By Messrs. DeMEDIO, FRYER, RITTER, MEBUS and WEIDNER

An Act providing for the classification and taxing of mobile homes.

Referred to Committee on Transportation.

**No. 808** By Messrs. DeMEDIO, FRYER, RITTER, MEBUS and WEIDNER

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), providing for the signing of certain written contracts and agreements by the president of the borough council.

Referred to Committee on Local Government

**No. 809** By Messrs. DeMEDIO, RITTER, MEBUS and WEIDNER

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), providing for reimbursement of registration fees for county association conventions and further providing for the compensation of the secretary of the county association.

Referred to Committee on Local Government.

**No. 810** By Messrs. BENNETT, ARTHURS, LETTERMAN and HOPKINS

An Act amending Title 75 (Vehicles) known as the Pennsylvania Consolidated Statutes, providing for the retention of certain receipts relative to snowmobile registration.

Referred to Committee on Transportation.

**No. 811** By Messrs. DeMEDIO, FRYER, RITTER, MEBUS and WEIDNER

An Act limiting the liability of certain regular police officers and firemen responding to calls for assistance from other municipalities, granting such police and firemen certain powers, and imposing liability for their acts upon the requesting municipality.

Referred to Committee on Judiciary.

**No. 812** By Messrs. DeMEDIO, RITTER, FRYER, MEBUS and WEIDNER

An Act amending the "Lethal Weapons Training Act," approved October 10, 1974 (P. L. 705, No. 235), redefining the terms "Privately employed agents" and providing for the waiver of certain application fees.

Referred to Committee on Judiciary.

**No. 813** By Messrs. DeMEDIO, RITTER, FRYER, MEBUS and WEIDNER

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), referred to as the Intangible Personal Property Tax Law, changing the time of payment of the tax.

Referred to Committee on Finance.

**No. 814** By Messrs. DeMEDIO, RITTER, FRYER, MEBUS and WEIDNER

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, extending the period for revival of suggestions and averments of nonpayment and default and the time for filing and renewal of all taxes and municipal claims to twenty years.

Referred to Committee on Urban Affairs.

**No. 815** By Messrs. DeMEDIO, RITTER, FRYER, MEBUS and WEIDNER

An Act amending the act of August 22, 1961 (P. L. 1043, No. 475), entitled, as amended, "An act to ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third, fourth, fifth, sixth, seventh and eighth class; to provide the time of paying the same; and to repeal certain acts," extending provisions to include counties of the second class A, and further providing for fees.

Referred to Committee on Urban Affairs.

**No. 816** By Messrs. DeMEDIO, FRYER, RITTER, MEBUS and WEIDNER

An Act amending the act of May 9, 1949 (P. L. 927, No. 261), referred to as the Sheriff Fee Law of 1949, changing fees.

Referred to committee on Urban Affairs.

**No. 817** By Messrs. DeMEDIO, RITTER, FRYER, MEBUS and WEIDNER

An Act establishing the fees to be charged and collected by the clerk of courts in second through eighth class counties.

Referred to committee on Urban Affairs.

**No. 818** By Messrs. REED, BROWN KOWALYSHYN, Mrs. WISE, Messrs. ZWIKL, ZELLER, DeWEESE, STUBAN, BITTINGER and STEWART

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), changing the period certain records must be preserved and further providing for the instruction of election officers.

Referred to Committee on State Government.

**No. 819** By Messrs. REED, BROWN, Mrs. WISE, Messrs. ZELLER, ZWIKL, DeWEESE, STUBAN, BITTINGER and STEWART

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for the possession and casting of absentee ballots.

Referred to Committee on State Government.

**No. 820** By Messrs. PRATT and FEE

An Act amending the "Juvenile Act," approved December 6, 1972 (P. L. 1464, No. 333), further providing for the disposition of delinquent children.

Referred to Committee on Judiciary.

**No. 821** By Messrs. PRATT, BENNETT, TAYLOR, WILT, FEE and ARTHURS

An Act amending the "Mental Health and Mental Retardation Act of 1966," approved October 20, 1966 (3rd Sp. Sess. P. L. 96, No. 6), further providing for State and county grants and payments.

Referred to Committee on Health and Welfare.

**No. 822** By Mr. PRATT

An Act amending "The Fish Law of 1959," approved December 15, 1959 (P. L. 1779, No. 673), further providing for standards for hybrid or crossbred fish and for an educational program when new fish are developed or introduced.

Referred to Committee on Game and Fisheries.

**No. 823** By Messrs. TADDONIO, ITKIN, GAMBLE, MRKONIC, PARKER and POTT

An Act amending the Public Official Compensation Law, approved June 1, 1956 (P. L. 1959, No. 657), changing the authority of the commission and provisions relating to establishment of salaries.

Referred to Committee on State Government.

**No. 824** By Messrs. TADDONIO, ITKIN, MRKONIC, GOEBEL and D. M. FISHER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the number of senatorial and representative districts.

Referred to Committee on State Government.

**No. 825** By Mr. GREENLEAF

An Act authorizing the use of certain medical testimony by depositions at trial in open court.

Referred to Committee on Judiciary.

**No. 826** By Messrs. RAVENSTAHL, CAPUTO and GEISLER

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing for the county board of elections in certain instances.

Referred to Committee on State Government.

**No. 827** By Messrs. HOPKINS, BELLOMINI, PANCOAST, DOMBROWSKI, DiCARLO and D. S. HAYES

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), authorizing limited wineries to package and sell wine in containers ranging in size up to five gallons.

Referred to Committee on Liquor Control.

**No. 828** By Messrs. ZORD, LAUDADIO, FREIND, REED, GEESEY, MEBUS and RAVENSTAHL

An Act prohibiting the use of fluorocarbons as an aerosol propellant; requiring all aerosol propellants to be set forth on the label of the container and providing penalties.

Referred to Committee on Health and Welfare.

**No. 829** By Messrs. CAPUTO and GEISLER

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.

Referred to Committee on Urban Affairs.

THE SPEAKER (HERBERT FINEMAN)  
IN THE CHAIR

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. The Chair recognizes the minority whip.

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

The SPEAKER. The Chair thanks the gentlemen.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take today's master roll.

The following roll call was recorded:

YEAS—200

Abraham	Gallen	Mackowski	Salvatore
Anderson	Gamble	Madigan	Scanlon
Armstrong	Garzia	Manderino	Scheaffer
Arthurs	Gatski	Manmiller	Schmitt
Barber	Geesey	McCall	Schweder
Bellomini	Geisler	McClatchy	Scirica
Beloff	George, C.	McGinnis	Seltzer
Bennett	George, M.	McIntyre	Shuman
Berlin	Giammarco	McLane	Shupnik
Berson	Gillette	Mebus	Sirianni
Bittinger	Gleeson	Meluskey	Smith, E.
Bittle	Goebel	Milanovich	Smith, L.
Borski	Goodman	Miller	Spencer
Brandt	Gray	Milliron	Spitz
Brown	Greenfield	Miscevich	Stairs
Brunner	Greenleaf	Moehlmann	Stapleton
Burd	Grieco	Morris	Stewart
Burns	Halverson	Mowery	Stuban
Butera	Hamilton	Mrkonic	Sweet
Caltagirone	Harper	Mullen, M. P.	Taddonio
Caputo	Hasay	Mullen, M. M.	Taylor, E.
Cassidy	Haskell	Musto	Taylor, F.
Cessar	Hayes, D. S.	Novak	Tenaglio
Cianciulli	Hayes, S. E.	Noye	Thomas
Cimini	Helfrick	O'Brien, B.	Valicenti
Cohen	Hoefel	O'Brien, D.	Vroon
Cole	Honaman	O'Connell	Wagner
Cowell	Hopkins	O'Donnell	Wansacz
Davies	Hutchinson, A.	O'Keefe	Wargo
DeMedio	Hutchinson, W.	Oliver	Wass
DeVerter	Irvis	Pancoast	Weidner
DeWeese	Itkin	Parker	Wenger
DiCarlo	Johnson	Petrarca	White
Dietz	Jones	Piccola	Wiggins

Dininni	Katz	Pievsky	Williams
Dombrowski	Kelly	Pitts	Wilson
Donatucci	Kernick	Polite	Wilt
Dorr	Klingaman	Pott	Wise
Doyle	Knepper	Pratt	Wright, D. R.
Duffy	Kolter	Prendergast	Wright, J. L.
Dumas	Kowalshyn	Pyles	Yahner
Englehart	Kusse	Rappaport	Yohn
Fee	Laudadio	Ravenstahl	Zearfoss
Fischer	Laughlin	Reed	Zeller
Fisher	Lehr	Renwick	Zitterman
Flaherty	Letterman	Rhodes	Zord
Foster, A.	Levi	Richardson	Zwilk
Foster, W.	Lincoln	Rieger	
Freind	Livengood	Ritter	Fineman,
Fryer	Logue	Ryan	Speaker
Gallagher	Lynch		

**NAYS—0**

**NOT VOTING—3**

Ruggiero            Shelton            Trello

The SPEAKER. Two hundred members having indicated their presence, a master roll is established.

**PHOTOS PERMITTED TO BE TAKEN**

The SPEAKER. For the information of the membership, the Chair has extended permission to Television Stations 6, from Philadelphia, and 4, from Pittsburgh, to take film footage on the floor today.

**CALENDAR**

**GAME AND FISHERIES BILLS ON SECOND CONSIDERATION**

Agreeable to order,  
The House proceeded to second consideration of **House bill No. 133, printer's No. 146**, entitled:

An Act amending "The Fish Law of 1959" approved December 15, 1959 (P. L. 1779 No 673), further providing for the powers of waterways patrolmen.

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. 149, printer's No. 162**, entitled:

An Act relating to the manufacture sale and possession of certain camping equipment and providing a penalty.

And said bill having been considered the second time and agreed to,  
Ordered, to be transcribed for third consideration.

**CONSERVATION BILLS ON SECOND CONSIDERATION**

Agreeable to order,  
The House proceeded to second consideration of **House bill**

**No. 148, printer's No. 161**, entitled:

An Act requiring agreements of sale for certain land to include percolation information.

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. 360, printer's No. 394**, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177 No 175), prohibiting drilling for oil and gas in Lake Erie.

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. 375, printer's No. 409**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes further providing for the prohibition against depositing waste and other material on 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 **House bill No. 577, printer's No. 626**, entitled:

An Act amending "The Land and Water Conservation and Reclamation Act" approved January 19, 1968 (1967 P. L. 996 No 443), limiting an appropriation.

And said bill having been considered the second time and agreed to,  
Ordered, to be transcribed for third consideration.

**MINES AND ENERGY MANAGEMENT BILLS ON SECOND CONSIDERATION**

Agreeable to order,  
The House proceeded to second consideration of **House bill No. 190, printer's No. 798**, entitled:

An Act amending the act of May 17, 1921 (P. L. 912 No 322), entitled "An act to regulate the drilling operating and abandoning of oil and gas wells and providing a penalty for violation of the provisions of this act" permitting the introduction of pressure into any stratum for the purpose of producing oil or gas therefrom.

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. 449, printer's No. 741**, entitled:

An Act amending the "Surface Mining Conservation and Reclamation Act" approved May 31, 1945 (P. L. 1198 No 418), and

providing for the protection of water supplies and granting certain appeal rights.

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

Ordered, to be transcribed for third consideration.

#### LOCAL GOVERNMENT BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 198, printer's No. 740**, entitled:

An Act regulating the contractual powers of individuals serving in local political subdivision positions.

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

Ordered, to be transcribed for third consideration.

#### TAX RELATED BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 226, printer's No. 246**, entitled:

An Act amending the "Local Tax Collection Law" approved May 25, 1945 (P. L. 1050 No 394), requiring the purchase of certain tax collectors' bonds through certain bidding procedures.

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. 234, printer's No. 742**, entitled:

An Act amending "The Local Tax Enabling Act" approved December 31, 1965 (P. L. 1257 No 511), requiring reports by collectors of certain taxes.

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

Ordered, to be transcribed for third consideration.

#### FINANCE BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 232, printer's No. 252**, entitled:

An Act amending "The Fiscal Code" approved April 9, 1929 (P. L. 343 No 176), providing an increase in the fee for a lien certificate.

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

Ordered, to be transcribed for third consideration.

#### TRANSPORTATION BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 270, printer's No. 290**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exonerating municipalities from any and all liability for designating certain roads as snowmobile roads.

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. 353, printer's No. 801**, entitled:

An Act amending the act of June 19, 1953 (P. L. 279 No 54), entitled "An act to prohibit operation of boats having a developed horsepower rating in excess of ten on Canadohta Lake in Crawford County" further providing for the use of boats with motors.

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. 354, printer's No. 802**, entitled:

An Act amending the act of July 3, 1963 (P. L. 185 No 111), entitled "An act to prohibit operation of boats having a developed horsepower rating in excess of six on Sugar Lake in Crawford County" further providing for the use of boats with motors.

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. 355, printer's No. 803**, entitled:

An Act amending the act of October 22, 1965 (P. L. 721 No 205), entitled "An Act prohibiting operation of boats having a manufacturer's horsepower rating in excess of seven and one-half on Quaker Lake in Susquehanna County" further providing for the use of boats with motors.

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. 609, printer's No. 805**, entitled:

An Act amending the Act of July 28, 1966 (3rd Sp Sess P. L. 91 No 4), entitled "An act restricting the establishment and maintenance of junkyards along highways; \*\*\*" deleting the term "junkyard" throughout said act and substituting the term "automotive dismantler and recycler" therefore changing the license fee extending the act to all State highways and making editorial changes.

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

Ordered, to be transcribed for third consideration.

I think that the Governor's office owes this body and Representative Harper an apology for keeping them out of a public meeting on a matter of this fundamental concern.

Mr. Speaker, thank you for letting me make these few brief remarks, but I make them only because it happens time and time again that our legislative body pleads to be ignorant because we allow this to take place.

Thank you very much.

The SPEAKER. For the future guidance of the membership of this House, the Chair would bring the following rule to the attention of the membership: Rule 10: With the unanimous consent of the House a member may make a statement not exceeding ten minutes in length concerning a subject or matter not pending before the House for consideration, providing the Majority and Minority Leaders have agreed on a time the member is to ask for recognition.

Now the Chair was reluctant to cut the gentleman off, but it is inappropriate to break into the consideration of a calendar by the House to allow a member to make a statement unless it has been prearranged.

CALENDAR

GAME AND FISHERIES BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 128, printer's No. 141, entitled:

An Act authorizing certain uniformed boy scouts and scouters to temporarily fish in Lake Arthur pursuant to a special fishing permit.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Table listing names of members who voted 'YEAS' for the Game and Fisheries Bill. Names include Abraham, Anderson, Armstrong, Arthurs, Barber, Bellomini, Beloff, Bennett, Berlin, Berson, Bittinger, Bittle, Borski, Brandt, Brown, Brunner, Burd, Burns, Butera, Gallagher, Gallen, Gamble, Garzia, Gatski, Geesey, Geisler, George, C., George, M., Giammarco, Gillette, Goebel, Goodman, Gray, Greenfield, Greenleaf, Grieco, Halverson, Hamilton, Mackowski, Madigan, Manderino, Manmiller, McCall, McClatchy, McGinnis, McIntyre, McLane, Mebus, Meluskey, Milanovich, Miller, Milliron, Misceovich, Moehlmann, Morris, Mowery, Mrkonic, Scanlon, Scheaffer, Schmitt, Schweder, Scirica, Seltzer, Shuman, Shupnik, Sirianni, Smith, E., Smith, L., Spencer, Spitz, Stairs, Stapleton, Stewart, Stuban, Sweet, Taddonio.

Table listing names of members who voted 'NAYS' for the Game and Fisheries Bill. Names include Caltagirone, Caputo, Cassidy, Cessar, Cianciulli, Cimini, Cohen, Cole, Cowell, Davies, DeMedio, DeVerter, DeWeese, DiCarlo, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Doyle, Duffy, Dumas, Englehart, Fee, Fischer, Fisher, Flaherty, Foster, A., Foster, W., Freind, Fryer, Harper, Hasay, Haskell, Hayes, D. S., Hayes, S. E., Helfrick, Hoeffel, Honaman, Hopkins, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, Jones, Katz, Kelly, Kernick, Klingaman, Knepper, Kolter, Kowalyshyn, Kusse, Laudadio, Laughlin, Lehr, Letterman, Levi, Lincoln, Livengood, Logue, Mullen, M. P., Mullen, M. M., Musto, Novak, Noye, O'Brien, B., O'Brien, D., O'Connell, O'Donnell, O'Keefe, Oliver, Pancoast, Petrarca, Piccola, Pievsky, Pitts, Polite, Pott, Pratt, Prendergast, Pyles, Rappaport, Ravenstahl, Reed, Renwick, Richardson, Rieger, Ritter, Ryan, Salvatore, Taylor, E., Taylor, F., Tenaglio, Thomas, Valicenti, Vroon, Wagner, Wansacz, Wargo, Wass, Weidner, Wenger, White, Wiggins, Williams, Wilson, Wilt, Wise, Wright, D. R., Wright, J. L., Yahner, Yohn, Zearfoss, Zeller, Zitterman, Zord, Zwikl, Fineman, Speaker.

NAYS—0

NOT VOTING—7

Table listing names of members who did not vote: Gleeson, Lynch, Parker, Rhodes, Ruggiero, Shelton, Trello.

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 BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 117, printer's No. 130, entitled:

An Act creating the Veterans Memorial Commission as a temporary body to develop detailed plans for the creation of a State memorial honoring Pennsylvania servicemen and to submit a report of its findings recommendations and proposed legislation to the General Assembly.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

Table listing names of members who voted 'YEAS' for the Military and Veterans Affairs Bill: Abraham, Gallen, Madigan, Scheaffer.

Anderson	Gamble	Manderino	Schmitt
Armstrong	Garzia	Manmiller	Schweder
Arthurs	Gatski	McCall	Scirica
Barber	Geesey	McClatchy	Seltzer
Bellomini	Geisler	McGinnis	Shuman
Bennett	George, C.	McIntyre	Shupnik
Berlin	George, M.	McLane	Sirianni
Berson	Giammarco	Mebus	Smith, E.
Bittinger	Gillette	Meluskey	Smith, L.
Bittle	Goebel	Milanovich	Spencer
Borski	Goodman	Miller	Spitz
Brandt	Gray	Milliron	Stairs
Brown	Greenfield	Miscevich	Stapleton
Brunner	Greenleaf	Moehlmann	Stewart
Burd	Grieco	Morris	Stuban
Burns	Halverson	Mowery	Sweet
Butera	Hamilton	Mrkonc	Taddonio
Caltagirone	Harper	Mullen, M. P.	Taylor, E.
Caputo	Hasay	Mullen, M. M.	Taylor, F.
Cassidy	Haskell	Musto	Tenaglio
Cessar	Hayes, D. S.	Novak	Thomas
Cianciulli	Hayes, S. E.	Noye	Valicenti
Cimini	Helfrick	O'Brien, B.	Vroon
Cohen	Hoefel	O'Brien, D.	Wagner
Cole	Honaman	O'Connell	Wansacz
Cowell	Hopkins	O'Donnell	Wargo
Davies	Hutchinson, A.	O'Keefe	Wass
DeMedio	Hutchinson, W.	Oliver	Weidner
DeVerter	Irvis	Pancoast	Wenger
DeWeese	Itkin	Parker	White
DiCarlo	Jones	Petrarca	Wiggins
Dietz	Katz	Piccola	Williams
Dininni	Kelly	Pievsky	Wilson
Dombrowski	Kernick	Pitts	Wilt
Dorr	Klingaman	Polite	Wise
Doyle	Knepper	Pott	Wright, D. R.
Duffy	Kolter	Pratt	Wright, J. L.
Dumas	Kowalyszyn	Prendergast	Yahner
Englehart	Kusse	Pyles	Yohn
Fee	Laudadio	Ravenstahl	Zearfoss
Fischer	Laughlin	Reed	Zeller
Fisher	Lehr	Renwick	Zitterman
Flaherty	Letterman	Richardson	Zord
Foster, A.	Levi	Rieger	Zwinkl
Foster, W.	Lincoln	Ritter	
Freind	Livengood	Ryan	Fineman
Fryer	Logue	Salvatore	Speaker
Gallagher	Mackowski	Scanlon	

NAYS—1

Rappaport

NOT VOTING—9

Beloff	Johnson	Rhodes	Shelton
Donatucci	Lynch	Ruggiero	Trello
Gleeson			

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

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 144, printer's No. 157**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania exempting totally and permanently disabled veterans from payment of real property taxes in certain cases.

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

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

The question is, shall the bill pass finally?

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

YEAS—191

Abraham	Mackowski	Gamble	Salvatore
Anderson	Madigan	Garzia	Scanlon
Armstrong	Manderino	Gatski	Scheaffer
Arthurs	Manmiller	Geesey	Schmitt
Barber	McCall	Geisler	Schweder
Bellomini	McClatchy	George, C.	Scirica
Bennett	McGinnis	George, M.	Seltzer
Berlin	McIntyre	Giammarco	Shuman
Berson	McLane	Gillette	Shupnik
Bittinger	Mebus	Goebel	Sirianni
Bittle	Meluskey	Goodman	Smith, E.
Borski	Milanovich	Gray	Smith, L.
Brandt	Miller	Greenfield	Spencer
Brown	Milliron	Greenleaf	Spitz
Brunner	Miscevich	Grieco	Stairs
Burd	Moehlmann	Halverson	Stapleton
Burns	Morris	Hamilton	Stewart
Butera	Mowery	Harper	Stuban
Caltagirone	Mrkonc	Hasay	Sweet
Caputo	Mullen, M. P.	Haskell	Taddonio
Cassidy	Mullen, M. M.	Hayes, D. S.	Taylor, E.
Cessar	Musto	Hayes, S. E.	Taylor, F.
Cianciulli	Novak	Helfrick	Tenaglio
Cimini	Noye	Hoefel	Thomas
Cohen	O'Brien, B.	Honaman	Valicenti
Cole	O'Brien, D.	Hopkins	Vroon
Cowell	O'Connell	Hutchinson, A.	Wagner
Davies	O'Donnell	Hutchinson, W.	Wansacz
DeMedio	O'Keefe	Irvis	Wargo
DeVerter	Oliver	Itkin	Wass
DiCarlo	Pancoast	Johnson	Weidner
Dietz	Parker	Jones	Wenger
Dininni	Petrarca	Katz	Wiggins
Dombrowski	Piccola	Kelly	Williams
Dorr	Pievsky	Kernick	Wilson
Doyle	Pitts	Klingaman	Wilt
Duffy	Polite	Knepper	Wise
Dumas	Pott	Kolter	Wright, D. R.
Englehart	Pratt	Kowalyszyn	Wright, J. L.
Fee	Prendergast	Kusse	Yohn
Fischer	Pyles	Laudadio	Zearfoss
Fisher	Rappaport	Laughlin	Zeller
Flaherty	Ravenstahl	Lehr	Zitterman
Foster, A.	Renwick	Letterman	Zord
Foster, W.	Richardson	Levi	Zwinkl
Freind	Rieger	Lincoln	
Fryer	Ritter	Livengood	Fineman
Gallagher	Ryan	Logue	Speaker
Gallen			

NAYS—0

NOT VOTING—12

Beloff	Gleeson	Rhodes	Trello
DeWeese	Lynch	Ruggiero	White
Donatucci	Reed	Shelton	Yahner

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

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

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 482, printer's No. 521**, entitled:

An Act amending the act of July 28, 1953 (P.L. 676 No 210), entitled "An act providing for the observance of March fifteenth of each year as Charter Day" changing the date of the observance.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

**YEAS—192**

- |             |                |               |               |
|-------------|----------------|---------------|---------------|
| Abraham     | Gallen         | Mackowski     | Scanlon       |
| Anderson    | Gamble         | Madigan       | Scheaffer     |
| Armstrong   | Garzia         | Manderino     | Schmitt       |
| Arthurs     | Gatski         | Manmiller     | Schweder      |
| Barber      | Geesey         | McCall        | Scirica       |
| Bellomini   | Geisler        | McClatchy     | Seltzer       |
| Bennett     | George, C.     | McGinnis      | Shuman        |
| Berlin      | George, M.     | McIntyre      | Shupnik       |
| Berson      | Giammarco      | McLane        | Sirianni      |
| Bittinger   | Gillette       | Mebus         | Smith, E.     |
| Bittle      | Goebel         | Meluskey      | Smith, L.     |
| Borski      | Goodman        | Milanovich    | Spencer       |
| Brandt      | Gray           | Miller        | Spitz         |
| Brown       | Greenfield     | Milliron      | Stairs        |
| Brunner     | Greenleaf      | Moehlmann     | Stapleton     |
| Burd        | Grieco         | Morris        | Stewart       |
| Burns       | Halverson      | Mowery        | Stuban        |
| Butera      | Hamilton       | Mrkonic       | Sweet         |
| Caltagirone | Harper         | Mullen, M. P. | Taddonio      |
| Caputo      | Hasay          | Mullen, M. M. | Taylor, E.    |
| Cassidy     | Haskell        | Musto         | Taylor, F.    |
| Cessar      | Hayes, D. S.   | Novak         | Tenaglio      |
| Cianciulli  | Hayes, S. E.   | Noye          | Thomas        |
| Cimini      | Helfrick       | O'Brien, B.   | Valicenti     |
| Cohen       | Hoeffel        | O'Brien, D.   | Vroon         |
| Cole        | Honaman        | O'Connell     | Wansacz       |
| Cowell      | Hopkins        | O'Donnell     | Wargo         |
| Davies      | Hutchinson, A. | O'Keefe       | Wass          |
| DeVerter    | Hutchinson, W. | Oliver        | Weidner       |
| DeWeese     | Irvis          | Pancoast      | Wenger        |
| DiCarlo     | Itkin          | Parker        | White         |
| Dietz       | Johnson        | Petrarca      | Wiggins       |
| Diniini     | Jones          | Piccola       | Williams      |
| Dombrowski  | Katz           | Pievsky       | Wilson        |
| Donatucci   | Kelly          | Pitts         | Wilt          |
| Dorr        | Kernick        | Polite        | Wise          |
| Doyle       | Klingaman      | Pott          | Wright, D. R. |
| Duffy       | Knepper        | Pratt         | Wright, J. L. |
| Dumas       | Kolter         | Prendergast   | Yahner        |
| Englehart   | Kowalyszyn     | Pyles         | Yohn          |
| Fee         | Kusse          | Rappaport     | Zearfoss      |
| Fischer     | Laudadio       | Ravenstahl    | Zeller        |
| Fisher      | Laughlin       | Reed          | Zitterman     |
| Flaherty    | Lehr           | Renwick       | Zord          |

- |            |           |            |         |
|------------|-----------|------------|---------|
| Foster, A. | Letterman | Richardson | Zwikl   |
| Foster, W. | Levi      | Rieger     |         |
| Freind     | Lincoln   | Ritter     | Fineman |
| Fryer      | Livengood | Ryan       | Speaker |
| Gallagher  | Logue     |            |         |

**NAYS—1**

Wagner

**NOT VOTING—10**

- |         |           |           |         |
|---------|-----------|-----------|---------|
| Beloff  | Lynch     | Ruggiero  | Shelton |
| DeMedio | Miscevich | Salvatore | Trello  |
| Gleeson | 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.

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The **SPEAKER**. The gentleman will state it.

Mr. DeMEDIO. Mr. Speaker, my switch was not operative on HB 482. I would have voted in the affirmative.

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

**BUSINESS AND COMMERCE BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 8, printer's No. 8**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes eliminating provisions relating to Sunday trading.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. MEBUS. Mr. Speaker, it is my wish to try to minimize the length and the severity of the debate on this bill, and in that connection, I would like to offer a few observations before the thing goes any further.

I think that the issue involved here is clear cut and that everybody substantially understands what is before them today.

There are an awful lot of people who have very strong feelings on both sides of the issue. I respect those feelings regardless of what they are. It is not my wish to see anyone here constrained to vote in a direction that is other than what their con-



science or their convictions about the representation in their district would dictate.

But I do not think there is much question really about what the issue is; it is the repeal of the Blue laws. There are several amendments which I know members propose to offer. I personally have objection to some of those amendments and I support others of them. Again, I think that these issues are not difficult to understand and will be readily comprehensible by this entire body. I would wish that everyone would do what they think is correct as they see it. But I also know that there is going to be an effort made to recommit the bill. That I oppose and I oppose it because I think that everybody does understand what the bill is all about.

So with that, I hope that we can proceed with this bill and have it considered, have the amendments considered, and proceed as quickly as possible. I do not think anybody here is going to make any arguments which will sway me or others who support the bill to vote negatively. And I do not think that there is anything that those of us who support the bill can do to make those who want to oppose it vote differently and to support it. So I would hope that we could hold the debate down, because it really will not have much effect in an issue that is as clear cut as this one, and with that, Mr. Speaker, I thank you and the members of this House, and let us hope that we can deal with this matter in an expeditious fashion.

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright, who offers the following amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. D.R. WRIGHT offered the following amendments:

Amend Title, page 1, line 2, by inserting after "eliminating" certain

Amend Sec. 1, page 1, line 6, by striking out "Subchapter B of Chapter 73" and inserting Section 7361, 7363 and 7364

Amend Sec. 1, page 1, line 8, by striking out "is" and inserting are

On the question,

Will the House agree to the amendments?

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

Mr. D. R. WRIGHT. Mr. Speaker, some will argue today that the Sunday closing laws are variously interpreted and unevenly enforced, but in one of the four sections of the act there is little ambiguity. The section with regard to trading in motor vehicles and trailers has language that is clear, ideas that are understandable and provisions that are enforceable. In addition, it applies to a distinct and discreet class of merchants and merchandise; merchants who have said clearly they do not want to be included in the proposed repeal. It is their desire to be excluded, Mr. Speaker, and to honor that request will not jeopardize the rights and welfare of any other group of citizens.

I do not want to deceive the House, Mr. Speaker. I offer this amendment not because I intend to support HB 8, but if the repeal comes to restrict its consequences, I ask support for this amendment.

The SPEAKER. The Chair recognizes the gentleman from

Philadelphia, Mr. Mullen.

Mr. M. P. MULLEN. Mr. Speaker, I oppose the amendment. I certainly agree with the gentleman that we should not have Sunday sales of automobiles. I agree with him one hundred percent, but if we were to adopt this amendment, it would weaken our position in trying to defeat the bill. So I think that those of you who oppose Sunday sales ought to be consistent and vote against this amendment, and then vote against the bill. You will not have Sunday sales anyway, but I think that if this amendment were to go in, it would weaken our chance to defeat the concept of Sunday sales. So I suggest that all of you who are against Sunday sales, vote against the amendment and then vote against the bill, and you will not have Sunday sales of automobiles or anything else, except what is exempted under existing law. Thank you.

The SPEAKER. Does the gentleman, Mr. Laughlin, desire to be recognized on the amendments?

Mr. LAUGHLIN. No, Mr. Speaker, but I would like to be recognized immediately after the vote.

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

The following roll call was recorded:

YEAS—155

Abraham	Foster, W.	Lehr	Ryan
Armstrong	Fryer	Levi	Salvatore
Arthurs	Gallagher	Mackowski	Scanlon
Barber	Gallen	Manderino	Scheaffer
Bellomini	Garzia	Manmiller	Schmitt
Bennett	Geesey	McCaill	Schweder
Berlin	Geisler	McClatchy	Scirica
Berson	George, C.	McGinnis	Shuman
Bittinger	Giammarco	McIntyre	Shupnik
Bittle	Gillette	McLane	Sirianni
Borski	Goodman	Mebus	Smith, E.
Brandt	Greenfield	Meluskey	Smith, L.
Brunner	Greenleaf	Milanovich	Spencer
Burd	Grieco	Miller	Spitz
Burns	Halverson	Milliron	Stapleton
Butera	Hamilton	Miscevich	Stewart
Caltagirone	Harper	Morris	Taddonio
Caputo	Hasay	Mullen, M. M.	Taylor, E.
Cassidy	Haskell	Musto	Thomas
Cessar	Hayes, D. S.	Noye	Valicenti
Cianciulli	Hayes, S. E.	O'Brien, D.	Vroon
Cimini	Helfrick	O'Keefe	Wansacz
Cohen	Hoeffel	Oliver	Wargo
Cole	Honaman	Pancoast	Wass
Cowell	Hopkins	Parker	Weidner
Davies	Hutchinson, A.	Piccola	Wiggins
DeMedio	Hutchinson, W.	Pievsky	Wilson
DeVerter	Irvis	Polite	Wilt
DeWeese	Johnson	Pott	Wright, D. R.
DiCarlo	Jones	Pratt	Wright, J. L.
Dietz	Katz	Prendergast	Yahner
Dininni	Kelly	Pyles	Yohn
Dombrowski	Kernick	Rappaport	Zearfoss
Donatucci	Klingaman	Ravenstahl	Zitterman
Dumas	Knepper	Reed	Zord
Englehart	Kolter	Renwick	Zwinkl
Fee	Kusse	Rhodes	
Fisher	Laudadio	Rieger	Fineman
Flaherty	Laughlin	Ritter	Speaker
Foster, A.			

NAYS—39

Anderson	Goebel	Mrkonic	Sweet
Brown	Itkin	Mullen, M. P.	Taylor, F.
Dorr	Kowalyszyn	Novak	Tenaglio
Doyle	Letterman	O'Brien, B.	Wagner
Duffy	Lincoln	O'Donnell	Wenger
Fischer	Livengood	Petrarca	White
Freind	Logue	Pitts	Williams
Gamble	Madigan	Richardson	Wise
Gatski	Moehlmann	Stairs	Zeller
George, M.	Mowery	Stuban	

NOT VOTING—9

Beloff	Lynch	Ruggiero	Shelton
Gleeson	O'Connell	Seltzer	Trello
Gray			

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

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER. The gentleman will state it.

Mr. O'CONNELL. Mr. Speaker, I would like to have my vote recorded in the affirmative on HB 8, PN 8. If I were in my seat and voting, I would have voted "yes" on the Wright amendment.

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

**HOUSE BILL NO. 8 AND AMENDMENTS RECOMMITTED**

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

Mr. LAUGHLIN. Mr. Speaker, I do not wish to take issue with my colleague, Mr. Mebus, on his presentation of the fact that we have had considerable study on this bill over the past few years. However, during this past winter season, we have had a significant change in the energy which is available to our people in the western end of this State. We have had schools close, we have had businesses close, and today we are considering a bill which would enable these stores to be open an additional day of the week, on Sunday.

I am asking at this time, Mr. Speaker, that this bill be recommitted to the committee and also that a study be made as to the effect that this bill will have on the availability of energy to take care of our needs in the areas of the schools and other much needed areas of western Pennsylvania, as well as in the rest of the state. Thank you, Mr. Speaker.

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

Mr. BENNETT. Mr. Speaker, I rise to oppose the motion proposed by Mr. Laughlin. He said himself that this bill has had

very, very serious study, and he said himself that for almost 3 years now the people in this Commonwealth and the members of this House know what the issue is. This bill needs no further study. The members of this House deserve the right to vote their convictions, either "yes" or "no" on the bill. I oppose the motion.

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Mr. Speaker, I support the motion by Representative Laughlin to recommit the bill back to the Business and Commerce Committee.

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

Mr. VALICENTI. Mr. Speaker, I also support the motion to recommit. In essence, what Representative Laughlin said is, here we have the President of the United States and also the Governor saying that we should conserve our energy, and here what we want to do here is to have these stores stay open. You have the stores stay open in the summertime and they have to use energy for air conditioners; in the wintertime, heat. I think that we should recommit this bill.

The SPEAKER. For the information of the membership of the House, the motion to recommit is not a debatable motion. The Chair has allowed the widest latitude up to this point, but if we are to proceed with final disposition of the bill, the Chair will have to insist that the rules be complied with and there be no debate on the motion.

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

Mr. GARZIA. Mr. Speaker, I also rise to oppose the amendment. Before you vote on the amendment—

The SPEAKER. Mr. Garzia, we are voting on a motion to recommit, not the amendment. Does the gentleman desire to address himself to the motion to recommit?

Mr. GARZIA. Yes, I oppose to recommit the amendment. Before you vote on it, I would like to say that some of you people ought to come down by the Delaware State line. I happen to border the Delaware line. Mondays to Saturdays, the cars from Pennsylvania going into Delaware - hear me out a minute. I am trying to make a point here that Sunday sales in the state of Delaware from the residents of Pennsylvania involve a lot of people—

**POINT OF ORDER**

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

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

The SPEAKER. The gentleman will state it.

Mr. GREENFIELD. I think that if we are going to get along with the expeditious handling of the work of this assembly, then we should start abiding by the rules, and I ask that the man be called out of order.

Mr. GARZIA. Well, I oppose the reconsidering.

The SPEAKER. The Chair recognizes the gentleman from

Beaver, Mr. Laughlin. For what purpose does the gentleman rise?

Mr. LAUGHLIN. Mr. Speaker, I had earlier requested that the bill be recommitted but in my haste, I inadvertently omitted that I want it recommitted to the Business and Commerce Committee again, sir.

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

The following roll call was recorded:

YEAS—103

Abraham	Gillette	Levi	Salvatore
Anderson	Goebel	Lincoln	Scheaffer
Armstrong	Goodman	Logue	Schmitt
Barber	Greenleaf	Mackowski	Seltzer
Bittle	Grieco	Madigan	Shuman
Brown	Halverson	Manmiller	Shupnik
Burd	Hamilton	McClatchy	Sirianni
Cassidy	Hasay	Milliron	Smith, E.
Cessar	Haskell	Moehlmann	Smith, L.
Cimini	Hayes, D. S.	Mowery	Spencer
Cole	Hayes, S. E.	Mullen, M. P.	Taddonio
Davies	Helfrick	Mullen, M. M.	Taylor, E.
DeVerter	Hutchinson, A.	Novak	Thomas
Dietz	Hutchinson, W.	Noye	Valicenti
Dininni	Johnson	O'Brein, B.	Vroon
Dorr	Jones	O'Brien, D.	Wagner
Doyle	Katz	O'Connell	Wargo
Dumas	Kernick	O'Donnell	Wass
Fischer	Klingaman	Pancoast	Wenger
Fisher	Knepper	Parker	White
Foster, A.	Kolter	Petrarca	Wiggins
Foster, W.	Kowalyszyn	Piccola	Wilt
Gallen	Kusse	Pitts	Zeller
Geesey	Laudadio	Pyles	Zitterman
George, C.	Laughlin	Reed	Zord
Giammarco	Lehr	Richardson	

NAYS—94

Arthurs	Flaherty	McLane	Schweder
Bellomini	Freind	Mebus	Scirica
Bennett	Fryer	Meluskey	Spitz
Berlin	Gallagher	Milanovich	Stairs
Berson	Gamble	Miller	Stapleton
Bittinger	Garzia	Miscevich	Stewart
Borski	Gatski	Morris	Stuban
Brandt	Geisler	Mrkonic	Sweet
Brunner	George, M.	Musto	Taylor, F.
Burns	Greenfield	O'Keefe	Tenaglio
Butera	Harper	Oliver	Wansacz
Caltagirone	Hoeffel	Pievsky	Weidner
Caputo	Honaman	Polite	Williams
Cianciulli	Hopkins	Pott	Wilson
Cohen	Irvis	Pratt	Wise
Cowell	Itkin	Prendergast	Wright, D. R.
DeMedio	Kelly	Rappaport	Wright, J. L.
DeWeese	Letterman	Ravenstahl	Yahner
DiCarlo	Livengood	Renwick	Yohn
Dombrowski	Lynch	Rhodes	Zearfoss
Donatucci	Manderino	Rieger	Zwikl
Duffy	McCall	Ritter	
Englehart	McGinnis	Ryan	Fineman,
Fee	McIntyre	Scanlon	Speaker

NOT VOTING—6

Beloff	Gray	Shelton	Trello
Gleeson	Ruggiero		

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

The SPEAKER. The bill is so recommitted.

TAX RELATED BILLS ON  
THIRD CONSIDERATION

Agreeable to order,  
The House proceeded to third consideration of **House bill No. 161, printer's No. 685**, entitled:

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.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Abraham	Gallen	Mackowski	Scanlon
Anderson	Gamble	Madigan	Scheaffer
Armstrong	Garzia	Manderino	Schmitt
Arthurs	Gatski	Manmiller	Schweder
Barber	Geesey	McCall	Scirica
Bellomini	Geisler	McClatchy	Seltzer
Bennett	George, C.	McGinnis	Shuman
Berlin	George, M.	McIntyre	Shupnik
Berson	Giammarco	McLane	Sirianni
Bittinger	Gillette	Mebus	Smith, E.
Bittle	Goebel	Meluskey	Smith, L.
Borski	Goodman	Milanovich	Spencer
Brandt	Gray	Miller	Spitz
Brown	Greenfield	Milliron	Stairs
Brunner	Greenleaf	Miscevich	Stapleton
Burd	Grieco	Moehlmann	Stewart
Burns	Halverson	Morris	Stuban
Butera	Hamilton	Mowery	Sweet
Caltagirone	Harper	Mrkonic	Taddonio
Caputo	Hasay	Mullen, M. P.	Taylor, E.
Cassidy	Haskell	Mullen, M. M.	Taylor, F.
Cessar	Hayes, D. S.	Musto	Tenaglio
Cianciulli	Hayes, S. E.	Novak	Thomas
Cimini	Helfrick	Noye	Valicenti
Cohen	Hoeffel	O'Brien, B.	Vroon
Cole	Honaman	O'Brien, D.	Wagner
Cowell	Hopkins	O'Connell	Wansacz
Davies	Hutchinson, A.	O'Donnell	Wargo
DeMedio	Hutchinson, W.	O'Keefe	Wass
DeVerter	Irvis	Oliver	Weidner
DeWeese	Itkin	Pancoast	Wenger
DiCarlo	Johnson	Parker	White
Dombrowski	Jones	Petrarca	Wiggins
Dininni	Katz	Piccola	Williams
Donatucci	Kelly	Pievsky	Wilson
Dorr	Kernick	Pitts	Wilt
Doyle	Klingaman	Polite	Wise
Duffy	Knepper	Pott	Wright, D. R.
Dumas	Kolter	Pratt	Wright, J. L.
Dietz	Kowalyszyn	Prendergast	Yahner
Englehart	Kusse	Rappaport	Yohn
Fee	Laudadio	Reed	Zearfoss
Fischer	Laughlin		Zeller

Fisher	Lehr	Renwick	Zitterman
Flaherty	Letterman	Rhodes	Zord
Foster, A.	Levi	Richardson	Zwilk
Foster, W.	Lincoln	Rieger	
Freind	Livengood	Ritter	Fineman,
Fryer	Logue	Ryan	Speaker
Gallagher	Lynch	Salvatore	

NOT VOTING—6

Beloff	Ravenstahl		
Gleeson	Ruggiero	Shelton	Trello

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

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 239, printer's No. 259**, entitled:

An Act amending the "Tax Reform Code of 1971" approved March 4 1971 (P L 6 No 2) further providing for tax liens and enforcement thereof.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. CAPUTO. To debate the bill, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, this bill, if it were to be enacted, would create a situation where there would be a lien on personal property. There is nothing in the bill to provide that the person holding the lien, the municipality or the state, would have to execute. A lien on personal property could constitute a lien and a tieup of everybody's personal bank account, their automobile, or any other personal item they might own. Without the necessity of the creditor enforcing that lien, it could hold up the spending of funds by persons who had them, the sale of his automobile or the sale of his furniture, and there is nothing that I know of in the prothonotary's office of any county that the lien would be filed, open to public inspection, that would indicate the nature of the personal lien that has been attached, without some other step after a judgment is taken. I think it is very bad legislation and I advocate its defeat.

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

Mr. BRUNNER. Mr. Speaker, I am not so sure I understand the gentleman's argument.

All this bill does is to add a provision to the personal income tax law to aid in the collection of delinquent taxes. For those who have not paid their taxes, it brings the law into line with the provisions that are now prevailing in the sales tax and in

the unemployment compensation tax laws. It makes no drastic changes. It gives the taxing authority no broader power. It places the taxpayer at no greater disadvantage than they are in in the other situations, and I think that the House should adopt this measure.

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

Mr. CAPUTO. Mr. Speaker, will the gentleman, Mr. Brunner, agree to brief interrogation?

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

Mr. BRUNNER. I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. CAPUTO. Under existing law, Mr. Speaker, would the state have to issue an execution to tie up the personal property of a debtor?

Mr. BRUNNER. Yes.

Mr. CAPUTO. In doing that, Mr. Speaker, does the state indicate that property that they are tying up?

Mr. BRUNNER. Yes.

Mr. CAPUTO. Now under this bill they would not have to describe the property they are tying up, is that true?

Mr. BRUNNER. No.

Mr. CAPUTO. Well, what is true?

Mr. BRUNNER. All that would happen here, Mr. Speaker, is that the lien would be filed in the office of the prothonotary, and the attachment and execution proceedings would be carried out as in any other case.

Mr. CAPUTO. Under this legislation, would the state have the additional burden, after filing a lien against a debtor, to issue an attachment execution?

Mr. BRUNNER. They would have to issue an attachment execution, but that is not an additional burden; they must do that at any rate.

Mr. CAPUTO. That is what they have to do now, is that right?

Mr. BRUNNER. That is right.

Mr. CAPUTO. Well, how does this change the existing practice?

Mr. BRUNNER. All this does, and, being a lawyer, you should understand that at the present time, after a lien is filed, a writ of scire facias, sci fa, must be filed before proceeding with attachment execution. Some time ago in drafting the sales tax law and the unemployment compensation law, it was found that this was an extra added burden to the collection agency—that is, the Department of Justice—and that was eliminated. And all we are doing with the adoption of this particular provision is bringing the personal income tax law into line with those other two collection procedures.

Mr. CAPUTO. Mr. Speaker, under existing practice, does not the state presently have on its payroll in all counties deputy attorneys general who process the tax claims against the citizenry?

Mr. BRUNNER. I do not know that every county has such an individual, but I do know that that is the responsibility of the Department of Justice, and I am sure that every county is covered.

Mr. CAPUTO. And are they not on a regular salary or regular payroll?

Mr. BRUNNER. I do not know the answer to that.

Mr. CAPUTO. Well, I do, and they are on the regular payroll. And this would merely eliminate the additional step of their filing a paper in a prothonotary's office. Is that correct?

Mr. BRUNNER. Yes, and at the same time it would eliminate the costs that are added for that extra step that eventually will have to be paid by the taxpayer in the event of an attachment execution. So, Mr. Speaker, it is really a moneysaver for the delinquent taxpayer.

Mr. CAPUTO. Mr. Speaker, could you give me an idea of the cost of filing a sci fa?

Mr. BRUNNER. I really do not know.

Mr. CAPUTO. Would you say it is less than \$5?

Mr. BRUNNER. No.

Mr. CAPUTO. Well, I would.

And when you issue this sci fa, must you not then describe and attach the particular fund or item of personalty, either one?

Mr. BRUNNER. I am not sure. I do not think so.

Mr. CAPUTO. Well, I do.

I think it is a bad bill, Mr. Speaker. I urge its defeat.

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—93

Abraham	Foster, W.	Manmiller	Scirica
Arthurs	Freind	McClatchy	Shupnik
Bellomini	Fryer	McLane	Sirianni
Berlin	Gallagher	Meluskey	Smith, E.
Bittinger	Garzia	Milanovich	Spitz
Brown	Geesey	Milliron	Stairs
Brunner	Geisler	Morris	Stewart
Burd	George, M.	Novak	Stuban
Burns	Gillette	Noye	Sweet
Butera	Gray	O'Donnell	Taddonio
Caltagirone	Honaman	Pancoast	Tenaglio
Cassidy	Hopkins	Parker	Vroon
Cohen	Itkin	Petrarca	Wansacz
Cole	Kernick	Piccola	Wargo
Cowell	Knepper	Pott	Wass
DeWeese	Kolter	Prendergast	Wenger
DiCarlo	Kowalyshyn	Pyles	Wise
Dietz	Kusse	Reed	Wright, D. R.
Dorr	Letterman	Rhodes	Yohn
Doyle	Levi	Ritter	Zearfoss
Duffy	Lincoln	Ryan	Zeller
Fisher	Lynch	Scheaffer	Zitterman
Flaherty	Madigan	Schweder	Zwilk
Foster, A.			

NAYS—102

Anderson	Giammarco	Logue	Rieger
Armstrong	Goodman	Mackowski	Salvatore
Barber	Greenfield	Manderino	Scanlon
Bennett	Greenleaf	McCall	Schmitt
Berson	Grieco	McGinnis	Seltzer
Bittle	Halverson	McIntyre	Shuman
Borski	Hamilton	Miller	Smith, L.

Brandt	Harper	Miscevich	Spencer
Caputo	Hasay	Moehlmann	Stapleton
Cessar	Haskell	Mowery	Taylor, E.
Cianciulli	Hayes, D. S.	Mrkonic	Taylor, F.
Cimini	Hayes, S. E.	Mullen, M. P.	Thomas
Davies	Helfrick	Musto	Valicenti
DeMedio	Hoeffel	O'Brien, B.	Wagner
DeVerter	Hutchinson, A.	O'Brien, D.	Weidner
Dininni	Hutchinson, W.	O'Connell	White
Dombrowski	Irvis	O'Keefe	Wiggins
Donatucci	Johnson	Oliver	Williams
Dumas	Jones	Pievsky	Wilson
Englehart	Katz	Pitts	Wilt
Fee	Kelly	Polite	Wright, J. L.
Fischer	Klingaman	Pratt	Yahner
Gallen	Laudadio	Rappaport	Zord
Gamble	Laughlin	Ravenstahl	
Gatski	Lehr	Renwick	Fineman,
George, C.	Livengood	Richardson	Speaker

NOT VOTING—8

Beloff	Goebel	Mullen, M. M.	Shelton
Gleeson	Mebus	Ruggiero	Trello

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 247, printer's No. 267**, entitled:

An Act amending the "Tax Reform Code of 1971" approved March 4 1971 (P L 6 No 2) further providing for filing of documents and payment of taxes with respect to taxes imposed for education personal income taxes and corporate net income taxes.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

Abraham	Gallagher	Lynch	Scanlon
Anderson	Gallen	Mackowski	Scheaffer
Armstrong	Gamble	Madigan	Schmitt
Arthurs	Garzia	Manderino	Schweder
Barber	Gatski	Manmiller	Scirica
Bellomini	Geesey	McCall	Seltzer
Beloff	Geisler	McGinnis	Shuman
Bennett	George, C.	McIntyre	Shupnik
Berlin	George, M.	McLane	Sirianni
Berson	Giammarco	Mebus	Smith, E.
Bittinger	Gillette	Meluskey	Smith, L.
Bittle	Goodman	Milanovich	Spencer
Borski	Gray	Miller	Spitz
Brandt	Greenfield	Milliron	Stairs
Brown	Greenleaf	Miscevich	Stapleton
Brunner	Grieco	Moehlmann	Stewart
Burd	Halverson	Morris	Stuban
Burns	Hamilton	Mowery	Sweet

Butera	Harper	Mrkonic	Taddonio
Caltagirone	Hasay	Mullen, M. P.	Taylor, E.
Caputo	Haskell	Musto	Taylor, F.
Cassidy	Hayes, D. S.	Novak	Tenaglio
Cessar	Hayes, S. E.	Noye	Thomas
Cianciulli	Helfrick	O'Brien, B.	Valicenti
Cimini	Hoeffel	O'Brien, D.	Vroon
Cohen	Honaman	O'Connell	Wagner
Cole	Hopkins	O'Donnell	Wansacz
Cowell	Hutchinson, A.	O'Keefe	Wargo
Davies	Hutchinson, W.	Oliver	Wass
DeMedio	Irvis	Pancoast	Weidner
DeVerter	Itkin	Parker	Wenger
DeWeese	Johnson	Petrarca	White
DiCarlo	Jones	Piccola	Wiggins
Dietz	Katz	Pievsky	Williams
Dininni	Kelly	Pitts	Wilson
Dombrowski	Kernick	Polite	Wilt
Donatucci	Klingaman	Pott	Wise
Dorr	Knepper	Pratt	Wright, D. R.
Doyle	Kolter	Pyles	Wright, J. L.
Duffy	Kowalshyn	Rappaport	Yahner
Dumas	Kusse	Ravenstahl	Yohn
Englehart	Laudadio	Reed	Zearfoss
Fee	Laughlin	Renwick	Zeller
Fischer	Lehr	Rhodes	Zitterman
Fisher	Letterman	Richardson	Zord
Flaherty	Levi	Rieger	Zwinkl
Foster, A.	Lincoln	Ritter	
Foster, W.	Livengood	Ryan	Fineman,
Freind	Logue	Salvatore	Speaker
Fryer			

NOT VOTING—8

Gleeson	McClatchy	Prendergast	Shelton
Goebel	Mullen, M. M.	Ruggiero	Trello

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

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

**TRANSPORTATION BILLS ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 195, printer's No. 664**, entitled:

An Act amending the "Motor Vehicle Sales Finance Act" approved June 28, 1947 (P.L. 1110 No 476), further providing for finance charges for certain motor vehicles.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. SCHMITT. Mr. Speaker, I rise to oppose this bill because I feel it inures to the benefit of the moneylenders and does not help the consumer.

There is no need for this bill presently because the present add-on interest ceiling of 6 percent on motor vehicle loans, which is the annual interest rate interpolated to 11.08 percent for a 3-year loan, is more than ample to provide a fair return to the lenders and to attract money into the car market.

Let me begin again by explaining that presently the Motor Vehicle Sales Finance Act interest is 6 percent, which is an add-on interest which is not to be compared with the 6 percent that you pay on a mortgage. The 6 percent that you pay on a mortgage you pay on the remaining unpaid balance, whereas a 6-percent add-on means that that 3 years' interest rate is piled on top of the loan and divided by the 36 monthly payments, which actually makes a 6-percent interest rate 11.08 percent for a 3-year loan.

There is plenty of money now for the lenders to lend to the consumers, and they are begging for places to put their money to work. So there is no need for this increase.

Now in September of 1974 the high prime rate in banks went to 12 percent. That rate is now 6.35 percent as of December of 1976. This means that there was a 4.73-percent padding on top of the prime interest rate that was available to moneylenders in the automobile market. Certainly that is more than sufficient to attract capital and bring that money into the area where automobile sales are made. The present automobile sales were 18 percent of an increase last year over the preceding year. So quite obviously, people are not suffering from the lack of financing.

I would like to make the point, too, that the \$50 rebate which the President of the United States intends to send back to the people to spend is to stimulate the market, not to go into interest rates where it would be counterproductive.

The Banking Secretary has written and stated that the bill as written would be very unwieldy and difficult to manage because there would be a monthly change of rates which would be hard to maintain.

I think this bill is unfair and unconscionable and unreasonable and is an exploitation of the consumer's position in the marketplace, and I ask that everybody oppose the bill.

Thank you, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, I agree with Mr. Schmitt's statements.

The only effect this bill is going to have is to greatly increase the amount of interest people pay when they buy a car. It is tough enough to buy a car as it is.

One of the Pittsburgh papers said just a day or two ago that a \$5,000 car cost \$18,000 over 10 years to maintain. All this is going to do is make an already high price already higher. I urge a "no" vote on this bill.

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

Mr. GEORGE. Mr. Speaker, in the guise that daily when we are in session we sit here with only one thought in mind, and that is to provide the best possible protection for those we represent, and all through the course of any discussion or con-

versation, it always takes precedence that we should represent the masses and the majority and not a selected few and not vested interests.

If we pass this bill here today, not only will we be hurting that individual, that little fellow we represent, but we will also be tying up the economy within our districts, within our state. Because of the fluctuation on the bond demand from month to month, these banks can in turn decide not to lend money this month and wait until the escalation comes a month or two later. I urge a "no" vote on this bill. Thank you very much.

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

Mr. VROON. Mr. Speaker, I rise to oppose this bill on a little bit different grounds. I think this bill is a very poorly constructed bill because it compares apples and oranges. A 6-percent finance charge is not the same thing as an interest charge on bond yields. To compare one with the other, I think, is a very foolish and unorthodox procedure, and I therefore advocate the defeat of this measure, although I certainly do feel that some relief is in order for the 6-percent ceiling.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, I rise in favor of the bill. There have been so many repeated attempts by this House over the years to insert itself into the money market without success that I should think that the time will come when we realize that we do not belong in the business of artificially fixing interest rates. The attempt that this bill makes is to have the interest rate which can be charged for the financing of automobiles to follow the fluctuating rate of that of United States government bonds. That is a bit more realistic than our saying that 6 percent has some kind of magic to it, when in fact the money market seeks its own level. This has been proven to us time and time again, be it home mortgages, be it small loans, business loans, or whatever, and I just think that this bill seeks to make that part of the money market which is available for the financing of automobiles more realistic, and we should favor it.

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

Mr. CAPUTO. Mr. Speaker, so that the minority leader does not feel lonesome, I, too, support the bill. I want him to know at least one Democrat supports it, because I agree with him that, you know, many of us lease cars and many of us can go to a bank and get a loan to pay for a car, and I think we should stop interfering with business in Pennsylvania.

On the question recurring,

Shall the bill pass finally?

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

YEAS—50

Anderson	Fisher	Mackowski	Rieger
Bellomini	Foster, A.	Madigan	Ryan
Borski	Gallen	McClatchy	Scanlon
Brandt	Geisler	McGinnis	Scheaffer
Brunner	Giammarco	McIntyre	Scirica

Burd	Greenleaf	Mebus	Smith, L.
Butera	Hayes, D. S.	O'Connell	Spencer
Caputo	Honaman	O'Keefe	Taylor, E.
Cianciulli	Hutchinson, A.	Pancoast	Thomas
DeWeese	Jones	Parker	Zearfoss
DiCarlo	Kelly	Pitts	
Dorr	Kusse	Polite	Fineman
Englehart	Logue	Prendergast	Speaker

NAYS—146

Abraham	Geesey	Mannmiller	Seltzer
Armstrong	George, C.	McCall	Shuman
Arthurs	George, M.	McLane	Shupnik
Barber	Gillette	Meluskey	Sirianni
Bennett	Goebel	Milanovich	Smith, E.
Berlin	Goodman	Miller	Spitz
Berson	Gray	Milliron	Stairs
Bittinger	Greenfield	Miscevich	Stapleton
Bittle	Grieco	Moehlmann	Stewart
Brown	Halverson	Morris	Suban
Burns	Hamilton	Mowery	Sweet
Caltagirone	Harper	Mrkonic	Taddonio
Cassidy	Hasay	Mullen, M. P.	Taylor, F.
Cimini	Haskell	Musto	Tenaglio
Cohen	Hayes, S. E.	Novak	Valicenti
Cole	Helfrick	Noye	Vroon
Cowell	Hoeffel	O'Brien, B.	Wagner
Davies	Hopkins	O'Brien, D.	Wansacz
DeMedio	Hutchinson, W.	O'Donnell	Wargo
DeVerter	Irvis	Oliver	Wass
Dietz	Itkin	Petrarca	Weidner
Dininni	Johnson	Piccola	Wenger
Dombrowski	Katz	Pievsky	White
Donatucci	Kernick	Pott	Wiggins
Doyle	Klingaman	Pratt	Williams
Duffy	Knepper	Pyles	Wilson
Dumas	Kolter	Rappaport	Wilt
Fee	Kowalyszyn	Ravenstahl	Wise
Fischer	Laudadio	Reed	Wright, D. R.
Flaherty	Laughlin	Renwick	Wright, J. L.
Foster, W.	Lehr	Rhodes	Yahner
Freind	Letterman	Richardson	Yohn
Fryer	Levi	Ritter	Zeller
Gallagher	Lincoln	Salvatore	Zitterman
Gamble	Livengood	Schmitt	Zord
Garzia	Lynch	Schweder	Zwinkl
Gatski	Manderino		

NOT VOTING—7

Beloff	Gleeson	Ruggiero	Trello
Cessar	Mullen, M. M.	Shelton	

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. LOGUE. Mr. Speaker, I would like to correct my vote. I inadvertently voted in the affirmative on HB 195. I would like to show that my vote would be cast in the negative.

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 213, printer's No. 594**, entitled:

An Act amending "The Pennsylvania Transportation Assistance Authority Act of 1967" approved January 22, 1968 (P.L. 27 No 7), permitting members to appoint another person to act in their place.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, it appears to me that this is the kind of bill that could easily slip past the attention of the House, and I just wanted to point out to the House what is really going on here.

When the authorities are created, in a sense the legislature abdicates part of its function, and so does the executive, by creating another branch of government. One of the difficulties with that is that that branch tends to become invisible. I have had some recent experience with the Transportation Authority, and by virtue of that I have come to discover that they handle millions and millions and millions of dollars in a process which is essentially secret and over which we have very, very little control.

Now, the function of this bill would be to enable the members of the authority to designate someone to act in their stead, which gives them what Richard Nixon called "deniability"—it was not my fault; I sent somebody down there and they loused it up. It would also make absolutely invisible the people who are spending millions and millions of our dollars. That is a real problem, because the people who were appointed to that board by the original legislation are people who are highly visible in Pennsylvania. You have Cabinet officers, the Speaker of the House, the President pro tempore of the Senate. I understand that all those people have a very busy schedule, but we are talking about the responsibility for spending massive amounts of money, and if we let that responsibility slip into the hands of people who are absolutely invisible, or designees, we are going to have real trouble, and I urge the defeat of this bill.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, what we are attempting to do in this bill for the Transportation Assistance Authority is what we do on all similar-type agencies. We are talking about only the legislative members of those particular boards being able to appoint someone to act in their stead.

The majority leader and the Speaker and the President pro tempore and those people who have seats on various boards and agencies have always been given, in the legislation, the right to appoint a designee to go to the meeting, act in their behalf.

Somehow in the Transportation Assistance Authority this power was not given to the legislative members, and what we are doing is simply bringing them in line. To fail to pass this legislation would mean in many cases that the legislative representative is just unable to be there because of other duties, pressing duties, and that there is no representation from the legislature at these meetings, which I think is bad, and I urge the passage of this legislation.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, would Mr. Manderino stand for interrogation?

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

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. O'DONNELL. Mr. Speaker, are we discussing the bill with printer's No. 594?

Mr. MANDERINO. That is my understanding.

Mr. O'DONNELL. On page 2 the inserted language in my copy is as follows: "The members of the authority may appoint another person to act in their stead." My question is, who are the members of the authority?

Mr. MANDERINO. Mr. Speaker, the gentleman points out to me, on page 2 of the bill, language that would be different than my explanation. I do not want to go into an argument with him when I do not have the facts here. It was my understanding when the bill was given to me for introduction that it covered the legislative members. The language that appears in the amendment portion on page 2 would seem to cover all members, and perhaps that is a mistake. I would be willing to lay this bill over until that can be clarified, Mr. Speaker.

### HB 213 PASSED OVER

The SPEAKER. HB 213 will go over in order.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 519, printer's No. 563**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes removing prohibitions on the use of studded tires during certain periods and prescribing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. DOYLE offered the following amendment:

Amend Sec. 1 (Sec. 4525), page 2, line 21 by striking out "and fire emergency" and inserting, fire emergency and police.

On the question,

Will the House agree to the amendment?

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

Mr. DOYLE. Mr. Speaker, the amendment which I propose is very simple in subject matter. In the bill you have before you it allows the fire emergency vehicles to contain the studded tires at any time. I would add simply that the police vehicles may also have studded tires. That is all the amendment does.



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

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

Mr. PETRARCA. Mr. Speaker, I am the prime sponsor of this bill and I would like to tell the body here that last year, 1976—

The SPEAKER. Will the gentleman yield?  
Is the gentleman going to debate the bill?

Mr. PETRARCA. Yes, sir.

The SPEAKER. Will the gentleman wait until the question is stated to the House?

Does the gentleman, Mr. Hoeffel, likewise desire to debate the bill?

Mr. HOEFFEL. Yes; I do, Mr. Speaker.

The SPEAKER. Will both gentlemen wait until the question is posed to the House?

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, last year, in 1976, I introduced the identical bill. I had 110 sponsors on the bill, and the chairman of the Transportation Committee approached me and said, "We'll just amend this right into the Vehicle Code." So I went along with him, and when the bill reached the conference committee, the same individual helped kill the bill.

So this year I introduced the bill again, and for the people who do not know of the bill, the studs in Pennsylvania I think were introduced about 9 years ago, and the studs they are talking about damage the roads, it is true. These studs are banned by Kennametal. They are an antiquated stud. They do not make them anymore.

When this first started, the trucking industry thought this was a wonderful thing, so they put studs on all their trucks and they ran through the summer months, and they found as they recapped a tire so often that as the rubber wore, the studs protruded out, came off, damaged windshields, went through the radiators of cars, and caused all kind of damage. The trucking industry found it was not feasible for them, because if they missed one stud in recapping, it would blow the tire.

Kennametal also felt that anything over 10,000 pounds was not feasible for studs, so they came out with a new control protrusion stud. I went to PennDOT; I explained it to them. Kennametal was up here to speak to the Transportation Committee, and during the course of the meeting about 10 of them walked out. They were up here; they had dinner one night for the members of the Transportation Committee; they tried to talk to PennDOT. It seemed we had a deaf ear.

I feel the people back home want studs. I think the most sin-

gular safety device on school buses today is the stud. Fifty percent of the drivers of the school buses are women. Also, for the police departments and the ambulances. Back in my area I do not know if PennDOT cannot clean the roads or will not clean the roads. After all, we are in our first generation of roads, and we are always blaming the studs. I think this is a copout from PennDOT. They are not doing the job. You cannot put an inch of blacktop down or an inch and a half and say it is the fault of the studs. It is the use of salt. Back home, when I was chairman of the street committee for 12 years, I saw myself that the sidewalks were in worse shape than the roadbed. So I feel that we need studs in Pennsylvania, especially after the severe winter we had.

Thank you, Mr. Speaker.

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

Mr. HOEFFEL. Mr. Speaker, I rise in opposition to this bill. I think it is a bad bill and I think it should be voted down.

The Department of Transportation has always held and continues to hold that studs on snow tires do a great deal of damage to our highways.

The Department has offered the estimate that studded snow tires do between \$40 million and \$50 million worth of damage to our highways each year. That is the equivalent of one penny of our gasline tax, and I feel that this bill would be prohibitively expensive.

Now the bill before us claims to promote the so-called control protrusion studs manufactured by Kennametal. Now by Kennametal's own literature, which I have with me, they claim that this control protrusion stud will reduce damage to our roads from 35 percent to 50 percent. I do not think that is enough reduction. I think that these control protrusion studs will continue to do a great deal of damage to our roads.

Further, the Department of Transportation has estimated that studded snow tires are useful only 2 percent of the time when people are driving in the winter; only 2 percent of the time are conditions such that the studs are worth having. And, in fact, studded snow tires do not handle as well as regular tires on dry pavement. Skidding is greater and cornering is less controlled.

Finally, the Kennametal Company that produces these control protrusion studs no longer manufactures them. According to an article in the Wall Street Journal last Wednesday, they have sold their manufacturing and distributing rights to a company in Austria.

So, I can see no financial benefit or economic benefit to any area of our Commonwealth. I certainly see a great detriment to the Department of Transportation's budget if we pass this bill. So, I ask for a negative vote.

Thank you.

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

Mrs. KERNICK. Mr. Speaker, just to answer Representative Petrarca on the women bus drivers: Let me say that women are better drivers with or without studs.

Thank you.

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

Mr. MILANOVICH. Mr. Speaker, as a former schoolman, in all fairness I can honestly say that my lady busdrivers have a far better safety record than the men. I think Mrs. Kernick would like to hear that.

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

Mr. BITTINGER. Mr. Speaker, I am not going to comment on women drivers by any means, I happen to trust them.

I am not sure what part of the state PennDOT made their study as to how often studded tires are used. In my neck of the woods out in Johnstown, Cambria County, I have found from personal use that studded tires were a great benefit a good portion of the winter. I have used studded tires, front and back, for the past 11 years of driving and I have never had any problem with them on dry roads. I have always found them to be safe and most usable. In fact, I was able to keep moving a lot of times in the winter when everything else was stopped. So I would rise in favor of this bill.

I find it very interesting that PennDOT does not have any information, at least that I know of, on what damage salt does to the roads. I suspect they might find some interesting figures there, if they wanted to check it.

I am in favor of the bill.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak against HB 519. I think any member of this House only need open a newspaper any day of the week and you quickly come to realize the bad condition of our roads.

We need only speak to any of our constituents, and that is one of the major complaints if we come around to talking about state government.

The financial situation confronting PennDOT and our ability as a Commonwealth to correct the poor condition of those roads is one of the major concerns that has been before this legislature during the past session and most likely that will come before us just a few months down the road. We are going to be told again and again and again of the bad condition of our roads and the lack of money to repair those roads and the need for us to appropriate additional funds and to raise those funds through higher taxes.

I do not think anybody denies the fact that studs, to some extent anyway, do contribute to damage of the roads. We can point to other things, too. We can point to salt; we can point to environmental conditions; but nobody denies that tire studs do contribute to road damage.

It just makes no sense to me whatsoever that we would do something at this point, when we are confronted with a highway crisis or a road crisis that is clearly counterproductive.

So I would ask our colleagues to vote against this bill. If there were no other things to consider, if it was only a question of, would it be nice to have tire studs? Is it a little safer to have tire studs?, the answer probably is clearly "yes." But I think that

that "yes" is very much outweighed by the damage that will occur to the roads and will continue to occur to the roads and is very much outweighed by the crisis that confronts us in terms of our highway situation.

Thank you, Mr. Speaker.

### MOTION TO RECOMMIT

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

Mr. REED. Mr. Speaker, rule 19(a), as we approved it last week and as we amended it, requires a fiscal note on any items of legislation before us that are going to cost us any money either on the part of state or local government.

I think it is pretty clear that it is going to cost us something if we are to reinstitute and make legal the use of studded tires in Pennsylvania. It is just a question of how much. The Department of Transportation says that it will cost us \$40 million to \$50 million. The proponents of the legislation may argue that point, but the fact remains that it will cost us something.

Now the Governor came in front of us in this chamber just about 2 months ago and asked for us to consider the increase in various types of taxation, among which was the gasoline tax, and also to make it a percentage as opposed to a cents-per-gallon basis.

Now this is a very real problem because today, in March, we are going to be considering the passage of this bill that will very definitely cause us an increase in state expenditure. And 2 months from now, we are also going to be debating whether or not we should increase taxes in various forms.

Now, I really think that this has enough fiscal impact at a time when all of us are going to be on the hot seat in the House and the Senate with regard to the matter of taxation and that it needs a fiscal note. We obviously cannot provide it with one right here on the House floor.

I would move that this bill be recommitted to the Appropriations Committee for the purpose of getting that fiscal note. I would like to know what its fiscal impact really is.

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

Mr. PETRARCA. Mr. Speaker, I was told that PennDOT would try to get this bill recommitted to the Appropriations Committee.

If studs need a fiscal note, so would chains. In fact, chains do more damage. We use chains in the State of Pennsylvania.

I would like to answer Mr. Cowell and Mr. Hoeffel when they alluded to the damage of the studs. I would like to reiterate, the new nonprotrusion stud eliminates—

### POINTS OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, is the motion to recommit the bill debatable?

Mr. PETRARCA. I oppose the motion to recommit, Mr. Speaker.

The SPEAKER. Was there a motion made to recommit?

Mr. PETRARCA. By Mr. Reed, the spokesman for PennDOT.

The SPEAKER. The motion to recommit, the debate on same, is limited to the reasons for or against recommitment. During the course of the debate, there can be no reference made to the merits of the bill.

The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, again I repeat, the new control protrusion stud is not what the two Representatives alluded to. What I am trying to say is that the old antiquated stud is banned by Kennametal. It is not used any more. That was the stud that damaged the road.

Now we keep talking about finances. Let us talk about the safety—

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick. For what purpose does the lady rise?

Mrs. KERNICK. I rise to a point of order.

The SPEAKER. The lady will state it.

Mrs. KERNICK. Is the gentleman to confine his remarks to the motion to recommit or the merits of the bill?

The SPEAKER. The gentleman will have to confine his comments on the motion to the reasons for or against the motion without touching the merits of the bill.

Mr. PETRARCA. I oppose the motion to recommit, Mr. Speaker.

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

Mr. DOMBROWSKI. I oppose the motion to recommit for a fiscal note simply because it does not require a fiscal note. I do not see any cost to this bill.

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

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

The SPEAKER. The gentleman will state it.

Mr. WAGNER. I was going to raise the same point of order. Can the Appropriations Committee properly receive this bill?

The SPEAKER. Is the chairman of the Appropriations Committee in the hall of the House?

Can the Gentleman shed any light on whether or not there is any fiscal impact involved on the bill that is before the House?

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

Mr. PIEVSKY. Off the top of my head, Mr. Speaker, I would say "no."

**MOTION TO RECOMMIT NOT IN ORDER**

The SPEAKER. The motion to recommit for purposes of a fiscal note is not in order.

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—116**

Abraham	Giammarco	McCall	Richardson
Arthurs	Gleeson	McClatchy	Rieger
Bellomini	Goebel	McGinnis	Ryan
Bennett	Greenfield	McIntyre	Salvatore
Berlin	Grieco	Mebus	Scanlon
Bittinger	Halverson	Milanovich	Shuman
Bittle	Hamilton	Miller	Sirianni
Brunner	Hasay	Milliron	Smith, E.
Burd	Haskell	Miscevich	Smith, L.
Caputo	Hayes, D. S.	Moehlmann	Spencer
Cassidy	Hayes, S. E.	Mrkoncic	Stewart
Cessar	Honaman	Mullen, M. P.	Stuban
Cianciulli	Hopkins	Musto	Taddonio
Cimini	Hutchinson, A.	Novak	Taylor, E.
Davies	Irvis	Noye	Taylor, F.
DiCarlo	Katz	O'Brien, B.	Tenaglio
Dietz	Kelly	O'Brien, D.	Vroon
Dininni	Klingaman	O'Connell	Wagner
Dombrowski	Kolter	O'Keefe	Wansacz
Donatucci	Kusse	Oliver	Wargo
Englehart	Laudadio	Petrarca	Weidner
Fee	Letterman	Pievsky	Wiggins
Fischer	Levi	Polite	Wilt
Flaherty	Lincoln	Pott	Wright, D. R.
Foster, W.	Livengood	Pratt	Yahner
Gallagher	Logue	Pyles	Zord
Garzia	Lynch	Ravenstahl	
Gatski	Mackowski	Renwick	Fineman,
Geisler	Madigan	Rhodes	Speaker
George, C.	Manmiller		

**NAYS—80**

Anderson	Fisher	Laughlin	Seltzer
Armstrong	Foster, A.	Lehr	Shupnik
Barber	Freind	Manderino	Spitz
Berson	Fryer	McLane	Stairs
Borski	Gallen	Meluskey	Stapleton
Brandt	Gamble	Morris	Sweet
Brown	Geesey	Mowery	Thomas
Burns	George, M.	O'Donnell	Valicenti
Butera	Gillette	Pancoast	Wass
Caltagirone	Goodman	Parker	Wenger
Cohen	Greenleaf	Piccola	White
Cole	Harper	Pitts	Williams
Cowell	Helfrick	Prendergast	Wilson
DeMedio	Hoeffel	Rappaport	Wise
DeVerter	Hutchinson, W.	Reed	Wright, J. L.
DeWeese	Itkin	Ritter	Yohn
Dorr	Johnson	Scheaffer	Zearfoss
Doyle	Jones	Schmitt	Zeller
Duffy	Kernick	Schweder	Zitterman
Dumas	Kowalyszyn	Scirica	Zwikl

**NOT VOTING—7**

Beloff	Knepper	Ruggiero	Trello
Gray	Mullen, M. M.	Shelton	

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

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

**QUESTIONS OF PERSONAL PRIVILEGE**

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

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

The SPEAKER. The gentleman will state it.

Mr. ITKIN. Mr. Speaker, I voted in error. I would like my vote on HB 519 to be cast in the affirmative.

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

The Chair recognizes the gentleman from Allegheny, Mr. Valicenti.

Mr. VALICENTI. Mr. Speaker, I voted in error. I would like my vote on HB 519 to be cast in the affirmative.

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

The Chair recognizes the gentleman from Lancaster, Mr. Armstrong. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. ARMSTRONG. Mr. Speaker, on HB 519, I inadvertently voted in the negative. I wish to be voted in the positive.

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

Mr. ARMSTRONG. Thank you.

The Chair recognizes the gentleman from Westmoreland, Mr. Schmitt. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. SCHMITT. Mr. Speaker, on HB 519 concerning the studs, I was under the impression that the vote we were taking was whether or not to table the bill. I voted "no" because I did not want the bill tabled. It turned out to be that the bill itself was being voted on, and I had wished to vote "yes." I would like the record to show that, Mr. Speaker. Thank you.

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

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

Mr. W. D. HUTCHINSON. Mr. Speaker, on HB 519, I was recorded in the negative. I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks are noted.

**GENERAL ASSEMBLY-RELATED BILLS ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 200, printer's No. 220**, entitled:

An Act authorizing the General Assembly to meet on certain dates for organizational meetings requiring the Secretary of the Commonwealth to issue Certificates of Election at certain times.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. KUSSE. Would the gentleman, Mr. Renwick, consent to a brief interrogation?

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

Mr. RENWICK. I will, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. KUSSE. Mr. Speaker, what is the first day of deer season?

Mr. RENWICK. I could not give you the exact date, but it is early in December.

Mr. KUSSE. Could it not then conflict with the date that the assembly is to be convened?

Mr. RENWICK. Not necessarily.

Mr. KUSSE. But it could?

Mr. RENWICK. No. As far as the Assembly convening, the Assembly, in all probability, would not be convening in December. We would really organize, get committees together, get prepared to do our work, and I do not anticipate, in any way, that it would affect deer season, bear season, or any of these things.

Mr. KUSSE. Thank you.

Mr. Speaker, a brief remark. Of course I am sure you all realize that I would much rather be here voting than out hunting deer. I would like that on the record.

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—190

Abraham	Gallagher	Mackowski	Ryan
Anderson	Gallen	Madigan	Scanlon
Armstrong	Gamble	Manderino	Scheaffer
Arthurs	Garzia	Manmiller	Schmitt
Barber	Gatski	McCall	Schweder
Bellomini	Geesey	McClatchy	Scirica
Bennett	Geisler	McGinnis	Seltzer
Berlin	George, C.	McIntyre	Shuman
Berson	George, M.	McLane	Shupnik
Bittinger	Giammarco	Mebus	Smith, E.
Bittle	Gillette	Meluskey	Smith, L.
Borski	Goebel	Milanovich	Spencer
Brandt	Goodman	Miller	Spitz
Brown	Gray	Milliron	Stairs
Brunner	Greenfield	Miscevich	Stapleton
Burd	Greenleaf	Moehlmann	Stewart
Burns	Grieco	Morris	Stuban
Butera	Halverson	Mowery	Sweet
Caltagirone	Hamilton	Mrkonic	Taddonio
Caputo	Harper	Mullen, M. P.	Taylor, E.
Cassidy	Hasay	Musto	Taylor, F.
Cessar	Haskell	Novak	Tenaglio
Cianciulli	Hayes, D. S.	Noye	Thomas
Cimini	Hayes, S. E.	O'Brien, B.	Valicenti
Cohen	Helfrick	O'Brien, D.	Vroon
Cole	Hoeffel	O'Connell	Wansacz
Cowell	Honaman	O'Donnell	Wargo

Davies	Hopkins	O'Keefe	Wass
DeMedio	Hutchinson, A.	Oliver	Weidner
DeVerter	Hutchinson, W.	Pancoast	Wenger
DeWeese	Irvis	Parker	White
DiCarlo	Itkin	Petrarca	Wiggins
Dietz	Jones	Piccola	Williams
Dininni	Katz	Pievsky	Wilson
Dombrowski	Kernick	Pitts	Wilt
Dorr	Klingaman	Polite	Wise
Doyle	Knepper	Pott	Wright, D. R.
Duffy	Kolter	Pratt	Wright, J. L.
Dumas	Kowalyshyn	Prendergast	Yahner
Englehart	Kusse	Pyles	Yohn
Fee	Laudadio	Rappaport	Zearfoss
Fischer	Laughlin	Ravenstahl	Zeller
Fisher	Lehr	Reed	Zitterman
Flaherty	Levi	Renwick	Zord
Foster, A.	Lincoln	Rhodes	Zwikl
Foster, W.	Livengood	Richardson	
Freind	Logue	Rieger	Fineman,
Fryer	Lynch	Ritter	Speaker

NAYS—3

Letterman	Sirianni	Wagner
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NOT VOTING—10

Beloff	Johnson	Ruggiero	Shelton
Donatucci	Kelly	Salvatore	Trello
Gleeson	Mullen, M. M.		

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

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. DAVIES. Mr. Speaker, on HB 200, I wish to be recorded in the affirmative. I was out of my seat at the time the vote was taken.

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

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

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

The Speaker. The gentleman will state it.

Mr. DeMEDIO. Mr. Speaker, I was out of my chair for a short time and I did not vote on HB 200, PN 220. Had I been in my seat, I would have voted in the affirmative.

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

Agreeable to order,

The House proceeded to third consideration of House bill No. 201, printer's No. 221, entitled:

An Act amending the act referred to as the Legislative Of-

ficers and Employes Law approved January 10, 1968 (1967 P. L. 925 No. 417), changing a provision relating to election of certain officers.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

Abraham	Gamble	Madigan	Scanlon
Anderson	Garzia	Manmiller	Scheaffer
Armstrong	Gatski	McCall	Schmitt
Arthurs	Geesey	McClatchy	Schweder
Barber	Geisler	McGinnis	Scirica
Bellomini	George, C.	McIntyre	Seltzer
Bennett	George, M.	McLane	Shuman
Berlin	Giammarco	Mebus	Shupnik
Berson	Gillette	Meluskey	Sirianni
Bittinger	Goebel	Milanovich	Smith, E.
Bittle	Goodman	Miller	Smith, L.
Borski	Gray	Milliron	Spencer
Brandt	Greenfield	Miscevich	Spitz
Brown	Greenleaf	Moehlmann	Stairs
Brunner	Grieco	Morris	Stapleton
Burd	Halverson	Mowery	Stewart
Burns	Hamilton	Mrkonic	Stuban
Butera	Harper	Mullen, M. P.	Sweet
Caltagirone	Hasay	Musto	Taddonio
Caputo	Haskell	Novak	Taylor, E.
Cassidy	Hayes, D. S.	Noye	Taylor, F.
Cessar	Hayes, S. E.	O'Brien, B.	Tenaglio
Cianciulli	Helfrick	O'Brien, D.	Thomas
Cimini	Hoeffel	O'Connell	Valicenti
Cohen	Honaman	O'Donnell	Vroon
Cole	Hopkins	O'Keefe	Wansacz
Cowell	Hutchinson, A.	Oliver	Wargo
DeMedio	Hutchinson, W.	Pancoast	Wass
DeVerter	Itkin	Parker	Weidner
DeWeese	Johnson	Petrarca	Wenger
DiCarlo	Jones	Piccola	White
Dietz	Katz	Pievsky	Wiggins
Dininni	Kelly	Pitts	Williams
Dombrowski	Kernick	Polite	Wilson
Dorr	Klingaman	Pott	Wilt
Doyle	Knepper	Pratt	Wise
Duffy	Kolter	Prendergast	Wright, D. R.
Dumas	Kowalyshyn	Pyles	Wright, J. L.
Englehart	Kusse	Rappaport	Yahner
Fee	Laudadio	Ravenstahl	Yohn
Fischer	Laughlin	Reed	Zearfoss
Fisher	Lehr	Renwick	Zeller
Flaherty	Levi	Rhodes	Zitterman
Foster, A.	Lincoln	Richardson	Zord
Foster, W.	Livengood	Rieger	Zwikl
Freind	Logue	Ritter	
Fryer	Lynch	Ryan	Fineman,
Gallagher	Mackowski	Salvatore	Speaker
Gallen			

NAYS—2

Letterman	Wagner
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NOT VOTING—10

Beloff	Gleeson	Mullen, M. M.	Shelton
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Davies Irvis Ruggiero Trello  
Donatucci Manderino

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

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

**QUESTIONS OF PERSONAL PRIVILEGE**

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

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

The SPEAKER. The gentleman will state it.

Mr. DeMEDIO. Mr. Speaker, I was out of my chair for a short time and I did not vote on HB 201, PN 221. Had I been in my seat, I would have voted in the affirmative.

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

The Chair recognizes the majority leader. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. IRVIS. Mr. Speaker, I would like to be recorded in the affirmative on HB 201.

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 202, printer's No. 222**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania providing for a change in the date of the first annual session meeting.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

Abraham	Gamble	Manderino	Scheaffer
Anderson	Garzia	Manmiller	Schmitt
Armstrong	Gatski	McCall	Schweder
Arthurs	Geesey	McClatchy	Scirica
Barber	Geisler	McGinnis	Seltzer
Bellomini	George, C.	McIntyre	Shuman
Bennett	George, M.	McLane	Shupnik
Berlin	Giammarco	Mebus	Sirianni
Berson	Gillette	Meluskey	Smith, E.
Bittinger	Goebel	Milanovich	Smith, L.
Bittle	Goodman	Miller	Spencer
Borski	Gray	Milliron	Spitz
Brandt	Greenfield	Miscevich	Stairs
Brown	Greenleaf	Mochlmann	Stapleton

Brunner	Grieco	Morris	Stewart
Burd	Halverson	Mowery	Stuban
Burns	Hamilton	Mrkonic	Sweet
Butera	Harper	Mullen, M. P.	Taddonio
Caltagirone	Hasay	Musto	Taylor, E.
Caputo	Haskell	Novak	Taylor, F.
Cassidy	Hayes, D. S.	Noye	Tenaglio
Cessar	Hayes, S. E.	O'Brien, B.	Thomas
Cjanciulli	Helfrick	O'Brien, D.	Valicenti
Cimini	Hoeffel	O'Connell	Vroon
Cohen	Honaman	O'Donnell	Wagner
Cole	Hopkins	O'Keefe	Wansacz
Cowell	Hutchinson, A.	Oliver	Wargo
Davies	Hutchinson, W.	Pancoast	Wass
DeVerter	Irvis	Parker	Weidner
DeWeese	Johnson	Petrarca	Wenger
DiCarlo	Jones	Piccola	White
Dietz	Katz	Pievsky	Wiggins
Diminni	Kelly	Pitts	Williams
Dombrowski	Kernick	Polite	Wilson
Dorr	Klingaman	Pott	Wilt
Doyle	Knepper	Pratt	Wise
Duffy	Kolter	Prendergast	Wright, D. R.
Dumas	Kowalyszyn	Pyles	Wright, J. L.
Englehart	Kusse	Rappaport	Yahner
Fee	Laudadio	Ravenstahl	Yohn
Fischer	Laughlin	Reed	Zeafoss
Fisher	Lehr	Renwick	Zeller
Flaherty	Levi	Rhodes	Zitterman
Foster, A.	Lincoln	Richardson	Zord
Foster, W.	Livengood	Rieger	Zwikl
Freind	Logue	Ritter	
Fryer	Lynch	Ryan	Fineman,
Gallagher	Mackowski	Salvatore	Speaker
Gallen	Madigan	Scanlon	

NAYS—2

Itkin Letterman

NOT VOTING—8

Beloff	Donatucci	Mullen, M. M.	Shelton
DeMedio	Gleeson	Ruggiero	Trello

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

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

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER. The gentleman will state it.

Mr. DeMEDIO. Mr. Speaker, I was out of my chair for a short time and I did not vote on HB 202, PN 222. Had I been in my seat, I would have voted in the affirmative.

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

**LIQUOR BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 212, printer's No. 647**, entitled:

An Act amending the "Liquor Code" approved April 12, 1951, (P. L. 90, No. 21), permitting recognized subordinate lodges or chapters of fraternal benefit societies to make application for special occasion permits for the sale of liquor and/or malt or brewed beverages.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

Mr. **RITTER**. Mr. Speaker, is the gentleman, Mr. Manderino, here? I thought he had an amendment to this bill.

The **SPEAKER**. The clerk will strike the vote from the board.

### DECISION OF CHAIR RECONSIDERED

The **SPEAKER**. The Chair reconsiders its decision as to this bill having been agreed to on third consideration.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **MANDERINO** offered the following amendment:

Amend Sec. 1 (Sec. 408.4), page 4, lines 1 through 4, by striking out "**GRAND OR SUBORDINATE**" in line 1, all of lines 2 through 4 and inserting to reputable groups of individuals associated together, not for profit, for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor or beer shall be only secondary.

The organization, if incorporated, shall have been in continuous existence and operation for at least one year and, if unincorporated, for at least ten years immediately preceding the date of its application for a special occasion permit. All incorporated clubs applying for special occasion permits shall hold charters of incorporation issued under the laws of this Commonwealth. An organization holding only a charter granted to it by an incorporated parent body does not meet the above requirements concerning an incorporated organization.

The board shall refuse to issue a license if it appears that the charter is not in the possession of the original incorporators of their direct or legitimate successors, or when it appears that the operation of the licensed business would inure to the benefit of individual members, officers, agents or employes of the club, rather than to the benefit of the entire club membership.

All officers, directors and the manager of the club must be citizens of the United States.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes the majority whip.

Mr. **MANDERINO**. Mr. Speaker, this legislation grants to fraternal benefit societies and other reputable groups of individuals, incorporated and nonincorporated, if the amendment should go in, the right to have the 3-day permit from the Liquor Control Board to sell malt beverages, as we have granted the same to churches, volunteer fire companies, sportsmen's clubs and maybe there are some other groups.

The purpose of the amendment which I am offering to HB 212, is to amend on page 4, the language that was added in committee because it was felt in committee that the language added was too broad and allowed too many people under the

umbrella. We are taking from the Liquor Control Act the words "which qualify a club to have a club license" and inserting that language in this bill to define those organizations that will be able to get the 3-day permit.

If this amendment is adopted, the 3-day permit will be able to be obtained by mutual benefit societies or by reputable groups or individuals associated together, not for profit, for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor or beer shall be only secondary.

If it is an incorporated association, under the amendment they will have to have been in business for 1 year, as the present requirements for obtaining a club license are. If they are an unincorporated association, they must have been in business for 10 years; again, paralleling the club-license procedure.

What this amendment does, Mr. Speaker, is to tighten up and restrict the language of the amendment that was placed in the bill in committee.

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

Mr. **ZELLER**. Mr. Speaker, will Mr. Manderino consent to a brief interrogation?

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

Mr. **MANDERINO**. Yes, Mr. Speaker.

The **SPEAKER**. The gentleman may proceed.

Mr. **ZELLER**. Mr. Speaker, I am not against your move, but would you consent to an amendment that would allow any 3 days they wish rather than 3 consecutive days?

The problem we have and have had for years with our various fire companies and churches and so forth is that they will ask for a 3-day permit and they pay for it. And then, if it rains, they lose the whole operation. If you go over there and try to get another permit, you just do not get it unless somebody knows somebody, and I have not been able to work that deal out. I am only kidding, but the thing is, you just do not get it.

But anyway, if you would agree to an amendment or if we could table it for a moment, I do not think you would have much of a problem with this bill if they could get any 3 days they wish, because it is a lot of cost to a church or a fire company or a fraternal club, and if they have an affair, say 1 day and it rains the other 2, they are lost for the rest of the year.

Mr. **MANDERINO**. Mr. Speaker, I have not thought through the merits, advantages or disadvantages to the gentleman's proposed amendment.

In drafting HB 212, however, we stuck to the strict language of issuing the permit and use of the permit that this House and the Senate of Pennsylvania and the Governor have recognized on several occasions when this type of legislation passed. I am broadening the class of persons or classes of individual groups that can obtain the permit, but I would not like to change the language that has been in the previous legislation dealing with this subject matter.

I do not foreclose the possibility of even sponsoring with the individual another piece of legislation that might change the character of the permit. I want the permit in this particular

piece of legislation to stay the same, and I am trying to change, by a slight broadening, the groups that may get the permit. So I would not be amenable at this time to an amendment.

**HB 212 RECOMMITTED**

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

Mr. GALLEN. Mr. Speaker, I feel that the Liquor Control Committee should really study this amendment. It is more extensive than the bill itself. Therefore, I move that the bill and the amendment be recommitted to the Committee on Liquor Control.

The SPEAKER. A motion has been made that the bill and the amendment offered by the gentleman, Mr. Manderino, be recommitted to the Committee on Liquor Control.

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

The following roll call was recorded:

**YEAS—120**

Anderson	Gallen	Logue	Salvatore
Armstrong	Gamble	Lynch	Scheaffer
Arthurs	Garzia	Mackowski	Schmitt
Barber	Gatzia	Madigan	Seltzer
Bellomini	Geesey	Manmiller	Shuman
Bittle	Geisler	McCall	Sirianni
Brandt	George, M.	McClatchy	Smith, E.
Brown	Goebel	McIntyre	Smith, L.
Burd	Goodman	Meluskey	Spencer
Burns	Gray	Moehlmann	Stairs
Caputo	Grieco	Morris	Stapleton
Cimini	Halverson	Mowery	Taddonio
Cohen	Hamilton	Musto	Taylor, E.
Cole	Haskell	Noye	Thomas
Cowell	Hayes, D. S.	O'Brien, D.	Vroon
Davies	Hayes, S. E.	O'Connell	Wagner
DeVerter	Helfrick	O'Donnell	Wansacz
DeWeese	Hoefel	O'Keefe	Wargo
DiCarlo	Honaman	Pancoast	Wass
Dietz	Hutchinson, W.	Parker	Weidner
Dininni	Itkin	Piccola	Wenger
Dorr	Johnson	Pitts	White
Doyle	Katz	Polite	Williams
Duffy	Kernick	Prendergast	Wilson
Dumas	Klingaman	Pyles	Wilt
Fischer	Knepper	Ravenstahl	Wright, J. L.
Foster, A.	Kusse	Reed	Zearfoss
Foster, W.	Laughlin	Richardson	Zeller
Freind	Lehr	Rieger	Zitterman
Fryer	Levi	Ryan	Zwilk

**NAYS—77**

Abraham	George, C.	McLane	Schweder
Bennett	Giammarco	Mebus	Scirica
Berlin	Gillette	Milanovich	Shupnik
Berson	Greenfield	Miller	Spitz
Bittinger	Greenleaf	Milliron	Stewart
Borski	Harper	Miscevich	Stuban
Brunner	Hasay	Mrkonic	Sweet
Butera	Hopkins	Mullen, M. P.	Taylor, F.
Caltagirone	Hutchinson, A.	Novak	Tenaglio
Cassidy	Irvis	O'Brien, B.	Valicenti
Cessar	Jones	Oliver	Wiggins
Cianciulli	Kelly	Petrarca	Wise

DeMedio	Kolter	Pievsky	Wright, D. R.
Dombrowski	Kowalyszyn	Pott	Yahner
Donatucci	Laudadio	Pratt	Yohn
Englehart	Letterman	Rappaport	Zord
Fee	Lincoln	Renwick	
Fisher	Livengood	Rhodes	Fineman,
Flaherty	Manderino	Ritter	Speaker
Gallagher	McGinnis	Scanlon	

**NOT VOTING—6**

Beloff	Mullen, M. M.	Shelton	Trello
Gleeson	Ruggiero		

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

The SPEAKER. The bill and the amendment are so recommitted.

**MR. FRANK J. RANDAZZO WELCOMED**

The SPEAKER. The Chair would like to introduce to the House membership a guest. The gentleman who the Chair is about to introduce was elected the National Commander of the Disabled American Veterans at that organization's national convention in August of last year. He earned five Bronze Stars fighting in the Normandy Invasion, the Rhineland Campaign and the Battle of the Bulge, in which he was seriously wounded in 1944. In 1945 he was honorably discharged with a service-connected disability. I present Mr. Frank J. Randazzo.

**STATEMENT SUBMITTED FOR THE RECORD**

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

Mr. DeMEDIO. Mr. Speaker, on behalf of the members of the House, I want to welcome the Commander, Frank J. Randazzo, to Harrisburg.

I would like to present for the record a statement that Mr. Randazzo has given me, which is highly commendatory of the legislative process in Pennsylvania and shows and indicates his appreciation for what this legislature has done for the disabled veteran.

Thank you, Mr. Speaker.

Mr. DeMEDIO submitted the following statement for the Legislative Journal:

**STATEMENT OF  
FRANK J. RANDAZZO  
NATIONAL COMMANDER  
DISABLED AMERICAN VETERANS**

**BEFORE THE PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
MARCH 29, 1977**

Mr. Speaker and members of the House of Representatives of the Commonwealth of Pennsylvania:

The Disabled American Veterans sincerely appreciate the opportunity you've given me to address this distinguished body today.

As the members of this body may be aware, the Disabled American Veterans was established in 1920 and chartered by the United States Congress in 1932 to uphold and maintain the Constitution of the United States; to realize the true American ideals and aims for which those eligible for membership fought; and to



advance the interests and work for the betterment of all wartime disabled veterans, their dependents and survivors.

At the state level, these responsibilities are carried out by the DAV's state departments, while the DAV's chapters pick up these duties at the local level.

On behalf of the DAV's 540,000 members—particularly the 25,000 DAV members in the great State of Pennsylvania—I'd like to take this opportunity to thank the members of this body for several important measures it passed in its last session for the benefit of the state's disabled veterans.

This legislation includes free automobile registration and special license plates for severely disabled veterans of the state. It also includes the grant of land to the U.S. Veterans Administration for use as a national shrine and cemetery at Fort Indiantown Gap.

The establishment of a new veterans' home in Hollidaysburg, Pennsylvania, shows your recognition of the needs of veterans of World War II, many of whom are already retired and the bulk of whom will reach retirement age in the not too distant future. Finally, the actions in this body of the Committee on Military and Veterans Affairs, which holds responsibility for veterans' legislation, has been instrumental in protecting the veterans of Pennsylvania.

As national commander of the Disabled American Veterans, I recognize this legislation as a sincere indication of Pennsylvania's concern for its veterans, particularly those disabled in time of war. This is very commendable because state governments, so often, must fill the gaps left by Federal veterans' programs.

Noting the sensitivity you've shown to the problems faced by disabled veterans, I'd like to briefly discuss a few of the important legislative goals of the DAV's Department of Pennsylvania.

First, there is a need for additional veterans' homes in the state, especially in the southeastern section of Pennsylvania where some 250,000 veterans will reach or surpass the age of 65 by 1985. In making this recommendation, the DAV Department of Pennsylvania urges that veterans receiving care at these facilities be asked to pay for their care according to their ability.

The department also urges creation of a memorial commission for the erection of a Pennsylvania memorial at the National Shrine and Cemetery at Fort Indiantown Gap.

In addition, legislation should be passed requiring that the DAV be represented on the board of managers of the Soldiers and Sailors Memorial Hall in Allegheny County. The DAV is currently not represented on this board, and it is within the power of the Pennsylvania legislature to provide for such representation.

Finally, the DAV's Department of Pennsylvania encourages you to reestablish May 30th as Memorial Day in the state. The DAV feels this would show significant respect for those who sacrificed so much in our Nation's wars. At the same time, it would further remind our people of the true human costs of war.

Thank you, Mr. Speaker, for giving me this opportunity to present the views of the Department of Pennsylvania, Disabled American Veterans, on these important issues.

In conclusion, I urge you to continue your fine record of achievement on behalf of Pennsylvania's war disabled, remembering the needs of our younger disabled veterans who still face serious problems in such areas as employment and vocational rehabilitation.

Thank you.

**LOCAL GOVERNMENT BILLS ON  
THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 329, printer's No. 358**, entitled:

An Act amending "The Borough Code" approved February 1, 1966 (1965 P. L. 1656 No 581), further providing for the suspension of policemen by the mayor.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—180

Anderson	Gamble	McClatchy	Scheaffer
Armstrong	Garzia	McGinnis	Schmitt
Arthurs	Gatski	McIntyre	Scirica
Barber	Geesey	McLane	Seltzer
Bennett	Geisler	Mebus	Shuman
Berlin	George, C.	Meluskey	Shupnik
Berson	George, M.	Milanovich	Sirianni
Bittinger	Giammarco	Miller	Smith, E.
Bittle	Gillette	Milliron	Smith, L.
Brandt	Goodman	Miscevich	Spencer
Brown	Gray	Moehlmann	Spitz
Brunner	Greenfield	Morris	Stairs
Burd	Greenleaf	Mowery	Stewart
Burns	Grieco	Mrkonic	Stuban
Butera	Halverson	Mullen, M. P.	Sweet
Caltagirone	Hamilton	Musto	Taddonio
Caputo	Harper	Novak	Taylor, E.
Cassidy	Hasay	Noye	Taylor, F.
Cessar	Haskell	O'Brien, B.	Tenaglio
Cianciulli	Hayes, D. S.	O'Brien, D.	Thomas
Cimini	Hayes, S. E.	O'Connell	Valicenti
Cohen	Helfrick	O'Donnell	Vroon
Cole	Hoeffel	Oliver	Wagner
Cowell	Honaman	Pancoast	Wansacz
Davies	Hopkins	Parker	Wargo
DeVerter	Hutchinson, A.	Petrarca	Wass
DiCarlo	Hutchinson, W.	Piccola	Weidner
Dietz	Irvis	Pievsky	Wenger
Dininni	Johnson	Pitts	White
Dombrowski	Katz	Polite	Wiggins
Donatucci	Kelly	Pott	Williams
Dorr	Klingaman	Pratt	Wilson
Doyle	Knepper	Prendergast	Wilt
Duffy	Kolter	Pyles	Wise
Dumas	Kowalshyn	Rappaport	Wright, D. R.
Englehart	Kusse	Ravenstahl	Yahner
Fee	Laudadio	Reed	Yohn
Fischer	Lehr	Renwick	Zearfoss
Fisher	Letterman	Rhodes	Zeller
Flaherty	Levi	Richardson	Zitterman
Foster, A.	Lincoln	Rieger	Zord
Foster, W.	Livengood	Ritter	Zwick
Freind	Mackowski	Ryan	
Fryer	Madigan	Salvatore	Fineman,
Gallagher	Manderino	Scanlon	Speaker
Gallen	Manmiller		

NAYS—14

Abraham	Itkin	Logue	O'Keefe
Borski	Jones	Lynch	Schweder
DeWeese	Kernick	McCall	Stapleton
Goebel	Laughlin		

NOT VOTING—9

Bellomini	Gleeson	Ruggiero	Trello
Beloff	Mullen, M. M.	Shelton	Wright, J. L.
DeMedio			

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

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

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER. The gentleman will state it.

Mr. DeMEDIO. Mr. Speaker, I was out of my chair for a short time and I did not vote on HB 329, PN 358. Had I been in my seat, I would have voted in the negative.

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 332, printer's No. 361**, entitled:

An Act amending "The General County Assessment Law" approved May 22, 1933 (P. L. 853 No. 155), further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

Mr. GOEBEL. Mr. Speaker, I have an amendment to HB 332, please.

The SPEAKER. The clerk will strike the vote from the board.

**DECISION OF CHAIR RECONSIDERED**

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

Have the gentleman's amendments been presented to somebody on the majority side?

Mr. GOEBEL. Copies were being made, and I do not think they were distributed yet, Mr. Speaker. I did talk to Representative Fryer just a short while ago, but he did not get a copy of it. This is his bill.

Would you pass over the bill until these are distributed?

**HB 332 PASSED OVER**

The SPEAKER. This bill will go over in order for today.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 333, printer's No. 362**, entitled:

An Act amending the act of June 21, 1939 (P. L. 626 No. 294), referred to as the **Second Class County Assessment Law** further regulating the valuation or assessment of real estate subject to sewer connection ban orders.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. GEESEY. Inasmuch as HB 333 is a companion bill to HB 332, would it not be appropriate to hold it until we look at HB 332?

The SPEAKER. Does the gentleman, Mr. Goebel, have an amendment to HB 333 also?

The gentleman indicates he has no amendment to HB 333.

Mr. GEESEY. The point is that we really do not know what amendment he is going to present nor do we know what effect it might have on HB 332 and, consequently, what effect it would have on HB 333.

The SPEAKER. Does the gentleman desire that the bill be held over?

Mr. GEESEY. If you please, Mr. Speaker.

**HB 333 PASSED OVER**

The SPEAKER. This bill will go over in order.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 401, printer's No. 439**, entitled:

A supplement to the act of June 1, 1956 (1955 P. L. 1944 No. 655), entitled "An act providing a permanent allocation of a part of the fuels and liquids fuels tax \*\*\*; and repealing existing legislation" waiving certain provisions relating to allocations for road construction.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

Abraham	Fryer	Logue	Scanlon
Anderson	Gallagher	Lynch	Scheaffer
Armstrong	Gallen	Mackowski	Schmitt
Arthurs	Gamble	Madigan	Schweder
Barber	Garzia	Manmiller	Scirica
Bellomini	Gatski	McCall	Seltzer
Beloff	Geesey	McClatchy	Shuman
Bennett	Geisler	McGinnis	Shupnik
Berlin	George, C.	McIntyre	Sirianni
Berson	George, M.	McLane	Smith, E.
Bittinger	Giammarco	Meluskey	Smith, L.
Bittle	Gillette	Milanovich	Spencer
Borski	Goodman	Miller	Spitz
Brandt	Gray	Milliron	Stairs
Brown	Greenfield	Miscevich	Stapleton
Brunner	Greenleaf	Moehlmann	Stewart
Burd	Grieco	Morris	Stuban
Burns	Halverson	Mowery	Sweet

Butera	Hamilton	Mrkonic	Taddonio
Caltagirone	Harper	Mullen, M. P.	Taylor, E.
Caputo	Hasay	Musto	Taylor, F.
Cassidy	Haskell	Novak	Tenaglio
Cessar	Hayes, D. S.	Noye	Thomas
Cianciulli	Hayes, S. E.	O'Brien, D.	Valicenti
Cimini	Helfrick	O'Connell	Vroon
Cohen	Hoefel	O'Donnell	Wagner
Cole	Honaman	O'Keefe	Wansacz
Cowell	Hopkins	Oliver	Wargo
Davies	Hutchinson, A.	Pancoast	Wass
DeMedio	Hutchinson, W.	Parker	Weidner
DeVerter	Irvis	Petrarca	Wenger
DeWeese	Itkin	Piccola	White
DiCarlo	Johnson	Pievsky	Wiggins
Dietz	Jones	Pitts	Williams
Dininni	Katz	Polite	Wilson
Dombrowski	Kelly	Pott	Wilt
Donatucci	Kernick	Pratt	Wise
Dorr	Klingaman	Prendergast	Wright, D. R.
Doyle	Knepper	Pyles	Wright, J. L.
Duffy	Kolter	Rappaport	Yahner
Dumas	Kowalyshyn	Ravenstahl	Yohn
Englehart	Kusse	Reed	Zearfoss
Fee	Laudadio	Renwick	Zeller
Fischer	Laughlin	Rhodes	Zitterman
Fisher	Lehr	Richardson	Zord
Flaherty	Letterman	Rieger	Zwinkl
Foster, A.	Levi	Ritter	
Foster, W.	Lincoln	Ryan	Fineman,
Freind	Livengood	Salvatore	Speaker

NAYS—2

Goebel Mebus

NOT VOTING—7

Gleeson Mullen, M. M. Ruggiero Trello  
Manderino O'Brien, B. Shelton

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

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

**HEALTH AND WELFARE BILLS  
ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 46, printer's No. 46**, entitled:

An Act amending the "Public Welfare Code" approved June 13, 1967, (P. L. 31, No. 21), changing provisions relating to medical assistance.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Abraham	Gallagher	Mackowski	Scanlon
Anderson	Gallen	Madigan	Scheaffer
Armstrong	Gamble	Manderino	Schmitt
Arthurs	Garzia	Manmiller	Schweder
Barber	Gatski	McCall	Seirica
Bellomini	Geesey	McClatchy	Seltzer
Belloff	Geisler	McIntyre	Shuman
Bennett	George, C.	McLane	Shupnik
Berlin	George, M.	Mebus	Sirianni
Berson	Giammarco	Meluskey	Smith, E.
Bittinger	Gillette	Milanovich	Smith, L.
Bittle	Goebel	Miller	Spencer
Borski	Goodman	Milliron	Spitz
Brandt	Gray	Miscevich	Stairs
Brown	Greenfield	Moehlmann	Stapleton
Brunner	Greenleaf	Morris	Stewart
Burd	Grieco	Mowery	Stuban
Burns	Halverson	Mrkonic	Sweet
Butera	Hamilton	Mullen, M. P.	Taddonio
Caltagirone	Harper	Musto	Taylor, E.
Caputo	Hasay	Novak	Taylor, F.
Cassidy	Haskell	Noye	Tenaglio
Cessar	Hayes, D. S.	O'Brien, B.	Thomas
Cianciulli	Hayes, S. E.	O'Brien, D.	Valicenti
Cimini	Helfrick	O'Connell	Vroon
Cohen	Hoefel	O'Donnell	Wagner
Cole	Honaman	O'Keefe	Wansacz
Cowell	Hopkins	Oliver	Wargo
Davies	Hutchinson, A.	Pancoast	Wass
DeMedio	Hutchinson, W.	Parker	Weidner
DeVerter	Irvis	Petrarca	Wenger
DeWeese	Itkin	Piccola	White
DiCarlo	Johnson	Pievsky	Wiggins
Dietz	Jones	Pitts	Williams
Dininni	Katz	Polite	Wilson
Dombrowski	Kelly	Pott	Wilt
Donatucci	Kernick	Pratt	Wise
Dorr	Klingaman	Prendergast	Wright, D. R.
Doyle	Knepper	Pyles	Wright, J. L.
Duffy	Kolter	Rappaport	Yahner
Dumas	Kowalyshyn	Ravenstahl	Yohn
Englehart	Kusse	Reed	Zearfoss
Fee	Laudadio	Renwick	Zeller
Fischer	Laughlin	Rhodes	Zitterman
Fisher	Lehr	Richardson	Zord
Flaherty	Levi	Rieger	Zwinkl
Foster, A.	Lincoln	Ritter	
Foster, W.	Livengood	Ryan	Fineman,
Freind	Logue	Salvatore	Speaker
Fryer	Lynch		

NAYS—2

Letterman McGinnis

NOT VOTING—5

Gleeson Ruggiero Shelton Trello  
Mullen, M. M.

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

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 49, printer's No. 49**, entitled:

An Act amending the "Public Welfare Code" approved June 13, 1967, (P. L. 31, No. 21), changing provisions relating to the Employment Fund for the Blind.

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

**HB 49 RECOMMITTED**

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

Mr. DiCARLO. Mr. Speaker, I was advised yesterday afternoon that the Federal Government has released regulations affecting these centers of the Commonwealth of Pennsylvania. And because of this and the fact that we are going to have to be reamending the bill, I would like to move to recommit this legislation to the Health and Welfare Committee.

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

**EDUCATION BILLS ON THIRD CONSIDERATION**

Agreeable to order,  
The House proceeded to third consideration of **House bill No. 444, printer's No. 483**, entitled:

An Act amending the act of January 25, 1966 (1965 P. L. 1546, No. 541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning \*\*\*" defining the capacity of minors.

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

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

The question is, shall the bill pass finally?

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

**YEAS—197**

Abraham	Gallagher	Mackowski	Scanlon
Anderson	Gallen	Madigan	Scheaffer
Armstrong	Gamble	Manderino	Schmitt
Arthurs	Garzia	Manmiller	Schweder
Barber	Gatski	McCall	Scirica
Bellomini	Geesey	McClatchy	Seltzer
Beloff	Geisler	McGinnis	Shuman
Bennett	George, C.	McIntyre	Shupnik
Berlin	George, M.	McLane	Sirianni
Berson	Giammarco	Mebus	Smith, E.
Bittinger	Gillette	Meluskey	Smith, L.
Bittle	Goebel	Milanovich	Spencer
Borski	Goodman	Miller	Spitz
Brandt	Gray	Milliron	Stairs
Brown	Greenfield	Miscevich	Stapleton
Brunner	Greenleaf	Moehlmann	Stewart
Burd	Grieco	Morris	Stuban

Burns	Halverson	Mowery	Sweet
Butera	Harper	Mrkonic	Taddonio
Caltagirone	Hasay	Mullen, M. P.	Taylor, E.
Caputo	Haskell	Musto	Taylor, F.
Cassidy	Hayes, D. S.	Novak	Tenaglio
Cessar	Hayes, S. E.	Noye	Thomas
Cianciulli	Helfrick	O'Brien, B.	Valicenti
Cimini	Hoeffel	O'Brien, D.	Vroon
Cohen	Honaman	O'Connell	Wagner
Cole	Hopkins	O'Donnell	Wansacz
Cowell	Hutchinson, A.	O'Keefe	Wargo
Davies	Hutchinson, W.	Oliver	Wass
DeMedio	Irvic	Pancoast	Weidner
DeVerter	Itkin	Parker	Wenger
DeWeese	Johnson	Petrarca	White
DiCarlo	Jones	Piccola	Wiggins
Dietz	Katz	Pievsky	Williams
Dininni	Kelly	Pitts	Wilson
Dombrowski	Kernick	Polite	Wilt
Donatucci	Klingaman	Pott	Wise
Dorr	Knepper	Pratt	Wright, D. R.
Doyle	Kolter	Prendergast	Wright, J. L.
Duffy	Kowalyshyn	Pyles	Yahner
Dumas	Kusse	Rappaport	Yohn
Englehart	Laudadio	Ravenstahl	Zearfoss
Fee	Laughlin	Reed	Zeller
Fischer	Lehr	Renwick	Zitterman
Fisher	Letterman	Rhodes	Zord
Flaherty	Levi	Richardson	Zwinkl
Foster, A.	Lincoln	Rieger	
Foster, W.	Livengood	Ritter	Fineman,
Freind	Logue	Ryan	Speaker
Fryer	Lynch	Salvatore	

**NAYS—1**

Hamilton

**NOT VOTING—5**

Gleeson	Ruggiero	Shelton	Trello
Mullen, M. M.			

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

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

Agreeable to order,  
The House proceeded to third consideration of **House bill No. 445, printer's No. 484**, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177, No. 175), providing emergency powers for the Secretary of Education.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. D.R. WRIGHT offered the following amendments:

Amend Sec. 1 (Sec. 1501.1), page 1, line 19 by removing the period after "pupils" and inserting and, in the alternative, the Secretary of Education shall authorize, without need of application, each school district to have the option of computing the instructional time on an hourly basis, rather than a daily basis, of nine hundred (900) hours for elementary and nine hundred ninety (990) hours for secondary schools.

Amend Sec. 1 (Sec. 1501.1), page 2, line 4 by inserting after

*"days" or the optional hourly basis*

Amend Sec. 1 (Sec. 1501.1), page 2, line 15 by inserting after *"days" or for hours*

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

The SPEAKER. Did the gentleman, Mr. Hayes, request a hold on this bill, HB 445?

Mr. S. E. HAYES. Yes.

### HB 445 PASSED OVER

The SPEAKER. The bill and the amendments will be passed over.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 446, printer's No. 595**, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P.L. 30 No 14), by providing for the emergency generated by the gas crisis in relationship to the length of the school year the compensation of employees and the graduation of the qualified students.

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

The SPEAKER. Does the gentleman, Mr. Wright, have amendments to HB 446?

Mr. D. R. WRIGHT. My amendments are to HB 446, Mr. Speaker.

The SPEAKER. The gentleman has no amendments to HB 445?

MR. D. R. WRIGHT. No; to HB 446.

The SPEAKER. The Chair thanks the gentleman.

### AMENDMENTS WITHDRAWN TO HB 445

The SPEAKER. Those amendments to HB 445 are withdrawn.

On the question recurring,  
Will the House agree to the bill on third consideration?  
Mr. D. R. WRIGHT offered the following amendments:

Amend Sec. 1 (Sec. 1501.1), page 1, line 19 by removing the period after *"pupils"* and inserting *and, in the alternative, the Secretary of Education shall authorize, without need of application, each school district to have the option of computing the instructional time on an hourly basis, rather than a daily basis, of nine hundred (900) hours for elementary and nine hundred ninety (990) hours for secondary schools.*

Amend Sec. 1 (Sec. 1501.1), page 2, line 4 by inserting after *"days" or the optional hourly basis*

Amend Sec. 1 (Sec. 1501.1), page 2, line 15 by inserting after *"days" or for hours*

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

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I apologize for speaking twice today. It is unfortunate that my entire legislative program comes up on 1 day.

I am somewhat unaccustomed to the customs and conven-

tions of this House, so correct me, but do so gently, Mr. Speaker.

In the week of February 14, this House was scattered in threes and fours to consult with our people about the critical problems relating to the fuel and flood emergency. We sought the opinion of our people about how we could legislate more effectively for their needs.

Mr. Speaker, a clear conclusion of those findings was that we need a provision to make available an option of 900 hours for elementary schools and 990 hours for secondary schools.

Now the House Education Committee has voted out a bill which seems to have been full-blown from the Department of Education which does not acknowledge the findings of that task force, particularly the task force in western Pennsylvania.

Now it can be argued that this amendment which I propose is repetitious. But I was somewhat heartened by a proposal that came from the Department of Education, saying that in normal years it would be possible to make a prior application for a 900- and 990-hour provision. I felt like a kid with a new red wagon when I received that memorandum, Mr. Speaker. I called up every superintendent in my district and I said, please call the Department of Education. There is a possibility here that this problem can be solved without an amendment.

They did call and the results were discouraging. They were not encouraged to apply; they were discouraged.

So with that in mind, Mr. Speaker, I offer an amendment which would require the Department of Education to accept 900 hours for elementary schools and 990 hours for secondary schools.

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

Mr. GALLAGHER. Mr. Speaker, for the information of the House, the Department of Education has already paid attention to those requests. I have a letter in front of me from the Acting Secretary of Education, Mr. Hendershot, and 16 school districts have already asked for that permission to change their calendar and adjust it to offer 990 hours, the equivalent of 180 days.

Under the authority of the present School Code, section 1504, they have that authority to alter and adjust and approve that type of calendar, so this amendment is really superfluous.

Sixteen of those districts have acquiesced to the department by making the information available to the department.

It is unfortunate that Mr. Wright's districts thought it was not worthwhile to call. I think it would be better if he went back to his districts and told them to just follow like everybody else does. The department will recognize that.

The amendment is really superfluous; it is not really needed. So I would oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Just one comment, Mr. Speaker. I do not want to argue with the chairman of the Education Committee that the amendment is superfluous. I think it is not. But if it is simply superfluous, he cannot have any objection to the content

of it, and just humor us up in the 63rd District with this amendment.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Would the gentleman, Mr. Gallagher, consent to interrogation, please?

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

Mr. GALLAGHER. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DeVERTER. Mr. Speaker, does the code not now provide that that request must precede the time that is involved when you want to convert from 180 days to 900 and 990 hours?

Mr. GALLAGHER. Precede what? I did not hear everything you said.

Mr. DeVERTER. By setting the calendar in advance.

Mr. GALLAGHER. No, it does not. The way the present law is written now it does not mean they have to do that before they adopt their calendar. It means that it does give the secretary the authority to adjust their calendar under these kind of circumstances. The secretary is doing it now.

I think, again, that basically the amendment is superfluous. It is for a 1-year law. It will only be in effect for this year. All districts that are interested in adjusting their calendar have made application to the department and have been approved.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, it was my understanding, sir, that the setting up of the schedules was to be on the basis of either the hourly or the 180-day ruling. With that in mind, I would suggest that perhaps Mr. Wright's amendment is not superfluous and I would suggest the members support it.

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

Mr. LINCOLN. Mr. Speaker, would Mr. Wright submit to a brief interrogation?

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

Mr. D. R. WRIGHT. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. LINCOLN. Mr. Speaker, I do not agree that the amendment is superfluous. I would like to have you answer two questions. The first one is: If we were to adopt your amendment, the local school district would be able to arrange their own schedule as long as they comply with the 900-hour or the 990-hour schedule, is that correct?

Mr. D. R. WRIGHT. That is correct.

Mr. LINCOLN. In other words, they would need no department approval or approval from anyone else?

Mr. D. R. WRIGHT. That is correct.

Mr. LINCOLN. Under the present law as it is written, they can accomplish the same thing and only get a little guidance to stay within the guidelines of the current law from the department if they do make that request. Is that a fact?

Mr. D. R. WRIGHT. That is a question, and it appears not to be a fact, Mr. Speaker. I wish it were. But it appears not to be

true at all that there is some resistance on the part of the Department of Education to accept inquiries at least with regard to these applications. What I hear people saying is that the department is perfectly willing to do that. I do not really censor the department. It seems to me that they have lacked some guidance, and all my amendment simply does is to say, this is the will of this House with regard to the 900- and 990-hour provision. Do with it as you can.

Mr. LINCOLN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a few brief remarks.

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

Mr. LINCOLN. In response to Representative Wright's statement that the department has not been cooperating or has been discouraging, I have to disagree with that for this reason: I have two schools within my legislative district which have missed an average of 14½ days between them. They both are now on altered schedules from the one that they started with at the beginning of the year. One of them just started yesterday and that is in my home school district, which three of my sons attend.

They have adjusted their schedule in compliance with the regulations and law now in effect, with substantive help from the Department of Education in setting that schedule up. I think there is a very real danger of letting the districts go ahead and do what they want to do in this respect. I will say for this reason that that is dangerous.

This is only the second day of the rearranged schedule in the Connellsville School District, and we have got a bus driver strike over it. We have got parents of many of the children objecting very strenuously to that particular schedule. We have added 35 minutes in the morning and 35 minutes in the afternoon, which does not sound like a lot, but some of the students are getting up at 5:30 in the morning to go to school.

I think it is a very serious change and I think that there should be some guidance from the Department whenever these particular changes take place. I would urge you to vote "no" on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, my admiration for Fayette County is unbounding, but I would suggest that it is not the universe, nor is it all of the Commonwealth; that the experience in Fayette County may not be the same as in Clarion, Armstrong, Jefferson and Venango.

It seems to me that just once, maybe just one time, for one short period, we could trust the school boards of our State to make wise and dedicated judgments about how they are going to end school.

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

Mr. BURNS. Just a point for the members' clarification or edification: The code reads as it does now simply for some sort of supervision over school districts in order that the department knows what is going on. For example, who is to say whether or not a school district would meet that simply by adding a half hour on a day? What does it do to all of the different

periods? Do you cut a half hour out of gym and add it to health, or vice versa and so forth? So to give some continuity to a program statewide, I really believe that the department needs this type of authority. It certainly is something that the department listens to when districts come in, and does, and has approved, when they find that the district is doing what they think and what most of us think is correct.

I have no argument against giving the school board the power to do some of these things. However, the problem comes: My school board might do it a little differently from your school board, and what happens to the total educational picture in the Commonwealth?

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

Mr. ZELLER. Mr. Speaker, last year I was a witness to the School Code that came before us and all the debate in regard to why we should give more power back to the school boards. And here is a chance. Here is one of our chances to, in a little way, show the school boards that we do have some faith. Then, on the other hand, we also are going to let the Department of Education release these people from running around the state and checking up on these so-called school districts which request information as to whether or not they can do this or do that. We are going to release this bureaucracy of people, and either possibly they could lower their budget or possibly place these people in other areas where they need them. Here is a chance for our bureaucracy to be whittled down a little bit, because you would be surprised at the amount of people the Department of Education has running around the state checking up as big brothers over school boards.

I think it is about time, when we talk about home rule, and here is a chance for us to say, hey, look, you are elected by the people locally. You have to set the millage. You have to take the flak. Here you have got big brother up here telling you what to do.

I think it is about time we give them a chance, at least 1 year as they say. Let us give the school boards a chance to show their colors.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS--119

Abraham	Gallen	Manderino	Seltzer
Armstrong	Gamble	Manmiller	Shuman
Arthurs	Geesey	McClatchy	Smith, E.
Bennett	Geisler	McGinnis	Smith, L.
Bittinger	George, C.	McLane	Spencer
Bittle	George, M.	Mebus	Spitz
Borski	Gillette	Miller	Stairs
Brandt	Gleeson	Milliron	Stapleton
Brown	Goodman	Miscevich	Suban
Burd	Gray	Moehlmann	Taddonio
Butera	Greenleaf	Morris	Tenaglio
Caltagirone	Grieco	O'Brien, B.	Thomas
Cassidy	Halverson	O'Donnell	Vroon
Cimini	Haskell	O'Keefe	Wagner
Cole	Hayes, D. S.	Oliver	Wansacz
Cowell	Helfrick	Pancoast	Wargo

DeVerter	Honaman	Petrarca	Wenger
DeWeese	Hopkins	Piccola	Wilson
Dininni	Irvis	Pitts	Wilt
Dorr	Itkin	Polite	Wright, D. R.
Doyle	Kelly	Pyles	Wright, J. L.
Duffy	Kernick	Rappaport	Yahner
Englehart	Kusse	Ravenstahl	Yohn
Fee	Laughlin	Reed	Zearfoss
Fischer	Lehr	Renwick	Zeller
Fisher	Letterman	Richardson	Zitterman
Flaherty	Levi	Ritter	Zord
Foster, A.	Livengood	Ryan	
Foster, W.	Lynch	Schweder	Fineman,
Freind	Madigan	Scirica	Speaker
Fryer			

NAYS--79

Anderson	Gatski	Logue	Rieger
Barber	Giammarco	Mackowski	Salvatore
Bellomini	Goebel	McCall	Scanlon
Berlin	Greenfield	McIntyre	Scheaffer
Berson	Hamilton	Meluskey	Schmitt
Brunner	Harper	Milanovich	Shupnik
Burns	Hasay	Mowery	Sirianni
Caputo	Hayes, S. E.	Mrkonic	Stewart
Cessar	Hoefel	Mullen, M. P.	Sweet
Cianciulli	Hutchinson, A.	Musto	Taylor, E.
Cohen	Hutchinson, W.	Novak	Taylor, F.
Davies	Johnson	Noye	Valicenti
DeMedio	Jones	O'Brien, D.	Wass
DiCarlo	Katz	O'Connell	Weidner
Dietz	Klingaman	Parker	White
Dombrowski	Knepper	Pievsky	Wiggins
Donatucci	Kolter	Pott	Williams
Dumas	Kowalyszyn	Pratt	Wise
Gallagher	Laudadio	Prendergast	Zwikl
Garzia	Lincoln	Rhodes	

NOT VOTING--5

Beloff	Ruggiero	Shelton	Trello
Mullen, M. M.			

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

On the question,

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

Mr. FREIND offered the following amendment:

Amend Sec. 1 (Sec. 1501.1), page 2, line 7, by removing the period after "1976-77" and inserting had the Weather Emergency of 1977 not occurred. In determining a good faith effort on the part of any particular school or school district, the Secretary of Education is expressly prohibited from considering in any way instruction days missed due to any type of labor dispute. In making up missed instruction days, each school or school district shall first make up those days which were missed due to the Weather Emergency of 1977, followed by those days missed because of snow or other weather conditions and, finally, those days missed because of labor disputes.

On the question,

Will the House agree to the amendment?

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

Mr. FREIND. Thank you, Mr. Speaker.

What this amendment does is to spell out that in determining a good-faith effort on the part of any school or school district to make up missed days, the Secretary of Education is expressly

prohibited from considering in any way instruction days missed because of labor disputes.

Right now the Department of Education is allowing school districts to make up missed days in the following sequence: first, strike days; then snow days; and, finally, weather emergency days.

What this amendment does, in addition to prohibiting the secretary from considering labor disputes in determining good faith, is to reverse that procedure. The first days that would be made up would be the weather emergency days, followed by snow days, and, finally, strike days.

Very briefly, the purpose of this amendment is in those districts where there has been a strike, to have the issue focus in that school district. It strikes me as being unfair to make all the taxpayers of the Commonwealth of Pennsylvania pay because of a strike in a particular school district.

I realize this may work a hardship on some particular school districts. It is a philosophical question, and I am sure everyone will vote the way they feel.

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

Mr. GALLAGHER. Mr. Speaker, I basically oppose the amendment for two reasons. One is that if you read it thoroughly, Mr. Speaker, you say, "the Secretary of Education is expressly prohibited from considering in any way instruction days missed due to any type of labor dispute." That is the end of one sentence. In the last sentence you say, "...those days missed because of labor disputes.", which is part of the sentence that says they shall not be considered.

You are inconsistent in the language in this bill. On the one hand you say they are prohibited to consider that and in the next sentence you say that he shall consider that after snow or other weather conditions. So it is rather inconsistent, the language of what you are doing. Now what the department is doing is like you said, they are considering strike days, snow days, and weather days, plus the other 3 days that the Governor had ordered them to be closed. So I have to oppose the amendment under those condition.

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

Mr. LAUGHLIN. Mr. Speaker, could I ask Mr. Gallagher a question, please?

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

Mr. GALLAGHER. Yes, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, at the present time, those school districts that were required to reset their particular calendar for the year did so approximately 2 to 3 weeks or a month ago. In that calendar they listed the days to be made up because of the weather problem, first, in my home district, which was Ambridge, and then they listed the days for strikes to be made up. Now are you saying with this legislation that the Department of Education will instruct the local districts that they will first make up strike days?

Mr. GALLAGHER. Mr. Speaker, the bill does not say that. The department, under the present School Code through regu-

lations that they are able and authorized to promulgate, had had hearings or meetings with the superintendents of all the school districts. Commissioner Manchester had conducted meetings with the superintendents. The net result of those meetings was that the majority wanted the department to consider firstly strike days; secondly, snow days; and, thirdly, weather days.

This bill does not give them that authority. This bill just says that they have to show a good effort that they are trying wherever possible to make up the 177 days and that the department shall consider that local effort that they are trying to make up the 177 days. That is all that bill authorizes them to do.

Mr. LAUGHLIN. Mr. Speaker, what we are saying then is that the school district will still have to option of setting that calendar that they had previously set?

Mr. GALLAGHER. Yes, they basically will if they object to the method the department is using now. Commissioner Manchester put that together in the form of regulations that were sent out to all school districts after meeting with all 505 superintendents or their representatives to discuss this matter. The end result was that the majority of them felt that the department should consider the strike days first, the snow days second, and the additional weather-condition days third. That was their agreement.

Mr. LAUGHLIN. Thank you, Mr. Speaker. That enables me to vote on Mr. Freind's amendment with a lot more information.

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

Mr. NOYE. Mr. Speaker, I rise to oppose the amendment. I philosophically agree with Mr. Freind, but I would rather see it the other way.

But one of the things that we found out by the hearings we held throughout the state was that in some of your school districts they are experiencing severe financial difficulties, and that includes about everybody's district and particularly those districts that had the unfortunate situation of a public employes' strike. And what we are doing if we mandated that the order be another way is penalizing those districts in next year's reimbursement formula. The weighted average daily membership will be affected directly, and next year those districts will be penalized if they choose or cannot make up any of those strike days.

That is why I felt all along that it should be each individual school district's decision to go the route they wanted to go, but in districts where there was a public employes' strike, those days should be made up first if possible. They are still going to suffer. If they had a long strike or if they had a long delay or a long closing because of weather, they are not going to be able to make up all of those days by June 30. So they have to make up as many as possible, and if you do not want to penalize them any further than they are going to be penalized as is, then I think you better go with the bill the way it is, and I oppose the amendment.



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

Mr. FREIND. Thank you, Mr. Speaker.

With respect to the statement of the gentleman, Mr. Gallagher, on the inconsistency, the first full sentence modifies the language in the bill relating to a good-faith effort to make up the days lost because of the weather emergency. The second sentence relates to a statement which, if put in the bill, would legislatively mandate the sequence by which the days must be made up, as opposed to the procedure now which is being adopted by the Department of Education.

I agree with the gentleman, Mr. Noye, that that will, in fact, work a hardship on some school districts. But one of the problems with Act 195, if it is going to work—and I have serious doubts that it can anyway—is the fact that the issues have to be focused on each school district. If there is in fact a strike, the taxpayers of that school district must be made aware of exactly what that strike has cost them so that they can make a decision later on with respect to the election of their school board officials, with respect to the position they may take on teacher demands, as to what tack to take.

It is not fair to make all the taxpayers of Pennsylvania who, through their taxes, pay the money which goes into the subsidy formula to help reimburse a particular school district or school districts because of a strike.

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

Mr. BURNS. Mr. Speaker, I oppose the Freind amendment. This is a rather complicated question, especially when you get out into the western part of the state where I spent several days with school district superintendents and board members discussing this whole issue. The bottom line of the issue, for the information of everybody here so that you understand it, is money, and if you go for the Freind amendment, it is going to cost some school districts money. It does not cost my school district a nickel; we did not have any labor disputes. We will be able to make up the days very easily. But I am telling you that statewide, for those districts that are in trouble now, the bottom line is money and next year they are not going to get as much. So, philosophically you may be for something, but, realistically, I think that when it affects the taxpayers we have got to go the other way.

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

Mr. ZELLER. Mr. Speaker, we hear this story and the scare tactics in regard to the terrible cost it is going to bring about. I wonder if all of us are getting the message from our taxpayers back home. They are fed up with these strikes. There is nothing they can do about the weather; that is an act of God; therefore it should have first priority.

There is something that can be done about the strikes. The arbitration boards are going to start thinking when those funds are not available. Number one is certainly the weather conditions. They are going to say, well, look, we have to take care of these first; maybe the money is not going to be available for the second issue. Therefore, in effect, it is going to be aiding the arbitration thinking.

That is why I say that this is the best way to move if we are going to act for our people. Are we going to act for our people or are we going to act for the Pennsylvania State Education Association? I think the people who pay the bill in that district are going to be number one and PSEA can come in on the tail end.

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

The following roll call was recorded:

YEAS—17

Freind	Katz	Pancoast	Schweder
Fryer	Kernick	Pitts	Vroon
George, M.	Lynch	Polite	Zearfoss
Hamilton	O'Brien, D.	Ritter	Zeller
Hasay			

NAYS—176

Abraham	Foster, W.	Mackowski	Scanlon
Anderson	Gallagher	Madigan	Scheaffer
Armstrong	Gamble	Maderino	Schmitt
Arthurs	Garzia	Manmiller	Scirica
Barber	Gatski	McCall	Seltzer
Bellomini	Geesey	McClatchy	Shupnik
Bennett	Geisler	McGinnis	Sirianni
Berson	George, C.	McIntyre	Smith, E.
Bittinger	Giammarco	McLane	Smith, L.
Bittle	Gillette	Mebus	Spencer
Borski	Goebel	Meluskey	Spitz
Brandt	Goodman	Milanovich	Stairs
Brown	Gray	Miller	Stapleton
Brunner	Greenfield	Milliron	Stewart
Burd	Greenleaf	Miscevich	Stuban
Burns	Grieco	Moehlmann	Sweet
Butera	Halverson	Morris	Taddonio
Caltagirone	Harper	Mowery	Taylor, E.
Caputo	Haskell	Mrkonic	Taylor, F.
Cassidy	Hayes, D. S.	Musto	Tenaglio
Cessar	Hayes, S. E.	Novak	Thomas
Cianciulli	Helfrick	Noye	Valicenti
Cimini	Hoeffel	O'Brien, B.	Wagner
Cohen	Honaman	O'Connell	Wansacz
Cole	Hopkins	O'Donnell	Wargo
Cowell	Hutchinson, A.	O'Keefe	Wass
Davies	Hutchinson, W.	Oliver	Weidner
DeMedio	Irvis	Parker	Wenger
DeVerter	Itkin	Petrarca	White
DeWeese	Johnson	Piccola	Wiggins
DiCarlo	Jones	Pievsky	Williams
Dietz	Kelly	Pott	Wilson
Dininni	Klingaman	Pratt	Wilt
Dombrowski	Knepper	Prendergast	Wise
Donatucci	Kolter	Pyles	Wright, D. R.
Dorr	Kowalyshyn	Rappaport	Wright, J. L.
Doyle	Kusse	Ravenstahl	Yahner
Duffy	Laudadio	Reed	Yohn
Dumas	Laughlin	Renwick	Zitterman
Englehart	Lehr	Rhodes	Zord
Fee	Letterman	Richardson	Zwinkl
Fischer	Levi	Rieger	
Fisher	Lincoln	Ryan	Fineman,
Flaherty	Livengood	Salvatore	Speaker
Foster, A.	Logue		

NOT VOTING—10

Beloff	Gleeson	Ruggiero	Shuman
Berlin	Mullen, M. P.	Shelton	Trello
Gallen	Mullen, M. M.		

So the question was determined in the negative and the

amendment was not agreed to.

**RECONSIDERATION OF VOTE  
ON WRIGHT AMENDMENTS TO HOUSE BILL**

**No. 446**

Mr. W. D. HUTCHINSON moved that the vote by which the Wright amendments to HOUSE BILL No. 446 were agreed to on this day be reconsidered.

Mr. DAVIES seconded the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—153**

Abraham	Fryer	Lincoln	Rieger
Anderson	Gallagher	Logue	Ryan
Armstrong	Gamble	Lynch	Salvatore
Barber	Garzia	Mackowski	Scanlon
Bellomini	Gatski	Madigan	Schmitt
Bennett	Geesey	Manderino	Scirica
Berson	Geisler	Manmiller	Shuman
Bittinger	George, M.	McCall	Sirianni
Bittle	Giammarco	McClatchy	Smith, E.
Borski	Gillette	McIntyre	Smith, L.
Brandt	Goebel	Mebus	Spencer
Brunner	Goodman	Meluskey	Spitz
Burd	Greenfield	Milanovich	Stairs
Burns	Grieco	Moehlmann	Stewart
Butera	Hamilton	Mowery	Sweet
Caputo	Harper	Mrkoncic	Taddonio
Cessar	Hayes, D. S.	Musto	Taylor, E.
Cianciulli	Hayes, S. E.	Novak	Taylor, F.
Cimini	Helfrick	Noye	Thomas
Cohen	Honaman	O'Brien, B.	Valicenti
Davies	Hopkins	O'Brien, D.	Vroon
DeMedio	Hutchinson, A.	O'Connell	Wagner
DeVerter	Hutchinson, W.	O'Donnell	Wansacz
DeWeese	Irvis	Oliver	Wass
DiCarlo	Johnson	Pancoast	Wenger
Dietz	Jones	Parker	White
Dininni	Katz	Petrarca	Wiggins
Dombrowski	Kelly	Pievsky	Williams
Dorr	Kernick	Pitts	Wise
Doyle	Klingaman	Polite	Wright, J. L.
Duffy	Knepper	Pott	Yahner
Dumas	Kolter	Pratt	Yohn
Englehart	Kowalshyn	Prendergast	Zitterman
Fee	Kusse	Pyles	Zord
Fisher	Laudadio	Rappaport	Zwinkl
Flaherty	Laughlin	Ravenstahl	
Foster, A.	Lehr	Reed	Fineman,
Foster, W.	Letterman	Rhodes	Speaker
Freind	Levi	Richardson	

**NAYS—38**

Arthurs	Hasay	Morris	Stuban
Brown	Haskell	O'Keefe	Tenaglio
Caltagirone	Hoefel	Piccola	Wargo
Cassidy	Itkin	Renwick	Weidner
Cole	Livengood	Ritter	Wilson
Cowell	McGinnis	Scheaffer	Wilt
Fischer	McLane	Schweder	Wright, D. R.
George, C.	Miller	Shupnik	Zearfoss
Greenleaf	Milliron	Stapleton	Zeller
Halverson	Miscevich		

**NOT VOTING—12**

Beloff	Gallen	Mullen, M. P.	Seltzer
Berlin	Gleeson	Mullen, M. M.	Shelton
Donatucci	Gray	Ruggiero	Trello

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

On the question recurring,

Will the House agree to the amendments?

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I do not oppose the idea of flexibility with respect to hours because of the emergency. However, some quick calculations that I did with respect to this particular amendment, which has a 900-hour minimum authority for school boards for elementary schools and 990 hours for secondary schools, indicates, I think, that it cuts too deeply into the school year. If you take the 180-day requirement and divide it by the 900 hours in the elementary school, you come up with a 5-hour school day. If you use the 990 hours which are utilized in the amendment for secondary education, you will come up with a 5½-hour school day. Now this, it seems to me, is much too deep a cut to authorize the school boards to allow. For instance, the normal school day is probably 7½ hours and perhaps 7 hours at elementary schools. If we do this, we really are going back to almost a half day, and I think that is not the purpose of this bill. I think the cut is too deep and I urge the members to vote against the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—112**

Abraham	Geisler	Livengood	Ritter
Armstrong	George, C.	Madigan	Ryan
Arthurs	George, M.	Manmiller	Scanlon
Barber	Giammarco	McClatchy	Schweder
Bellomini	Gleeson	McLane	Scirica
Bennett	Goebel	Mebus	Shuman
Borski	Gray	Miller	Spitz
Brandt	Greenleaf	Milliron	Stairs
Brunner	Halverson	Miscevich	Stapleton
Burd	Hamilton	Moehlmann	Taddonio
Caltagirone	Haskell	Morris	Taylor, E.
Caputo	Hayes, D. S.	Noye	Tenaglio
Cassidy	Helfrick	O'Brien, B.	Thomas
Cowell	Hopkins	O'Keefe	Vroon
DeMedio	Hutchinson, A.	Oliver	Wenger
DeVerter	Itkin	Pancoast	Wiggins
DeWeese	Johnson	Parker	Williams
Dorr	Jones	Petrarca	Wilson
Doyle	Katz	Piccola	Wilt
Dumas	Kelly	Pitts	Wright, D. R.
Englehart	Kernick	Polite	Wright, J. L.
Fee	Knepper	Pratt	Yahner
Fischer	Kolter	Pyles	Yohn
Fisher	Kusse	Rappaport	Zearfoss
Flaherty	Laudadio	Ravenstahl	Zeller
Foster, A.	Laughlin	Reed	
Freind	Lehr	Renwick	Fineman,
Fryer	Letterman	Richardson	Speaker
Gallen	Levi		

NAYS—83

Anderson	Gamble	McCall	Seltzer
Berson	Garzia	McGinnis	Shupnik
Bittinger	Gatski	McIntyre	Sirianni
Bittle	Geesey	Meluskey	Smith, E.
Brown	Gillette	Milanovich	Smith, L.
Burns	Goodman	Mowery	Spencer
Butera	Greenfield	Mrkonic	Stewart
Cessar	Grieco	Mullen, M. P.	Stuban
Cianciulli	Harper	Musto	Sweet
Cimini	Hasay	Novak	Taylor, F.
Cohen	Hayes, S. E.	O'Brien, D.	Valicenti
Cole	Hoefel	O'Connell	Wagner
Davies	Honaman	O'Donnell	Wansacz
DiCarlo	Hutchinson, W.	Pievsky	Wargo
Dietz	Irvis	Pott	Wass
Dininni	Klingaman	Prendergast	Weidner
Dombrowski	Kowalshyn	Rhodes	Wise
Donatucci	Lincoln	Rieger	Zitterman
Duffy	Logue	Salvatore	Zord
Foster, W.	Lynch	Scheaffer	Zwilk
Gallagher	Mackowski	Schmitt	

NOT VOTING—8

Beloff	Manderino	Ruggiero	Trello
Berlin	Mullen, M. M.	Shelton	White

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. PANCOAST. I would like to make a statement with respect to this bill, Mr. Speaker.

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

Mr. PANCOAST. This bill is very necessary but there are still other problems, of course, with respect to the energy crisis and the operation of the school systems, one of which is the question of transportation reimbursement. And I would like to make a statement to enter into the record to try to show legislative intent, or I guess a more correct statement would be my interpretation of what I discovered to be the intent of the discussions that took place in the Education Committee and with other members of the legislature.

With respect to transportation, the computation of the constant cost allowance-including such items as vehicle depreciation, insurance and license fees of contractors-using 177 days or as many days above that number as can be accomplished, should be used as a standard for the full 1976-1977 school year. In other words, the reimbursement for these constant cost allowances should be based on a full school year without any depreciation if the 177 days have been met. However, for all operating expense allowances, reimbursement should be based on

the approved reimbursable costs only for those days on which transportation was provided. In other words, if the school districts were able to achieve only, let us say, 170 days out of 177 days, they would only get reimbursable for the 170 days rather than for the full school year of 177 days.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

Agreeable to the provision of the constitution, the following roll call was recorded:

YEAS—194

Abraham	Gallen	Mackowski	Salvatore
Anderson	Gamble	Madigan	Scanlon
Armstrong	Garzia	Manderino	Scheaffer
Arthurs	Gatski	Manmiller	Schmitt
Barber	Geesey	McCall	Schweder
Bellomini	Geisler	McClatchy	Scirica
Bennett	George, C.	McGinnis	Seltzer
Berson	George, M.	McIntyre	Shuman
Bittinger	Giammarco	McLane	Shupnik
Bittle	Gillette	Mebus	Sirianni
Borski	Goebel	Meluskey	Smith, E.
Brandt	Goodman	Milanovich	Smith, L.
Brown	Gray	Miller	Spencer
Brunner	Greenfield	Milliron	Spitz
Burd	Greenleaf	Miscevich	Stairs
Burns	Grieco	Moehlmann	Stapleton
Butera	Halverson	Morris	Stewart
Caltagirone	Hamilton	Mowery	Stuban
Caputo	Harper	Mrkonic	Sweet
Cassidy	Hasay	Mullen, M. P.	Taddonio
Cessar	Hayes, D. S.	Musto	Taylor, E.
Cianciulli	Hayes, S. E.	Novak	Taylor, F.
Cimini	Helfrick	Noye	Tenaglio
Cohen	Hoefel	O'Brien, B.	Thomas
Cole	Honaman	O'Brien, D.	Valicenti
Cowell	Hopkins	O'Connell	Vron
Davies	Hutchinson, A.	O'Donnell	Wagner
DeMedio	Hutchinson, W.	O'Keefe	Wansacz
DeVerter	Irvis	Oliver	Wargo
DeWeese	Itkin	Pancoast	Wass
DiCarlo	Johnson	Parker	Weidner
Dietz	Jones	Petrarca	Wenger
Dininni	Katz	Piccola	White
Dombrowski	Kelly	Pievsky	Wiggins
Donatucci	Kernick	Pitts	Williams
Dorr	Klingaman	Polite	Wilson
Doyle	Knepper	Pott	Wise
Duffy	Kolter	Pratt	Wright, D. R.
Dumas	Kowalshyn	Prendergast	Wright, J. L.
Englehart	Kusse	Pyles	Yahner
Fee	Laudadio	Rappaport	Yohn
Fischer	Laughlin	Ravenstahl	Zearfoss
Fisher	Lehr	Reed	Zeller
Flaherty	Letterman	Renwick	Zitterman
Foster, A.	Levi	Rhodes	Zord
Foster, W.	Lincoln	Richardson	Zwilk
Freind	Livengood	Rieger	
Fryer	Logue	Ritter	Fineman,
Gallagher	Lynch	Ryan	Speaker

NAYS—2

Haskell	Wilt
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NOT VOTING—7

Beloff	Gleeson	Ruggiero	Trello
Berlin	Mullen, M. M.	Shelton	

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

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

### QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. ZITTERMAN. Mr. Speaker, on HB 446, the Wright amendment, my lever was stuck in the negative. I wish to be recorded in the affirmative, please.

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

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

Mr. WILT. I rise to a question of personal privilege for the gentleman from Crawford, Mr. Haskell, who was called off the floor.

The SPEAKER. The gentleman will state it.

Mr. WILT. Mr. Speaker, the gentleman, Mr. Haskell, in reviewing the record for the vote on HB 446, notes he is recorded in the negative. He would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Mercer, Mt. Wilt. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. WILT. On HB 446, Mr. Speaker, I inadvertently pushed my switch the wrong way. I would like to be recorded in the affirmative.

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

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

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

The SPEAKER. The gentleman will state it.

Mr. CASSIDY. Mr. Speaker, on the Wright amendment, I am recorded as not voting. I wish to be recorded in the affirmative.

The SPEAKER. Will the gentleman identify the bill in question?

Mr. CASSIDY. HB 446.

The SPEAKER. The Chair thanks the gentleman.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the membership of the House, we will be voting on HR 7, PN 74, on page 21. But prior to the House taking that action, the Chair would recognize the majority whip, Mr. Manderino.

### STATEMENT BY MAJORITY WHIP

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Do I take it that with the exception of HR 7, which we will consider, the other matters on the calendar have been disposed of?

The SPEAKER. That is correct.

Mr. MANDERINO. For the information of the members of the House, we planned—past tense—to be here tomorrow to consider a proposition that is to be reported from the House Appropriations Committee today. A meeting of that committee has been scheduled and will be called.

The matter to be considered is a joint resolution which amends the Constitution of Pennsylvania so that disaster relief can be granted to individuals who suffered in the floods of 1976.

For the information of the members, there are 21 counties in 1976 that, because of flooding, were declared by the Federal Government as disaster areas, and for your information, just in case you may be affected, the counties of Adams, Columbia, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Mifflin, Northumberland, Perry, Snyder, York, Bradford, Lackawanna, Luzerne, Schuylkill, Sullivan, Susquehanna, Wayne, and Wyoming are the counties that we are talking about. There are applications from individuals in 14 of those counties, filed with the State.

The Federal Government has made available federal disaster relief monies for these people, and we cannot provide that relief to the people without the state matching monies being appropriated by legislation. We cannot appropriate the state matching monies for these disasters mainly which occurred in October of 1976 until we amend the Constitution of Pennsylvania, providing and authorizing the General Assembly to make those contributions.

There is a joint resolution in the Appropriations Committee. We are going to ask the Appropriations Committee to meet this afternoon immediately upon the call of a very short recess, report the joint resolution to the floor of the House, and then I will ask for a suspension of the rules so that that can be considered today. Joint resolutions, under the rules of the House, need reading on 3 separate days, but we can—and it is a very simple resolution—suspend that rule. I will call for a suspension of the rules upon returning to the floor of the House, and if we suspend the rules, then we can pass that resolution.

There is another feature to the constitutional amendment which I will explain when it comes before the members in writing, which it will upon our return to the floor. Should we accomplish this business this afternoon and send the joint resolution over to the Senate for their handling of the same today, then we will not have any necessity for being in session tomorrow. If we are unable to handle this matter today for any reason, we will then have to make a decision on tomorrow's session.

### APPROPRIATIONS COMMITTEE MEETING

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

Mr. PIEVSKY. Mr. Speaker, I would like to call an Appropriations committee meeting in the Appropriations Committee room immediately.

The SPEAKER. Members of the Appropriations Committee will proceed immediately to a meeting of that committee.

### STATEMENT ON LEGISLATION TO BE INTRODUCED

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

Mr. O'CONNELL. I would like to make an announcement, Mr. Speaker.

Mr. Speaker, I have before me a package of bills that have to do with flood-plain legislation and flood-plain management. If any of you are interested, I plan to introduce them today. They will be up here. You can take a look at them, and I welcome and solicit your support.

Thank you.

### INTRODUCTION OF RESOLUTION

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

Mr. VROON. Mr. Speaker, I would like to have the attention of the House members for just a few brief moments.

On or about September 24, 1976, I received a telephone call from Colonel Edward J. Bollen of the Pennsylvania Air National Guard, who expressed concern about irregularities involving the possible illegal use of military aircraft by the Pennsylvania Air National Guard. He told me that as a result of his attempts to have these matters investigated, steps were actually being taken to have him dismissed from the Guard, and this subsequently did occur.

Colonel Bollen accepted my invitation to come to Harrisburg and to discuss these matters in detail. At that time, we were informed that Colonel Bollen had delivered a personal letter to the Governor to notify him directly of the allegations of misconduct and the attempt to prevent full disclosure of the facts by terminating the services of Colonel Bollen. He asked the Governor to undertake an immediate investigation of this entire matter.

On or about October 15, 1976, when we learned that no reply or even an acknowledgement had been received from the Governor's office, we proceeded, by agreement with Colonel Bollen, to release all of the pertinent facts to the State Department of Justice and to the appropriate Federal authorities for investigation of the entire matter. The results became public knowledge recently, and the Adjutant General has subsequently resigned.

We are now introducing, at this point, a resolution calling for the appointment of a select committee to investigate the following matters:

(1) Whether any Commonwealth officials or employees have suppressed, attempted to suppress or willfully ignored any evidence or allegations of misconduct in the Pennsylvania National Guard and the headquarters staff of the Adjutant General.

(2) Whether or not Colonel Bollen was dismissed because of his efforts to bring evidence of misconduct and waste to the attention of Commonwealth officials or employees.

(3) Whether any such officials acquiesced in the dismissal of Colonel Bollen.

We, therefore, introduce this resolution and we invite the members of this House, who have not already signed this resolution, to join us in it.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, on the subject of the resolution, while I do not want to prejudge the contents of the resolution or to prejudge or make a determination at this time as to what direction I personally would take, I would like to point out to the members of the House that the gentleman who was alluded to, Colonel Bollen, did send a letter to the Governor. He also sent a letter to his commanding officer, Brigadier General Richard B. Posey, on the 9th day of September 1976, and in that letter he indicated that the information that he was bringing to light was discovered by him during the 2 weeks that he was on active duty with the National Guard, and he defined those dates as the 14th through the 28th of August. He said, "During that time I made a visit to the 171st Operations Division and I reviewed many of their flight records and found what I consider to be a very serious situation, and I thought I would be derelict in my duty if I didn't bring this situation to your attention." That was his commanding officer. Now that information, according to his letter to his commanding officer, came to him between the 14th and the 24th of August 1976.

In the letter that he wrote to the Governor of the Commonwealth, and I quote a paragraph of that letter, the last paragraph, he said,

It should be noted that I was transferred to my present position on 10 August 1976 as the Commander of the 112th Tactical Fighter Group, PaANG in Pittsburgh, Pennsylvania. I have reason to believe that such transfer was one of the steps designed to terminate my service with the PaANG.

So it would seem to me that he was on his way out before he discovered the serious situation that he discovered.

Now, again, I do not want to prejudge the situation, but I have done some other investigation on the matter and have been informed that on 2 different occasions in 1976, one in February and one in the summer of 1976, his unit failed inspection, and as a result of his unit failing inspection, a board was appointed to review his retention, and they informed him, as he indicated in his letter on the 10th day of August, that he was on his way out.

He discovered the shocking situation that he discovered on the 14th to the 28th, and it would seem to me that his dismissal had nothing to do with what he discovered. Perhaps what he discovered had something to do with his dismissal, but we will look into the matter.

### STATEMENT ON LEGISLATION INTRODUCED

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

Mr. DAVIES. Mr. Speaker, a point of personal privilege. Today I am placing on the desk, for signature, legislation to ban

the taser gun. This legislation passed this House last year via the amendment route. This legislation is vital in protecting the safety and property of the people of the Commonwealth against the expanding criminal use of this weapon. Three more criminal acts involving this weapon have occurred in and around the southeastern metropolitan area of the state in the past few months.

The Philadelphia City Council is currently trying to put together municipal legislation on this weapon. This legislation would help to resolve their concerns, as well as those of other municipalities already experiencing shock and concern at the criminal use of this device. The ruling of the Attorney General is not the effective enforcement device we need to remove this potential threat by the criminal elements to our society. We need the force of law to ban this type of hideous and insidious weapon. The other menacing aspects of this threat is the potential use of such a weapon in the menacing hands of terrorists. I urge my fellow members on both sides of the aisle to join me in cosponsoring this necessary legislation.

Thank you.

The SPEAKER. The Chair would like to bring to the attention of the membership of the House that when you want to address the House on the matter of a piece of legislation that you are about to introduce, the proper procedure is to ask for unanimous consent of the House to address the House.

A matter of personal privilege, under Rule 12 is limited to the following: "Questions of personal privilege shall be limited to questions affecting the rights, reputation and conducts of members of the House in their respective capacity."

Mr. DAVIES. I apologize to the Chair, sir, and the next time I will do that. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### ANNOUNCEMENT ON RECONSIDERATIONS OF VOTE

The SPEAKER. Also, for the information of the membership of the House, when you present a motion for reconsideration of any question, there are specially prepared forms that are available at the Speaker's desk and at the desk of the majority leader, for this purpose. Some of you have been submitting reconsiderations on hastily scribbled pieces of paper without resorting to the specially prepared form.

The Chair would request that you use that form for reconsideration purposes.

### RESOLUTION ADOPTED

Mr. DiCARLO called up HOUSE RESOLUTION NO. 7.

House Health and Welfare Committee to conduct a thorough review of the statutes relating to foster care and the implementation of the adoption opportunities program by the Department Public Welfare

On the question,

Will the House adopt the resolution?

Resolution was adopted.

### BILLS REREPORTED FROM COMMITTEE

#### HB 4, PN 4

By Mr. PIEVSKY

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; \*\*\*," deleting highways in Northampton County.

Rereported from Committee on Appropriations.

#### HB 5, PN 5

By Mr. PIEVSKY

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

Rereported from Committee on Appropriations.

#### HB 304, PN 808 (Amended)

By Mr. PIEVSKY

A Joint Resolution proposing an emergency Constitutional amendment to the Constitution of the Commonwealth of Pennsylvania granting the General Assembly the power to enact special laws to aid certain individuals, corporations, associations, institutions or nonpublic schools adversely affected by conditions caused by certain storms or floods.

Rereported from Committee on Appropriations.

#### HB 430, PN 469

By Mr. PIEVSKY

An Act amending the act of June 22, 1931 (P. L. 720, No. 262), referred to as the City State Highway Law, deleting a route in the City of Titusville, Crawford County.

Rereported from Committee on Appropriations.

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

Mr. SHUPNIK. Mr. Speaker, I would like to offer the following communication of the Joint State Government for the record.

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

### REPORT OF JOINT STATE GOVERNMENT COMMISSION GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA JOINT STATE GOVERNMENT COMMISSION ROOM 450 - CAPITOL BUILDING HARRISBURG 17120

March 28, 1977.

Honorable VINCENT F. SCARCELLI  
Chief Clerk  
House of Representatives  
Room 129, Main Capitol  
Harrisburg, Pennsylvania 17120

Dear Mr. Scarcelli:

Senate Concurrent Resolution 238 of 1976, concurred in by the House of Representatives on June 29, 1976, directs the Joint State Government Commission to organize a task force to conduct a study of "the entire issue of energy facility siting." The resolution further directs the Commission to report the findings of the task force to the General Assembly within nine months.

The Task Force on Energy Facility Siting, under the chairmanship of Senator Robert J. Mellow, completed its assign-

ment on Wednesday, March 23, and its findings and recommendations together with proposed legislation will be transmitted shortly to the General Assembly in a published report. I am pleased to note that even though the task force could not be organized until after October 13, 1976, the study was finished within the deadline.

Very truly yours,  
**FRED J. SHUPNIK**  
 Chairman

**HOUSE REPORTER'S ANNIVERSARY NOTED**

The SPEAKER. The Chair recognizes the minority whip.  
 Mr. RYAN. Mr. Speaker, may I have the attention of the House for a moment?

Mr. Speaker, each of us here is guilty of a serious offense of malfeasance in that we did not recognize that today is the 12th anniversary of our tippety-tap operator here on the floor of the House, Janey.

The SPEAKER. Congratulations, Jane.  
 Mr. RYAN. Her sanity is in question.

**RECONSIDERATION OF VOTE  
 ON HOUSE BILL No. 150**

Mr. B. F. O'BRIEN moved that the vote by which HOUSE BILL No. 150, printer's No. 163, was defeated on final passage on this day be reconsidered.

Mr. ENGLEHART seconded the motion.

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

The following roll call was recorded:

**YEAS—101**

Arthurs	Gallagher	Laughlin	Rieger
Bellomini	Gallen	Letterman	Ritter
Bennett	Gamble	Lynch	Ryan
Berlin	Garzia	Mackowski	Scanlon
Berson	Gatski	Manderino	Schmitt
Bittinger	Geisler	McCall	Schweder
Borski	Giammarco	McIntyre	Scirica
Butera	Goodman	McLane	Shupnik
Caltagirone	Gray	Milanovich	Smith, E.
Caputo	Greenfield	Miller	Stapleton
Cassidy	Halverson	Milliron	Stewart
Cianciulli	Harper	Moehlmann	Sweet
Cole	Hayes, D. S.	Morris	Taylor, F.
Cowell	Helfrick	Mullen, M. P.	Wansacz
DeMedio	Hoeffel	O'Brien, B.	Wargo
DeVerter	Hopkins	O'Keefe	White
DeWeese	Hutchinson, A.	Oliver	Williams
Dombrowski	Hutchinson, W.	Pancoast	Wright, D. R.
Donatucci	Irvis	Petrarca	Yahner
Doyle	Itkin	Pievsy	Zearfoss
Duffy	Johnson	Pratt	Zitterman
Dumas	Jones	Prendergast	Zwikel
Englehart	Kelly	Rappaport	
Fee	Kernick	Ravenstahl	Fineman,
Flaherty	Kolter	Renwick	Speaker
Freind	Laudadio	Rhodes	

**NAYS—79**

Abraham	Gillette	McGinnis	Seltzer
Anderson	Goebel	Mebus	Shuman
Armstrong	Greenleaf	Meluskey	Sirianni
Brandt	Grieco	Miscevich	Spitz

Brown	Hasay	Mowery	Stairs
Burd	Haskell	Mrkoncic	Stuban
Burns	Hayes, S. E.	Musto	Taddonio
Cimini	Honaman	Novak	Taylor, E.
Davies	Katz	Noye	Tenaglio
DiCarlo	Klingaman	O'Connell	Thomas
Dietz	Knepper	O'Donnell	Vroon
Dininni	Kusse	Parker	Wagner
DiCarlo	Lehr	Piccola	Wass
Fischer	Levi	Pitts	Wenger
Fisher	Lincoln	Polite	Wilson
Foster, W.	Livengood	Pott	Wilt
Fryer	Logue	Pyles	Wise
Geesey	Madigan	Richardson	Wright, J. L.
George, C.	Manmiller	Salvatore	Yohn
George, M.	McClatchy	Scheaffer	Zeller

**NOT VOTING—23**

Barber	Dorr	O'Brien, D.	Trello
Beloff	Foster, A.	Reed	Valicenti
Bittle	Gleeson	Ruggiero	Weidner
Brunner	Hamilton	Shelton	Wiggins
Cessar	Kowalshyn	Smith, L.	Zord
Cohen	Mullen, M. M.	Spencer	

The question was determined in the affirmative and the motion was agreed to.

**HB 150 PLACED ON FINAL PASSAGE POSTPONED CALENDAR**

Mr. B. F. O'BRIEN moved that HB 150, PN 163, be placed on the final passage postponed calendar.

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

**RECONSIDERATION OF VOTE  
 ON HOUSE BILL No. 195**

Mr. L. E. SMITH moved that the vote by which HOUSE BILL No. 195, printer's No. 664, was defeated on final passage on this day be reconsidered.

Mr. PRENDERGAST seconded the motion.

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

The following roll call was recorded:

**YEAS—60**

Anderson	Englehart	McLane	Salvatore
Arthurs	Fee	Mebus	Scanlon
Bellomini	Gallen	Miller	Schweder
Bennett	Garzia	Milliron	Scirica
Berlin	Geisler	Mullen, M. P.	Smith, E.
Borski	Giammarco	O'Connell	Smith, L.
Butera	Halverson	O'Keefe	Spencer
Caputo	Hayes, D. S.	Oliver	Taylor, E.
Cassidy	Honaman	Petrarca	Vroon
Cessar	Hutchinson, A.	Pitts	Wansacz
Cianciulli	Johnson	Prendergast	Wargo
DeVerter	Jones	Rappaport	Yohn
DiCarlo	Kelly	Rieger	
Dombrowski	Lincoln	Ritter	Fineman,
Donatucci	McGinnis	Ryan	Speaker
Doyle	McIntyre		

NAYS—135

Abraham	Geesey	Logue	Seltzer
Armstrong	George, C.	Lynch	Shuman
Barber	George, M.	Mackowski	Shupnik
Berson	Gillette	Madigan	Sirianni
Bittinger	Goebel	Manderino	Spitz
Bittle	Goodman	Manmiller	Stairs
Brandt	Gray	McCall	Stapleton
Brown	Greenfield	Meluskey	Stewart
Brunner	Greenleaf	Milanovich	Stuban
Burd	Grieco	Miscevich	Sweet
Burns	Hamilton	Moehmann	Taddonio
Caltagirone	Harper	Morris	Taylor, F.
Cimini	Hasay	Mowery	Tenaglio
Cohen	Haskell	Mrkonic	Thomas
Cole	Hayes, S. E.	Musto	Valicenti
Cowell	Helfrick	Novak	Wagner
Davies	Hoeffel	Noye	Wass
DeMedio	Hopkins	O'Brien, B.	Weidner
DeWeese	Hutchinson, W.	O'Brien, D.	Wenger
Dietz	Irviss	O'Donnell	White
Dininni	Itkin	Pancoast	Wiggins
Dorr	Katz	Parker	Williams
Duffy	Kernick	Piccola	Wilson
Dumas	Klingaman	Pievsky	Wilt
Fischer	Knepper	Polite	Wise
Fisher	Kolter	Pott	Wright, D. R.
Flaherty	Kowalshyn	Pratt	Wright, J. L.
Foster, A.	Kusse	Pyles	Yahner
Foster, W.	Laudadio	Ravenstahl	Zearfoss
Freind	Laughlin	Reed	Zeller
Fryer	Lehr	Renwick	Zitterman
Gallagher	Letterman	Richardson	Zord
Gamble	Levi	Scheaffer	Zwikl
Gatski	Livengood	Schmitt	

NOT VOTING—8

Beloff	McClatchy	Rhodes	Shelton
Gleeson	Mullen, M. M.	Ruggiero	Trello

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

**MOTION TO SUSPEND RULES**

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the House Appropriations Committee has reported out HB 304, which contains the joint resolution that I spoke about prior to the recess.

I would like to now move that the rules of the House be suspended so that the joint resolution may be immediately considered. House Rule 21 requires 3 separate days' reading, and the resolution must pass this week in order to be placed on the May primary ballot. And to require 3 days' reading we would miss the May primary ballot, which would mean that people who might be entitled to disaster relief would have to wait until some time next year. So I move that we suspend the rules requiring the reading on 3 separate days.

I would like to point out that in 1975 we passed the constitutional amendment for the disaster that occurred during that year on the same basis, with one reading of the House. It was introduced on September 30; it was passed September 30. It was introduced in the Senate October 1; it passed the Senate October 1; it was signed in the Senate on October 2. It was then placed on the November 4 ballot and passed. It was the same procedure that we are using now, and I move that we suspend

the rules so that we can get it on the May primary ballot.

**REPUBLICAN CAUCUS**

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

Mr. S. E. HAYES. Mr. Speaker, I ask the gentleman to withdraw his motion until we have a chance for a Republican caucus on, not only the question of suspending the rules, but the whole constitutional amendment itself.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. How long of a caucus do you propose, Mr. Speaker?

Mr. S. E. HAYES. Fifteen minutes.

Mr. MANDERINO. I have no objection to a caucus.

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

Mr. PANCOAST. Mr. Speaker, before going to caucus, would it be possible to have a printed copy of this HB 304 on our desks?

The SPEAKER. The chief clerk will please see that copies of the resolution and the amendment are immediately distributed.

**RECESS**

The SPEAKER. Without objection, the Chair declares the House in recess until 4:20 p.m.

**AFTER RECESS**

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

THE SPEAKER (HERBERT FINEMAN) IN THE CHAIR

**ANNOUNCEMENT**

The SPEAKER. Does the gentleman from Lawrence, Mr. Fee, desire to make an announcement?

Mr. FEE. Mr. Speaker, there will be a meeting tomorrow of the Special Committee on the Deaf, at 9 o'clock in room 115.

The SPEAKER. The Chair thanks the gentleman.

**MILITARY AND VETERANS AFFAIRS  
COMMITTEE REPORT PRESENTED**

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

Mr. DeMEDIO. I wish to submit the report of the Military and Veterans Affairs Committee, which report was required by HR 303 of 1976.

Mr. DeMEDIO presented the following report:

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

March 29, 1977.

SUBJECT: Committee Report—HR 303

TO: Hon. Herbert Fineman  
The Speaker



FROM: A. J. DeMedio, Chairman  
Military & Veterans Affairs Committee

The Military & Veterans Affairs Committee met this date to approve and adopt report required by House Resolution 303, 1976.

The Committee unanimously adopted this report and it is enclosed herewith.

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

March 29, 1977.

The Honorable Herbert Fineman  
The Speaker  
House of Representatives  
Harrisburg, Pennsylvania 17120

Dear Mr. Speaker:

The House Military & Veterans Affairs Committee conducted a detailed study concerning the impact of nature of a proposed maintenance fee for residents of our State Veterans' Homes as directed by House Resolution No. 303, 1976.

Findings and recommendations of the Committee are submitted herewith.

Commanders of the State Veterans Organizations, Officials of the Veterans Administration, The Department of Military Affairs, and private citizens are to be complimented for their interest and cooperation in the conduct of the study. The Committee further expresses its appreciation and gratitude for their assistance in the development of this report.

Yours truly,  
A. J. DeMEDIO  
Chairman  
Military & Veterans  
Affairs Committee

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

March 29, 1977.

Maj. Gen. Harry J. Mier, Jr.  
The Adjutant General  
Department of Military Affairs  
Fort Indiantown Gap  
Annville, Pennsylvania 17003

Dear General Mier:

The House Committee on Military & Veterans Affairs has completed its study on the impact and nature of the proposed fee schedule for the Soldiers' & Sailors' Home in Erie and the Hollidaysburg Veterans Home. A copy of the study is forwarded herewith for appropriate action.

It is requested that the Committee be informed of the action taken or contemplated on the recommendations as contained on pages 4 and 5 of the report. It is further requested that a reply be submitted by 1 May, 1977.

The Committee expresses its gratitude and appreciation to members of your Department, specifically, Colonel Albert J. Brown and Lt. Colonel Frank Rubin, and to Mr. John Driscoll, Commandant of the Erie Soldiers' & Sailors' Home, for their cooperation and assistance in the development of this study.

Yours truly,  
A. J. DeMEDIO  
Chairman  
Military & Veterans  
Affairs Committee

MILITARY & VETERANS AFFAIRS COMMITTEE  
HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

FINDINGS AND RECOMMENDATIONS  
HOUSE RESOLUTION 303

- Rep. A. J. DeMedio, Chairman
- Rep. Bernard Novak, Vice-Chairman
- Rep. George Misceovich, Secretary
- Rep. Joseph Zeller
- Rep. Kenneth Cole
- Rep. Michael E. Cassidy
- Rep. Charles T. Logue
- Rep. Fred A. Trello
- Rep. Donald A. Abraham
- Rep. Frank J. Zitterman
- Rep. Emil Mrkonic
- Rep. Michael Mullen
- Rep. William Shuman
- Rep. Francis X. Tenaglio
- Rep. Roger Raymond Fischer, Minority Chairman
- Rep. Vern Pyles, Minority Vice-Chairman
- Rep. Gerald J. Spitz
- Rep. Gibson E. Armstrong
- Rep. Dennis M. O'Brien
- Rep. Joseph Levi, II
- Rep. Joseph C. Manmiller
- Rep. Anthony Cimini

29 March, 1977.

The House Military & Veterans Affairs Committee conducted a detailed study of the Department of Military Affairs proposal to impose a maintenance fee for residents of our state veterans homes as directed by House Resolution 303.

In compliance with this resolution, the Committee communicated with the directors of state veterans homes in all states operating such facilities requesting information pertaining to the operation of their facilities as well as determining whether a maintenance fee was imposed and, if so, the parameters of their fee schedule. A synopsis of the responses received is appended as Annex A, however it was determined that with the exception of four states, all others have imposed a maintenance fee and of the four, two are considering adoption of a fee.

The Committee further conducted a series of three public hearings on this issue, two in Harrisburg and one in Erie. During the conduct of the hearing a total of 14 witnesses appeared before the Committee to present testimony relative to the subject. Listing of personnel testifying is appended as Annex B.

Although House Resolution 303 only directed the Committee to investigate the proposal to impose a maintenance fee, the investigation was expanded to include inquiries into the operation of the Erie Soldiers & Sailors Home, review of concession contracts, and inquiries into the operation of the Resident Welfare Fund.

The investigation revealed the following:

- a. The Act of June 3, 1885, provides for the establishment of the Erie Soldiers & Sailors Home and provided authority for the Board of Trustees to adopt rules and regulations for the management and operation of the Home.

The Board of Trustees originally imposed a maintenance fee

which provided for the collection of 80% of the total income of the residents. The imposition of this fee was appealed in 1895 in *Bryson v. Soldiers & Sailors Home*, 168 PA 352 and the imposition of the fee was upheld. In May 1899, the Attorney General of Pennsylvania issued an Opinion ruling collection of the maintenance fee was legal. In July 1899, the Pennsylvania Supreme Court in *Brooks v. Hastings* 192 PA 378, further upheld the legality of maintenance fees. In October 1963, the Attorney General of Pennsylvania issued a further Opinion upholding the legality of a maintenance fee.

The Committee attempted to determine why the maintenance fee has not been collected over the years, however, we could not ascertain why the maintenance fee has not been collected. We were able to ascertain that the Board of Trustees proposed imposition of a maintenance fee in April, 1965, however, it was not implemented due to opposition from the various veterans organizations. In January, 1966, the Board of Trustees approved the imposition of a maintenance fee, however, none was ever collected, and in September, 1971, the Board of Trustees again proposed the imposition of a maintenance fee, however, it was never implemented.

The Committee was able to ascertain, through coordination with the Veterans Administration, that many residents of the Erie Soldiers & Sailors Home were not receiving supplemental aid and attendance and housebound benefits. The Committee could not determine the reasons for this loss in additional federal funding and directed the Department of Military Affairs to establish administrative procedures to insure that all authorized federal financial aid was applied for.

The Committee determined that the current advisory Board of Trustees does not provide for representative membership from all areas of the Commonwealth and will introduce legislation which will rectify the current situation and ensure a similar situation does not occur when the Hollidaysburg Home is established.

The Committee ascertained that many personal care residents of the Erie Soldiers & Sailors Home were performing work related duties without compensation. It was determined that, as a result of this action, the Commonwealth has been able to reduce personnel staffing in certain areas of operation.

The Committee ascertained that, over the years, the Erie Soldiers & Sailors Home has fallen into a state of disrepair through a lack of general fund appropriations and is committed to ensure this situation is rectified as well as preclude similar occurrences at the Hollidaysburg facility.

The Committee determined that residents have been required to utilize a commercial laundry service for personal items; however, we could not ascertain how this situation occurred or how the concessionaire obtained this service.

The Committee determined that in April, 1967, a contract was awarded to the Moser Vending Company for placement of Vending Machines in the Erie Soldiers & Sailors Home. This contract was originally awarded for a three year period, however, we determined the contract has been extended on a year by year basis without any change in the original agreement. The Committee further determined that failure to rebid or renegotiate this contract has resulted in a loss of revenue to the

Home based upon a review of other contracts for similar services.

The Committee determined that residents were required to purchase cigarettes from these vending machines when in fact they were entitled to purchase tax-free cigarettes. This matter was brought to the attention of the Department of Military Affairs and action was initiated by the Department to develop a program for the procurement of tax-free cigarettes.

The Committee determined that a Resident Welfare Fund has been in existence since approximately 1914 and that the fund currently has an approximate net worth of \$250,000, based upon projected interests credits, with \$200,000 invested in 6% Certificates of Deposit and \$32,000 in two 5¼% savings accounts and the balance in a checking account. The Committee considers that the invested funds are not providing maximum financial return available. The Committee could not determine the rationale of allowing this fund to accumulate such a large balance when the basic concept of a welfare fund is to provide services for the residents not provided through other financial means.

The Committee determined that the Department of Military Affairs has established numerous administrative procedures since the Department assumed operational control of the Erie Soldiers & Sailors Home from the Board of Trustees. These actions include establishment of a Veterans Home Division within the Department; development of standard operating procedures and improved operational control. Although the Committee considers the actions undertaken by the Department of Military Affairs admirable, the Committee is resolved to establish procedures for continuous legislative oversight of the operation of our Veterans Homes.

Testimony presented by representatives of the State Veterans Organizations indicated that they were supportative of a maintenance fee based on the residents ability to contribute; however, they did express serious concern that the funds received through adoption of a maintenance fee would be utilized to offset reduced general appropriations, as proposed by the Administration in the 1977-78 Budget, and not provide the financial stimulus for improvement of living conditions and increased services for the residents.

The Committee reviewed the staffing of the Erie Soldiers & Sailors Home and determined that no positions have been authorized to provide for rehabilitative therapeutic and recreational services.

The Committee strongly supports establishment and authorization of the following additional positions:

- Social Worker I
- Physical Therapist I
- Activity Aide II/Occupational Therapist
- Conversion of the Dietitian I position from part-time full-time status.

In addition, the Committee suggests that the concept of placing all employees of the State Veterans Homes under the Civil Service System, as is the case of facilities operated by the Department of Public Welfare, be considered.

The Committee directed the Department of Military Affairs to conduct personal interviews of all residents of the Erie Sol-

diers & Sailors Home to ascertain their financial status. Review of the data obtained from these interviews revealed that the average monthly income for nursing care residents, discounting Aid & Attendance allowances, is \$268 per month and \$256 for personal care residents. Based on the foregoing, the Committee considers that residents possess that financial ability to contribute toward the cost of their care without undue hardship. An analysis of the impact of proposed fee schedules is included as Annex C.

In view of the foregoing findings, the Committee recommends the following actions:

1. The Department of Military Affairs implement a fee schedule based on formula #5 of Annex C that will permit residents to retain a minimum of \$100 per month plus 20% of all remaining income from all sources effective 1 April, 1977, but in no event shall the monthly maintenance fee exceed one-twelfth (1/12) of the annual per capita costs of the preceding year.

2. The Department of Military Affairs establish procedures for adjustment of the maintenance fee schedules based on the members requirement to provide support of dependents, unless the dependent is a resident of the home, in which case the fee will provide for retention of \$200 per month plus 20% of their combined income from all sources.

3. The Department of Military Affairs establish procedures whereby residents may apply for a reduction in the monthly fee based upon documented medical and/or personal expenses, with such fee schedule remaining in effect until debt is satisfied.

4. That all maintenance fee funds received be placed in separate restricted accounts for each home to be deposited with the Treasurer of the Commonwealth under the provisions of Section 1813.53 of the Revenue Code with such accounts subdivided as follows:

a. A minimum of \$150,000 will be deposited in a building fund to be utilized to finance construction, renovations or major maintenance projects at State Veterans' Home facilities.

b. All remaining funds to be deposited in an operations or maintenance fund to be utilized to refurbish or replace fixed or non-fixed assets and provide for social and rehabilitative health care and equipment at State Veterans' Home facilities.

c. At the conclusion of the fiscal year all unspent or unencumbered operations and maintenance funds will be transferred into the building fund.

5. The Adjutant General provide a quarterly report to each Board of Trustees and appropriate Committees of the General Assembly with the status of these restricted accounts.

6. That the Department of Military Affairs in coordination with the Department of Labor & Industry establish a wage schedule for residents of the Veterans Home who perform employment and, that in lieu of payment, monetary credit be applied against their monthly maintenance fee.

7. That all supplemental aid and attendance and housebound benefits received from the Veterans Administration by residents be forfeited to the Home and not be considered in determining the veteran's income.

8. That the Department of Military Affairs take immediate action to develop projects and proposals to be financed from

the residents welfare fund and that any unencumbered funds be invested in short term, high interest treasury notes.

9. That the Department of Military Affairs develop plans for the institution of a canteen service where residents could procure health and comfort and sundry items. In the interim the current vending machine contract should be rebid upon its termination to ensure the greatest financial return to the resident welfare fund.

10. That the Department of Military Affairs initiate action to secure washers and dryers for the residents to preclude high cost incurred through the current laundry concession.

11. The Department of Military Affairs develop a maintenance program to completely rehabilitate the bath and toilet facilities, replace existing windows with a combination storm/screen windows, rehabilitate the electrical system, as well as improve the general overall appearance of the Erie Soldiers & Sailors Home.

12. The Department of Military Affairs consider action providing for the conversion of the personnel complement at the Erie Soldiers & Sailors Home from patronage to Civil Service status. In addition it is suggested the Department of Military Affairs consider similar action when the Hollidaysburg Veterans Home becomes operational.

13. That the Governor's Budget Office support the hiring of the 4 additional staff members at the Erie Soldiers & Sailors Home as recommended in this report.

#### ANNEX A

GEORGIA - We operate two State Homes for veterans in Georgia. One of these Homes is a 192-bed nursing care facility. The other Home consists of a 132-bed nursing care facility and two domiciliary buildings with a combined bed capacity of 450.

We do not have any resident charges and/or fee schedules at either of our Homes.

COLORADO - Nursing Home Rate will be the rate established by the State of Colorado, and is payable from any income or assets that a patient may possess. Veterans and Categorical Assistance patients may retain \$25.00 per month comfort allowance.

Aid & Attendance—Veterans living in cottages from whom Aid & Attendance is collected by the Center will be excused from the above charges, but will pay entire amount of Aid & Attendance to the Center, as is provided by the statutes.

Housebound Allowances—Veterans living in cottages from whom Housebound Allowances are collected by the Center will have amount of Housebound credited toward maintenance as listed above.

SOUTH CAROLINA -Our per diem charges are based upon the level of care required. At the present time skilled nursing care is \$23.00 per day and intermediate nursing care is \$18.00 per day. The veteran is billed for

the full per diem charge each month and at the end of each quarter his account is credited \$10.50 per day for each day of care received during that quarter. The \$10.50 per day is the amount we receive from the Veterans Administration. If the veteran is financially able to pay he is expected to pay his portion of the total charge; however, whether the veteran can or cannot pay has no bearing on the type or amount of care he may receive.

NEW YORK - In this State, the per diem rate for residential health care, i.e., Hospitals, Nursing Homes and Intermediate Care Facilities, is set by the State Health Department. Consequently, we must charge every resident in the facility, the actual cost of his or her care, dependent upon the level of care received. We offer two levels here, nursing care and intermediate care.

If an individual has adequate income and resources, we expect him/her to pay the full amount. We allow him or any private paying individual, to retain \$30.00 per month for personal expenditures. In the case of an individual who does not have sufficient income to defray his own expenses, we require him to obtain the balance of what he cannot pay from Medicaid.

MISSOURI - WARTIME VETERANS, DORMITORY—0 to \$50.00 equals 0; \$50.00 to \$100.00—All over equals \$50.00; \$100.00 to 200.00 equals Half; \$100.00 to \$300.00—All over equals \$100.00; \$300.00 up equals \$200.00.

OTHERS, DORMITORY—0 to \$50.00 equals 0; \$50.00 to \$100.00—All Over equals \$50.00; \$100.00 to \$200.00 equals Half; \$200.00 to \$405.00—All over equals \$100.00; \$405 up equals \$305.00.

WARTIME VETERANS, NURSING CARE—0 to \$50.00 equals 0; \$50.00 to \$100.00—All over equals \$50.00; \$100.00 to \$200.00 equals Half; \$200.00 to \$400.00—All over equals \$100.00; \$400.00 up equals \$300.00.

OTHERS, NURSING CARE—0 to \$50.00 equals 0; \$50.00 to \$100.00—All over equals \$50.00; \$100.00 to \$200.00 equals Half; \$200.00 to \$588.00—All over equals \$100.00; \$588.00 up equals \$488.00.

Any additional holdings such as stocks, bonds, savings accounts, real property, etc., will be evaluated, and 6% per year of the actual value will be considered as a part of the member's income, (1/2% per month). First \$500 of assets exempt.

KANSAS - Kansas operates on a July 1st through June 30th fiscal year. Following the completion of a fiscal year we compute our per diem cost for the care of members at the Home. January 1st of

each year we implement the new charges for members of the Home based on the prior fiscal year's per diem cost.

We have very few members able financially to pay these charges therefore we bill each member based on his ability to pay as of January 1st of each calendar year. We leave each veteran \$35 a month comfort money and the dependent or survivor of each veteran \$30 a month comfort money and adjust their charges on this basis. We find this quite successful and have very few members of the Home who object to these charges.

We have not adjusted the amount of our comfort money for several years and this perhaps should be adjusted upwards slightly in the reasonably near future as, of course, the prices of comfort items have increased.

CONNECTICUT - Under the present policies of the Veterans Home and Hospital Commission, applicants who require nursing home care are not eligible for admission.

A veteran without dependents will not ordinarily be eligible for admission if ready assets exceed \$3,540. A veteran with dependents will not ordinarily be eligible if assets exceed \$4,760.

A veteran may be charged for care furnished if able to pay for care. Any patient who has resided at the Veterans Home and Hospital who wishes to be discharged will be billed at the per capital cost for the care furnished. Following the death of a veteran who has been furnished care the State may file a claim against the estate leaving assets over \$2,000.

DISTRICT OF COLUMBIA - Our V. A. Home functions differently from all the others in that we attempt to rehabilitate veterans who suffer from the disease of alcoholism.

The majority of our members are in their forties. Our rehabilitation programs include a job placement phase and an after-care facility.

We are required to charge for treatment (P. L. 90-452). Generally this amounts to 20% of their income, with the first month of treatment free. Because of lack of income the majority of our patients pay nothing and those who do not pay an average of \$75.00 per month.

- WYOMING -** As requested in your letter of December 1, 1976, the fee charge formula at this home has been in existence for a period of 15 years or more. At the present time the maximum maintenance fee is set at \$250.00 per month providing that the resident retain at least \$50.00 for his own personal needs, i.e. toiletries, clothing, tobacco, etc.
- RHODE ISLAND -** The construction of the new 150 bed nursing care facility is scheduled for occupation in the fall of 1977, enlarging our nursing care capacity to approximately 300 beds. Approximately 20 beds will be added to our domiciliary section when renovations are completed in the spring of 1978. Under Rhode Island law, veterans receiving aid and attendance benefits from the Veterans Administration are required to turn over that portion of their award to the State. This law states that no fees, rents, or charges other than the aid and attendance benefits may be charged to the residents of the Home. This places an unfair burden upon those residents receiving aid and attendance benefits while allowing those with other income the pleasure of residing at the Home free of any charges. A fair and equitable charge system for those who can afford to pay is the only solution to any charge system.
- NEW JERSEY -** As far as resident charges and/or fee schedules are concerned, the billing formula applied to non-veteran residents is the same as that applied to veterans. First, the gross income of the applicant (combined gross income in the case of a married couple) is computed. From this gross income, a \$100 exemption is subtracted (\$200.00 in the case of a married couple) plus any other bona fide expenses the applicant or married couple may have. The latter could include such expenses as insurance costs, support of dependent and debt payments. Additionally, we require that funeral arrangements be guaranteed by a relative or guardian or in the absence of such guarantee, the applicant agree to contribute \$20.00 per month until a total of \$600 is accumulated in a burial fund. The burial fund requirements, of course, double in the case of a married couple. The billing (maintenance) cost is then arrived at by calculating 60 per cent of the net income of the applicant or married couple. In order to better illustrate our billing cost procedure, I am forwarding at enclosure #2 the form we use for this purpose. Our residents include two (2) categories; (1) domiciliary and (2) nursing care patients.
- WASHINGTON -** There are no specific resident charges and/or fee schedules for the Homes in the State of Washington. Each Home member is authorized to retain income up to \$160.00 per month. Any income over that amount must be relinquished to the Home.
- OKLAHOMA -** Formula of rates and amounts to be charged. A. The formula consists of three basic income brackets. The amount charged is computed by applying the formula beginning with bracket #1 in all cases. Only the remaining portion of income is applied to brackets #2 and #3 progressively. B. Income Brackets (Monthly) from \$65 to \$100—Amount charged—80% of the difference between \$65.00 and \$100.00. From \$100 to \$200—Amount Charged—65% of the difference plus the amount in bracket #1. From \$200 and over— Amount charged—50% of the difference plus the amounts in brackets #1 and #2, or the per capital cost, whichever is the lesser amount.
- MICHIGAN -** First of all, we can cover the question of resident charges. We have a cost accounting system which provides us with the actual cost per day for residents in Domiciliary and the residents in Nursing Care, both Basic and Skilled. At the end of the fiscal year, when we know the actual cost, a monthly charge is established reflecting this cost. We subtract from this charge the income from the V. A. and come up with a cost figure to the State of Michigan. This is the rate that is charged the veteran in his respective level of care. We analyze the member's income, which could be from Social Security, Veterans Administration, private retirement programs, or investment income, subtract \$80 a month from that income for his personal use, and require him to pay the balance toward his care. If the veteran has dependents, we allow the family to have sufficient funds to meet their audited expenses. Through this method, the veterans are now paying approximately 35% of the cost of the Facility's operation.
- IOWA -** PURPOSE OF POLICY: Residents of the Iowa Soldiers' Home contribute to the Home for serv-

ices received. Monthly charges are based upon a formula enabling the individual to pay according to his/her ability (income and assets). The formula enables these monthly charges to be computed according to the level of services rendered to the individual with a maximum payment of 70% of the actual cost of services extended.

**FORMULA FOR DETERMINING SUPPORT CHARGES:** This policy features a formula (exhibit A) providing for the resident to pay according to his/her income and assets. The policy schedules the Iowa Soldiers' Home resident to pay \$4 out of his/her first \$60 income and 85% of all additional income until the maximum support charge is met (70% of actual cost). Persons having assets in excess of \$1,500 pay the maximum support charge for their care until their assets are reduced to \$500 at which time the formula basis is again applied.

This formula enables the Iowa Soldiers' resident to retain a sum of money (\$56 minimum) for purchase of his/her personal and sundry items.

**NEW HAMPSHIRE** - Any member having a monthly income from all sources in excess of \$85.00 shall, during his membership, transfer and assign 92% of said excess to the State of New Hampshire General Fund.

**NEBRASKA** - A maintenance charge is set, based on financial information included in the application and some Rule-Of-Thumb guidelines established by the Board. A copy of these current guidelines is enclosed.

**MASSACHUSETTS** - Dormitory the collections are limited to those veterans who receive a special pension under the Aid & Attendance Provisions of P. L. 88-450. 75 out of 325 residents of our dormitory collecting this pension.

In the nursing home section of our institution, we again receive the Aid & Attendance pension allowance as a direct monthly charge and collection. We also frequently receive collections from Medicare or Blue Cross or private insurance companies for care extended to their insured in our nursing home section if such provisions are part of their general contract with either the individual or the individual's employer.

All of these collections represent approximately 44% of our total budget or about \$7.5 million per year. Of course, we normally collect from the Veterans Administration on their per diem allowances for dormitory, nursing home and hospital care.

We too are considering establishing a charge system. We would greatly appreciate receiving a copy of your report.

**OHIO** - Traditionally the State of Ohio, since its conception, has not made a charge. This has been reviewed numerous times and felt that it was not monetarily beneficial to the State and certainly produces a hardship on the veterans.

**SOUTH DAKOTA** - Beginning January 1, 1977, the income allowable for a veteran for pension consideration is \$3540, so we add \$400 to that making our limitation of \$3940. Also the basic requirements will be changed to show the widow or widower of a veteran is eligible for consideration for the admission of the State Home. Our present fee schedule has been in effect for about fifteen years, and we are giving consideration to extending the fee schedule past the \$75. However, this has not been done at this time.

A charge is made for maintenance and care based on the applicant's income; this charge includes the furnishings of all basic essentials except the personal needs of the individual, such as clothing, toilet articles, etc.

The present minimum charge is \$5 when a member has an income of \$50 per month, to a maximum charge of \$75 when the income is \$150 or more. The maximum charge for a couple is \$150 when their income exceeds \$270 per month.

**ILLINOIS** - Since many of the residents of the Illinois Veterans Home receive, in conjunction with their V. A. pension, an extra monetary award, either Aid and Attendance or Housebound Benefits, this extra amount will be due and shall be collected by the Illinois Veterans Home and then the monthly maintenance charge shall be based on the balance of the resident's total income.

Total Adjusted Monthly Income	Domiciliary	Medical
\$ 70-79	\$ 10.00	\$ 10.00
80-89	20.00	20.00
90-99	30.00	30.00
100-109	40.00	40.00
110-119	47.50	47.50
120-129	55.00	55.00
130-139	62.50	62.50
140-149	70.00	70.00
150-159	80.00	80.00
160-169	90.00	90.00
170-179	100.00	100.00
180-189	110.00	110.00
190-199	120.00	120.00

200-209	130.00	130.00
210-219	140.00	140.00
220-229	150.00	150.00
230-239	160.00	160.00
240-249	165.00	170.00
250 & over	165.00	175.00

IDAHO - Each resident will be permitted to retain the first \$70.00 of his income, plus income in excess of maintenance charge, for his personal needs. Maintenance charges and amount of personal income retained will be subject to review by the Commission at the end of each fiscal year, and any changes will be based on average per capita cost and cost of living changes.

IDAHO VETERANS' HOME SCHEDULE OF MAINTENANCE CHARGES (Effective April 1, 1975)

Total Income	Maintenance Charge	Veterans Keep
Up to \$70.00	0	All
75.00	\$ 5.00	\$ 70.00
80.00	10.00	70.00
85.00	15.00	70.00
90.00	20.00	70.00
95.00	25.00	70.00
100.00	30.00	70.00
105.00	35.00	70.00
110.00	40.00	70.00
115.00	45.00	70.00
120.00	50.00	70.00
125.00	55.00	70.00
135.00	60.00	

Maximum charge 75.00

WISCONSIN - Basically, the present Wisconsin law provides that residents of the Wisconsin Veterans Home are allowed to retain the same amount of un-earned income and earned income as permitted recipients of medical assistance. In Wisconsin a medicaid recipient may retain \$35.00 of un-earned income and \$65.00 of earned income. We do not feel this is adequate and the veterans' organizations are supporting legislation to increase the amount of income allowed residents at our Home.

INDIANA - At this time single domiciliary residents of the Home are allowed \$60/month spending money, married couples \$66/month spending money, and nursing care residents \$30/month in credits. The Home maintains on its employee staff a "buyer" whose job is to shop for the nursing care residents and maintain adequate financial records to account for patient funds.

NO RESPONSES WERE RECEIVED FROM THE FOLLOWING STATES: California, Louisiana, Minnesota, Montana, North Dakota and Vermont.

IDAHO - Each resident will be permitted to retain the first \$70.00 of his income, plus income in excess of maintenance charge, for his personal needs.

Maintenance charges and amount of personal income retained will be subject to review by the Commission at the end of each fiscal year, and any changes will be based on average per capita cost and cost of living changes.

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100.00	30.00	70.00
105.00	35.00	70.00
110.00	40.00	70.00
115.00	45.00	70.00
120.00	50.00	70.00
125.00	55.00	70.00
135.00	60.00	

Maximum charge 75.00

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NO RESPONSES WERE RECEIVED FROM THE FOLLOWING STATES; California, Louisiana, Minnesota, Montana, North Dakota and Vermont.

ANNEX B

WITNESSES TESTIFYING  
BEFORE HOUSE MILITARY & VETERANS  
AFFAIRS COMMITTEE ON HR 303

- |                   |   |
|-------------------|---|
| Mr. John Fancher  | Chairman, Resident Council,<br>Erie Soldiers & Sailors Home   |
| Mr. James Casey   | President, Board of Trustees,<br>Erie Soldiers & Sailors Home |
| Mr. John Ferguson | Erie County Director of Veterans<br>Affairs                   |
| Representative    | House of Representatives,                                     |

Bernard Dombrowski	1st District
Mr. Clifford Strickler	National Service Officer, Disabled American Veterans
Mrs. Gina Blewett	Private Citizen
Mr. John E. Wickles	Private Citizen
Mr. Joseph Ackerman	Private Citizen
Mr. Clifford MacPherson	Private Citizen
Mr. Leo Cichy	Legislative Director, Pennsylvania Association of County Directors of Veterans Affairs
Oscar Richards	Department Commander, DAV/Chairman State War Veterans Council
Mr. Robert L. Hedstrom	Adjutant, DAV, Department of Pennsylvania
Colonel Albert Brown	Director of Nursing Homes Division, Department of Military Affairs
Mr. John J. Driscoll	Commandant, Erie Soldiers & Sailors Home

ANNEX C

PROPOSED FEE SCHEDULES

BASED ON 90

PERSONAL CARE RESIDENTS

AVERAGE MONTHLY INCOME \$256.00

Formula	Amount Retained	Fee
1	\$111.00	\$145.00
2	\$142.00	\$114.00
3	\$245.00	\$ 11.00
4	\$119.00	\$137.00
5	\$131.00	\$125.00
Monthly Income To Home	Annual Income To Home	
\$13,050.00	\$156,600.00	
\$10,260.00	\$123,120.00	
\$ 990.00	\$ 11,880.00	
\$12,330.00	\$147,960.00	
\$11,250.00	\$135,000.00	

BASED ON 75

NURSING CARE RESIDENTS

AVERAGE MONTHLY INCOME \$268.00

Formula	Amount Retained	Fee
1	\$113.00	\$155.00
2	\$145.00	\$123.00
3	\$256.00	\$ 12.00
4	\$122.00	\$146.00
5	\$133.00	\$135.00
Monthly Income To Home	Annual Income To Home	
\$11,625.00	\$139,500.00	
\$ 9,225.00	\$110,700.00	
\$ 900.00	\$ 10,800.00	
\$10,950.00	\$131,400.00	
\$10,125.00	\$121,500.00	

MILITARY & VETERANS AFFAIRS COMMITTEE  
 HOUSE OF REPRESENTATIVES  
 COMMONWEALTH OF PENNSYLVANIA

FINDINGS AND RECOMMENDATIONS  
 HOUSE RESOLUTION 303

- Rep. A. J. DeMedio, Chairman
- Rep. Bernard Novak, Vice-Chairman
- Rep. George Miscevich, Secretary
- Rep. Joseph Zeller
- Rep. Kenneth Cole
- Rep. Michael E. Cassidy
- Rep. Charles T. Logue
- Rep. Fred A. Trello
- Rep. Donald A. Abraham
- Rep. Frank J. Zitterman
- Rep. Emil Mrkonjic
- Rep. Michael Mullen
- Rep. William Shuman
- Rep. Francis X. Tenaglio
- Rep. Roger Raymond Fischer, Minority Chairman
- Rep. Vern Pyles, Minority Vice-Chairman
- Rep. Gerald J. Spitz
- Rep. Gibson E. Armstrong
- Rep. Dennis M. O'Brien
- Rep. Joseph Levi, II
- Rep. Joseph C. Manmiller
- Rep. Anthony Cimini

29 March, 1977.

The House Military & Veterans Affairs Committee conducted a detailed study of the Department of Military Affairs proposal to impose a maintenance fee for residents of our state veterans homes as directed by House Resolution 303.

In compliance with this resolution, the Committee communicated with the directors of state veterans homes in all states operating such facilities requesting information pertaining to the operation of their facilities as well as determining whether a maintenance fee was imposed and, if so, the parameters of their fee schedule. A synopsis of the responses received is appended as Annex A, however it was determined that with the exception of four states, all others have imposed a maintenance fee and of the four, two are considering adoption of a fee.

The Committee further conducted a series of three public hearings on this issue, two in Harrisburg and one in Erie. During the conduct of the hearing a total of 14 witnesses appeared before the Committee to present testimony relative to the subject. Listing of personnel testifying is appended as Annex B.

Although House Resolution 303 only directed the Committee to investigate the proposal to impose a maintenance fee, the investigation was expanded to include inquiries into the operation of the Erie Soldiers & Sailors Home, review of concession contracts, and inquiries into the operation of the Resident Welfare Fund.

The investigation revealed the following:

a. The Act of June 3, 1885, provides for the establishment of the Erie Soldiers & Sailors Home and provided authority for the Board of Trustees to adopt rules and regulations for the management and operation of the Home.

The Board of Trustees originally imposed a maintenance fee which provided for the collection of 80% of the total income of



the residents. The imposition of this fee was appealed in 1895 in *Bryson v. Soldiers & Sailors Home*, 168 PA 352 and the imposition of the fee was upheld. In May 1899, the Attorney General of Pennsylvania issued an Opinion ruling collection of the maintenance fee was legal. In July 1899, the Pennsylvania Supreme Court in *Brooks v. Hastings* 192 PA 378, further upheld the legality of maintenance fees. In October 1963, the Attorney General of Pennsylvania issued a further Opinion upholding the legality of a maintenance fee.

The Committee attempted to determine why the maintenance fee has not been collected over the years, however, we could not ascertain why the maintenance fee has not been collected. We were able to ascertain that the Board of Trustees proposed imposition of a maintenance fee in April, 1965, however, it was not implemented due to opposition from the various veterans organizations. In January, 1966, the Board of Trustees approved the imposition of a maintenance fee, however, none was ever collected, and in September, 1971, the Board of Trustees again proposed the imposition of a maintenance fee, however, it was never implemented.

The Committee was able to ascertain, through coordination with the Veterans Administration, that many residents of the Erie Soldier & Sailors Home were not receiving supplemental aid and attendance and housebound benefits. The Committee could not determine the reasons for this loss in additional federal funding and directed the Department of Military Affairs to establish administrative procedures to insure that all authorized federal financial aid was applied for.

The Committee determined that the current advisory Board of Trustees does not provide for representative membership from all areas of the Commonwealth and will introduce legislation which will rectify the current situation and ensure a similar situation does not occur when the Hollidaysburg Home is established.

The Committee ascertained that many personal care residents of the Erie Soldiers & Sailors Home were performing work related duties without compensation. It was determined that, as a result of this action, the Commonwealth has been able to reduce personnel staffing in certain areas of operation.

The Committee ascertained that, over the years, the Erie Soldiers & Sailors Home has fallen into a state of disrepair through a lack of general fund appropriations and is committed to ensure this situation is rectified as well as preclude similar occurrences at the Hollidaysburg facility.

The Committee determined that residents have been required to utilize a commercial laundry service for personal items; however, we could not ascertain how this situation occurred or how the concessionaire obtained this service.

The Committee determined that in April, 1967, a contract was awarded to the Moser Vending Company for placement of Vending Machines in the Erie Soldiers & Sailors Home. This contract was originally awarded for a three year period, however, we determined the contract has been extended on a year by year basis without any change in the original agreement. The Committee further determined that failure to rebid or renegotiate this contract has resulted in a loss of revenue to the Home based upon a review of other contracts for similar services.

The Committee determined that residents were required to purchase cigarettes from these vending machines when in fact they were entitled to purchase tax-free cigarettes. This matter was brought to the attention of the Department of Military Affairs and action was initiated by the Department to develop a program for the procurement of tax-free cigarettes.

The Committee determined that a Resident Welfare Fund has been in existence since approximately 1914 and that the fund currently has an approximate net worth of \$250,000, based upon projected interest credits, with \$200,000 invested in 6% Certificates of Deposit and \$32,000 in two 5¼% savings accounts and the balance in a checking account. The Committee considers that the invested funds are not providing maximum financial return available. The Committee could not determine the rationale of allowing this fund to accumulate such a large balance when the basic concept of a welfare fund is to provide services for the residents not provided through other financial means.

The Committee determined that the Department of Military Affairs has established numerous administrative procedures since the Department assumed operational control of the Erie Soldiers & Sailors Home from the Board of Trustees. These actions include establishment of a Veterans Home Division within the Department; development of standard operating procedures and improved operational control. Although the Committee considers the actions undertaken by the Department of Military Affairs admirable, the Committee is resolved to establish procedures for continuous legislative oversight of the operation of our Veterans Homes.

Testimony presented by representatives of the State Veterans Organizations indicated that they were supportive of a maintenance fee based on the residents ability to contribute; however, they did express serious concern that the funds received through adoption of a maintenance fee would be utilized to offset reduced general appropriations, as proposed by the Administration in the 1977-78 Budget, and not provide the financial stimulus for improvement of living conditions and increased services for the residents.

The Committee reviewed the staffing of the Erie Soldiers & Sailors Home and determined that no positions have been authorized to provide for rehabilitative therapeutic and recreational services.

The Committee strongly supports establishment and authorization of the following additional positions:

- Social Worker I
- Physical Therapist I
- Activity Aide II/Occupational Therapist
- Conversion of the Dietitian I position from part-time full-time status.

In addition, the Committee suggests that the concept of placing all employees of the State Veterans Homes under the Civil Service System, as is the case of facilities operated by the Department of Public Welfare, be considered.

The Committee directed the Department of Military Affairs to conduct personal interviews of all residents of the Erie Soldiers & Sailors Home to ascertain their financial status. Review of the data obtained from these interviews revealed that the

average monthly income for nursing care residents, discounting Aid & Attendance allowances, is \$268 per month and \$256 for personal care residents. Based on the foregoing, the Committee considers that residents possess that financial ability to contribute toward the cost of their care without undue hardship. An analysis of the impact of proposed fee schedules is included as Annex C.

In view of the foregoing findings, the Committee recommends the following actions:

1. The Department of Military Affairs implement a fee schedule based on formula #5 of Annex C that will permit residents to retain a minimum of \$100 per month plus 20% of all remaining income from all sources effective 1 April, 1977, but in no event shall the monthly maintenance fee exceed one-twelfth (1/12) of the annual per capita costs of the preceding year.

2. The Department of Military Affairs establish procedures for adjustment of the maintenance fee schedules based on the members requirement to provide support of dependents, unless the dependent is a resident of the home, in which case the fee will provide for retention of \$200 per month plus 20% of their combined income from all sources.

3. The Department of Military Affairs establish procedures whereby residents may apply for a reduction in the monthly fee based upon documented medical and/or personal expense, with such fee schedule remaining in effect until debt is satisfied.

4. That all maintenance fee funds received be placed in separate restricted accounts for each home to be deposited with the Treasurer of the Commonwealth under the provisions of Section 1813.53 of the Revenue Code with such accounts subdivided as follows:

a. A minimum of \$150,000 will be deposited in a building fund to be utilized to finance construction, renovations or major maintenance projects at State Veterans' Home facilities.

b. All remaining funds to be deposited in an operations or maintenance fund to be utilized to refurbish or replace fixed or non-fixed assets and provide for social and rehabilitative health care and equipment at State Veterans' Home facilities.

c. At the conclusion of the fiscal year all unspent or unencumbered operations and maintenance funds will be transferred into the building fund.

5. The Adjutant General provide a quarterly report to each Board of Trustees and appropriate Committees of the General Assembly with the status of these restricted accounts.

6. That the Department of Military Affairs in coordination with the Department of Labor & Industry establish a wage schedule for residents of the Veterans Home who perform employment and, that in lieu of payment, monetary credit be applied against their monthly maintenance fee.

7. That all supplemental aid and attendance and housebound benefits received from the Veterans Administration by residents be forfeited to the Home and not be considered in determining the veteran's income.

8. That the Department of Military Affairs take immediate action to develop projects and proposals to be financed from the residents welfare fund and that any unencumbered funds be invested in short term, high interest treasury notes.

9. That the Department of Military Affairs develop plans for the institution of a canteen service where residents could procure health and comfort and sundry items. In the interim the current vending machine contract should be rebid upon its termination to ensure the greatest financial return to the resident welfare fund.

10. That the Department of Military Affairs initiate action to secure washers and dryers for the residents to preclude high cost incurred through the current laundry concession.

11. The Department of Military Affairs develop a maintenance program to completely rehabilitate the bath and toilet facilities, replace existing windows with a combination storm/screen windows, rehabilitate the electrical system, as well as improve the general overall appearance of the Erie Soldiers & Sailors Home.

12. The Department of Military Affairs consider action providing for the conversion of the personnel complement at the Erie Soldiers & Sailors Home from patronage to Civil Service status. In addition it is suggested the Department of Military Affairs consider similar action when the Hollidaysburg Veterans Home becomes operational.

13. That the Governor's Budget Office support the hiring of the 4 additional staff members at the Erie Soldiers & Sailors Home as recommended in this report.

#### ANNEX A

GEORGIA- We operate two State Homes for veterans in Georgia. One of these Homes is a 192-bed nursing care facility. The other Home consists of a 132-bed nursing care facility and two domiciliary buildings with a combined bed capacity of 450.

We do not have any resident charges and/or fee schedules at either of our Homes.

COLORADO- Nursing Home Rate will be the rate established by the State of Colorado, and is payable from any income or assets that a patient may possess. Veterans and Categorical Assistance patients may retain \$25.00 per month comfort allowance.

Aid & Attendance—Veterans living in cottages from whom Aid & Attendance is collected by the Center will be excused from the above charges, but will pay entire amount of Aid & Attendance to the Center, as is provided by the statutes.

Housebound Allowances—Veterans living in cottages from whom Housebound Allowances are collected by the Center will have amount of Housebound credited toward maintenance as listed above.

SOUTH CAROLINA- Our per diem charges are based upon the level of care required. At the present time skilled nursing care is \$23.00 per day and intermediate nursing care is \$18.00 per day. The veteran is billed for the full per diem charge each month and at the end of each quarter his account is

credited \$10.50 per day for each day of care received during that quarter. The \$10.50 per day is the amount we receive from the Veterans Administration. If the veteran is financially able to pay he is expected to pay his portion of the total charge; however, whether the veteran can or cannot pay has no bearing on the type or amount of care he may receive.

**NEW YORK-** In this State, the per diem rate for residential health care, i. e., Hospitals, Nursing Homes and Intermediate Care Facilities, is set by the State Health Department. Consequently, we must charge every resident in the facility, the actual cost of his or her care, dependent upon the level of care received. We offer two levels here, nursing care and intermediate care.

If an individual has adequate income and resources, we expect him/her to pay the full amount. We allow him or any private paying individual, to retain \$30.00 per month for personal expenditures. In the case of an individual who does not have sufficient income to defray his own expenses, we require him to obtain the balance of what he cannot pay from Medicaid.

**MISSOURI-** **WARTIME VETERANS, DORMITORY**—0 to \$50.00 equals 0; \$50.00 to \$100.00— All over equals \$50.00; \$100.00 to 200.00 equals Half; \$100.00 to \$300.00—All over equals \$100.00; \$300.00 up equals \$200.00.

**OTHERS, DORMITORY**—0 to \$50.00 equals 0; \$50.00 to \$100.00—All Over equals \$50.00; \$100.00 to \$200.00 equals Half; \$200.00 to \$405.00—All over equals \$100.00; \$405.00 up equals \$305.00.

**WARTIME VETERANS, NURSING CARE**—0 to \$50.00 equals 0; \$50.00 to \$100.00— All over equals \$50.00; \$100.00 to \$200.00 equals Half; \$200.00 to \$400.00—All over equals \$100.00; \$400.00 up equals \$300.00.

**OTHERS, NURSING CARE**—0 to \$50.00 equals 0; \$50.00 to \$100.00 All over equals \$50.00; \$100.00 to \$200.00 equals Half; \$200.00 to \$588.00—All over equals \$100.00; \$588.00 up equals \$488.00.

Any additional holdings such as stocks, bonds, savings accounts, real property, etc., will be evaluated, and 6% per year of the actual value will be considered as part of the member's income, (½% per month). First \$500 of assets exempt.

**KANSAS-** Kansas operates on a July 1st through June 30th fiscal year. Following the completion of a fiscal year we compute our per diem cost for the care of members at the Home. January 1st of each year we implement the new charges for members of the Home based on the prior fiscal

year's per diem cost.

We have very few members able financially to pay these charges therefore we bill each member based on his ability to pay as of January 1st of each calendar year. We leave each veteran \$35 a month comfort money and the dependent or survivor of each veteran \$30 a month comfort money and adjust their charges on this basis. We find this quite successful and have very few members of the Home who object to these charges.

We have not adjusted the amount of our comfort money for several years and this perhaps should be adjusted upwards slightly in the reasonably near future as, of course, the prices of comfort items have increased.

**CONNECTICUT-** Under the present policies of the Veterans Home and Hospital Commission, applicants who require nursing home care are not eligible for admission.

A veteran without dependents will not ordinarily be eligible for admission if ready assets exceed \$3,540. A veteran with dependents will not ordinarily be eligible if assets exceed \$4,760.

A veteran may be charged for care furnished if able to pay for care. Any patient who has resided at the Veterans Home and Hospital who wishes to be discharged will be billed at the per capita cost for the care furnished. Following the death of a veteran who has been furnished care the State may file a claim against the estate leaving assets over \$2,000.

**DISTRICT OF COLUMBIA-** Our V. A. Home functions differently from all the others in that we attempt to rehabilitate veterans who suffer from the disease of alcoholism.

The majority of our members are in their forties. Our rehabilitation programs include a job placement phase and an after-care facility.

We are required to charge for treatment (P. L. 90-452). Generally this amounts to 20% of their income, with the first month of treatment free. Because of lack of income the majority of our patients pay nothing and those who do not pay an average of \$75.00 per month.

**WYOMING-** As requested in your letter of December 1, 1976, the fee charge formula at this home has been in

existence for a period of 15 years or more. At the present time the maximum maintenance fee is set at \$250.00 per month providing that the resident retain at least \$50.00 for his own personal needs, i.e. toiletries, clothing, tobacco etc.

RHODE ISLAND- The construction of the new 150 bed nursing care facility is scheduled for occupation in the fall of 1977, enlarging our nursing care capacity to approximately 300 beds.

Approximately 20 beds will be added to our domiciliary section when renovations are completed in the spring of 1978.

Under Rhode Island law, veterans receiving aid and attendance benefits from the Veterans Administration are required to turn over that portion of their award to the State. This law states that no fees, rents, or charges other than the aid and attendance benefits may be charged to the residents of the Home.

This places an unfair burden upon those residents receiving aid and attendance benefits while allowing those with other income the pleasure of residing at the Home free of any charges. A fair and equitable charge system for those who can afford to pay is the only solution to any charge system.

NEW JERSEY- As far as resident charges and/or fee schedules are concerned, the billing formula applied to non-veteran residents is the same as that applied to veterans. First, the gross income of the applicant (combined gross income in the case of a married couple) is computed. From this gross income, a \$100 exemption is subtracted (\$200.00 in the case of a married couple) plus any other bona fide expenses the applicant or married couple may have. The latter could include such expenses as insurance costs, support of dependent and debt payments. Additionally, we require that funeral arrangements be guaranteed by a relative or guardian or in the absence of such guarantee, the applicant agree to contribute \$20.00 per month until a total of \$600 is accumulated in a burial fund. The burial fund requirements, of course, double in the case of a married couple. The billing (maintenance) cost is then arrived at by calculating 60 per cent of the net income of the applicant or married couple. In order to better illustrate our billing cost procedure, I am

forwarding at enclosure #2 the form we use for this purpose.

Our residents include two (2) categories: (1) domiciliary and (2) nursing care patients.

WASHINGTON- There are no specific resident charges and/or fee schedules for the Homes in the State of Washington. Each Home member is authorized to retain income up to \$160.00 per month. Any income over that amount must be relinquished to the Home.

OKLAHOMA- Formula of rates and amounts to be charged. A. The formula consists of three basic income brackets. The amount charged is computed by applying the formula beginning with bracket #1 in all cases. Only the remaining portion of income is applied to brackets #2 and #3 progressively.

B. Income Brackets (Monthly) from \$65 to \$100—Amount charged-80% of the difference between \$65.00 and \$100.00. From \$100 to \$200—Amount Charged-65% of the difference plus the amount in bracket #1.

From \$200 and over—Amount charged-50% of the difference plus the amounts in brackets #1 and #2, or the per capital cost, whichever is the lesser amount.

MICHIGAN- First of all, we can cover the question of resident charges. We have a cost accounting system which provides us with the actual cost per day for residents in Domiciliary and the residents in Nursing Care, both Basic and Skilled. At the end of the fiscal year, when we know the actual cost, a monthly charge is established reflecting this cost. We subtract from this charge the income from the V. A. and come up with a cost figure to the State of Michigan. This is the rate that is charged the veteran in his respective level of care.

We analyze the member's income, which could be from Social Security, Veterans Administration, private retirement programs, or investment income, subtract \$80 a month from that income for his personal use, and require him to pay the balance toward his care. If the veteran has dependents, we allow the family to have sufficient funds to meet their audited expenses. Through this method, the veterans are now paying approximately 35% of the cost of the Facility's operation.

IOWA- PURPOSE OF POLICY: Residents of the Iowa Soldiers' Home contribute to the Home for services received. Monthly charges are based upon a formula enabling the individual to pay accord-

ing to his/her ability (income and assets). The formula enabled these monthly charges to be computed according to the level of services rendered to the individual with a maximum payment of 70% of the actual cost of services extended.

**FORMULA FOR DETERMINING SUPPORT CHARGES:** This policy features a formula (exhibit A) providing for the resident to pay according to his/her income and assets. The policy schedules the Iowa Soldiers' Home resident to pay \$4 out of his/her first \$60 income and 85% of all additional income until the maximum support charge is met (70% of actual cost). Persons having assets in excess of \$1,500 pay the maximum support charge for their care until their assets are reduced to \$500 at which time the formula basis is again applied.

This formula enabled the Iowa Soldiers' resident to retain a sum of money (\$56 minimum) for purpose of his/her personal and sundry items.

**NEW HAMPSHIRE-** Any member having a monthly income from all sources in excess of \$85.00 shall, during his membership, transfer and assign 92% of said excess to the State of New Hampshire General Fund.

**NEBRASKA-** A maintenance charge is set, based on financial information included in the application and some Rule-Of-Thumb guidelines established by the Board. A copy of these current guidelines is enclosed.

**MASSACHUSETTS-** Dormitory the collections are limited to those veterans who receive a special pension under the Aid & Attendance Provisions of P. L. 88-450. 75 out of 325 residents of our dormitory collecting this pension.

In the nursing home section of our institution, we again receive the Aid & Attendance pension allowance as a direct monthly charge and collection. We also frequently receive collections from Medicare or Blue Cross or private insurance companies for care extended to their insured in our nursing home section if such provisions are part of their general contract with either the individual or the individual's employer.

All of these collections represent approximately 44% of our total budget or about \$7.5 million per year. Of course, we normally collect from the Veterans Administration on their per diem allowances for dormitory, nursing home and hospital care.

We too are considering establishing a

charge system. We would greatly appreciate receiving a copy of your report. Traditionally the State of Ohio, since its conception, has not made a charge. This has been reviewed numerous times and felt that it was not monetarily beneficial to the State and certainly produces a hardship on the veterans.

**OHIO-**

**SOUTH DAKOTA-** Beginning January 1, 1977, the income allowable for a veteran for pension consideration is \$3540, so we add \$400 to that making our limitation of \$3940. Also the basic requirements will be changed to show the widow or widower of a veteran is eligible for consideration for the admission of the State Home. Our present fee schedule has been in effect for about fifteen years, and we are giving consideration to extending the fee schedule past the \$75. However, this has not been done at this time.

A charge is made for maintenance and care based on the applicant's income; this charge includes the furnishings of all basic essentials except the personal needs of the individual, such as clothing, toilet articles, etc.

The present minimum charge is \$5 when a member has an income of \$50 per month, to a maximum charge of \$75 when the income is \$150 or more. The maximum charge for a couple is \$150 when their income exceeds \$270 per month.

**ILLINOIS-** Since many of the residents of the Illinois Veterans Home receive, in conjunction with the V. A. pension, an extra monetary award, either Aid and Attendance or Housebound Benefits, this extra amount will be due and shall be collected by the Illinois Veterans Home and then the monthly maintenance charge shall be based on the balance of the resident's total income.

Total Adjusted Monthly Income	Domiciliary	Medical
\$ 70 - 79	\$ 10.00	\$ 10.00
80 - 89	20.00	20.00
90 - 99	30.00	30.00
100 - 109	40.00	40.00
110 - 119	47.50	47.50
120 - 129	55.00	55.00
130 - 139	62.50	62.50
140 - 149	70.00	70.00
150 - 159	80.00	80.00
160 - 169	90.00	90.00
170 - 179	100.00	100.00
180 - 189	110.00	110.00
190 - 199	120.00	120.00
200 - 209	130.00	130.00

210 - 219	140.00	140.00
220 - 229	150.00	150.00
230 - 239	160.00	160.00
240 - 249	165.00	170.00
250 & over	165.00	175.00

IDAHO- Each resident will be permitted to retain the first \$70.00 of his income, plus income in excess of maintenance charge, for his personal needs. Maintenance charges and amount of personal income retained will be subject to review by the Commission at the end of each fiscal year, and any changes will be based on average per capita cost and cost of living changes.

IDAHO VETERANS' HOME SCHEDULE OF MAINTENANCE CHARGES (Effective April 1, 1975)

Total Income	Maintenance Charge	Veterans Keep
Up to \$70.00	0	All
75.00	\$ 5.00	\$ 70.00
80.00	10.00	70.00
85.00	15.00	70.00
90.00	20.00	70.00
95.00	25.00	70.00
100.00	30.00	70.00
105.00	35.00	70.00
110.00	40.00	70.00
115.00	45.00	70.00
120.00	50.00	70.00
125.00	55.00	70.00
135.00	60.00	75.00

Maximum charge

WISCONSIN- Basically, the present Wisconsin law provides that residents of the Wisconsin Veterans Home are allowed to retain the same amount of un-earned income and earned income as permitted recipients of medical assistance. In Wisconsin a medicaid recipient may retain \$35.00 of un-earned income and \$65.00 of earned income. We do not feel this is adequate and the veterans' organizations are supporting legislation to increase the amount of income allowed residents at our Home.

INDIANA- At this time single domiciliary residents of the Home are allowed \$60/month spending money, married couples \$66/month spending money, and nursing care residents \$30/month in credits. The Home maintains on its employee staff a "buyer" whose job is to shop for the nursing care residents and maintain adequate financial records to account for patient funds.

NO RESPONSES WERE RECEIVED FROM THE FOLLOWING STATES:- California, Louisiana, Minnesota, Montana, North Dakota and Vermont.

ANNEX B

WITNESSES TESTIFYING  
BEFORE HOUSE MILITARY & VETERANS

AFFAIRS COMMITTEE ON HR 303

- Mr. John Fancher Chairman, Resident Council, Erie Soldiers & Sailors Home
- Mr. James Casey President, Board of Trustees, Erie Soldiers & Sailors Home
- Mr. John Ferguson Erie County Director of Veterans Affairs
- Representative Bernard Dombrowski House of Representatives, 1st District
- Mr. Clifford Strickler National Service Officer, Disabled American Veterans
- Mrs. Gina Blewett Private Citizen
- Mr. John E. Wickles Private Citizen
- Mr. Joseph Ackerman Private Citizen
- Mr. Clifford MacPherson Private Citizen
- Mr. Leo Cichy Legislative Director, Pennsylvania Association of County Directors of Veterans Affairs
- Oscar Richards Department Commander, DAV/Chairman State War Veterans Council
- Mr. Robert L. Hedstrom Adjutant, DAV, Department of Pennsylvania
- Colonel Albert Brown Director of Nursing Homes Division, Department of Military Affairs
- Mr. John J. Driscoll Commandant, Erie Soldiers & Sailors Home

ANNEX C

PROPOSED FEE SCHEDULES

BASED ON 90

PERSONAL CARE RESIDENTS

AVERAGE MONTHLY INCOME \$256.00

Formula	Amount Retained	Fee
1	\$111.00	\$145.00
2	\$142.00	\$114.00
3	\$245.00	\$ 11.00
4	\$119.00	\$137.00
5	\$131.00	\$125.00
Monthly Income To Home		Annual Income To Home
\$13,050.00		\$156,600.00
\$10,260.00		\$123,120.00
\$ 990.00		\$ 11,880.00
\$12,330.00		\$147,960.00
\$11,250.00		\$135,000.00

BASED ON 75

NURSING CARE RESIDENTS

AVERAGE MONTHLY INCOME \$268.00

Formula	Amount Retained	Fee
1	\$113.00	\$155.00
2	\$145.00	\$123.00
3	\$256.00	\$ 12.00
4	\$122.00	\$146.00
5	\$133.00	\$135.00

Monthly Income To Home	Annual Income To Home
\$11,625.00	\$139,500.00
\$ 9,225.00	\$110,700.00
\$ 900.00	\$ 10,800.00
\$10,950.00	\$131,400.00
\$10,125.00	\$121,500.00

**ANNOUNCEMENTS**

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

Mr. MILLIRON. Mr. Speaker, may I make an announcement?

The SPEAKER. The gentleman may proceed.

Mr. MILLIRON. Mr. Speaker, tomorrow morning at 10 o'clock in room 115-A, the Region III Energy Task Force will have a meeting to review proposed legislation for the office of civil emergency preparedness, revamping the civil defense.

The SPEAKER. The Chair thanks the gentleman.

The SPEAKER. Does the gentleman from Bucks, Mr. Berlin, desire to make an announcement?

The members will recall that they were in receipt of a communication from the Speaker's office about a demonstration of a new emergency medical system that is being instituted in the General Assembly, and there was to be a demonstration tomorrow morning for that system. There has been some change in the plans concerning the scheduling tomorrow, and for this purpose Mr. Berlin would like to make an announcement.

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

Mr. BERLIN. Mr. Speaker, because we had already proposed this program and planned it for tomorrow morning, we are going to proceed with it. In the event the House adjourns this afternoon, as it now appears likely, for those of you who would like to see a very startling demonstration of the most sophisticated system in the country, we are going to hold that tomorrow morning at 9:30 a.m. here on the floor of the House. So those of you who would like to see that in its full scope on a dummy, please be here tomorrow at 9:30. I urge you, your staffs and your secretaries to attend and see this demonstration. It will be here on the floor of the House tomorrow morning at 9:30 a.m. Thank you, Mr. Speaker.

**RULES SUSPENDED TO CONSIDER**

**JOINT RESOLUTION**

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I again at this time renew my motion to suspend the rules so that HB 304 containing the joint resolution to amend the constitution can be immediately considered.

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

The following roll call was recorded:

**YEAS—110**

Abraham	Fryer	Lincoln	Ritter
Arthurs	Gallagher	Livengood	Scanlon
Bellomini	Gamble	Logue	Scheaffer
Bennett	Garzia	Manderino	Schmitt

Berlin	Gatski	McCall	Schweder
Berson	Geisler	McIntyre	Shuman
Bittinger	George, C.	McLane	Shupnik
Brown	George, M.	Meluskey	Stapleton
Brunner	Giammarco	Milanovich	Stewart
Burd	Gillette	Milliron	Stuban
Caltagirone	Gray	Morris	Sweet
Caputo	Greenfield	Mrkonic	Taylor, F.
Cassidy	Harper	Mullen, M. P.	Tenaglio
Cianciulli	Hasay	Musto	Valicenti
Cohen	Haskell	Novak	Wansacz
Cole	Hoeffel	O'Brien, B.	Wargo
Cowell	Hutchinson, A.	O'Keefe	White
DeMedio	Irvic	Oliver	Wiggins
DeWeese	Itkin	Petrarca	Wilt
DiCarlo	Jones	Pievsky	Wise
Dombrowski	Katz	Pratt	Wright, D. R.
Donatucci	Kelly	Prendergast	Yahner
Duffy	Kernick	Rappaport	Zeller
Englehart	Kolter	Ravenstahl	Zitterman
Fee	Kowalyszyn	Reed	Zwilk
Fischer	Laudadio	Renwick	
Flaherty	Laughlin	Richardson	Fineman,
Freind	Letterman	Rieger	Speaker

**NAYS—72**

Anderson	Greenleaf	McGinnis	Sirianni
Armstrong	Grieco	Mebus	Smith, E.
Brandt	Halverson	Miller	Smith, L.
Burns	Hayes, D. S.	Moehlmann	Spitz
Butera	Hayes, S. E.	Mowery	Stairs
Cessar	Helfrick	Noye	Taddonio
Cimini	Honaman	O'Connell	Taylor, E.
Davies	Hopkins	Pancoast	Thomas
DeVerter	Hutchinson, W.	Parker	Vroon
Dietz	Klingaman	Piccola	Wagner
Dininni	Knepper	Pitts	Wass
Dorr	Kusse	Polite	Weidner
Fisher	Lehr	Pott	Wenger
Foster, A.	Levi	Pyles	Wilson
Foster, W.	Mackowski	Ryan	Wright, J. L.
Gallen	Madigan	Salvatore	Yohn
Geesey	Manmiller	Scirica	Zearfoss
Goebel	McClatchy	Seltzer	Zord

**NOT VOTING—21**

Barber	Gleeson	Miscevich	Ruggiero
Beloff	Goodman	Mullen, M. M.	Shelton
Bittle	Hamilton	O'Brien, D.	Spencer
Borski	Johnson	O'Donnell	Trello
Doyle	Lynch	Rhodes	Williams
Dumas			

The question was determined in the affirmative and the motion was agreed to.

The SPEAKER. The majority whip calls up for consideration the following resolution in question, which the clerk will read:

**HB No. 304**

A Joint Resolution proposing an emergency Constitutional amendment to the Constitution of the Commonwealth of Pennsylvania granting the General Assembly the power to enact special laws to aid certain individuals, corporations, associations, institutions or nonpublic schools adversely affected by conditions caused by certain storms or floods.

On the question,  
Will the House adopt the joint resolution?

### PARLIAMENTARY INQUIRY

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

Mr. ZEARFOSS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. You have just referred to this as a resolution. I know it is a joint resolution, but it is entitled House bill 304. Is it not a bill?

The SPEAKER. No; it is not a bill; it is a resolution.

Mr. ZEARFOSS. A bill is not a bill in this case, is that it?

The SPEAKER. It is entitled as a bill, but it is a joint resolution.

Mr. ZEARFOSS. I see. It is not a bill? HB 304 is not a bill, is that your ruling?

The SPEAKER. That is correct. It is a joint resolution.

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, if it is a resolution, should it not be written up in the form of a resolution?

Are there not any rules around here that are proper?

The SPEAKER. I had assumed that all the rules were proper, Miss Sirianni. The House voted those rules.

Miss SIRIANNI. Well, the House rules say that a bill is a bill and a resolution is a resolution. This says that it is a bill.

The SPEAKER. Miss Sirianni, I have responded to the inquiry of the gentleman, Mr. Zearfoss. No matter what it is entitled, it is a joint resolution under the—

Miss SIRIANNI. Mr. Speaker, could we not have it written up as a resolution instead of as a bill?

The SPEAKER. Perhaps expert draftsmanship would dictate it be so framed, but a rose is a rose is a rose.

Miss SIRIANNI. And a bill is a bill is a bill, and a resolution is a resolution is a resolution.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. It surprises me that most of the people who are here now were here in September of 1975 when HB 1762 containing a joint resolution was passed by this House, and I heard no objections being raised at that time.

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

Mr. S. E. HAYES. Mr. Speaker, I wonder if the gentleman, Mr. Manderino, would consent to interrogation?

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

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. S. E. HAYES. What specifically was contained in that resolution of 1975?

Mr. MANDERINO. "A Joint Resolution proposing an emergency Constitutional amendment to the Constitution of the Commonwealth of Pennsylvania granting the General Assembly the power to enact special laws to aid certain individuals, corporations, associations, institutions or nonpublic schools adversely affected by conditions caused by certain storms or floods."

Mr. S. E. HAYES. Which certain storms and floods?

Mr. MANDERINO. I would take it that they were the storms and floods of 1975, 1974, 1972 or 1971, because we have amended the constitution for each of those years.

Mr. S. E. HAYES. But they were all emergencies that this General Assembly was well aware of. Is that correct, Mr. Speaker?

Mr. MANDERINO. Well, after they happened we were aware of them. Just as the emergency that we are attempting to correct here for 1976 in the 21 counties occurred in 1976.

Mr. S. E. HAYES. Mr. Speaker, this joint resolution certainly speaks to more than just that which happened in 1976, does it not?

Mr. MANDERINO. It does.

Mr. S. E. HAYES. What does it do, Mr. Speaker?

Mr. MANDERINO. In addition to providing for the flooding that took place in 1976 and the storms that took place in 1976, there is a provision in the resolution that indicates that whenever the Federal Government by Presidential declaration declares that there is an emergency or great disaster—and I am paraphrasing—that this General Assembly is authorized and empowered to appropriate moneys to match the Federal dollars made available.

We are embarking on this, Mr. Speaker, because it seems that we are facing disasters each year. If you will notice the constitutional amendment that is before you, the years 1971, 1972, 1974, 1975, and now 1976 were years in which storms or disasters took place that necessitated a constitutional amendment before we could provide aid.

This is not only very time consuming; it is expensive. It costs considerable money to go through the advertising that is necessary to do this. That is just a minor point, though, the advertising and the cost that we have to go through every time. The more important part is the emergency that exists for those people who have been hard hit by that disaster, by that storm, by that flood, or whatever the condition might be. It might be the snows, as the Federal Government has seen fit in the case of Buffalo, at least, to declare it a Federal disaster area because of snow and heavy precipitation.

So what we are doing is saying that any time that that kind of emergency arises, on Presidential declaration, we no longer have to go through the cumbersome procedure of going through the House and the Senate and advertising and going through the approval of the electorate in order to provide disaster relief.

Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. Manderino, seems to have some problem with the electorate of this Commonwealth expressing itself as to whether or not unknown sums of money are to be expended in the form of private grants to individuals and private corporations, it seems to me.

Certainly, Mr. Speaker, the gentleman, Mr. Manderino, is construing the circumstances of 1975 with respect to the adoption of a resolution in a way quite different than what we are doing here today.

It is not simple enough and proper enough to say, well, we did something in 1975. Therefore, we can do it today in 1977.

The resolution which was considered in 1975 is certainly



much different than the one which is being considered now. The constitution of this Commonwealth states to this General Assembly that all moneys which are to be used in the form of grants for private individuals and private corporations must be approved by those who pay, that being the electorate.

This General Assembly, caught up in a wave of emotion, hysteria, comes to this General Assembly and, without consideration of the electorate, can pass upon appropriations which will not go just to state agencies but also to private individuals in the form of grants.

I am not quite sure what some of these words mean, safety and welfare. I just do not quite know where this will lead us.

Would the gentleman expand upon what some of these definitions may be?

Mr. MANDERINO. Contrary to the gentleman's expression of opinion, I have confidence in the electorate of this Commonwealth. What we are proposing to do is to have the electorate approve the language that you see before you. They will approve whether or not they want us to be able to appropriate money any time there has been a Federal disaster declared.

I have confidence in the electorate. We are proposing to pose that question to the electorate in May, on the May primary ballot. The electorate will be asked: Do you want the General Assembly to have the power to appropriate money when Federal moneys are available and when the President has declared a Federal disaster. I have confidence in the electorate.

Mr. S. E. HAYES. Mr. Speaker, let me ask a few procedural questions of the gentleman.

When did you first propose this amendment to the House today?

Mr. MANDERINO. I did not propose this amendment.

Mr. S. E. HAYES. You know what I mean, Mr. Speaker. When was this amendment first considered by elements of this General Assembly?

The SPEAKER. Will the gentleman, Mr. Hayes, allow Mr. Manderino an opportunity to respond to the question?

Mr. S. E. HAYES. Yes, Mr. Speaker.

Mr. MANDERINO. The amendment to the constitution was originally proposed by Representative Petrarca to cover a very limited scope of damages that occurred in his county in 1976.

It was specifically directed to two separate tornados which did much destruction. In order to provide any assistance to the people in his area, he was informed that he had to propose a constitutional amendment and then have to pass enabling legislation.

He introduced an amendment where he proposed adding to the constitution "tornados in 1976." The Governor's office, because of the claims of the various counties which I have read to you before and the 21 counties that had been declared in the Federal disaster indicated to Mr. Petrarca and sent a memo to me that there was more of a problem than was being recognized by Mr. Petrarca, and they have a constitutional amendment that they wanted to propose, the administration. They suggested that they tack their amendment to Mr. Petrarca's HB 304, which was also a joint resolution, which would take care of Mr. Petrarca's problem if this General Assembly so decides on enabling legislation. It would take care of all other areas of the

state that were declared Federal disaster areas should this General Assembly so decide to appropriate the money after approval of the electorate.

The bill was reported recently from the committee to which it went. It went into the Appropriations Committee. The Appropriations Committee added the amendment that I requested them to add and Mr. Petrarca requested them to add so that we could provide the relief necessary as soon as possible to these people who have suffered the disasters of 1976 and the major disaster being the flooding in October of 1976.

Mr. S. E. HAYES. Mr. Speaker, a committee of this House of Representatives first considered the amendment this afternoon, is that not correct?

Mr. MANDERINO. To the best of my knowledge, that is correct.

Mr. S. E. HAYES. About 1 hour ago?

Mr. MANDERINO. That is correct.

Mr. S. E. HAYES. Already in our possession there is a bill printed with the amendment. Now it seems to me that we were anticipating certain action. It also seems to me that when this House of Representatives is to consider a far-reaching constitutional amendment, we should not play hide-and-seek with that constitutional amendment.

Mind you, I am not speaking in just a personal sense; I am speaking in terms of what is proper practice for this House of Representatives. This House of Representatives should have known beforehand that this resolution was to be considered. There has been no mention made all this week that this resolution was to be considered.

I would just like to know if the gentleman will reflect upon that, Mr. Speaker.

The SPEAKER. The question before the House, Mr. Hayes, is, Shall the House adopt the resolution?

Mr. S. E. HAYES. Yes, Mr. Speaker.

The SPEAKER. And I think the gentleman should address himself to that question.

Mr. S. E. HAYES. I understand.

I believe the point is made, Mr. Speaker. We have not had an opportunity to consider this in a proper way when we are considering the amendment of our Commonwealth constitution. It is not light and transient consideration. It is of great importance, and I would just like the record to show that, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, HB 304, which is the joint resolution that is before us, according to the History that I have before me, was referred to the Committee on State Government on February 9, 1977. It was amended in that committee to provide broadly what is provided now. There were some technical language changes wherein I think the State Government Committee had the automatic triggering of the enabling legislation on a declaration of an emergency by the Governor. The Governor's office asked that it be just an emergency declared by the President, and that is the reason for the amendment that went in the Appropriations Committee.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, let me try to focus on taking a different approach to—

### PARLIAMENTARY INQUIRY

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

Mr. PANCOAST. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PANCOAST. I respect the fact that we can suspend our own rules, but may we suspend the Constitution of the Commonwealth of Pennsylvania?

The SPEAKER. In what respect?

Mr. PANCOAST. Article III, section 4, of the Constitution of the Commonwealth of Pennsylvania says: "Every bill shall be considered on three different days in each House." This matter has not been considered on 3 different days in each House, nor even in this one House.

The SPEAKER. The gentleman is correct, except that the article referred to by the gentleman is applicable only to laws. No law may be changed, or no law may be enacted, except upon consideration of the House on 3 separate days. The consideration of a joint resolution is not the passage of a law.

Mr. PANCOAST. Can the Speaker point to any section of the Constitution of the Commonwealth of Pennsylvania that says we have to consider joint resolutions on 3 separate days?

The SPEAKER. Would the gentleman repeat the question?

Mr. PANCOAST. Can the Speaker point to any section of the constitution that says that we must consider a joint resolution on 3 separate days?

The SPEAKER. There is no requirement in the constitution that says we must consider a joint resolution on 3 separate days.

Mr. PANCOAST. We are attempting, therefore, under this HB 304 or Joint Resolution 304, to adopt it under the emergency constitutional amendment procedure. Is that not correct?

The SPEAKER. That is correct.

Mr. PANCOAST. Article XI of the constitution says with respect to the emergency procedure: "In the event a major emergency threatens or is about to threaten the Commonwealth and if the safety or welfare of the Commonwealth requires prompt amendment of this Constitution, such amendments to this Constitution may be proposed in the Senate or House of Representatives at any regular or special session of the General Assembly, and if agreed to . . ." and so forth. My question, Mr. Speaker is, where is this necessity for such prompt amendment under these emergency situations?

The SPEAKER. This is a decision that this House would reach if the gentleman is raising the matter of the constitutionality of the proposal.

### CONSTITUTIONAL POINT OF ORDER

Mr. PANCOAST. Since this was a matter that certainly has had some time for consideration since the floods of 1976, and certainly the effects of the floods were recognized, I cannot see the necessity for this emergency consideration at this time.

Therefore, I would offer a motion that I cannot see the constitutional relevance with respect to the proposal we have before us as an emergency constitutional amendment.

The SPEAKER. The Chair recognizes the minority leader. The gentleman has raised the matter of the constitutionality of the proposal.

Mr. BUTERA. Yes, and it was to that point that I had begun my remarks, and the gentleman then asked for the parliamentary inquiry.

I think what we have to do is look at this differently from what we have done up until now and divide the resolution into two parts. The first part asks for authority from the people to make certain payments to individuals and institutions for the emergency of 1976 which we are not otherwise permitted to make. In other words, unless there is a constitutional amendment, we cannot make payments, which I think we all want to make. That is the first part.

The second part of the joint resolution deals with how we shall conduct ourselves in the future and suggests that we change the constitution to remove the prohibition, in effect, of Commonwealth money going to certain individuals and institutions without the vote of the people.

I do not think that that second part of the joint resolution should be taken lightly. I also do not think that it in any way can be addressed in the form of a joint resolution under the emergency powers that presently exist in the constitution. It simply does not address itself to an emergency existing to which we can apply the emergency powers.

So I think what we ought to do—and perhaps this will preclude a vote on constitutionality—is to divide the question. I think the first vote will be unanimous, and I think it will be almost unanimous among the people when they have it on the ballot this spring, and I think it can be interpreted as being the proper kind of a subject matter to which we can apply the emergency powers.

However, on the second part of the question I think we are making an error if we set a precedent by permitting the emergency powers to apply to something which may happen in the future, because in doing so we are removing the prohibition which exists in the constitution against making payments directly to individuals and certain institutions, which we are not permitted to do without a vote of the people.

I do not think that the emergency powers which presently exist in the constitution in any way anticipate this kind of action as I have noted in the second part of the resolution. So perhaps if we could agree to divide the question, pass the first one, which we all want, debate the second one, as to constitutionality, et cetera, perhaps we can speed up the argument and I think accomplish what we all want to accomplish, and I so move, if I am allowed to take precedence over Mr. Pancoast's motion as to constitutionality.

Mr. Speaker, my question, I presume, is, is the resolution divisible, and, if so, can we vote to divide the question prior to considering Mr. Pancoast's motion?

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from

Delaware, Mr. Zearfoss. For what purpose does the gentleman rise?

Mr. ZEARFOSS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. I have seen some people referring to HB 304 and I have seen others referring to the amendment sheet. As I understand it, HB 304, PN 799, has been amended in the Appropriations Committee, and this is really the bill that we are voting on. In effect, the amendment is really what we are voting on.

The SPEAKER. Well, the amendment is now the bill.

Mr. ZEARFOSS. Yes. I am not trying to pull a winner; I want to get an answer to the question. This is what we are considering, really? They gutted HB 304, PN 799, and inserted this language, right?

The SPEAKER. The substance of what we are voting upon is embodied in that amendment.

Mr. ZEARFOSS. So that there are sections 17(a) and (b), and I gather that the minority leader wants to divide 17(a) out of 17(b) and vote separately. Is that correct?

The SPEAKER. That is correct, but the question before the House is on the matter of constitutionality raised by the gentleman, Mr. Pancoast.

Mr. ZEARFOSS. Well, if the question is divisible, perhaps the question of constitutionality on each of the separate issues might be different. If we divide it first, we might have a question of constitutionality on the second part but not on the first part, or we might have a question of constitutionality on both parts but decide them differently.

**QUESTION OF CONSTITUTIONALITY DIVIDED**

The SPEAKER. Does the gentleman seek a division on the question of the constitutionality?

Mr. ZEARFOSS. Yes, sir. I think we ought to vote each part separately.

The SPEAKER. The amendment will be divided, 17(a) and 17(b).

The House will first address itself to section 17(a), on the matter of constitutionality. Those voting in the affirmative will be voting to sustain the constitutionality of the amendment.

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

Mr. ZEARFOSS. Mr. Speaker, I would like to comment on the question of constitutionality.

The SPEAKER. On 17(a)?

Mr. ZEARFOSS. On 17(a).

The SPEAKER. The gentleman may proceed.

Mr. ZEARFOSS. As I understand it, 17(a) now adds the disaster of 1976, a disaster that has already occurred. We are testing the constitutionality against Article XI, section 1(a), of the constitution, which provides for emergency amendments, which says: "In the event a major emergency threatens or is about to threaten the Commonwealth and if the safety or welfare of the Commonwealth requires prompt amendment of this Constitution, such amendments to this Constitution may be proposed . . ." Et cetera, et cetera—the same thing Mr. Pancoast read.

The flood of 1976 does not threaten nor is it about to threaten. It has passed. I question whether this amendment to the constitution would be appropriate as an emergency constitutional amendment.

The SPEAKER. The Speaker renews the instructions to the House: Those members voting in the affirmative will be voting to sustain the constitutionality of section 17(a).

On the question,

Will the House sustain the constitutionality of section 17(a)?

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

**YEAS—150**

Abraham	Fryer	Levi	Renwick
Arthurs	Gallagher	Lincoln	Richardson
Barber	Gallen	Livengood	Rieger
Beloff	Gamble	Logue	Ritter
Bennett	Garzia	Lynch	Ryan
Berlin	Gatski	Mackowski	Scanlon
Berson	Geesey	Manderino	Scheaffer
Bittinger	Geisler	McCall	Schmitt
Bittle	George, C.	McIntyre	Schweder
Borski	George, M.	McLane	Shuman
Brown	Giammarco	Mebus	Shupnik
Brunner	Goebel	Meluskey	Smith, L.
Butera	Goodman	Milanovich	Spencer
Caltagirone	Gray	Miller	Stairs
Caputo	Greenfield	Milliron	Stapleton
Cassidy	Halverson	Miscevich	Stewart
Cessar	Hamilton	Morris	Stuban
Cianciulli	Harper	Mowery	Sweet
Cohen	Hasay	Mrkonic	Taddonio
Cole	Haskell	Mullen, M. P.	Taylor, F.
Cowell	Hayes, S. E.	Musto	Tenaglio
DeMedio	Hoeffel	Novak	Valicenti
DeVerter	Honaman	Noye	Vansacz
DeWeese	Hutchinson, A.	O'Brien, B.	Wargo
DiCarlo	Hutchinson, W.	O'Brien, D.	Wass
Dietz	Irvis	O'Connell	White
Dombrowski	Johnson	O'Keefe	Wiggins
Donatucci	Jones	Oliver	Williams
Doyle	Katz	Pancoast	Wilson
Duffy	Kelly	Parker	Wise
Dumas	Klingaman	Petrarca	Wright, D. R.
Englehart	Knepper	Pievsky	Yahner
Fee	Kolter	Polite	Zitterman
Fischer	Kowalyszyn	Pratt	Zord
Fisher	Kusse	Prendergast	Zwinkl
Flaherty	Laudadio	Rappaport	
Foster, W.	Laughlin	Ravenstahl	Fineman,
Freind	Letterman	Reed	Speaker

**NAYS—44**

Anderson	Greenleaf	McGinnis	Taylor, E.
Armstrong	Grieco	Moehlmann	Thomas
Brandt	Hayes, D. S.	Piccola	Vroon
Burd	Helfrick	Pitts	Wagner
Burns	Hopkins	Pott	Weidner
Cimini	Itkin	Pyles	Wenger
Davies	Kernick	Salvatore	Wilt
Dininni	Lehr	Scirica	Wright, J. L.
Dorr	Madigan	Sirianni	Yohn
Foster, A.	Manmiller	Smith, E.	Zearfoss
Gillette	McClatchy	Spitz	Zeller

**NOT VOTING—9**

Bellomini	O'Donnell	Ruggiero	Shelton
Gleeson	Rhodes	Seltzer	Trello
Mullen, M. M.			

So the question was determined in the affirmative and the constitutionality of section 17(a) was sustained.

The SPEAKER. The Chair now submits to the House the question of constitutionality on section 17(b) of the amendment. Those voting in the affirmative will be voting to sustain the constitutionality of section 17(b); those voting in the negative will be voting against constitutionality.

The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, in case there is some confusion, this is the section which I think we are not permitted under the constitution to say is an emergency. Thus we can utilize the emergency powers which requires just one session to pass the constitutional proposal and then pass it on to the voters.

I think this section has to pass two sessions of the General Assembly. I do not quarrel with the language, necessarily. I just do not think that we can prostitute the constitution into applying the emergency powers to this kind of a section. I did feel that we did have that right in the first part of it, 17(a), but I do not think we do in 17(b).

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, there are many reasons that the Federal Government might declare a certain area of the United States or certain counties in certain states as disaster areas and not necessarily for floods and storms.

Just a few months ago, Mr. Butera stood at that microphone screaming that the General Assembly was not doing enough in the energy crisis and in the energy problem that we had. And I can envision that we are going to encounter more of the same. There is no question that we are facing dire problems on energy and fuel for the people of this Commonwealth. And who is to say that this does not presently constitute an emergency. There may be a declaration of a Federal disaster area in Pennsylvania, Ohio, New York, or other states because of the energy crisis.

Now just a few months ago, he wanted us to get moving, to do something. I say that we ought to do something. We ought to ask the people of Pennsylvania whether we can provide relief by legislation in the event any Federal disaster is declared by the President of the United States.

I ask you to uphold the constitutionality of section (b) of this resolution.

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

Mr. GEESEY. I will yield, Mr. Speaker.

The SPEAKER. Who are you yielding to, the minority leader?

The Chair recognizes the minority leader.

Mr. BUTERA. In response to Mr. Manderino, I quite agree with him and that is why I sought to divide the question.

I think that the energy crisis which we experienced this year can be addressed in an emergency manner by constitutional amendments, so that we can make the payments to those people that we are otherwise prohibited from making.

While I would have to give the second part more thought, it seems to also be the kind of language which might help us in the future. But I do not think that just because that might be

our desire, we have the power to amend the constitution in an emergency way when there is no emergency addressed by 17(b). It is anticipatory. It may be very well taken that we should amend it or ask the people to amend the constitution in this regard.

But I do not think that we can utilize the powers which we presently have at our disposal to pass this kind of amendment on to the people for their consideration under the emergency section of the constitution.

I think we have to go through the normal procedure. That is unfortunate. But the people write the constitution; we do not. They wrote it in such a manner that I think precludes us from taking this action. I guess the long and short of it is that if we perform this act we are performing an unconstitutional act.

It gets very confusing. I think we ought to take normal procedure on this section. I think we ought to try to pass the previous section as an emergency and pass it on to the people.

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

Mr. GEESEY. Mr. Speaker, it seems to me that the unconstitutional provision, at least as far as I am concerned with this particular piece of legislation, is the provision for action being triggered only upon a Presidential declaration of an emergency.

Now the problem you have is that while some counties will be treated equally, there are portions of other counties or other communities which have suffered just as severely as those counties that have been declared disaster areas and will not receive any kind of consideration because it is an isolated community within a particular county that has not been declared a disaster.

That, it seems to me, would indicate very clearly that we are taking a very haphazard approach to the problems that our people might have in that we are not willing to treat all of our people on an equal basis.

If we are going to do this, it should then be on the basis of the Governor declaring an emergency so that all communities and all counties within the Commonwealth can be treated equally. The way this amendment is worded, that certainly will not happen, Mr. Speaker, and I would have to oppose it.

Thank you.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, this House in all cases is the judge of the constitutionality of the proposals before it. How you can stand and say that this is unconstitutional when it has to be passed upon by the House, the Senate, and submitted to the people of Pennsylvania for their decision and to say that that provision is unconstitutional is beyond me.

I think that the provision we will now consider is constitutional. I think the very fact that we are, as far as energy is concerned, in an emergency situation not only in Pennsylvania but all across these United States, particularly in the industrial northeast, gives us a basis for acting in the manner in which we would act today by approving the resolution in toto and deciding that this section of it is constitutional. This House can make that decision, and I ask this House to make that decision.

I simply think that taking the other route, of passing this in

the General Assembly in two different terms, is what the requirement would be, and we would not be able to consider it the second time until the legislature of 1979-80 and then put it on the ballot. I think that is too long for the people of Pennsylvania to wait for this General Assembly to take some positive action.

I think we can take that positive action by deciding the constitutionality of this particular provision in the affirmative, going on to pass the resolution to the Senate and having their action on it, and the people's action on it in the May primary. I ask an affirmative vote on the question of constitutionality.

### PARLIAMENTARY INQUIRIES

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

Mr. ZEARFOSS. I rise fo a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. What is the vote required for constitutional-ity?

The SPEAKER. A vote required for an emergency amend-ment to the constitution is two-thirds.

Mr. ZEARFOSS. No, Mr. Speaker, on the question of consti-tutionality, those present and voting in the majotity or—

The SPEAKER. A simple majority.

Mr. ZEARFOSS. A simple majority of those present and vot-ing.

I assume the rule applies to that issue that says that only members in their seats may vote on it? Is that correct?

The SPEAKER. That rule always applies.

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

Miss SIRIANNI. Mr. Speaker, May I interrogate Mr. Manderino?

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

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. The lady may proceed.

Miss SIRIANNI. Mr. Speaker, can Mr. Manderino explain why he waited until the last hour before it was possible to get it on the ballot to present this to the House? Why did he not present it when we had the emergency?

The SPEAKER. The Chair would have to rule that the ques-tion is not pertinent to the discussion before the House.

Miss SIRIANNI. Mr. Speaker, can you tell me why it is not pertinent?

The SPEAKER. Because the question before the House is the matter of the constitutionality of amendment 17(b).

Miss SIRIANNI. Well, I would just like to have the members be aware of how things are rammed through.

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

Mr. BITTINGER. Mr. Speaker, I have some comments and a question, but I will defer until after the vote on the constitu-tionality.

The SPEAKER. The Chair recognizes the gentleman from

Delaware, Mr. Doyle. For what purpose does the gentleman rise?

Mr. DOYLE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOYLE. Suppose on this question of 17(b) the determina-tion is that it is unconstitutional, what then will happen to the resolution before us?

The SPEAKER. The only matter before the House would be the section 17(a) of the amendment.

Mr. DOYLE. Would section 17(b) automatically fall and be re-lieved from the resolution?

The SPEAKER. That is correct.

Mr. DOYLE. Mr. Speaker, I reluctantly take the floor but I am doing so because it would be dangerous, in my opinion, to mix the two. I believe that (b) would be unconstitutional in this respect, that if we give the authority to someone else in regards to the President when he declares an emergency, something in the future, I do not think that we can say now that there will be a possible emergency in the fute. And since section 11 of our own constitution says that is will take a two-thirds vote for an emergency provision and only a majority vote for an ordinary constitutional amendment, I think—

The SPEAKER. No, that is not correct.

Mr. DOYLE. I believe section 11 of our constitution says that if we are passing emergency resolution by way of a constitu-tional amendment, it takes a two-thirds vote of the House.

The SPEAKER. That is correct.

Mr. DOYLE. If this is declared unconstitutional, it would only take, if it came up later, an ordinary amendment only takes a majority vote of the members elected, which would be 102.

The SPEAKER. If the House rules that both sections 17(a) and 17(b) are constitutional, the question before the House will be the matter of the adoption of the resolution, and that will take a vote applicable to both sections of 136 votes.

Mr. DOYLE. That is correct.

Now if the emergency is such that we have people in these counties now waiting for this money to be disbursed, I would rather see them get it and be more insured that they would get it by passing 17(a) in and of itself. And in that respect, there-fore, I would urge a negative vote against the constitutionality of 17(b).

The SPEAKER. The question recurs, shall the House decide on the matter of the constitutionality of section 17(b)? Those voting in the affirmative will be voting for constitutionality; those voting in the negative will be voting against constitution-ality.

On the question,

Will the House sustain the constitutionality of section 17(b)?

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

### YEAS—89

Barber	Fryer	McLane	Ritter
Bellomini	Gallagher	Meluskey	Scanlon
Bennett	Gambie	Milanovich	Schmitt
Berlin	Garzia	Miscevich	Schweder

Berson	Geisler	Mrkonic	Shuman
Bittinger	George, C.	Mullen, M. P.	Shupnik
Borski	Giammarco	Musto	Stapleton
Brunner	Goodman	Novak	Stewart
Caltagirone	Greenfield	O'Brien, B.	Stuban
Caputo	Harper	O'Connell	Sweet
Cianciulli	Hutchinson, A.	O'Keefe	Taylor, F.
Cohen	Irvis	Oliver	Tenaglio
Cole	Johnson	Petrarca	Wargo
DeMedio	Jones	Pievsky	White
DeWeese	Kelly	Pratt	Wiggins
Dombrowski	Kowalshyn	Prendergast	Wise
Donatucci	Laudadio	Rappaport	Wright, D. R.
Duffy	Laughlin	Ravenstahl	Yahner
Dumas	Letterman	Reed	Zitterman
Englehart	Logue	Renwick	
Fee	Manderino	Rhodes	Fineman,
Fischer	McCall	Richardson	Speaker
Flaherty	McIntyre	Rieger	

NAYS—103

Abraham	Gatski	Lincoln	Scirica
Anderson	Geesey	Livengood	Seltzer
Armstrong	George, M.	Lynch	Sirianni
Arthurs	Gillette	Mackowski	Smith, E.
Bittle	Goebel	Madigan	Smith, L.
Brandt	Greenleaf	Manmiller	Spitz
Brown	Grieco	McClatchy	Stairs
Burd	Halverson	McGinnis	Taddonio
Burns	Hamilton	Mebus	Taylor, E.
Butera	Hasay	Miller	Thomas
Cassidy	Haskell	Milliron	Vroon
Cessar	Hayes, D. S.	Moehlmann	Wagner
Cimini	Hayes, S. E.	Morris	Wansacz
Cowell	Helfrick	Mowery	Wass
Davies	Hoeffel	Noye	Weidner
DeVerte	Honaman	O'Brien, D.	Wenger
DiCarlo	Hopkins	Pancoast	Williams
Dietz	Hutchinson, W.	Parker	Wilson
Dininni	Itkin	Piccola	Wilt
Dorr	Katz	Pitts	Wright, J. L.
Doyle	Kernick	Polite	Yohn
Fisher	Klingaman	Pott	Zearfoss
Foster, A.	Knepper	Pyles	Zeller
Foster, W.	Kusse	Ryan	Zord
Freind	Lehr	Salvatore	Zwinkl
Gallen	Levi	Scheaffer	

NOT VOTING—11

Beloff	Kolter	Ruggiero	Trello
Gleeson	Mullen, M. M.	Shelton	Valicenti
Gray	O'Donnell	Spencer	

The SPEAKER. On the question of the constitutionality, the House has ruled that section 17(b) of Article VIII of the amendment is unconstitutional.

The SPEAKER. The question recurs, shall the House adopt the remaining sections of the amendment? This will take a two-thirds vote, 136 votes.

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, we are on the amendment offered by Mr. Pievsky to HB 304?

The SPEAKER. That is correct. We are on the bill, or rather the resolution.

Mr. RITTER. On the resolution.

Then then amendment by Mr. Pievsky was not offered, Mr. Speaker?

The SPEAKER. I am sorry?

Mr. RITTER. Then the resolution by Mr. Pievsky was offered in committee? Is that what we are saying?

The SPEAKER. That is correct.

Mr. RITTER. So what I have an amendment for is really accomplished in the resolution itself, with the exception now of 17(b)?

The SPEAKER. Well, the bill now consists of the amendment, which is 17(a).

Mr. RITTER. Then, my point, Mr. Speaker, is that the resolution as it was amended in section 1 of the resolution talks about "The safety and welfare of the Commonwealth requires prompt amendment to the Constitution . . ." to aid those already afflicted by the great storm of 1976 and any future emergency that may strike the Commonwealth citizens.

There are several references to those future emergencies. Will they automatically be stricken since we have now removed section 17(b)? And, if not, then the resolution seems to me not to make sense.

The SPEAKER. The only thing that is removed from the amendment is section 17(b). The remainder of the amendment is intact.

Mr. RITTER. I thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, I think the Chair has indicated that the only matter before the House is a vote on section 17(a). And, Mr. Speaker, I urge the membership of this House to vote in favor of this piece of legislation before us. I think it is important to get the money to the people as quickly as possible.

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

Mr. MILLIRON. Mr. Speaker, may I interrogate the majority whip?

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

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. MILLIRON. Mr. Speaker, in the first part of the amendment, the resolution, we refer to the great storms of 1976, but we also talk to the energy problem which happened in the past few months.

We look down to 17 (a), we refer to again the great storms, and then we have added "of 1976." Would, in your opinion, this be applicable in any way to the energy-related damages done in 1977?

Mr. MANDERINO. I do not think that they can be covered under the constitutional amendment as it has been divided.

Mr. MILLIRON. Was it the intent for it to be covered under that section of the amendment?

Mr. MANDERINO. It was.

Mr. MILLIRON. Under section 17 (a)? Because under section 17 (b), Mr. Speaker, it was not covered either because it said it would be effective as of the date of the amendment. What I am saying is, I do not see where it is covered in either section.

Mr. MANDERINO. I do not think that anything was missed. I think that the amendment to the constitution as proposed was proper. I think striking section 17 (b) from it has confused and garbled the language all through the amendment. I would agree with one of the speakers who indicated that, because if you will notice in section 1, the second paragraph says: "Further, due to an extreme winter with especially heavy snowfall throughout much of the Commonwealth the probability of flooding this spring . . ." threatens." We were referring to 1977 which would have been covered by section (b). Now, you indicate that section (b) would not have been covered because of the effective date. Now the effective date of the constitutional amendment just indicates when this General Assembly can pass enabling legislation.

Mr. MILLIRON. Thank you, Mr. Speaker.

May I make a few remarks?

The SPEAKER. The gentleman is in order.

Mr. MILLIRON. Mr. Speaker, since this bill was just before us today, in no way would I vote against giving money to those people who are in need because of the flooding and the storms of 1976. I certainly respect the judgment of the prime sponsor, Mr. Petrarca and I will vote to help those people out.

But, the problem is that now we are going to have to go through the same procedure for the recent problems which we had and in actuality the damages of the past three months are many, many, many times greater than the damages of 1976. If we had more time, I would certainly offer an amendment to this, but I do not want to hold up the bill or the resolution because of it. But I still do not think we are addressing the problem of those people of the past several months.

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

Mr. ITKIN. Mr. Speaker, I wonder whether Mr. Manderino would consent to interrogation?

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

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, how would the legislature interpret the constitutional provision calling for the great storms or floods of 1976?

Mr. MANDERINO. I do not understand your question, Mr. Speaker.

Mr. ITKIN. Well, if we pass this constitutional amendment, it will allow the legislature to adopt laws which would provide grants, et cetera, for persons involved in the great storms or floods of 1976. I am concerned to know what constitutes a great storm or flood of 1976.

Mr. MANDERINO. Mr. Speaker, I cannot hope to predict what this General Assembly will do in its enabling legislation. Legislation would be necessary even after this constitutional amendment. All this does is to authorize the General Assembly

to pass legislation granting disaster relief.

Now the words used there ". . . Great storms or floods . . ." allows the General Assembly to pass disaster relief by substantive legislation in the past. We used the same words. This General Assembly would decide, by the manner in which it fashioned the enabling legislation, what would or would not be covered.

Mr. ITKIN. Mr. Speaker, as I understand it then, since we have deleted section (b) and it no longer requires, with respect to section (a), the calling of a declaration of an emergency or major disaster, then the General Assembly could enact a law to take care of disasters wherever they occurred in the Commonwealth irrespective of the 21 counties that were originally designated by the President in 1976. Is that correct?

Mr. MANDERINO. That is correct.

Mr. ITKIN. Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRY

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

Mr. GEORGE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GEORGE. Now that section (b) has fallen and is considered unconstitutional, what we are saying in essence is that all that language within those paragraphs no longer exists and we revert then to section (a), is that right?

The SPEAKER. No, the language that is in the remainder of the amendment remains in full force and effect. It may prove to be a nullity, however, since some of it was applicable to paragraph 17 (b) and therefore will be of no consequence, but the language will remain in the amendment.

Mr. GEORGE. Thank you very much.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Milliron, points out the folly that this Assembly has just engaged in, in my opinion, because unless the disaster that we are talking about for the year 1976 was a storm or a flood, there is no assistance given by this constitutional amendment.

In section 1 of this proposed amendment, we had alluded to the extreme winter and heavy snowfall in the Commonwealth and the probability of flooding in the spring.

Section (b) was designed to take care of any emergency that might arise also having to do with the energy situation. I am filing, Mr. Speaker, a reconsideration motion on the question of constitutionality because, as I view what we did, we are making the entire constitutional amendment meaningless except for the storms and floods of 1976.

I think this General Assembly ought to go further than that and provide for the energy emergency and the storms and the heavy snowfall and the terrible winter that we had extending into 1977.

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

Mr. MILLIRON. Before we vote on the reconsideration, we

have suspended the rules here today several times. This is a major piece of legislation. We are talking about changing the constitution, something that we have not even been briefed on as a Democratic caucus. Going back for a reconsideration of section (b) still does not help the problem. My county of Blair had over \$2 million worth of damage and was not declared a disaster area by President Carter. So that is still not going to help about 20 counties that had severe damage.

I would recommend and ask the Chair if we could attack the problem by suspending the rules and allowing an oral amendment to say just 1977 added to section (a). So I move to suspend the rules.

The SPEAKER. But that would not help you, Mr. Milliron, because the 1977 would be applicable only to the great storms or floods.

Mr. MILLIRON. Right.

The SPEAKER. Therefore, it would not deal with the energy crisis and the type of damage, to which you have alluded.

Mr. MILLIRON. But section 1, Mr. Speaker, of the amendment, at the top of the page refers to the problems we just went through.

The SPEAKER. But that is only in the nature of a preamble. You must look to the language of 17 (a) which specifically refers to "... damage, suffering or hardship faced by such individuals," et cetera, "... as a result of Great Storms or Floods ..."

Mr. MILLIRON. Mr. Speaker, before I make the motion to suspend the rules, I would like to have an oral amendment to say, "or the energy crisis of 1977." If we are going to suspend them for a couple of words—we have already suspended them for the Constitution—I do not know why we cannot make an oral amendment.

This is something that should have been discussed by the Democratic caucus. We have had no opportunity to do so and here we are at 5:30 at night arguing about it.

The SPEAKER. I do not know what we are arguing; we are debating and discussing.

Mr. MILLIRON. I would like to suspend the rules, Mr. Speaker, to allow an oral amendment to be made to the resolution.

The SPEAKER. Has the gentleman arrived at the precise language of the amendment he desires to insert?

Mr. MILLIRON. I am suggesting, Mr. Speaker, that it read "... or the energy related crisis of 1977," if this is acceptable to the members.

The SPEAKER. Will the majority and minority leaders and Mr. Milliron come to the desk?

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

Mr. GEESEY. May I make a suggestion? Mr. Speaker, I think it is very clear to all those in this body that there is a sincere desire to accomplish the intent and aim of this legislation but to do it properly. If we have sufficient time, we can indeed do it properly. Would you be willing to consider passing over this bill until we next come back into session so that we have an opportunity to do it properly for all concerned?

The SPEAKER. We cannot do that in order to meet the advertising—time requirement.

Mr. GEESEY. Mr. Speaker, I understand that, but the important thing is that we do it right, not to advertise.

The SPEAKER. Will the gentleman suspend for a while?

### MOTION

#### TO SUSPEND RULES

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

Mr. MILLIRON. Mr. Speaker, I make a motion to temporarily suspend the rules of the House so that the House may immediately consider the following amendment without the same being in print.

The SPEAKER. If you will look at your amendment in front of you, I will read the language to you. After "... 1976," in 17 (a), ", or of 1977, or the emergencies occurring as a result of the energy crisis of 1976, 1977."

### PARLIAMENTARY INQUIRY

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

Mr. MILLIRON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLIRON. We have not suspended the rules to accept this amendment?

The SPEAKER. Not as yet.

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

Mrs. KERNICK. Mr. Speaker, should this require a fiscal note before we vote to suspend the rules?

The SPEAKER. We can suspend the rules for that purpose.

The Chair recognizes the gentleman from Blair, Mr. Milliron.

### MOTION TO SUSPEND RULES ENLARGED

Mr. MILLIRON. Mr. Speaker, I move to temporarily suspend the rules of the House for two purposes: One, to eliminate the necessity for a fiscal note. Two, to have the House consider an amendment without same being in print.

### PARLIAMENTARY INQUIRY

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

Mr. ARTHURS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ARTHURS. A question before we have our vote, just for clarification: If I remember right, when we voted on this constitutional amendment before, it only affected and gave relief to those areas that had been declared an emergency. Is that true?

Then I will follow it up with this question: If we pass this amendment and then pass this legislation, will it cover every county in this state or will it only cover those counties which have been declared an emergency?

The SPEAKER. This amendment has nothing to do with any Presidential declaration of emergency. The implementation of this constitutional amendment will be solely in the hands of the



General Assembly.

Mr. ARTHURS. All right. So it is the intent, at least, that we will be able to cover any county whether or not it has been declared an emergency disaster.

The SPEAKER. That is not a parliamentary inquiry. The Chair is not able to respond to that. The intent will be such as is declared by the General Assembly in its implementing legislation.

Mr. ARTHURS. Fine. Thank you.

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

Miss SIRIANNI. Mr. Speaker, I think that this House has the right to have this in print before us.

The SPEAKER. The House is voting precisely on that point, Miss Sirianni. If you object to the procedure, your recourse is to vote in the negative.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—165

Abraham	Flaherty	Kusse	Rhodes
Anderson	Foster, A.	Laudadio	Richardson
Armstrong	Foster, W.	Laughlin	Rieger
Arthurs	Freind	Lehr	Ritter
Barber	Fryer	Letterman	Ryan
Bellomini	Gallagher	Levi	Salvatore
Beloff	Gallen	Lincoln	Scanlon
Bennett	Gamble	Livengood	Scheaffer
Berson	Garzia	Logue	Schmitt
Bittinger	Gatski	Lynch	Schweder
Bittle	Geesey	Mackowski	Scirica
Borski	George, C.	Manderino	Shuman
Brandt	George, M.	Manmiller	Shupnik
Brown	Giammarco	McCall	Smith, L.
Brunner	Gillette	McIntyre	Spencer
Burd	Goebel	McLane	Stairs
Butera	Goodman	Mebus	Stapleton
Caltagirone	Gray	Meluskey	Stewart
Caputo	Greenfield	Milanovich	Stuban
Cassidy	Greenleaf	Miller	Sweet
Cessar	Grieco	Milliron	Taddonio
Cianciulli	Halverson	Miscevich	Taylor, F.
Cimini	Harper	Moehlmann	Tenaglio
Cohen	Hasay	Morris	Thomas
Cole	Haskell	Mowery	Valicenti
Cowell	Hayes, D. S.	Mrkonic	Wansacz
Davies	Hayes, S. E.	Mullen, M. P.	Wargo
DeMedio	Helfrick	Novak	Wass
DeWeese	Hoeffel	O'Brien, B.	Wenger
DiCarlo	Honaman	O'Connell	White
Dietz	Hopkins	O'Keefe	Wiggins
Dininni	Hutchinson, A.	Oliver	Wilt
Dombrowski	Hutchinson, W.	Parker	Wise
Donatucci	Irvis	Petrarca	Wright, D. R.
Dorr	Itkin	Piccola	Yahner
Doyle	Johnson	Pievsky	Yohn
Duffy	Jones	Pratt	Zitterman
Dumas	Kelly	Prendergast	Zwinkl
Englehart	Klingaman	Rappaport	
Fee	Knepper	Ravenstahl	Fineman,
Fischer	Kolter	Reed	Speaker
Fisher	Kowalshyn	Renwick	

NAYS—29

Burns	Noye	Seltzer	Weidner
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DeVerter	O'Brien, D.	Sirianni	Williams
Hamilton	Pancoast	Smith, E.	Wilson
Katz	Pitts	Spitz	Wright, J. L.
Kernick	Polite	Taylor, E.	Zearfoss
Madigan	Pott	Vroon	Zeller
McClatchy	Pyles	Wagner	Zord
McGinnis			

NOT VOTING—9

Berlin	Mullen, M. M.	O'Donnell	Shelton
Geisler	Musto	Ruggiero	Trello
Gleeson			

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

The SPEAKER. The question now recurs on the amendment offered by the gentleman, Mr. Milliron, which the Speaker will read again.

At the end of paragraph 17 (a), delete the period, insert a comma, and add "or of 1977, or the emergencies occurring as a result of the energy crisis of 1976,1977."

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

Mrs. KERNICK. Mr. Speaker, I would like to interrogate Mr. Milliron.

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

Mr. MILLIRON. Yes, Mr. Speaker.

The SPEAKER. The lady will proceed.

Mrs. KERNICK. Mr. Speaker, did I hear you correctly that there was damage in your county of two hundred-and-some million dollars?

Mr. MILLIRON. No; \$2 million.

Mrs. KERNICK. What kind of damage was it?

Mr. MILLIRON. Related basically to the extremely cold weather, Mr. Speaker. I do not have it here in front of me, but the Task Force Region III visited my county and got an itemized list from every municipality therein.

Mrs. KERNICK. Are there twenty-some counties covered by this proposal? All of them?

Mr. MILLIRON. Yes.

Mrs. KERNICK. So we could have 67 times \$2 million, perhaps?

Mr. MILLIRON. Are you asking a rhetorical question, Mr. Speaker?

The SPEAKER. The line of interrogation is inappropriate since those questions are not before the House. They will be before the House at the time that the House seeks to enact implementing legislation to the constitutional amendment.

Mrs. KERNICK. I thought I was discussing his amendment which would provide assistance to those affected by the 1977 energy crisis.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. RAPPAPORT. Will this amendment now need a fiscal note?

The SPEAKER. We have temporarily suspended the rules to eliminate the necessity of a fiscal note.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

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

Mrs. KERNICK. I thought we suspended the rules to permit this amendment to be submitted orally rather than in writing.

The SPEAKER. We suspended the rules for two specific purposes which the Speaker spelled out. One was the elimination of the necessity of a fiscal note; the second was the need to have a proposed amendment in writing.

The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, if I would have a minute, maybe I can clarify the entire situation.

All we are doing by the constitutional amendment, Mr. Speaker, is providing a method to provide assistance to individuals which the constitution prohibits. What we are doing is saying we can, at a later date if this General Assembly so decides, enact the legislation which will give money to individuals in limited situations: the flood and storm of 1976 and 1977, and the energy-related crisis of the same two years.

There is no fiscal note needed because there is already a fiscal note which goes to what it is going to cost to advertise this amendment. That is the only money that you are going to spend and it is not going to be any different without the amendment. It will probably be less because there are less words to advertise.

There is no money spent until this General Assembly decides, if it decides, to enact legislation specifically giving these individuals relief according to the terms of the legislation that we might adopt.

The SPEAKER. There is one addendum to that. The legislature would not be able to do even that if the referendum is not approved. This must go to a referendum.

Mr. MANDERINO. That is true.

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

Mrs. KERNICK. Mr. Speaker, I understand that. I know using the terminology "individual" really sounds like we are going to help these poor little homeowners, but I just wonder how many corporations, associations, and what else are in there that are going to eventually be asking us for money.

The SPEAKER. That will be in the control of the members of the General Assembly.

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

The following roll call was recorded:

YEAS—175

Abraham	Foster, A.	Letterman	Rieger
Anderson	Freind	Levi	Ritter
Armstrong	Fryer	Lincoln	Ryan
Arthurs	Gallagher	Livengood	Salvatore

Barber	Gallen	Logue	Scanlon
Bellomini	Gamble	Lynch	Schmitt
Beloff	Garzia	Mackowski	Schweder
Bennett	Gatski	Madigan	Scirica
Berson	Geesey	Manderino	Seltzer
Bittinger	George, C.	Manmiller	Shuman
Bittle	George, M.	McCall	Shupnik
Borski	Giammarco	McIntyre	Sirianni
Brandt	Gillette	McLane	Smith, L.
Brown	Goebel	Mebus	Spencer
Brunner	Goodman	Meluskey	Stairs
Burd	Gray	Milanovich	Stapleton
Butera	Greenfield	Miller	Stewart
Caltagirone	Grieco	Milliron	Stuban
Caputo	Halverson	Moehlmann	Sweet
Cassidy	Harper	Morris	Taddonio
Cessar	Hasay	Mowery	Taylor, E.
Cianciulli	Haskell	Mrkonic	Taylor, F.
Cimini	Hayes, D. S.	Mullen, M. P.	Tenaglio
Cohen	Hayes, S. E.	Musto	Thomas
Cole	Helfrick	Novak	Valicenti
Cowell	Hoeffel	Noye	Vroon
Davies	Honaman	O'Brien, B.	Wagner
DeMedio	Hopkins	O'Connell	Wansacz
DeVerter	Hutchinson, A.	O'Keefe	Wargo
DeWeese	Hutchinson, W.	Oliver	Wass
DiCarlo	Irvis	Pancoast	Wenger
Dietz	Itkin	Parker	White
Dininni	Johnson	Petrarca	Wiggins
Dombrowski	Jones	Piccola	Wilt
Donatucci	Katz	Pievsy	Wise
Dorr	Kelly	Pott	Wright, D. R.
Doyle	Klingaman	Pratt	Yahner
Duffy	Knepper	Prendergast	Yohn
Dumas	Kolter	Rappaport	Zearfoss
Englehart	Kowalyszyn	Ravenstahl	Zitterman
Fee	Kusse	Reed	Zwilk
Fischer	Laudadio	Renwick	
Fisher	Laughlin	Rhodes	Fineman,
Flaherty	Lehr	Richardson	Speaker

NAYS—18

Burns	McGinnis	Scheaffer	Wilson
Foster, W.	Miscevich	Smith, E.	Wright, J. L.
Greenleaf	Pitts	Weidner	Zeller
Kernick	Polite	Williams	Zord
McClatchy	Pyles		

NOT VOTING—10

Berlin	Hamilton	O'Donnell	Spitz
Geisler	Mullen, M. M.	Ruggiero	Trello
Gleeson	O'Brien, D.	Shelton	

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

On the question,  
Will the House agree to the joint resolution as amended?

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

Mr. COWELL. Mr. Speaker, I frankly do not know whether I am going to vote for or against the amendment at this point.

I wanted to offer some comments and some observations about what was just gone through though. Last week this House established rules or adopted rules, as we do in each session, to establish and help preserve a certain integrity to the legislative process. That legislative process with all that integrity, I think, is designed in such a way so that when we get to the bottom line we have a certain assurance that we are passing

or considering quality legislation. In the last 30 or 40 minutes, or really we can go back over the last couple of hours, we have done more to prostitute or demean or compromise, at least, that process that we have established in so many ways.

This legislation was originally before the State Government Committee and was considered by the State Government Committee and passed by the State Government Committee a couple of weeks ago. It had certain language in there that has now been significantly changed by the Appropriations Committee, which we were told just a few days ago when we were considering rules would not really get into substantive matters. It was there more than anything else as a fiscal check. As someone else has already suggested on this floor, the caucus, that we often rely upon for an exchange of information and as another check in this whole legislative process to maintain some integrity, has been circumvented. We have just dissolved the rules or set them aside on two or three different occasions in the last half hour, deciding that, one, we are not going to require a reading as we normally do, and we are not going to require a fiscal note, if one would be required—that is debatable at this point, but we are not going to require it any way even if one was required—and we are going to consider an amendment that is not in writing even though our rules generally say that it ought to be in writing.

Each of those acts unto itself might be acceptable, but I wonder when we go through all of that, when we so much depart from the integrity that just last week we established in this legislative process—

### POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. SELTZER. Mr. Speaker, will the Chair advise the House what the question before the House is?

The SPEAKER. The question before the House is on the adoption of the resolution as amended and offered by the gentleman, Mr. Milliron.

Mr. COWELL. So when we get to the bottom line after departing—

The SPEAKER. The Chair would have to remind the gentleman, Mr. Cowell, that a point of order has been raised by the gentleman, Mr. Seltzer, which is well taken. If the gentleman will relate his discussion to the question of the adoption of the resolution, the Chair will recognize the gentleman.

Mr. COWELL. Mr. Speaker, I am questioning the quality of the motion or the quality of the resolution or bill or whatever is before us.

The SPEAKER. The gentleman is questioning the procedure by which it is done. If the gentleman would like to regale the House on that point, the Chair will be happy to recognize the gentleman immediately following the vote.

Mr. COWELL. I will be brief, Mr. Speaker, and try to speak directly to the merits of the issue before us then.

The issue before us, of course, is a piece of legislation in a certain printed or unprinted form. I am questioning to what extent we can be sure that there is quality there, be sure that we are doing the right thing, because of the process that we have just gone through. I do not think you can realistically separate the process and the issue before us.

A final comment though in terms of the specific issue. I wonder again if this is the best approach to help people. I know that this is the argument that is before us and is being used, in a sense, to help people. What we have, if you just look at that amendment, is a process of helping people which started in 1971 when we spoke specifically of storms and floods of September of 1971. Then we went to those of June of 1972, and then we became broader and said all of 1974 or all of 1975 and now we are saying all of 1976 and all of 1977, which again includes something that might happen this December.

I question again whether this is the best approach for us to use; is this the most responsible approach for us to use when we are considering something as important as a constitutional amendment that indeed is intended to help people and which is very difficult to argue against.

I just happen to think there is a better way of doing it or there would have been a better way of doing it, but unfortunately that has not yet been attempted.

Thank you, Mr. Speaker.

### POINT OF ORDER

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

Mr. D.M. FISHER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. D.M. FISHER. Mr. Speaker, what section of the constitution are we seeking to have this bill approved under?

The SPEAKER. Article XI, section 1 (a).

Mr. D.M. FISHER. All right.

Would the gentleman, Mr. Manderino, consent to interrogation on that point?

The SPEAKER. Will the majority whip consent to interrogation?

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. D.M. FISHER. Mr. Speaker, is there any particular reason why in the bill which is presently before us the designation of section 1 (a) was no included in that as it had been included in the original printer's number of HB 304?

Mr. MANDERINO. I would have to have a copy of the amendment and the bill before me. Just a minute.

In the original bill, what section refers to the amendment?

Mr. D.M. FISHER. In the original bill, Mr. Speaker, I believe section 2, which is on pages 3 and 4.

Mr. MANDERINO. Mr. Speaker, section 2, which is on pages 3 and 4, is not changed. That is just repeating the language—

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

We are really dealing with Article VIII of the constitution, section 17. And that is the article and section referred to in the

amendment, Mr. Fisher.

Mr. D.M. FISHER. Yes, Mr. Speaker.

However, I think my question is directed more in an attempt, perhaps, to clarify the language in this bill, as I support the bill and intend to vote for it. However, I do not think that the language which is contained in the bill as it is before the House is sufficient to delineate under what section of the constitution we are seeking to have this issue placed before the voters.

The SPEAKER. Under Article VIII, section 17.

Mr. D.M. FISHER. Yes, but Article VIII, section 17, does not specify how the matter shall be placed before the voters.

The SPEAKER. Well, the amendment that is before the House spells out the procedure for the submission of the matter to the general public for a referendum.

Mr. D.M. FISHER. However, Mr. Speaker, I do not believe it distinguishes whether it should be submitted under subsection (a) or subsection (b). I think that if it is the intent of the General Assembly by this bill to have this acted on as a special emergency constitutional amendment, that that should be specified and further pointed out.

The SPEAKER. Well, subsection (b) is no longer before the House.

Mr. D.M. FISHER. Excuse me, not subsection (b). Subsection (b) of Article XI.

In other words, I believe that in the bill before the House there should be some specific notation, as was in the bill in its original printer's number, that we are talking about section 1, subsection (a). Otherwise, it would be up to the Secretary of the Commonwealth to determine how the bill should be advertised and to determine whether or not two consecutive sessions of the General Assembly would have to approve it.

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

Mr. RITTER. Mr. Speaker, a point of order.

The SPEAKER. A second point of order is not in order while there is an outstanding point of order.

Mr. RITTER. Thank you.

**RULES SUSPENDED TO CONSIDER AMENDMENT  
NOT IN PRINT**

The SPEAKER. The Chair recognizes the gentleman, Mr. Fisher, for the purpose of a technical amendment.

Mr. D.M. FISHER. Mr. Speaker, I move that the rules of the House be temporarily suspended so that on the third line up from the bottom of the page following the words "section 1", a small letter "a" will be added. It will read "Article XI, section 1 (a)."

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

The following roll call was recorded:

**YEAS—178**

Abraham	Fryer	Lehr	Rhodes
Anderson	Gallagher	Letterman	Richardson
Armstrong	Gallen	Levi	Rieger

Arthurs	Gamble	Lincoln	Ritter
Bellomini	Garzia	Livengood	Ryan
Beloff	Gatski	Logue	Salvatore
Bennett	Geesey	Lynch	Scanlon
Berlin	Geisler	Mackowski	Scheaffer
Berson	George, C.	Madigan	Schmitt
Bittinger	George, M.	Manderino	Schweder
Bittle	Giammarco	Manmiller	Scirica
Borski	Gillette	McCall	Seltzer
Brandt	Goebel	McGinnis	Shuman
Brown	Goodman	McIntyre	Shupnik
Burd	Gray	McLane	Sirianni
Burns	Greenfield	Mebus	Smith, L.
Butera	Greenleaf	Meluskey	Spencer
<i>Caltagirone</i>	<i>Grieco</i>	Milanovich	Spitz
Caputo	Halverson	Miller	Stairs
Cassidy	Hamilton	Milliron	Stapleton
Cessar	Harper	Miscevich	Stewart
Cianciulli	Hasay	Moehlmann	Stuban
Cimini	Haskell	Morris	Sweet
Cohen	Hayes, D. S.	Mowery	Taddonio
Cole	Hayes, S. E.	Mrkonic	Taylor, F.
Cowell	Helfrick	Mullen, M. P.	Tenaglio
Davies	Hoeffel	Musto	Thomas
DeMedio	Honaman	Novak	Valicenti
DeVertter	Hopkins	Noye	Wansacz
DeWeese	Hutchinson, A.	O'Brien, B.	Wargo
DiCarlo	Hutchinson, W.	O'Connell	Wass
Dietz	Irvis	O'Keefe	Wenger
Dininni	Itkin	Oliver	White
Dombrowski	Johnson	Pancoast	Wiggins
Donatucci	Jones	Parker	Wilt
Dorr	Katz	Petrarca	Wise
Doyle	Kelly	Piccola	Wright, D. R.
Duffy	Kernick	Pievsky	Wright, J. L.
Englehart	Klingaman	Polite	Yohn
Fee	Knepper	Pratt	Zeller
Fischer	Kolter	Prendergast	Zitterman
Fisher	Kowalshyn	Rappaport	Zwinkl
Flaherty	Kusse	Ravenstahl	
Foster, W.	Laudadio	Reed	Fineman,
Freind	Laughlin	Renwick	Speaker

**NAYS—13**

Foster, A.	Pyles	Vroon	Wilson
McClatchy	Smith, E.	Wagner	Zearfoss
Pitts	Taylor, E.	Weidner	Zord
Pott			

**NOT VOTING—12**

Barber	Gleeson	O'Donnell	Trello
Brunner	Mullen, M. M.	Ruggiero	Williams
Dumas	O'Brien, D.	Shelton	Yahner

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

The SPEAKER. The gentleman, Mr. Fisher, offers the following amendment: After the words "section 1," third line up from the bottom of the page to add a small letter (a).

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

The following roll call was recorded:

**YEAS—189**

Abraham	Gallagher	Logue	Salvatore
Anderson	Gallen	Lynch	Scanlon
Armstrong	Gamble	Mackowski	Scheaffer
Arthurs	Garzia	Madigan	Schmitt

Barber	Gatski	Manderino	Schweder
Bellomini	Geesey	Manmiller	Scirica
Beloff	Geisler	McCall	Seltzer
Bennett	George, C.	McClatchy	Shuman
Berlin	George, M.	McGinnis	Shupnik
Berson	Giammarco	McIntyre	Smith, E.
Bittinger	Gillette	McLane	Smith, L.
Bittle	Goebel	Mebus	Spencer
Borski	Goodman	Meluskey	Spitz
Brandt	Gray	Milanovich	Stairs
Brown	Greenfield	Miller	Stapleton
Brunner	Greenleaf	Miscevich	Stewart
Burd	Grieco	Moehlmann	Stuban
Burns	Halverson	Morris	Sweet
Butera	Harper	Mowery	Taddonio
Caltagirone	Hasay	Mrkonic	Taylor, E.
Caputo	Haskell	Mullen, M. P.	Taylor, F.
Cassidy	Hayes, D. S.	Musto	Tenaglio
Cessar	Hayes, S. E.	Novak	Thomas
Cianciulli	Helfrick	Noye	Valicenti
Cimini	Hoeffel	O'Brien, B.	Vron
Cohen	Honaman	O'Connell	Wansacz
Cole	Hopkins	O'Keefe	Wargo
Cowell	Hutchinson, A.	Oliver	Wass
Davies	Hutchinson, W.	Pancoast	Weidner
DeMedio	Irvic	Parker	Wenger
DeVerter	Itkin	Petrarca	White
DeWeese	Johnson	Piccola	Wiggins
DiCarlo	Jones	Pievsky	Wilson
Dietz	Katz	Pitts	Wilt
Dininni	Kelly	Polite	Wise
Dombrowski	Kernick	Pott	Wright, D. R.
Donatucci	Klingaman	Pratt	Wright, J. L.
Dorr	Knepper	Prendergast	Yahner
Doyle	Kolter	Pyles	Yohn
Duffy	Kowalshyn	Rappaport	Zearfoss
Englehart	Kusse	Ravenstahl	Zeller
Fee	Laudadio	Reed	Zitterman
Fischer	Laughlin	Renwick	Zord
Fisher	Lehr	Rhodes	Zwinkl
Flaherty	Letterman	Richardson	
Foster, W.	Levi	Rieger	Fineman,
Freind	Lincoln	Ritter	Speaker
Fryer	Livengood	Ryan	

NAYS—3

Foster, A.	Milliron	Wagner
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NOT VOTING—11

Dumas	Mullen, M. M.	Ruggiero	Trello
Gleeson	O'Brien, D.	Shelton	Williams
Hamilton	O'Donnell	Sirianni	

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

MOTION TO PASS OVER BILL

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

Mr. RITTER. Mr. Speaker, at the risk of incurring the wrath of a lot of people, I think that this thing has been so confused that I would like to move that this bill be passed over until tomorrow.

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

The following roll call was recorded:

YEAS—60

Abraham	Gallagher	Miller	Smith, L.
Arthurs	Gallen	Miscevich	Stapleton
Berlin	Gillette	Moehlmann	Taylor, E.
Bittinger	Greenleaf	Mullen, M. P.	Taylor, F.
Brown	Honaman	O'Keefe	Vron
Burns	Irvic	Pancoast	Wagner
Caltagirone	Itkin	Pitts	Weidner
Cowell	Kernick	Polite	Wenger
Davies	Letterman	Pott	Wilson
DeVerter	Manderino	Pyles	Wise
DeWeese	Manmiller	Rappaport	Wright, J. L.
Dininni	McClatchy	Ritter	Yohn
Foster, A.	McGinnis	Salvatore	Zeller
Foster, W.	McLane	Scheaffer	Zord
Fryer	Meluskey	Scirica	Zwinkl

NAYS—135

Anderson	Gamble	Laughlin	Richardson
Armstrong	Garzia	Lehr	Rieger
Barber	Gatski	Levi	Ryan
Bellomini	Geesey	Lincoln	Scanlon
Beloff	Geisler	Livengood	Schmitt
Bennett	George, C.	Logue	Seltzer
Berson	George, M.	Lynch	Shuman
Bittle	Giammarco	Mackowski	Shupnik
Borski	Goebel	Madigan	Sirianni
Brandt	Goodman	McCall	Smith, E.
Brunner	Gray	McIntyre	Spencer
Burd	Grieco	Mebus	Spitz
Butera	Halverson	Milanovich	Stairs
Caputo	Hamilton	Milliron	Stewart
Cassidy	Harper	Morris	Stuban
Cessar	Hasay	Mowery	Sweet
Cianciulli	Haskell	Mrkonic	Taddonio
Cimini	Hayes, D. S.	Musto	Tenaglio
Cohen	Hayes, S. E.	Novak	Thomas
Cole	Helfrick	Noye	Valicenti
DeMedio	Hoeffel	O'Brien, B.	Wansacz
DiCarlo	Hopkins	O'Brien, D.	Wargo
Dietz	Hutchinson, A.	O'Connell	Wass
Dombrowski	Hutchinson, W.	Oliver	White
Donatucci	Johnson	Parker	Wiggins
Dorr	Jones	Petrarca	Williams
Doyle	Katz	Piccola	Wilt
Duffy	Kelly	Pievsky	Wright, D. R.
Dumas	Klingaman	Pratt	Yahner
Englehart	Knepper	Prendergast	Zearfoss
Fee	Kolter	Ravenstahl	Zitterman
Fischer	Kowalshyn	Reed	
Fisher	Kusse	Renwick	Fineman,
Flaherty	Laudadio	Rhodes	Speaker
Freind			

NOT VOTING—8

Gleeson	Mullen, M. M.	Ruggiero	Shelton
Greenfield	O'Donnell	Schweder	Trello

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

On the question recurring,  
Will the House adopt the joint resolution as amended?

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

Mr. PANCOAST. Mr. Speaker, I support the substantive provisions of this proposal, but I am opposed to the procedure by which we have arrived at this point to vote upon the proposed amendment. Therefore, Mr. Speaker, I would like the record to show that I am going to oppose this amendment.

On the question recurring,  
Will the House adopt the joint resolution as amended?

The following roll call was recorded:

YEAS—172

Abraham	Freind	Letterman	Ryan
Anderson	Fryer	Levi	Salvatore
Armstrong	Gallagher	Lincoln	Scanlon
Arthurs	Gamble	Livengood	Schmitt
Barber	Garzia	Logue	Schweder
Bellomini	Gatski	Lynch	Scirica
Beloff	Geesey	Mackowski	Seltzer
Bennett	Geisler	Madigan	Shuman
Berlin	George, C.	Manderino	Shupnik
Berson	George, M.	Manmiller	Sirianni
Bittinger	Giammarco	McCall	Smith, L.
Bittle	Gillette	McIntyre	Spencer
Borski	Goebel	McLane	Spitz
Brandt	Goodman	Mebus	Stairs
Brown	Gray	Meluskey	Stapleton
Brunner	Greenfield	Milanovich	Stewart
Burd	Grieco	Miller	Stuban
Butera	Halverson	Milliron	Sweet
Caltagirone	Hamilton	Moehlmann	Taddonio
Caputo	Harper	Morris	Taylor, F.
Cassidy	Hasay	Mrkonic	Tenaglio
Cessar	Haskell	Mullen, M. P.	Thomas
Cianciulli	Hayes, D. S.	Musto	Valicenti
Cimini	Hayes, S. E.	Novak	Wagner
Cohen	Helfrick	Noye	Wansacz
Cole	Hoeffel	O'Brien, B.	Wargo
Davies	Honaman	O'Brien, D.	Wass
DeMedio	Hopkins	O'Connell	Wenger
DeVerter	Hutchinson, A.	O'Keefe	White
DeWeese	Hutchinson, W.	Oliver	Wiggins
DiCarlo	Irvis	Parker	Williams
Dietz	Itkin	Petrarca	Wilson
Dininni	Johnson	Piccola	Wilt
Dombrowski	Jones	Pievsky	Wise
Donatucci	Katz	Pratt	Wright, D. R.
Dorr	Kelly	Prendergast	Yahner
Doyle	Klingaman	Rappaport	Yohn
Duffy	Knepper	Ravenstahl	Zearfoss
Dumas	Kolter	Reed	Zitterman
Englehart	Kowalshyn	Renwick	Zwikl
Fee	Kusse	Rhodes	
Fischer	Laudadio	Richardson	Fineman,
Fisher	Laughlin	Rieger	Speaker
Flaherty	Lehr		

NAYS—25

Burns	McClatchy	Polite	Taylor, E.
Cowell	McGinnis	Pott	Vroon
Foster, A.	Miscevich	Pyles	Weidner
Foster, W.	Mowery	Ritter	Wright, J. L.
Gallen	Pancoast	Scheaffer	Zeller
Greenleaf	Pitts	Smith, E.	Zord
Kernick			

NOT VOTING—6

Gleeson	O'Donnell	Shelton	Trello
Mullen, M. M.	Ruggiero		

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the joint resolution was adopted.

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

QUESTION OF INFORMATION

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

Mr. POLITE. Mr. Speaker, what are we voting on?

The SPEAKER. The House just voted upon the adoption—

Mr. POLITE. Oh, I see. You are changing it now. The board said House bill and it did not have any number on it.

The SPEAKER. The House voted on the adoption of the resolution, Mr. Polite.

Mr. POLITE. Thank you.

RULES SUSPENDED TO ADD SPONSORS

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I move that the House of Representatives suspend its rules to permit additions of sponsors on the following resolution already in print:

HR 67      Messrs. COLE, ZITTERMAN, Mrs. HONAMAN, Messrs. ZELLER, HALVERSON, DORR, ANDERSON, POLITE, REED, HASKELL, O'CONNELL, BROWN, RAVENSTAHL, ARMSTRONG, PRATT, CIANCIULLI, ZWIKL, FRYER, LETTERMAN, RUGGIERO and R.R. FISCHER.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—186

Abraham	Gallagher	Logue	Ritter
Anderson	Gamble	Lynch	Ryan
Armstrong	Garzia	Mackowski	Salvatore
Arthurs	Gatski	Madigan	Scanlon
Bellomini	Geesey	Manderino	Scheaffer
Beloff	George, C.	Manmiller	Schmitt
Bennett	George, M.	McCall	Schweder
Berlin	Giammarco	McClatchy	Scirica
Berson	Gillette	McGinnis	Seltzer
Bittinger	Goebel	McIntyre	Shuman
Bittle	Goodman	McLane	Shupnik
Borski	Gray	Mebus	Sirianni
Brandt	Greenfield	Meluskey	Smith, E.
Brown	Greenleaf	Milanovich	Smith, L.
Brunner	Grieco	Miller	Spencer
Burd	Halverson	Milliron	Stairs
Burns	Hamilton	Miscevich	Stapleton
Butera	Harper	Moehlmann	Stewart
Caltagirone	Hasay	Morris	Stuban
Caputo	Haskell	Mowery	Sweet
Cassidy	Hayes, D. S.	Mrkonic	Taddonio
Cessar	Hayes, S. E.	Mullen, M. P.	Taylor, E.
Cianciulli	Helfrick	Musto	Taylor, F.
Cimini	Hoeffel	Novak	Tenaglio
Cohen	Honaman	Noye	Thomas
Cole	Hopkins	O'Brien, B.	Valicenti
Cowell	Hutchinson, A.	O'Brien, D.	Vroon
Davies	Hutchinson, W.	O'Connell	Wagner
DeMedio	Irvis	O'Keefe	Wansacz
DeVerter	Itkin	Oliver	Wargo
DeWeese	Johnson	Pancoast	Wass
DiCarlo	Jones	Parker	Wenger
Dietz	Katz	Petrarca	White
Dombrowski	Kelly	Piccola	Wiggins
Donatucci	Kernick	Pievsky	Wilt

Dorr	Klingaman	Pitts	Wise
Doyle	Knepper	Polite	Wright, D. R.
Duffy	Kolter	Pott	Wright, J. L.
Englehart	Kowalshyn	Pratt	Yahner
Fee	Kusse	Prendergast	Yohn
Fischer	Laudadio	Pyles	Zeller
Fisher	Laughlin	Rappaport	Zitterman
Flaherty	Lehr	Ravenstahl	Zord
Foster, A.	Letterman	Reed	Zwikel
Foster, W.	Levi	Renwick	
Freind	Lincoln	Richardson	Fineman,
Fryer	Livengood	Rieger	Speaker

NAYS—4

Spitz	Weidner	Wilson	Zearfoss
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NOT VOTING—13

Barber	Geisler	O'Donnell	Shelton
Dininni	Gleeson	Rhodes	Trello
Dumas	Mullen, M. M.	Ruggiero	Williams
Gallen			

The question was determined in the affirmative and the motion was agreed to.

**MOTION TO CALL UP HR 46**

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

Mr. GOEBEL. Mr. Speaker, are you going to call up HR 46 yet this evening?

The SPEAKER. That resolution has been passed over for the day, Mr. Goebel.

Mr. GOEBEL. Passed over for the day?

The SPEAKER. Yes.

Mr. GOEBEL. Until what date then, sir?

The SPEAKER. Until the House next returns to the floor.

Mr. GOEBEL. I would like to move to call it up at this time, please.

The SPEAKER. The resolution has already been passed over, Mr. Goebel.

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

Mr. ITKIN. Mr. Speaker, what would be the proper procedure to consider HR 46 at this time?

Mr. GOEBEL. Mr. Speaker, I would like to move to suspend the rules and call up this HR 46.

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

Mr. GOEBEL. Certainly.

The SPEAKER. Will the majority and minority leaders come to the desk?

(Conference held at Speaker's podium.)

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I am a new member of the House and I am a bit confused. Is this resolution a bill?

The SPEAKER. This is a resolution, Mrs. Taylor.

Mrs. TAYLOR. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, on page 21, I move that the

House reconsider the vote by which it passed over HR 46 earlier today.

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, the members were given a list of propositions that were going to be voted today. This does not appear on the list to be voted today although it appears on the calendar.

The majority leader has asked that this be passed over. The majority leader is not here at the moment to oppose this, so as strongly as I can on his behalf, I ask that this be passed over and that we live by the schedule set up.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—81

Anderson	Gillette	Madigan	Salvatore
Armstrong	Goebel	Manmiller	Scheaffer
Bittle	Greenleaf	McClatchy	Scirica
Brandt	Grieco	McGinnis	Seltzer
Burd	Halverson	Mebus	Sirianni
Burns	Hasay	Miller	Smith, E.
Butera	Hayes, D. S.	Moehlmann	Smith, L.
Cessar	Hayes, S. E.	Mowery	Spencer
Cimini	Honaman	Noye	Spitz
Cowell	Hopkins	O'Connell	Taddonio
Davies	Hutchinson, A.	Pancoast	Taylor, E.
DeVerter	Itkin	Parker	Thomas
Dietz	Katz	Piccola	Wagner
Dininni	Kernick	Pievsky	Wass
Dorr	Klingaman	Pitts	Wenger
Fischer	Knepper	Polite	Wilson
Fisher	Kusse	Pott	Wright, J. L.
Foster, A.	Lehr	Pyles	Yohn
Foster, W.	Levi	Ravenstahl	Zearfoss
Freind	Mackowski	Ryan	Zord
Geesey			

NAYS—111

Abraham	Fryer	Livengood	Schmitt
Arthurs	Gallagher	Logue	Schweder
Barber	Gamble	Manderino	Shuman
Bellomini	Garzia	McCall	Shupnik
Beloff	Gatski	McIntyre	Stairs
Bennett	Geisler	McLane	Stapleton
Berlin	George, C.	Meluskey	Stewart
Berson	George, M.	Milanovich	Stuban
Bittinger	Giammarco	Milliron	Sweet
Borski	Gleeson	Miscevich	Taylor, F.
Brown	Goodman	Morris	Tenaglio
Brunner	Gray	Mrkonic	Valicenti
Caltagirone	Greenfield	Mullen, M. P.	Vroon
Caputo	Harper	Musto	Wansacz
Cassidy	Haskell	Novak	Wargo
Cianciulli	Helfrick	O'Brien, B.	Weidner
Cohen	Hoeffel	O'Keefe	White
Cole	Hutchinson, W.	Oliver	Wiggins
DeMedio	Irvis	Petrarca	Wilt
DeWeese	Johnson	Pratt	Wise
DiCarlo	Jones	Prendergast	Wright, D. R.
Dombrowski	Kelly	Reed	Yahner
Donatucci	Kolter	Renwick	Zeller
Doyle	Kowalshyn	Rhodes	Zitterman
Duffy	Laudadio	Richardson	Zwikel
Dumas	Laughlin	Rieger	
Englehart	Letterman	Ritter	Fineman,
Fee	Lincoln	Scanlon	Speaker
Flaherty			

## NOT VOTING—11

Gallen	Mullen, M. M.	Rappaport	Trello
Hamilton	O'Brien, D.	Ruggiero	Williams
Lynch	O'Donnell	Shelton	

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

**QUESTION OF PERSONAL PRIVILEGE**

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

Mr. W.D. HUTCHINSON. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. W.D. HUTCHINSON. Mr. Speaker, on the motion to call up HR 46, I voted in error. I wish to be recorded as voting in the affirmative.

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

**WELCOMES**

The SPEAKER. The Chair is pleased to welcome a group of Girl Scouts from Troop 706 of Harveys Lake. They are accompanied by their leaders, Joan Davidson, Peg Adams and Mrs. Wood, who is the daughter-in-law of Senator Wood; Barbara Drobnicki, Alice Martin and Jane Morrison.

The SPEAKER. The Chair would also like to welcome a group of young people from Delaware County, Lansdowne Area YMCA, with their leader, Tony Nolik.

They are the guests of the gentlemen from Delaware, Messrs. Doyle, Stapleton and Lynch.

The Chair is pleased to welcome the following persons: Mr. Lou Horvath, who is the county controller of Northumberland County; Mr. Ronald Schreffler, who is the county treasurer of Northumberland County, and Mr. David Phillips, who is the deputy treasurer of Northumberland County.

These gentlemen are here as the guests of Mr. Helfrick.

The Chair is pleased to welcome a group of 50 American Government students from Archbishop Carrol High School, accompanied by their teacher, Mr. French.

They are the guests of the delegations from Delaware and Montgomery Counties.

We also have with us a group of students from the Morris Leeds Middle School, Mt. Pleasant and Woolston Avenues in Philadelphia.

They are accompanied by adults and are here as the guests of Mr. White and Mr. Richardson.

The Chair is pleased to welcome Reverend Albert W. Kovacs, who is the pastor of St. John's Reformed Church, Bangor, Pennsylvania.

His is the president of the Pennsylvanians for Human Life Program, and he is the guest of the gentlemen, Mr. Ruggiero and Mr. Zeller.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. For the information of the members of the House, we are adjourning until tomorrow morning at 9:30. There will be no need for the membership to be here.

The purpose of our adjourning until tomorrow morning is to receive from the Senate the resolution which the House adopted today, which will necessitate the signing of the resolution in the presence of the House. So we are calling the session for 9:30.

**ADJOURNMENT**

Mr. STEWART moved that this House do now adjourn until Wednesday, March 30, 1977, at 9:30 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 6:22 p.m., e.s.t.) the House adjourned.