

Legislative Journal

TUESDAY, APRIL 26, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 32

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (JOSEPH G. WARGO)
IN THE CHAIR

PRAYER

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

Almighty and Everlasting Father, as Thou dost share with us the power of the resurrection whereby we are rescued from the hopelessness of death and separation from Thee, we gratefully pray that Thou wilt grant to all Thy faithful ones the perpetual joys of this life as well. O God, show us the power of Your love which conquers all, share with all Your faithful people the joy of Your presence, which brings serenity and calm, grant unto us the strength to do day by day the deeds which are acceptable and pleasing unto Thee, and make us partakers of that eternity with Thee as we share the joys of Thy eternal kingdom. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal for Monday, April 25, 1977, will be postponed until printed.

LEAVES OF ABSENCE GRANTED

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

Mr. MANDERINO. Mr. Speaker, I request leave of absence for Mr. FINEMAN for the balance of the week's sessions.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Mr. Speaker, I request leave of absence for Mr. FRIEND for today's session.

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

MASTER ROLL CALL RECORDED

The SPEAKER pro tempore. The Chair is about to take up the master roll call. Members will report to the floor of the House. Members will proceed to vote.

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—4

Freind Irvis Kusse

The SPEAKER pro tempore. One hundred ninety-nine mem-

bers having indicated their presence, a master roll is established.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 977 By Mr. D. S. HAYES, Mrs. GILLETTE, Messrs. KNEPPER and SCHMITT

An Act authorizing the Secretary of Transportation to reimburse volunteer fire companies who respond to motor vehicle fires occurring on State highways and providing funds therefor.

Referred to Committee on Transportation.

No. 978 By Messrs. D. S. HAYES, NOYE, MADIGAN and SCHMITT

An Act amending the act of September 9, 1965 (P.L. 498, No. 252), entitled, as amended, "An act exempting certain firemen, policemen, volunteer ambulance and rescue squad personnel and National Ski Patrol personnel when rendering emergency care, first aid and rescue in the performance of their duties except in certain instances," extending the provisions of the act to members of cardiac care units of volunteer fire companies.

Referred to Committee on Judiciary.

No. 979 By Messrs. D. S. HAYES, KNEPPER, GRIECO and SCHMITT

An Act amending "The Fish Law of 1959," approved December 15, 1959 (P.L. 1779, No. 673), reducing the fees for resident fishing licenses for the blind, mentally retarded, or severely handicapped.

Referred to Committee on Game and Fisheries.

No. 980 By Messrs. MILLER and CIMINI

An Act amending the "Lethal Weapons Training Act," approved October 10, 1974 (P.L. 705, No. 235), exempting certain retired police officers from the provisions of this act.

Referred to Committee on Judiciary.

No. 981 By Mrs. TAYLOR, Messrs. MEBUS, NOYE, POLITE, PYLES, D. M. FISHER, MILLER, CESSAR, HOPKINS, W. D. HUTCHINSON, HALVERSON, VROON, PITTS, POTT, DOMBROWSKI, DOYLE, R. R. FISCHER and MORRIS

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P.L. 6, No. 2), excluding capital gains of certain persons from income.

Referred to Committee on Finance.

No. 982 By Messrs. BURNS, J. L. WRIGHT, WILSON, WEIDNER and MILLIRON

An Act amending the "Child Protective Services Law," approved November 26, 1975 (P.L. 438, No. 124), providing for disclosure of records where prosecution initiated.

Referred to Committee on Judiciary.

No. 983 By Messrs. KATZ, HAMILTON, D. M. O'BRIEN and SALVATORE

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act," approved March 11, 1971 (P.L. 104, No. 3), further defining income by excluding Federal Social Security Benefits.

Referred to Committee on Finance.

No. 984 By Messrs. CIMINI and MILLER

An Act amending the "Lethal Weapons Training Act," approved October 10, 1974 (P.L. 705, No. 235), providing for certification of certain privately employed agents.

Referred to Committee on Judiciary.

No. 985 By Messrs. SHUMAN, ZELLER, O'KEEFE, RENWICK, S. E. HAYES, DORR, A.C. FOSTER, TENAGLIO, DIETZ and MILANOVICH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P.L. 6, No. 2), further providing for an exemption.

Referred to Committee on Finance.

GAVEL RETURNED TO THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair now turns the gavel over to the gentleman from Cambria, Mr. Englehart.

THE SPEAKER PRO TEMPORE
(HARRY A. ENGLEHART, JR.)
IN THE CHAIR

The SPEAKER pro tempore. The Chair thanks the caucus secretary.

CALENDAR

JUDICIARY BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1, printer's No. 1134**, entitled:

An Act amending the "Juvenile Act" approved December 6, 1972 (P.L. 1464, No. 333), further defining "child" "delinquent act" and "deprived child" further defining certain words changing certain references from "deprived" to "dependent" further providing for informal adjustment and consent decrees further regulating detention and shelter care and imposing certain duties on counties and the Department of Public Welfare further providing for transfers making related changes and making certain repeals.

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. 825, printer's No. 1091**, entitled:

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

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

Ordered, to be transcribed for third consideration.

**LABOR RELATIONS BILLS
ON SECOND CONSIDERATION**

Agreeable to order,

The House proceeded to second consideration of **House bill No. 676, printer's No. 1015**, entitled:

An Act prohibiting public employers from firing public employees who lose time from employment in the line of duty as volunteer firemen and providing penalties.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 677, printer's No. 1016**, entitled:

An Act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties.

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

Ordered, to be transcribed for third consideration.

TAX-RELATED BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 366, printer's No. 1013**, entitled:

An Act amending the act of June 26, 1931 (P.L. 1379, No. 348), referred to as the Third Class County Assessment Board Law permitting class actions relating to assessments.

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

Ordered, to be transcribed for third consideration.

**CONSUMER AFFAIRS BILL
ON SECOND CONSIDERATION**

Agreeable to order,

The House proceeded to second consideration of **House bill No. 380, printer's No. 1014**, entitled:

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

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

Ordered, to be transcribed for third consideration.

CONSERVATION BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 3, printer's No. 1135**, entitled:

An Act authorizing the Commonwealth of Pennsylvania through the Department of Environmental Resources to enter into such agreements and to acquire such interest as may be necessary to establish protect and maintain the Appalachian

Trail and providing for the establishment protection and maintenance of such trail.

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

Ordered, to be transcribed for third consideration.

AGRICULTURE BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 111, printer's No. 124**, entitled:

An Act restricting the right to condemn prime agricultural lands for certain purposes.

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

Ordered, to be transcribed for third consideration.

**STATE GOVERNMENT BILLS
ON SECOND CONSIDERATION**

Agreeable to order,

The House proceeded to second consideration of **House bill No. 69, printer's No. 79**, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P.L. 1333, No. 320), providing for electronic voting systems.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 72, printer's No. 1136**, entitled:

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

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. 752, printer's No. 1018**, entitled:

An Act amending the "Civil Service Act" approved August 5, 1941 (P.L. 752, No. 286), further providing for notice of ratings to competitors.

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

Ordered, to be transcribed for third consideration.

TAX-RELATED BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. BRUNNER, the House resumed consideration on final passage of **House bill No. 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.

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

The question is, shall the bill pass finally?

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

YEAS—153

Abraham	Gallagher	McClatchy	Ruggiero
Anderson	Gallen	McGinnis	Ryan
Armstrong	Gamble	McIntyre	Salvatore
Barber	Garzia	Mebus	Scheaffer
Bellomini	Geisler	Meluskey	Schmitt
Bennett	George, M.	Milanovich	Schweder
Berlin	Giammarco	Miller	Scirica
Berson	Gillette	Miscevich	Seltzer
Bittinger	Goebel	Moehlmann	Shelton
Bittle	Goodman	Morris	Shupnik
Borski	Greenfield	Mowery	Sirianni
Brandt	Grieco	Mrkonic	Smith, E.
Brunner	Halverson	Mullen, M. P.	Smith, L.
Burd	Hamilton	Mullen, M. M.	Spencer
Burns	Harper	Musto	Spitz
Butera	Haskell	Noye	Stairs
Caltagirone	Hayes, D. S.	O'Brien, B.	Stapleton
Caputo	Hoeffel	O'Brien, D.	Stewart
Cassidy	Honaman	O'Connell	Stuban
Cessar	Hopkins	O'Keefe	Sweet
Cianciulli	Hutchinson, W.	Oliver	Taddonio
Cimini	Itkin	Pancoast	Taylor, E.
Cohen	Jones	Parker	Taylor, F.
Cole	Katz	Petrarca	Tenaglio
Cowell	Klingaman	Piccola	Vroon
Davies	Knepper	Pievsky	Wagner
DeVertter	Kolter	Pitts	Wansacz
DeWeese	Kowalyszyn	Polite	Wargo
DiCarlo	Laudadio	Pott	Wass
Dombrowski	Laughlin	Pratt	Wenger
Dorr	Lehr	Prendergast	Wiggins
Duffy	Letterman	Pyles	Wilson
Englehart	Lincoln	Rappaport	Wilt
Fee	Livengood	Ravenstahl	Wise
Fisher, D.M.	Logue	Reed	Yohn
Flaherty	Madigan	Rhodes	Zearfoss
Foster, A.	Manderino	Rieger	Zitterman
Foster, W.	Manmiller	Ritter	Zwinkl
Fryer			

NAYS—30

Arthurs	Geesey	Mackowski	Weidner
Brown	George, C.	McCall	White
DeMedio	Greenleaf	Novak	Wright, D.
Dietz	Hasay	Renwick	Wright, J. L.
Dininni	Hayes, S. E.	Richardson	Yahner
Doyle	Helfrick	Shuman	Zeller
Fischer, R.R.	Hutchinson, A.	Trello	Zord
Gatski	Levi		

NOT VOTING—20

Beloff	Irvis	McLane	Valicenti
Donatucci	Johnson	Milliron	Williams
Dumas	Kelly	O'Donnell	
Freind	Kernick	Scanlon	Fineman,
Gleeson	Kusse	Thomas	Speaker
Gray	Lynch		

The majority required by the Constitution having voted in

the affirmative, the question was determined in the affirmative.

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

QUESTION OF PERSONAL PRIVILEGE

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

Mrs. KERNICK. I rise to a question of personal privilege.

The SPEAKER pro tempore. The lady will state it.

Mrs. KERNICK. Mr. Speaker, I failed to record my vote on HB 239. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The lady's remarks will be spread upon the record.

LOCAL GOVERNMENT BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third 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.

On the question,

Will the House agree to the bill on third consideration?

Mr. DININNI offered the following amendment:

Amend Sec. 1, page 1, line 14 by removing the period after "corporation" and inserting nor shall it include any contract or construction award where more than two competitive bids were received after public notice of bidding and where such bids were publicly opened.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Will the gentleman from Delaware, Mr. Garzia, indicate whether or not he agrees to the amendment being offered by the gentleman?

Mr. GARZIA. No, I do not, Mr. Speaker. I do not even know what the amendment is.

The SPEAKER pro tempore. Will the gentleman from Dauphin Mr. Dininni, please give a brief explanation of the amendments?

Mr. DININNI. Yes. All my amendment does is, where there are two or more competitive bids, to permit your local authorities or anyone holding public office to bid.

I believe I did give you a copy of that.

Mr. GARZIA. Well, I kind of misplaced the thing.

Mr. Speaker, may I interrogate Mr. Dininni?

The SPEAKER pro tempore. Will the gentleman from Dauphin, Mr. Dininni, consent to interrogation?

Mr. DININNI. Yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GARZIA. If I understand your amendment correctly, if I sit on council and I am a stockholder or own a construction company which bids on a contract done in the borough and if I come in the highest bidder, I am allowed to take it, according to your amendment. Am I right?

Mr. DININNI. That is covered under other provisions in the

law. All I am doing with this amendment is saying that they are permitted to bid providing there are two or more competitive bids, public openings.

Mr. GARZIA. Okay. Now another point. If the second bidder is a member of the family through marriage or is a blood relative, would the second bid be considered a valid bid?

Mr. DININNI. Well, that would be possible as long as they are competitive bids. If there happens to be two members of the family in the same line of business and it is a public opening, yes, that would be permitted. But we are talking about appointed positions here, too, Mr. Speaker. You are talking about appointments to the health boards, various other boards within the municipality, not just elected officials.

Mr. GARZIA. Well, the elected officials are covered by law now. I am talking about appointed officials.

Mr. DININNI. That is right.

Mr. GARZIA. My bill was mostly aimed at solicitors, engineers, building inspectors, plumbing inspectors, electrical inspectors and, of course, the people on the board of health are covered too by this bill. All we are trying to do is stop them from representing a special group and also the township where they are appointed to an office.

Now you are talking about two bids. Fine. I could have my brother and I bid on the same job. What is stopping us from making a dollar difference? It still amounts to one bid.

In that respect, Mr. Speaker, I will hope that the amendments will be turned down.

Thank you.

Mr. DININNI. I will ask the members to vote in favor of the amendment. I think it is a fair and equitable amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—98

Anderson	George, C.	Manmiller	Salvatore
Armstrong	Goebel	McClatchy	Scheaffer
Arthurs	Greenleaf	McGinnis	Scirica
Bittle	Grieco	Mebus	Seltzer
Brandt	Halverson	Miller	Sirianni
Brunner	Hamilton	Moehlmann	Smith, E.
Burd	Hasay	Mowery	Smith, L.
Butera	Haskell	Mullen, M. P.	Spencer
Caputo	Hayes, D. S.	Noye	Spitz
Cessar	Hayes, S. E.	O'Brien, D.	Stairs
Cimini	Honaman	O'Connell	Sweet
Cowell	Hopkins	Pancoast	Taddonio
Davies	Hutchinson, A.	Parker	Taylor, E.
DeVerter	Hutchinson, W.	Petrarca	Taylor, F.
Dietz	Katz	Piccola	Thomas
Dininni	Klingaman	Pitts	Vroon
Dorr	Knepper	Polite	Weidner
Duffy	Laughlin	Pott	Wenger
Englehart	Lehr	Pyles	Wilt
Fisher, D.M.	Letterman	Ravenstahl	Wise
Foster, A.	Levi	Renwick	Yahner
Foster, W.	Logue	Rieger	Yohn
Gallen	Lynch	Ritter	Zeller
Gamble	Mackowski	Ryan	Zwilk
Geisler	Madigan		

NAYS—90

Abraham	Gallagher	McLane	Schmitt
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Bellomini	Garzia	Meluskey	Schweder
Bennett	Gatski	Milanovich	Shelton
Berlin	Geesey	Milliron	Shuman
Berson	George, M.	Miscevich	Shupnik
Bittinger	Giammarco	Morris	Stapleton
Borski	Gillette	Mrkonic	Stewart
Brown	Goodman	Mullen, M. M.	Stuban
Burns	Greenfield	Musto	Tenaglio
Caltagirone	Harper	Novak	Trello
Cassidy	Hoeffel	O'Brien, B.	Valicenti
Cianciulli	Itkin	O'Keefe	Wagner
Cohen	Jones	Oliver	Wansacz
Cole	Kelly	Pievsky	Wargo
DeMedio	Kernick	Pratt	Wass
DeWeese	Kolter	Prendergast	White
DiCarlo	Kowalshyn	Rappaport	Wiggins
Dombrowski	Laudadio	Reed	Wilson
Doyle	Lincoln	Rhodes	Wright, D.
Fee	Livengood	Richardson	Wright, J. L.
Fischer, R.R.	Manderino	Ruggiero	Zitterman
Flaherty	McCall	Scanlon	Zord
Fryer	McIntyre		

NOT VOTING—15

Barber	Gleeson	Johnson	Zearfoss
Beloff	Gray	Kusse	
Donatucci	Helfrick	O'Donnell	Fineman,
Dumas	Irvis	Williams	Speaker
Freind			

The question was determined in the affirmative and the amendment was agreed to.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

The gentleman from Delaware, Mr. Ryan, is scheduled to offer amendments. In his absence, I would like to offer those amendments, Mr. Speaker.

On the question,

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

Mr. S. E. HAYES offered the following amendments:

Amend Title, page 1, line 1, by inserting after "in" State or State agencies and

Amend Sec. 1, page 1, line 5, by inserting after "in" the Commonwealth or any of its agencies or in

Amend Sec. 1, page 1, line 7, by inserting after "interest," respectively

Amend Sec. 1, page 1, line 7, by inserting after "the" Commonwealth or its agencies or

Amend Sec. 1, page 1, line 8, by inserting after "subdivision" respectively

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

The Ryan amendment would do for Pennsylvania as the bill does for all local municipalities. Those provisions presently contained in the bill apply only to local government. The Ryan amendment would extend these provisions to appointed officials in the executive branch at the state level.

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

Mr. GARZIA. Mr. Speaker, I rise to oppose the amendment.

If you remember, this is the same amendment that Representative Wilson put in last year. This is one of the reasons this bill died over in the Senate last year.

My bill was just for local communities because this is where our biggest problem is, with local government.

We have borough engineers who represent the borough. Then they turn around and represent contractors. I do not care what you say, you cannot put a 12-inch sewer line into an 8-inch sewer line. It just does not work. You have problems. In my own particular borough, we are having those kinds of problems. There is no one to inspect the other's work. All I asked in this bill was for local government only. You know, it is fine, I can see a state agency on there, but I think that should be another bill. If this gets sent over to the Senate with this amendment, it will die again like it did last year. I oppose the amendment.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. Mr. Speaker, I tried to find the Dininni amendment. By the time I discovered I did not have it, the amendment was already voted. I cannot find the Ryan amendment. I cannot find the Hayes amendment. The only amendment I have is marked "Pitts." Will somebody please get some amendments to the desk so we know what we are voting on?

The SPEAKER pro tempore. Has the gentleman circulated his amendment?

Mr. S. E. HAYES. The Ryan amendments have been circulated, Mr. Speaker.

Mr. RITTER. When, Mr. Speaker?

The SPEAKER pro tempore. Will the page please supply Mr. Ritter with a copy of the Ryan amendment?

Mr. RITTER. Mr. Speaker, that is fine; I can get one. Somebody is handing me one. What about the rest of the members who do not have one? Where are those amendments? This has been going on every day there are amendments up. There are no amendments around. Either we recess until we get the amendments or we pass the bill over or something, but I am not going to go along any longer without having these amendments.

The SPEAKER pro tempore. Did the gentleman get a copy of the amendment yet?

Mr. RITTER. I did, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman wish recognition to debate the amendment?

Mr. RITTER. No, and I had better not say what I was going to say. But I want to tell you, Mr. Speaker, if somebody comes back here and says to me again what was said, there is going to be some hell to pay.

We have pages in this House and the pages are letting them set on the desk and there is no member there. Let the pages hand them out. I do not need any reference about somebody not being in their seat and the amendments laying there.

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

Mr. GARZIA. You know this amendment, maybe, could become highly controversial. If somebody is going to run for reelection next time, your opponent will say, look, you are protecting yourselves and the state agency.

But I hope they do not look at it this way. I hope they just look at it as we are trying to do something for local government. I do not want to see this amendment passed, attached to the bill, and go over to the Senate and die again. We are not accomplishing anything by this happening.

Now this is a good amendment, but I think it should be a bill by itself, not attached to this bill. I hope that my colleagues will vote against it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—108

Anderson	Greenleaf	Mebus	Shupnik
Armstrong	Grieco	Meluskey	Sirianni
Arthurs	Halverson	Miller	Smith, E.
Bittle	Hamilton	Moehlmann	Smith, L.
Brandt	Hasay	Mowery	Spencer
Brown	Haskell	Mrkonic	Spitz
Burd	Hayes, D. S.	O'Brien, D.	Stairs
Burns	Hayes, S. E.	O'Connell	Stapleton
Butera	Helfrick	O'Keefe	Stuban
Cessar	Honaman	Oliver	Taddonio
Cimini	Hopkins	Pancoast	Taylor, E.
Cowell	Hutchinson, W.	Parker	Thomas
Davies	Katz	Piccola	Vroon
DeVerter	Kernick	Pitts	Wagner
Dietz	Klingaman	Polite	Wass
Dininni	Knepper	Pott	Weidner
Dorr	Kowalyszyn	Pyles	Wenger
Fischer, R.R.	Lehr	Reed	Wiggins
Fisher, D.M.	Levi	Renwick	Wilson
Foster, A.	Lynch	Ritter	Wilt
Foster, W.	Mackowski	Ruggiero	Wright, J. L.
Fryer	Madigan	Ryan	Yahner
Gallen	Manmiller	Salvatore	Yohn
Geesey	McClatchy	Scheaffer	Zeller
George, C.	McGinnis	Schmitt	Zord
Gillette	McIntyre	Scirica	Zwilk
Goebel	McLane	Seltzer	

NAYS—81

Abraham	Fee	Laughlin	Ravenstahl
Bellomini	Flaherty	Letterman	Rhodes
Bennett	Gallagher	Lincoln	Richardson
Berlin	Gamble	Livengood	Rieger
Berson	Garzia	Logue	Scanlon
Bittinger	Gatski	Manderino	Schweder
Borski	Geisler	McCall	Shelton
Brunner	George, M.	Milanovich	Shuman
Caltagirone	Giammarco	Milliron	Stewart
Caputo	Goodman	Miscevich	Sweet
Cassidy	Greenfield	Morris	Taylor, F.
Cianciulli	Harper	Mullen, M. P.	Tenaglio
Cohen	Hoeffel	Mullen, M. M.	Trello
Cole	Hutchinson, A.	Musto	Valicenti
DeMedio	Itkin	Novak	Wansacz
DeWeese	Johnson	O'Brien, B.	Wargo
DiCarlo	Jones	Petrarca	White
Dombrowski	Kelly	Pievsky	Wise
Doyle	Kolter	Pratt	Wright, D.

Duffy	Laudadio	Prendergast	Zitterman
Englehart			

NOT VOTING—14

Barber	Freind	Kusse	Zearfoss
Beloff	Gleeson	O'Donnell	
Donatucci	Gray	Rappaport	Fineman,
Dumas	Irvis	Williams	Speaker

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?

Mr. PITTS offered the following amendments:

Amend Title, page 1, line 2, by removing the period after "positions" and inserting and prohibiting certain State employees from engaging in post State employment conflict of interest activities.

Amend Bill, page 1, by inserting between lines 4 and 5

Section 1. The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Executive-level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business or any employee who by virtue of his job function could influence the outcome of such a decision.

"State consultant." A person who, as an independent contractor, performs professional, scientific, technical or advisory service for a State agency, and who receives a fee, honorarium or similar compensation for such services. A "State consultant" is not an executive-level employee.

Section 2. No former executive-level State employee may for a period of two years from the time that he terminates his State employment be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participates in recruiting to the Commonwealth of Pennsylvania or that he actively participated in inducing to open a new plant, facility or branch in the Commonwealth or that he actively participated in inducing to expand an existent plant or facility within the Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.

A372

Amend Sec. 1, page 1, line 5, by striking out "1." and inserting 3. (a)

Amend Sec. 1, page 1, line 9, by inserting before "Any" (b)

Amend Sec. 1, page 1, line 12, by inserting before "For" (c)

Amend Bill, page 1, by inserting between lines 14 and 15

Section 4. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 or to be imprisoned for a term not exceeding one year, or both, and in addition shall forfeit the proscribed employment, contract, assistance or representation and any fees, salaries or consideration obtained through that employment, contract, assistance or representation.

Section 5. The Attorney General shall, upon request, issue advisory opinions to any present or former State employee who contemplates terminating his State employment and/or becoming employed by, contracting with, assisting or acting in a representative capacity for a business or corporation. That opinion shall state whether, upon the facts presented, such employment, contract, assistance or representation would be in violation of the provisions of this act. If the advisory opinion states

that such employment, contract, assistance or representation would not be in violation of the provisions of this act, the person who requested the opinion may not be prosecuted or penalized, either criminally or civilly, under the provisions of this act provided that the actions under question bear a substantial similarity to the facts presented to the Attorney General.

Section 6. If at any time a commission or board of ethics, with responsibility for establishing and enforcing ethical standards for officers and employees of the executive branch of government, is provided for by statute, the duty of issuing advisory opinions, pursuant to this act, to present or former State employees shall be transferred from the Attorney General to said statutory board or commission.

A372#2

Amend Sec. 2, page 1, line 15, by striking out "2" and inserting 7

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. Mr. Speaker, my amendment is along the same lines as Representative Ryan's amendment only it is a little bit more specific. It deals, again, with preventing conflict of interest at the state level.

We hear in the news these days a lot about businesses and corporations being solicited to come to Pennsylvania. That is good. This amendment is designed to provide a safeguard to make certain that those governmental employees involved avoid any conflict which could in any way influence any government officer except in the even interest of all the people of Pennsylvania.

In other words, it would prevent any individual "sweetheart" deals. It is very similar to the provision in the Code of Ethics adopted by the Carter Administration. It would prohibit those high-level executive employees who are involved in soliciting businesses or corporations through our state from being employed by that business for at least 2 years after they have terminated their government service.

I think that we must be certain that those who use taxpayers' money must be careful not to use it for personal gain. That is the reason for this amendment.

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

Mr. GARZIA. May I interrogate Mr. Pitts, please?

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

Mr. PITTS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GARZIA. If I understand your amendment right now, anyone who works for the executive branch cannot be involved in any contracts or anything for 2 years after they either get fired or get laid off or whatever. Do I understand right?

Mr. PITTS. That is not quite correct, Mr. Speaker. It is any executive level state employe, and I define that employe in the bill as high level executives who are involved with soliciting and have some discretionary powers which might affect that state agency in soliciting the business to the state.

Mr. GARZIA. Mr. Speaker, I have no objection to the amendment. I hope they support it.

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

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

Bill as amended was agreed to.

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

Mr. RYAN. Mr. Speaker, I think the bill is in much better shape than it was when it originally came out, but I would like to ask the principal sponsor some questions so that legislative intent may be spread upon the record in connection with the bill.

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

Mr. GARZIA. Yes, I do.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, the bill speaks of a prohibition against local officials, and now, of course, state, having interest in contracts entered into by their employing municipality, wherein this case, now state government. Would you tell the membership of the House what you mean by the word "interest"? Are you referring to an equitable interest, a financial interest and does it include the interest of a spouse or is it an indirect interest of a mere employe? Could you explain that in some detail?

Mr. GARZIA. Well, my intent of the amendment, I mean my tentative bill, was - now we will just use you as an example. You are a solicitor from my borough, okay? Usually you will end up being the solicitor for a shopping center, development or any big contract that comes into the borough or township, so you are acting on the behalf of my borough and also on the behalf of a contractor. Now, you suppose that you are getting paid by both sides and you are doing legal work for both sides, and this bill would prevent you from either being the borough solicitor, the contractor or the solicitor for the contractor. That is all. Very simple.

Mr. RYAN. Again, the word "interest," is it a financial interest?

Mr. GARZIA. The interest will be that of maybe your law firm. You would have an interest in that law firm. I do not know how you pay each other, but I am sure the money going into your law firm is shuttled back to each individual lawyer in that corporation. That is what the intent of that word "interest" means. It could be for an engineer, too, and not just a solicitor.

Mr. RYAN. You know I may be wrong, Mr. Speaker, but if that is what Mr. Garzia is intending to do, I do not think he has done it in this bill. I am reading from the bill, "Any individual who holds an appointive office" — and I would agree at this point that would be your borough solicitor — "shall not have an interest in any contract or construction in which that political subdivision shall enter or have an interest." Now as a solicitor for a borough, representing the shopping center that you are referring to as an attorney for that shopping center, I do not

have an interest in the shopping center.

Mr. GARZIA. No, but you are on their payroll and you are representing that shopping center doing business in the political subdivision where you are the borough solicitor.

Mr. RYAN. But, Mr. Speaker, I do not think your bill says that. Your bill does not define what the word "interest" means.

Mr. GARZIA. Mr. Speaker, you know these are practically exactly the same words that we passed last year. If you do not understand it this year, I do not know why you voted for it last year.

Mr. RYAN. I do not know why I did a lot of things last year, but what else are you trying to accomplish other than what I will call a conflict of interest, which I believe is already covered under present law, where a borough solicitor cannot represent, in my judgment, a shopping center developer who has an interest adverse to that of the borough or municipality. I do not think that is a proper example under this bill. I think it is covered elsewhere.

Mr. GARZIA. I do not know if it is against the law to have them representing on both sides, but all I know is it is being done. Maybe this defines it a little bit better. I have no idea. I know this is the perfect example for an engineer of a local municipality, building inspector. Usually most of them are carpenters and they end up working for the contractor anyway. That is all I am trying to do.

I think, Mr. Speaker, in Delaware County you will find more and more that local subdivisions are maintaining their own conflict of interest. They are making their own rules. If you are an engineer in that borough, you do not do any business with any contractors. This is done in a lot of boroughs and townships back home.

Mr. RYAN. Well, Mr. Speaker, I think what I am suggesting to you, if you will look at your own bill, is that the word "interest" should really be broadened to spell out what you are attempting to do. In other words, as I look at the word "interest," I question whether you are talking about an equitable interest, that is, where I own a piece of the action, a financial interest where I am being paid as a lawyer or an architect representing a party that we might call adverse to the municipality, or is it an interest in the sense that we have attempted to describe interest in these various ethics codes where your spouse or a member of your family has an interest? In other words, if you are sitting on borough council and your son-in-law or your daughter or your son is in as an applicant, that, too, could be defined as an interest if the bill spelled it out, or could an employe of the municipality come in for a subdivision or could he come in for some kind of zoning that would be for a delicatessen or a small shopping center, or whatever else? It just seems to me that your bill, the way it is written, although it is better now by virtue of these amendments, is very vague as to what an interest is. Now I have a couple of other comments.

The SPEAKER pro tempore. Is the gentleman still on his interrogation or is he debating the bill?

Mr. RYAN. Yes, I am still on my interrogation, if I may.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RYAN. Where you described the 5-year prohibition on a person engaging in business with any political subdivision, does

that extend to this and now be broadened to include people who are employes or appointees of the Commonwealth by virtue of the amendment? What about the man who leaves the political subdivision and enters into a partnership? Is he prohibited from being a member of a partnership that then does business with the political subdivision?

Mr. GARZIA. Now whom are you talking about? An engineer, solicitor, building inspector, or what?

Mr. RYAN. I am talking about all these people who you said were individuals who hold an appointive office. Now they leave that appointive office. We are in the second part of your bill.

Mr. GARZIA. In other words, they are no longer appointed officers in that political subdivision?

Mr. RYAN. They have left their employer.

Mr. GARZIA. Fine. If they left that employer, there is nothing they can do about it. They do not work for a political subdivision anymore.

Mr. RYAN. Under lines 9, 10 and 11 of your bill, you are saying that these people shall be barred from engaging in any business or contract with any political subdivision of this Commonwealth. So I am assuming now that an appointed architect or engineer who is your township or political subdivision engineer and who has been appointed to that office is prohibited from doing business with that particular municipality while he is an appointed engineer of that municipality.

Now, I come down to the next part of your bill, which is the 9, 10 and 11 part of it, and it says "Any person violating the provisions of this section shall be barred for a period of five years from engaging in any business or contract with any political subdivision of this Commonwealth." That is a penalty provision?

Mr. GARZIA. Yes.

Mr. RYAN. Does that mean if your engineer for your municipality represents someone before your municipality and gets caught at it that he is prohibited from going before any municipality or political subdivision for 5 years?

Mr. GARZIA. Well, in the first place, I did not sponsor any of the amendments. The intent of that 5-year penalty was that if you, as the borough solicitor, engaged in business with that particular subdivision while you are still a solicitor and then if you are caught, you are prohibited for 5 years from doing business in that subdivision. That is the way I intended for this to read.

Mr. RYAN. Okay. Mr. Speaker, if what you are saying is that that particular appointee of the borough should be prohibited or would be prohibited from doing business in that borough for 5 years, that is not what your bill says. Your bill says, shall be prohibited from engaging in any business or contract with any political subdivision of the Commonwealth. So you are telling us that your penalty provision would keep this man from engaging in further business in that municipality for 5 years, yet the written word is that he is prohibited from engaging in any business in any political subdivision in the entire Commonwealth for 5 years. Is that what you intended?

HB 198 PASSED OVER

The SPEAKER pro tempore. Will the gentleman yield? The

Chair would suggest to the gentleman, Mr. Garzia, that the insertion of the last two amendments do considerably complicate the bill, and perhaps the best procedure would be for the bill to go over in order until it can be printed with all the amendments and you can determine whether or not you wish to have further amendments.

Mr. RYAN. All right, Mr. Speaker.

Mr. GARZIA. All right, we will do that.

The SPEAKER pro tempore. No objection? HB 198, PN 740, will go over in order.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 327, printer's No. 356**, entitled:

An Act amending the "Pennsylvania Municipalities Planning Code" amended July 31, 1968 (P.L. 805, No. 247), providing that the costs in processing a curative amendment be borne by the landowner.

On the question,

Will the House agree to the bill on third consideration?

Mr. MEBUS offered the following amendments:

Amend Title, page 1, line 17 by inserting after "acts," further

Amend Title, page 1, line 17 by striking out "that" and inserting for

Amend Title, page 1, line 18, by inserting a period after "amendment"

Amend Title, page 1, line 18 by striking out "be borne by the landowner."

Amend Sec. 1 (Sec. 609.1), page 2, line 17 by inserting after "borne" seventy-five percent

Amend Sec. 1 (Sec. 609.1), page 2, line 17 by removing the period after "same" and inserting and twenty-five percent by the local governing body.

Amend Sec. 1 (Sec. 609.1), page 2, line 20 by inserting after "hearing" in addition to the twenty-five percent above specified

On the question,

Will the House agree to the amendments?

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

Mr. MEBUS. Mr. Speaker, the intent of this bill I believe to be a proper one, but we are going, in the bill as it is presently written, from one extreme to another. Therefore, what I am endeavoring to do with this amendment is to say that that 75 percent of the costs of the curative amendment hearing will be borne by the applicant. I also believe that in order to prevent any excesses, it is worthwhile to have the municipality pay at least some small portion. At the present time they are paying the whole thing.

So what my amendment says is that three-quarters of the cost shall be paid by the applicant—which is the major cost—but that a small portion, 25 percent, be borne by the municipality just to prevent them from running up a heck of a bill which might generate further problems with this curative amendment matter, which is one that has caused a lot of us agony in the past.

I would like Mr. Fryer to speak to this. I believe he agrees to my amendment but I do not speak for him, and I would hope he would address the matter.

The SPEAKER pro tempore. The Chair recognizes the gentle-

man from Berks, Mr. Fryer. Does the gentleman agree to the amendments?

Mr. FRYER. I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes Mr. Burns.

Mr. BURNS. Mr. Speaker, may I interrogate Mr. Mebus?

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

Mr. MEBUS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BURNS. Mr. Speaker, this amendment that you are offering, would you explain it just one more time for me?

Mr. MEBUS. The way the situation exists at the present time, Mr. Speaker, the entire cost of a curative amendment hearing is borne by the municipality, other than the expert witnesses, attorneys and what have you who are employed by the applicant. All the rest of the costs, the mechanical costs, are all borne by the municipality. This bill endeavors to level all of that cost onto the developer or the applicant. What my amendment says is this, that three-quarters of that cost shall be borne by the applicant and one-quarter only by the municipalities. So that the municipality will benefit if this bill passes with my amendment in it in that it divests itself of three-quarters of the cost but not all of it. All that I am trying to do is to prevent the excesses, which one side is guilty of at the present time, from possibly going in the other direction.

Mr. BURNS. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this amendment. I do not believe that any local government should have to pay for any of the cost of an amendment that benefits any developer.

What you are doing here is, the local government is caught with a developer coming in who goes to the local government and who goes to get an amendment and then who hits the local government with the cost and goes out and develops the land and makes the money. That should not be borne by the taxpayers of the political subdivision.

Now, I admit that what Mr. Mebus is doing now, making three-quarters of it go on to the developer and one-quarter to the local government is better than it had been. I still do not believe that any local government should bear the cost, any cost, that a developer should bear because it is the developer who is the profitmaker in this situation. For those reasons, I oppose the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—129

Anderson	Gatski	Logue	Pyles
Armstrong	Geisler	Lynch	Ravenstahl
Arthurs	George, C.	Mackowski	Renwick
Bennett	George, M.	Madigan	Rieger
Berlin	Giammarco	Manderino	Ruggiero
Berson	Gillette	Manmiller	Ryan
Bittle	Goebel	McCall	Salvatore
Brandt	Goodman	McClatchy	Scanlon
Brown	Greenfield	McGinnis	Schweder
Brunner	Grieco	McIntyre	Scirca
Burd	Halverson	Mebus	Seltzer
Butera	Hamilton	Milanovich	Shelton

Callagirono	Harper	Miller	Sirianni
Cassidy	Haskell	Milliron	Smith, E.
Cessar	Hayes, S. E.	Moehlmann	Smith, L.
Cianculli	Helfrick	Mowery	Spencer
Cimini	Hoeffel	Mullen, M. P.	Stewart
Cole	Honaman	Noye	Taylor, E.
Cowell	Hopkins	O'Brien, B.	Taylor, F.
DeVerter	Katz	O'Brien, D.	Thomas
Dietz	Kelly	O'Connell	Vroon
Dininni	Kernick	O'Donnell	Wagner
Dombrowski	Klingaman	Oliver	Wansacz
Donatucci	Knepper	Pancoast	Wass
Dorr	Kolter	Parker	Weidner
Doyle	Kowalyshyn	Petrarca	Wenger
Englehart	Laudadio	Piccola	White
Fisher, D.M.	Laughlin	Pievsky	Wilt
Foster, A.	Lehr	Pitts	Wright, D.
Foster, W.	Letterman	Pott	Yahner
Fryer	Levi	Pratt	Yohn
Gallagher	Livengood	Prendergast	Zearfoss
Gallen			

NAYS—65

Abraham	Gamble	Mrkonic	Stapleton
Barber	Garzia	Mullen, M. M.	Stuban
Bellomini	Geesey	Musto	Sweet
Beloff	Greenleaf	Novak	Taddonio
Bittinger	Hasay	O'Keefe	Tenaglio
Borski	Hayes, D. S.	Polite	Trello
Burns	Hutchinson, A.	Reed	Valicenti
Caputo	Hutchinson, W.	Rhodes	Wargo
Davies	Itkin	Richardson	Wiggins
DeMedio	Johnson	Ritter	Wilson
DeWeese	Jones	Scheaffer	Wise
DiCarlo	Lincoln	Schmitt	Wright, J. L.
Duffy	McLane	Shuman	Zeller
Dumas	Meluskey	Shupnik	Zitterman
Fee	Miscevich	Spitz	Zord
Fischer, R.R.	Morris	Stairs	Zwilk
Flaherty			

NOT VOTING—9

Cohen	Gray	Rappaport	Fineman,
Freind	Irvis	Williams	Speaker
Gleeson	Kusse		

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. MORRIS offered the following amendments:

Amend Title, page 1, line 18, by removing the period after "landowner" and inserting and providing for curing alleged defect in challenged ordinance or map.

Amend Bill, page 2, by inserting between lines 21 and 22 Section 2. Section 1004 of the act added June 1, 1972 (P.L. 333, No. 93), is amended by adding subsections to read:

Section 1004. Validity of Ordinance; Substantive Questions; Landowner Appeals.— * * *

(5) No relief shall be granted to any landowner by any court for the use and development of land in which he has an interest as a result of any successful action brought pursuant to this section. Notwithstanding the foregoing provision, relief may be granted if the governing body fails to adopt a new zoning ordinance which corrects the defects in such ordinance found by the court within six months of a final determination by the court that the challenged zoning ordinance is invalid. In curing such defects the governing body need not change the zoning of property belonging to such challenging landowner but may cure such defects by appropriate changes to the zoning

ordinance elsewhere in the municipality provided that such curative action shall be taken in good faith and not for purposes of retaliation and further provided that failure to rezone the property of the challenging landowner shall not alone constitute evidence of bad faith or retaliation.

(6) Any landowner who successfully challenges the prior ordinance or whose application for a permit is pending at the time of the enactment of the subsequently adopted ordinance may challenge the validity of the subsequently adopted ordinance pursuant to the procedure set forth in this section and section 1011 except that section 1004(5) shall not apply. Provided, however, that action by the governing body to cure defects in the prior ordinance by appropriate changes in that ordinance with respect to areas of the municipality other than the landowners property and failure of the governing body to rezone the landowners property shall not be grounds for specific relief by the court directing a rezoning of the landowners property in the absence of bad faith as referred to in section 1004(5) and such failure shall not alone constitute evidence of bad faith or retaliation.

(7) If any proceeding shall be brought before any court by a landowner whether under this section 1004, section 1011 or otherwise under this act asserting that a municipal zoning ordinance is defective or unconstitutional the court in deciding whether to grant specific relief to such landowner by directing that the zoning of his property shall be changed, shall consider the appropriateness of such action under all the provisions of this act and in particular all the provisions of section 604(1)(2).

Section 3. Subsection (2) of section 1011 of the act, added June 1, 1972 (P.L. 333, No. 93), is amended to read:

Section 1011. Judicial Relief.—* * *

(2) If the court finds that an ordinance or map or a decision or order thereunder which has been brought up for review unlawfully prevents or restricts a development or use which has been described by the landowner through plans and other materials submitted to the governing body, agency or officer of the municipality whose action or failure to act is in question on the appeal, it may order subject to the provisions set forth in section 1004(5) of this act, the described development or use approved as to all elements or it may order it approved as to some elements and refer other elements to the governing body, agency or officer having jurisdiction thereof for further proceedings, including the adoption of alternative restrictions, in accordance with the court's opinion and order. The court shall retain jurisdiction of the appeal during the pendency of any such further proceedings and may, upon motion of the landowner, issue such supplementary orders as it deems necessary to protect the rights of the landowner as declared in its opinion and order.

A432

Amend Sec. 2, page 2, line 22, by striking out "2." and inserting 3.

On the question,

Will the House agree to the amendments?

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

Mr. MORRIS. Mr. Speaker, I believe that the amendment is agreed to.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

The SPEAKER pro tempore. Is there any request for a roll-call vote on the amendments?

The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, my amendment was incorporated in Mr. Morris's amendment and therefore I have withdrawn the one that I previously circulated.

On the question recurring,

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

Bill as amended was agreed to.

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

Mrs. KERNICK. Mr. Speaker, I do not have a copy of the bill and my calendar, but I would like to interrogate Mr. Fryer.

The SPEAKER pro tempore. Will the gentleman from Berks, Mr. Fryer, consent to interrogation?

Mr. FRYER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The lady may proceed.

Mrs. KERNICK. Mr. Speaker, what happens if the landowner feels the costs placed on him by the municipality are excessive? For instance, I am thinking about the fact that they could jack up engineering fees, solicitor's fees, secretary's time and planning departments. If he feels that he has been excessively billed, what recourse does he have to get it put down a little bit?

Mr. FRYER. Mr. Speaker, I do not know the legal answer to it, but each one would be an individual case and the cost would, of course, vary. Mr. Speaker, could the questioning be a bit more specific?

Mrs. KERNICK. Well, for instance, we own three acres of land in Penn Hills. We are a small landowner. If we went before the present council in Penn Hills, not only do I think they would jack up the prices but they would deny our request. Suppose that instead of \$500 they would charge us \$5,000, and we knew it was excessive, what recourse would we have to prove that the bill was wrong?

Mr. FRYER. It is difficult for me, Mr. Speaker, to see such a situation. I think that probably it would call for, one, an improvement of relations on behalf of the parties involved.

Mrs. KERNICK. No way.

Mr. FRYER. And failing that, then I would seek legal action.

Mrs. KERNICK. Mr. Speaker, I yield to Mr. Butera. Did you want the floor?

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

Mr. BUTERA. Well, I was going to attempt to answer the question. I think that Mr. Fryer did a good job. I have to then, after you are finished, request a roll call on the Morris amendment which has been requested on this side.

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

Mrs. KERNICK. You know, I do not think that my question has been answered. The large landowners, the developer, does not have to worry, but the small landowner does. They could have their legal fees, their engineering fees and the planning department fees jacked up to the point where they just could not pay them. There is nothing in the bill—I do not have a copy. Maybe there is something in the bill that says they have some way to fight this type of situation.

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

Mr. BUTERA. Mr. Speaker, I thought Mr. Fryer had ad-

dressed the question. It would be my feeling that this kind of a charge would be the same as any other charge placed upon a property owner by a township government. There is a procedure in the law to challenge excessiveness of any kind of charge such as this and that would be, the recourse which a property owner would have. Ultimately, of course, these questions are decided by courts. Hopefully, it would never reach that stage.

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

Mrs. KERNICK. Mrs. Speaker, not only can the small landowner barely afford the costs of proposing a curative amendment, but then you are telling him now, go into court. This must be an attorney's bill. I say let the proposal be borne by all the taxpayers. Thank you.

DECISION WITHDRAWN

The SPEAKER pro tempore. The Chair withdraws its decision that the amendments offered by the gentleman from Chester, Mr. Morris, are agreed to.

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

The following roll call was recorded:

YEAS—194

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

Fee	Levi	Renwick	Yahner
Fischer, R.R.	Lincoln	Rhodes	Yohn
Flaherty	Livengood	Richardson	Zearfoss
Foster, A.	Logue	Rieger	Zeller
Foster, W.	Lynch	Ritter	Zitterman
Fryer	Mackowski	Ruggiero	Zord
Gallagher	Madigan	Ryan	Zwinkl
Gallen	Manderino		

NAYS—1

Fisher, D.M.

NOT VOTING—8

Beloff	Gray	Kusse	Fineman,
Freind	Irvis	Williams	Speaker
Gleeson			

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

The question is, shall the bill pass finally?

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

YEAS—167

Abraham	Fryer	McCall	Ryan
Armstrong	Gallagher	McClatchy	Salvatore
Arthurs	Gamble	McGinnis	Scanlon
Barber	Garzia	McIntyre	Scheaffer
Bellomini	Gatski	McLane	Schmitt
Bennett	Geesey	Mebus	Schweder
Berlin	Geisler	Meluskey	Scirica
Berson	George, C.	Milanovich	Shelton
Bittinger	George, M.	Miller	Shupnik
Bittle	Giammarco	Milliron	Sirianni
Borski	Goebel	Miscevich	Smith, E.
Brandt	Goodman	Morris	Smith, L.
Brunner	Greenfield	Mrkonic	Spencer
Burd	Greenleaf	Mullen, M. P.	Spitz
Burns	Grieco	Mullen, M. M.	Stairs
Butera	Harper	Musto	Stapleton
Caltagirone	Hasay	Novak	Stewart
Caputo	Hayes, D. S.	Noye	Suban
Cassidy	Helfrick	O'Brien, B.	Sweet
Cessar	Hoeffel	O'Connell	Taddonio
Cianciulli	Honaman	O'Donnell	Taylor, E.
Cimini	Hopkins	O'Keefe	Taylor, F.
Cohen	Hutchinson, A.	Oliver	Tenaglio
Cole	Hutchinson, W.	Pancoast	Trello
Cowell	Jones	Parker	Valicenti
Davies	Kelly	Petrarca	Vroon
DeMedio	Klingaman	Piccola	Wansacz
DeWeese	Knepper	Pievsky	Wass
DiCarlo	Kolter	Pitts	Weidner
Dietz	Kowalshyn	Polite	Wenger
Dombrowski	Laudadio	Pott	White
Donatucci	Laughlin	Prendergast	Wiggins
Dorr	Lehr	Pyles	Wilson
Doyle	Letterman	Rappaport	Wise
Duffy	Levi	Ravenstahl	Wright, J. L.
Dumas	Lincoln	Reed	Yahner
Englehart	Livengood	Renwick	Yohn
Fee	Logue	Rhodes	Zearfoss

Fischer, R.R.	Lynch	Richardson	Zitterman
Flaherty	Mackowski	Rieger	Zord
Foster, A.	Madigan	Ritter	Zwikl
Foster, W.	Manmiller	Ruggiero	

NAYS—25

Anderson	Hamilton	Manderino	Thomas
Brown	Haskell	Moehlmann	Wagner
DeVerter	Hayes, S. E.	Mowery	Wargo
Dininni	Itkin	O'Brien, D.	Wilt
Fisher, D.M.	Katz	Pratt	Wright, D.
Gillette	Kernick	Shuman	Zeller
Halverson			

NOT VOTING—11

Beloff	Gray	Kusse	Fineman,
Freind	Irvis	Seltzer	Speaker
Gallen	Johnson	Williams	
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. 263, printer's No. 283**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

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

Cohen	Hoeffel	O'Brien, D.	Trello
Cole	Honaman	O'Connell	Valicenti
Cowell	Hopkins	O'Donnell	Vroon
Davies	Hutchinson, A.	O'Keefe	Wagner
DeMedio	Hutchinson, W.	Oliver	Wansacz
DeVerter	Itkin	Pancoast	Wargo
DeWeese	Johnson	Parker	Wass
DiCarlo	Jones	Petrarca	Weidner
Dietz	Katz	Piccola	Wenger
Dininni	Kelly	Pievsky	White
Dombrowski	Kernick	Pitts	Wiggins
Donatucci	Klingaman	Polite	Wilson
Dorr	Knepper	Pott	Wilt
Doyle	Kolter	Pratt	Wise
Duffy	Kowalshyn	Prendergast	Wright, D.
Dumas	Laudadio	Pyles	Wright, J. L.
Englehart	Laughlin	Rappaport	Yahner
Fee	Lehr	Ravenstahl	Yohn
Fischer, R.R.	Letterman	Reed	Zearfoss
Fisher, D.M.	Levi	Renwick	Zeller
Flaherty	Lincoln	Richardson	Zitterman
Foster, A.	Livengood	Rieger	Zord
Foster, W.	Logue	Ritter	Zwikl
Fryer	Lynch	Ruggiero	

NAYS—1

McGinnis

NOT VOTING—11

Beloff	Irvis	Ryan	Fineman,
Freind	Kusse	Scirica	Speaker
Gleeson	Rhodes	Williams	
Gray			

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.

HB 328 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Thank you, Mr. Speaker.

I have amendments. I do not see them back on the floor. They are not circulated yet. I expect them shortly.

The SPEAKER pro tempore. The gentleman advises us that his amendments are not circulated. This bill, HB 328, will be passed over temporarily.

Mr. FRYER. I have an amendment to HB 328, if you want to take it at this time.

The SPEAKER pro tempore. Will the gentleman, Mr. Wagner, indicate how long it will be before his amendments are ready?

Mr. WAGNER. They were delivered to the document room approximately 10 minutes ago, Mr. Speaker; 10 or 15 minutes.

The SPEAKER pro tempore. The Chair suggests that the bill be passed over temporarily for both amendments and we will return and get them both at once.

HB 331 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Is the gentleman from Bucks, Mr. Wilson, on the floor of the House and prepared to offer his amendments to HB 331? The gentleman indicates that he is here and ready?

Mr. WILSON. Mr. Speaker, I am here and I am ready, but I have a memo that I am just getting printed downstairs that explains my amendment more fully to the members. If we could temporarily pass it over, just for 10 or 20 minutes until it comes up, I would appreciate it.

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

Mr. WILSON. Thank you.

DECISION WITHDRAWN

The SPEAKER pro tempore. The Chair withdraws its decision that HB 328, PN 357, on page 8, will go over temporarily. This bill is not called up. HB 331 at the bottom of page 8 will be passed over temporarily.

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?

Mr. GOEBEL offered the following amendments:

Amend Title, page 1, line 12 by removing the period after "orders" and inserting and removing an exception for counties of the second class.

Amend Bill, page 2, by inserting between lines 3 and 4

Section 2. Section 402 of the act, amended June 24, 1976 (No. 100) is amended to read:

Section 402. Valuation of Property.—(a) It shall be the duty of the several elected and appointed assessors, and, in townships of the first class, of the assessors, assistant township assessors and assistant triennial assessors, to assess, rate and value all objects of taxation, whether for county, city, township, town, school, institution district, poor or borough purposes, according to the actual value thereof, and at such rates and prices for which the same would separately bona fide sell. In arriving at such value the price at which any property may actually have been sold shall be considered but shall not be controlling. Instead such selling price, estimated or actual, shall be subject to revision by increase or decrease to accomplish equalization with other similar property within the taxing district. Except in counties of the first class, no political subdivision shall levy real estate taxes on a county-wide revised assessment of real property until it has been completed for the entire county.

(b) Except as to counties of the first [and second] class, after any county makes a county-wide revision of assessment of real property at values based upon an established predetermined ratio is required by law, each political subdivision, which hereafter for the first time levies its real estate taxes on that revised assessment or valuation, shall, for the first year, reduce its tax rate, if necessary, for the purpose of having the total amount of taxes levied for that year against the real properties contained in the duplicate for the preceding year, equal, in the case of any taxing district, not more than ten per centum greater than the total amount it levied on such properties the preceding year, notwithstanding the increased valuations of such properties under the revised assessment. For the purpose of determining the total amount of taxes to be levied for said first year, the amount to be levied on newly constructed buildings or structures or on increased valuations based on new improvements made to existing houses need not be considered. The tax rate shall be fixed for that year at a figure which will accomplish this purpose. With the approval of the court of com-

mon pleas, upon good cause shown, any such political subdivision may increase the tax rate herein prescribed, notwithstanding the provisions of this subsection.

A229

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

4 Amend Sec. 3, page 2, line 9 by striking out "3" and inserting

On the question,

Will the House agree to the amendments?

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

Mr. GOEBEL. Mr. Speaker, the members had a copy of this amendment distributed several weeks ago when this bill was on the calendar previously. Mr. Speaker, this amendment to HB 332 would apply to Allegheny County only. It would remove the exception in Act 100 for second-class counties, so that if Allegheny County ever did a countywide assessment, it would be limited to 10 percent. Presently they are using a triennial assessment; they do it in 3 years. But if they start complying to Act 100 and do it countywide, then they would be governed by this amendment and be limited to a 10-percent increase on assessments.

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

Mr. FRYER. Mr. Speaker, this amendment is the same as a House bill which is presently in the Local Government Committee. There has been a subcommittee formed and this subcommittee is continuing its study. I would urge the members of the House to vote "no" because this is merely an attempt to bypass the committee system.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Mr. Speaker, I do not believe it is the gentleman's intention to bypass the committee system. Allegheny County presently has a reassessment program under way. They have problems, and the gentleman, Mr. Goebel, would like the House to consider this legislation at the present time. It is an immediate problem and should be considered. He has no intention whatsoever of bypassing the committee system.

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

Mr. GOEBEL. Mr. Speaker, I would just like to point out that this is true. In Allegheny County we are being faced, in the northern portion of this triennial assessment, with an increase of \$200 million. On top of that we are going to get a 6-mill increase this year.

The effects of this are going to be disastrous on senior citizens. I have had 73-year-old women with limited incomes calling me up, crying over the telephone, not knowing what they are going to do.

We need immediate tax relief in Allegheny County. This will be one step toward such relief, and this would only bring Allegheny County into conformance with the rest of the state, except Philadelphia. So I think that it is fair that if the rest of the

state is governed by this, then Allegheny County should also.

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

Mr. ABRAHAM. Thank you, Mr. Speaker.

The statement Mr. Goebel made is partially true, that the North Hills section of Allegheny County is now faced with a major assessment. However, the point he has not brought out is that Allegheny County is under the triennial system and two-thirds of Allegheny County has been assessed already.

The purpose of this amendment, in my opinion, is to allow for no reassessment on the one portion of Allegheny County. I think that is very unfair to the other two portions that have been reassessed. They were faced with the same problem.

Allegheny County does have a major problem with the triennial system. It is being studied by the local commissioners and by the Local Government Committee. We know in Allegheny County that it is an antiquated system and we want to get rid of it. The commissioners have indicated many times, very sincerely, that they are going to get rid of the triennial.

But the purpose of this amendment is basically to solve the problem of one section of Allegheny County. You have to remember that the other two sections have already been reassessed. It is very unfair to the two portions that have been reassessed to be assessed at 50 percent while the North Hills section will not be assessed at 50 percent, which is a county rule.

Thank you, Mr. Speaker.

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

Mr. GOEBEL. Mr. Speaker, I would just like to clarify one thing. This does now affect this last triennial. This will not be retroactive. This past triennial assessment would go through as planned. This would not affect this tax-freeze kind of legislation that is being enacted. This would only apply to the next assessment period, which would apply then to all of us — North Hills, South Hills, and Pittsburgh. It would be a uniform assessment. All of us would not be taxed over 10 percent. This is not designed and would not affect this present assessment period, the finishing of the triennial. Mr. Jaffurs has indicated that after this triennial assessment period, then he would start complying with Act 100. This is what he told an attorney in my presence several months ago. It may have changed.

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

Mr. ABRAHAM. That is very true, Mr. Speaker. However, Mr. Jaffurs' position on this amendment—and he is the solicitor for Allegheny County—is he is asking that we meet with the commissioners and his staff to go over what is now this particular amendment and formerly a bill. It is his opinion right now that there is no need for this particular legislation because the triennial is now over. Allegheny County will go into a countywide assessment and a 10-percent limitation on its own.

PARLIAMENTARY INQUIRY

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

Mr. CAPUTO. Mr. Speaker, I just became aware of the amendment, and it seems to me that the amendment has really no effect on Act 100. There are other bills that have been introduced and will be brought before this House to which this amendment may be a proper attachment.

I am concerned only, and I would like to address myself to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAPUTO. Mr. Speaker, in the event this amendment is defeated and another bill is submitted to the House, a part of which would contain this particular amendment, would the new bill be properly brought before the House?

Mr. Speaker, before securing your answer, perhaps the sponsor of the amendment would agree to a brief interrogation.

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

Mr. GOEBEL. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. CAPUTO. Mr. Speaker, this amendment would have no force of effect until we have amended Act 100. Is that correct?

Mr. GOEBEL. No. The way I understand it, this would take effect immediately. It would put Allegheny County in compliance with section (b) of Act 100, whenever HB 332 would be passed, if ever.

Mr. CAPUTO. Would the gentleman consider withdrawing his amendment and putting it in another bill that we have already introduced?

Mr. GOEBEL. Well, we have been discussing this, Mr. Speaker. I do not see where it would hurt anything to let this part go through. It would not be detrimental to the plan that is being offered that they are telling me about.

AMENDMENTS WITHDRAWN

Mr. GOEBEL. Mr. Speaker, I will withdraw the amendment.

Mr. CAPUTO. Mr. Speaker, the problem is resolved. The gentleman is withdrawing the amendment.

The SPEAKER pro tempore. The gentleman indicates he is withdrawing his amendment.

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

Mr. ABRAHAM. Mr. Speaker, the sponsor of the amendment, Mr. Goebel, I think very shortly will be invited to a meeting with the Allegheny County Commissioners to review the proposed amendment that was presented today.

We in Allegheny County know that we have a problem with the system, and the commissioners and the solicitors from the commissioners' staff are going to work hand in hand with the legislators from Allegheny County to try and correct and resolve the problem.

Thank you.

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

Mr. GOEBEL. Mr. Speaker, just as a final statement on withdrawing my amendment: It is imperative that Allegheny County get some immediate tax relief, and I am assured by my gentlemen colleagues here that this is forthcoming. But I would

stress again that Allegheny County needs a revised tax-assessment system and it has to be effective immediately, if not sooner.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Mr. Speaker, the gentleman from York, Mr. Dorr, is scheduled to offer an amendment at this time.

The SPEAKER pro tempore. Have the gentleman's amendments been circulated to the members?

Mr. DORR. Mr. Speaker, I am not sure that they have been circulated. They are in the process of being circulated.

The SPEAKER pro tempore. The Chair would remind all members that these amendments should be circulated well in advance.

Mr. DORR. Members behind me are indicating that they are on the desks.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendment:

Amend Sec. 1 (Sec. 206), page 2, line 3, by inserting after "re-assessment." The Commonwealth shall, not later than August 31 of each year, reimburse each political subdivision for any reduction in tax revenues from the real estate affected by the sewer connection ban resulting from a reassessment required by this section.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, the bill places somewhat of a burden on local government in the sense that property located in an area where the Department of Environmental Resources has placed a sewer-extension ban will be reassessed for those periods of time during which that ban is effective. Therefore, the assessments will be lowered and tax revenues will be lowered as a result of that.

It seems to me that if it is the Commonwealth's policy which causes this reduction in assessments, it ought to be the Commonwealth which pays the price of it. Therefore, Mr. Speaker, the amendment would require the Commonwealth to reimburse local governments in those cases where the sewer-extension ban has resulted in lower local government revenues.

Furthermore, for those members who are now facing situations in which DER is coming into your districts and placing bans upon extensions or upon sewer-system connections, it seems to me that this legislation may also tend to put another item into the mix when DER decides that it ought to place a ban on this development. The cost to the Commonwealth, it seems to me, will be something more of an incentive for DER to review and make certain that it is clearly in the Commonwealth's best interest to place the ban on development in the local areas. Therefore, Mr. Speaker, I would urge adoption of the amendment.

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

Mr. ZELLER. Mr. Speaker, on the Dorr amendment: Right now, as an example, in Lehigh County we find that DER has not been placing any ban and therefore developers have been coming in and have overloaded our sewer system. As these gentlemen from Allentown can tell you, it has created a terrible cost and problem to the constituents of Lehigh County. They have to expand the system because there has not been any control in regard to developers. The Department of Environmental Resources has not, until after the crisis situation has developed, come in to start putting on some control.

What I can see, unfortunately, with all respect to Mr. Dorr, is where DER could now create a terrible problem for the state in regard to them not having any bans. They are going to say it is going to cost the state a lot of money, and if we place a ban, then they are going to be paid for that loss of revenue. Now we are going to have just the opposite happening. We are going to have DER taking a walk because they do not want the state to pay the difference.

Therefore, we are going to be overloading systems that just cannot handle the sewage. That is the part I am seeing that is going to be a detriment to all political subdivisions, because the state is not going to be able financially or any other way to pay all this loss by assessments.

That is why I think it is not timely. We have a tremendous job out there in the townships and boroughs in regard to sewer problems right now. All you are going to do is create another headache.

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

Mr. MANDERINO. Mr. Speaker, I rise to oppose the Dorr amendment. The essence of HB 332, as I understand it, is that many local sewage systems, public sewage systems, because of their incapacity to handle additional sewage, because of the inability of that sewage system to handle additional capacity, DER has, in various cases across this Commonwealth, indicated that no additional tap-ins or hookups to that sewage system would be permitted for the health, safety and welfare of the people in that area.

What HB 332, the original bill, intends to do is say, if it is true that certain vacant land in this Commonwealth is not buildable temporarily because they cannot hook into a sewage system, we will require the local municipality to reassess that property and take into consideration the fact that it is probably worth less than it might be taxed because it does not have the availability of sewage. Now that is a fair doctrine, and I would agree with the concept of HB 332. But the Dorr amendment says that if in fact they are being assessed too high and the assessor goes out and makes their assessment fair, that we here at the Commonwealth are going to pick up the difference in taxes to the local community. I say that is ridiculous.

If fairness is what we are trying to get at, what is fair to the propertyowner in the way of assessments is equally fair, Mr. Speaker, to the community in its receipt of taxes. To place that obligation on the Commonwealth is just doing something, in my opinion, that the original bill never intended. It is not fair to the taxpayers of the Commonwealth who do not happen to live in that particular municipality who are going to have to be

paying taxes in that local municipality. That is what it amounts to when you take money out of the state treasury.

Let me direct you to another area, Mr. Dorr, with your amendment. How fair do you think that local assessor is going to be when he is out there deciding the value of a property when he knows it does not make an iota of difference what figure he puts on that property because we are going to give him the money to run the local community's services from the state treasury? In the strongest terms that I can urge this assembly, I urge you to defeat the Dorr amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I think that both gentlemen who have spoken against the measure missed the point of the original bill. The original bill causes the reduction in assessment not because there is a change in the land, not because the land is worth less, but because the Commonwealth of Pennsylvania through its agency, The Department of Environmental Resources, has decided to prevent that land from being used at its highest and best use. It is not an original assessment in any sense. It is a reduction in assessment that would be caused by this bill, by the Department of Environmental Resources as a result of statewide Commonwealth policy.

Now we may agree or disagree with that policy depending upon the circumstances involved, but my amendment is designed to cover that situation in a sense that if it is in fact Commonwealth policy that causes the reduction in assessment, the reduction in assessment being caused by a reduction in the usability of the land, then it should be the Commonwealth which pays for that reduction in assessment, which reimburses, in effect, the local government. It is because of the original bill and the fact that it is Commonwealth policy that I introduce my amendment.

It is only an aside to which I spoke that Mr. Zeller reacts to. In my judgment, it is not going to cause a great deal of effect one way or the other on DER because DER has its requirements under the law as to what it may or may not do in respect to placing sewage bans. It is not, in my judgment, the policy enunciated by this General Assembly to have DER police local governments or local areas as to whether or not there is too much development going on. That is the responsibility of local government. If they decide there is too much development going on in a zone and they apply sewage—connection bans of their own, then it is they who ought to pay. But in those cases where this bill, in combination with the already enunciated Commonwealth policy, places a ban on sewage connections which lowers local government revenues from what they were before, then it seems to me that it is only fair to cause the Commonwealth to pay for that reduction in revenue.

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

Mr. ZELLER. Mr. Speaker, I believe an example to show where Mr. Dorr is wrong would be in that we have a township that has zoned an area residential. We have a side of a mountain; we have outcroppings. We have a condition that no one has checked, but they said that area is residential. Then a per-

son buys a piece of property here to build a home. Now he comes in for a permit. That area has been assessed as a dwelling area. Now all of a sudden that individual comes in and is told he has to have a percolation test. He finds out that the ground just will not take it, and they cannot put in any kind of system. In other words, they would have to come in with an actual sewage system. The sewage system is presently overloaded. They cannot put in any sewer lines because of the fact that this would overload the system more. He cannot go into the ground because DER requests a percolation test. Now what does the guy do? He has property that has been assessed as a residential area. All we are asking is that it be lowered to the same as pastureland, or forest or whatever you want to call it, because of the fact that that individual cannot build a home on that property.

This is what we are talking about. This is really the issue. So that person, as Mr. Manderino stated, could have a lower assessment for a 2-year period to allow the government to catch up, to allow them to do their job. That is what we are talking about.

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

Mr. RITTER. Mr. Speaker, in conjunction with what Mr. Manderino had said earlier, as I read the amendment in connection with the bill, the bill says, "When a department or agency of the Commonwealth or a municipality has ordered a sewer connection ban...." et cetera. Mr. Dorr's amendment does not speak to the municipality. It simply says:

The Commonwealth shall...reimburse each political subdivision for any reduction in tax revenues from the real estate affected by the sewer connection ban resulting from a reassessment required by this section.

It seems to me that what Mr. Manderino said is even bolstered by the fact that a municipality could order a sewer-connection ban, and if the real estate properties are dropped because of that evaluation, even though we were not connected with it, the Commonwealth is obligated to pick up that cost. It is bad enough, as Mr. Manderino said, if you make the Commonwealth pay where DER had ordered the sewer ban, but it is even more incredible to make the Commonwealth pay when the local municipality ordered the sewer-connection ban. That is what Mr. Dorr's amendment does, and I would ask also that the amendment be defeated.

HB 332 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, Mr. Ritter has clarified an issue. Apparently there was a mistake in the drafting of the amendment, and I would appreciate it if the bill could be held over temporarily until the amendment could be redrafted to cover that point. I intended only to affect the situation where the Commonwealth was causing the ban.

The SPEAKER pro tempore. Does the gentleman, Mr. Fryer, object if we pass the bill over temporarily until the amendment is rewritten?

Mr. FRYER. No.

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

HB 333 PASSED OVER TEMPORARILY

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, the same pertains to HB 331 and HB 333.

The SPEAKER *pro tempore*. HB 333 will be temporarily passed over.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 594, printer's No. 649**, entitled:

An Act amending the "Local Tax Collection Law" approved May 25 1945 (P. L. 1050, No. 394), authorizing the county commissioners to require joint bidding of bonds for tax collectors.

On the question,

Will the House agree to the bill on third consideration?

Mr. FRYER offered the following amendments:

Amend Sec. 1, page 1, line 16, by inserting after "amended" and the section is amended by adding a subsection

Amend Sec. 1, (Sec. 4), page 3, by inserting between lines 22 and 23 (h) Notwithstanding any other act to the contrary, joint bidding of bonds of tax collectors shall be subject to the requirements of counties for advertising of bids for contracts or purchases, except that the provisions relating to minimum amount of expenditure shall not apply.

On the question,

Will the House agree to the amendments?

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

Mr. FRYER. Mr. Speaker, this is a clarifying amendment. It reads as follows:

Notwithstanding any other act to the contrary, joint bidding of bonds of tax collectors shall be subject to the requirements of counties for advertising of bids for contracts or purchases, except that the provisions relating to minimum amount of expenditure shall not apply.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

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

Mr. MILLIRON offered the following amendments:

Amend Sec. 1 (Sec. 4), page 2, line 4, by striking out "for cities of the third class."

Amend Sec. 1 (Sec. 4), page 2, line 5, by inserting after "class." Cities of the third class may join in joint bidding with other municipalities for bonds of tax collectors.

On the question,

Will the House agree to the amendments?

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Thank you, Mr. Speaker.

My amendment simply gives cities of the third class the op-

tion of whether to go in with the other municipalities in the joint bonding procedure.

The problem that is brought up by this bill, by including townships, boroughs, and third-class cities, is that in the case of third class cities there are a large number of people who need to be bonded. Many of them are new employes; many of them are under Manpower; and, as a result, the fees are higher.

By having one single bonding procedure which would include the city treasurer, this brings the cost of the bond down. By taking more or less the very best of the bond, which would be the city treasurer who would be the most reliable, by taking this person out of the bonding and putting in with the rest of the county, it is going to make it much more difficult for the cities, at least my city of Altoona, to obtain a bond at a reasonable cost.

The second point, Mr. Speaker, is just the very basic concept of home rule. We are always telling the local municipalities and the local officials—I am always hearing from my officials in Altoona that we tell them—how to run the city, how to raise the money, how to spend it. This is just one more example of our telling them that their current bonding procedure is not good, it is not correct, and they must go in with the rest of the county.

My amendment would allow the townships and boroughs to go together and third class cities as an option.

I sincerely ask the members from other third class cities and from the larger cities to support me on this amendment. I do not feel that we should require these cities to be included with the townships and boroughs.

Thank you, Mr. Speaker.

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

Mr. MEBUS. Mr. Speaker, I agree with just about everything that the gentleman from Blair has just said. What I do not agree with is, I would hope his amendment would fail and that we would then defeat the bill, because everything he said is right and it is equally applicable, as I see it, to everybody else as well. There is no prohibition at the present time to keep municipalities from banding together to do exactly what is intended by this bill. They have done it in York. They have done it, as I understand it, in Adams. They have done it successfully and they have saved money, and I think the municipalities should be encouraged to do so. But if you give the county commissioners the right to compel people to do it, you are removing the home-rule concept. I, therefore, would hope that we would beat this amendment and then beat the bill.

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

Mr. FRYER. Mr. Speaker, I oppose the amendment. The considerable tax savings that are to be made here on behalf of the taxpayers consist of volume, and they consist also of savings for all of our third class cities, our boroughs, and our townships.

All it does is it takes the bond of the tax collector, puts it together, and then that county may—I repeat, may—go into this process. If they do, then it is compulsory among the other municipalities.

Now, Mr. Speaker, mention has been made that this opposes the home-rule doctrine. Nothing could be further from the truth, because the fact of the matter is that the taxing district must provide the bond for the tax collector. They have no option.

This is going out at a very high figure, and it is the taxpayer who is paying. Mention has been made about two counties that have used this, which is true, and the savings in the one county alone was approximately \$23,000.

Now the problem in going to the voluntary system is that they must approach each tax collector and say, will you go into this program? And you know, quite frankly, what the answer is going to be, because the tax collector has a friend who just so happens to sell insurance and will provide the bond. That is the problem. In fact, in these two counties it was only used successfully after a very, very strong campaign to inform the public precisely what was going on. And I repeat, in home rule, what is a more noble objective than providing a service to our local governments and saving the taxpayers money?

I wish we had a dozen more bills like this. I would urge that we defeat this amendment.

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

Mrs. KERNICK. Thank you, Mr. Speaker.

I wholeheartedly support Mr. Fryer. As a former tax collector, let me tell you a story some of you heard on this floor I think 2 years ago. In 1966, my predecessor in the Penn Hills tax office was an insurance agent serving as tax collector. A \$750,000 tax collector's bond cost the municipality over \$14,000. In 1973 when I obtained sealed bids for a \$3-million bond, the cost had dropped to \$6,549.

There is a need for this type of legislation. We are not affecting local councils or commissioners. We are dealing only with tax collectors' bonds, which are purchased by the tax collectors right now without bids in many cases, and I think in order to bring savings to the taxpayers, we should defeat the amendment and support the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Mr. Speaker, would the gentleman, Mr. Fryer, stand for brief interrogation?

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

Mr. FRYER. I will.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MILLER. Mr. Speaker, the gentleman has cited the voluntary application of this statute in the county of York. Would the gentleman check his notes with reference to the city of York, which is a third class city?

I am sorry. Did you cite York or Cumberland?

Mr. FRYER. I did not. The two counties involved were Cumberland and Adams, sir.

Mr. MILLER. Thank you, Mr. Speaker. Then I have no interrogation.

A brief statement, if I might, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. MILLER. The Milliron amendment only proposes to make this principle applicable at the option of third class cities for a very important reason. By bonding many employes, as third class cities now do under the office of treasurer, we are indeed taking advantage of a mass-bonding principle at a low cost. Our fear is that by requiring us to go in with the townships and boroughs in the surrounding county areas, it may indeed affect our bond costs.

The principle has not been applied then, as I understand it, to any county which has had a major third class city that must by law bond many municipal employes. Because we are uncertain of that principle, I might suggest adopting the Milliron amendment to protect the problem that we see coming up and at the same time accomplish the goal that the gentleman, Mr. Fryer, suggests and the lady, Mrs. Kernick, referred to. I would urge an affirmative adoption of the Milliron amendment.

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

Mr. FRYER. Mr. Speaker, I would just like to remind the members again of the savings involved here, taxpayers' savings. If you permit certain municipalities—in this case, cities of the third class—to leave, you are thereby reducing volume and you are saving less dollars.

I ask you this question, and this only involves, bear in mind, the bond for the tax collector: What are you preserving? I think we know what we are preserving. I would urge that the amendment be defeated.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Mr. Speaker, the very argument that the gentleman uses is exactly what I am saying, that for years third class cities, at least the larger ones, have used the concept of volume to bring the cost of their bonds down.

For that matter, the bill was written actually for townships and boroughs, because they keep referring to tax collectors. We do not have a tax collector in third class cities; we have a city treasurer. And in many third-class cities that are going with home rule, they are even abolishing the city treasurer's office as an elected one.

This is very possibly, perhaps not in every case, but very possibly going to cost third class cities money. That is why we are asking for the option of joining. If the tax collectors and townships and boroughs want to go together, fine, but it is an unfair burden on third class cities when it could cost us more money under this system. There are no facts to prove that it would cost any less.

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I urge that this amendment be passed. I realize it has some impact on weakening the bill, and to me that makes sense.

I think that there are many things that we did just recently which will help the real thing you are talking about, and that is, bidding for bonds. Just last week or this week we passed HB 226, which establishes bidding procedures for bonds in all sources of municipal government.

This bill was also drawn excluding first and second class cities for the same obvious reason that Mr. Milliron is discussing, the fact that it does affect cities of the first, second and third class.

I think that they should not be mandated by this astute body because of some history that happened in two counties. That is not a proven record. The bidding procedures were used there; they did save money and as of this date they have saved money. But what will happen beyond this point we do not know, and to mandate this on the other 65 counties I think is a total violation of local home rule.

I do not care whether it is a city or a borough or whatever, joint purchasing has been around this state for years; inter-governmental cooperation has been here for years. When the government officials get together and they want to exercise those powers because it is to the benefit of their taxpayers, they will do so, but I do not feel that we should mandate this in any way, shape or form. Let us let local government alone and pay attention to more important affairs of state.

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

The following roll call was recorded:

YEAS—129

Anderson	Flaherty	Lehr	Rieger
Armstrong	Foster, W.	Levi	Ritter
Arthurs	Gallagher	Lincoln	Salvatore
Bellomini	Gamble	Logue	Scanlon
Beloff	Garzia	Lynch	Schmitt
Bennett	Gatski	Mackowski	Schweder
Berlin	Geisler	Madigan	Scirica
Bittinger	George, C.	Manmiller	Seltzer
Bittle	Giammarco	McCall	Shuman
Borski	Goebel	McGinnis	Sirianni
Brandt	Greenfield	McIntyre	Smith, L.
Burd	Halverson	Meluskey	Stairs
Butera	Hamilton	Milanovich	Stapleton
Caltagirone	Harper	Miller	Stewart
Caputo	Hasay	Milliron	Sweet
Cassidy	Haskell	Moehlmann	Taddonio
Cessar	Hayes, D. S.	Mrkonic	Taylor, F.
Cianciulli	Hayes, S. E.	Noye	Tenaglio
Cohen	Helfrick	O'Brien, B.	Thomas
Cowell	Honaman	O'Brien, D.	Vroon
Davies	Hopkins	O'Keefe	Wenger
DeMedio	Hutchinson, A.	Oliver	White
DeVerter	Hutchinson, W.	Parker	Williams
DiCarlo	Johnson	Petrarca	Wilt
Dininni	Jones	Pievsky	Wise
Dombrowski	Katz	Pratt	Wright, D.
Dorr	Kelly	Prendergast	Yahner
Doyle	Klingaman	Ravenstahl	Yohn
Duffy	Knepper	Reed	Zearfoss
Englehart	Kolter	Renwick	Zeller
Fee	Laudadio	Rhodes	Zord
Fischer, R. R.	Laughlin	Richardson	Zwikel
Fisher, D. M.			

NAYS—66

Abraham	Gillette	Musto	Smith, E.
Barber	Goodman	Novak	Spencer
Berson	Greenleaf	O'Connell	Spitz
Brown	Grieco	O'Donnell	Stuban
Brunner	Hoeffel	Pancoast	Taylor, E.
Burns	Itkin	Piccola	Trello

Cimini	Kernick	Pitts	Valicenti
Cole	Kowalshyn	Polite	Wagner
DeWeese	Letterman	Pott	Wansacz
Dietz	Livengood	Pyles	Wargo
Donatucci	Manderino	Rappaport	Wass
Dumas	McClatchy	Ruggiero	Weidner
Foster, A.	McLane	Ryan	Wiggins
Fryer	Mebus	Scheaffer	Wilson
Gallen	Miscevich	Shelton	Wright, J. L.
Geesey	Morris	Shupnik	Zitterman
George, M.	Mowery		

NOT VOTING—8

Freind	Irvis	Mullen, M. P.	Fineman,
Gleeson	Kusse	Mullen, M. M.	Speaker
Gray			

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

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

Mr. MEBUS. Mr. Speaker, I said a few moments ago that I oppose the bill and I do. I think the concept of having the municipalities bid these things jointly is a good one and I would certainly hope that the county commissioners in various counties would take the leadership in trying to get the people to do this voluntarily. I do not think that we ought to give them the whip hand over all the municipalities in a given county. If, for instance, you have a county that is, let us say, more or less equally divided between municipalities controlled by Republicans and Democrats and one party or the other controls the county courthouse, this could be used as a weapon against those other municipalities that are not of the right party, and I think that is something which we do not want to institute. There is already too much of that. If they take moral leadership in this area, that would be proper, but to give the county commissioners this whip hand over all of the municipalities in the given county, I think is an improper move and an unwise one. I think we will live to regret it if we pass this bill. Therefore, I oppose the bill and hope that others will join me in a negative vote.

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

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

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

Mr. ABRAHAM. Mr. Speaker, will the main sponsor stand for a brief interrogation?

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

Mr. FRYER. I will.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ABRAHAM. Mr. Speaker, coming out of local govern-

ment in the last couple of years, we went into group purchasing, some of which was successful and some not quite as successful. I had one brief experience with the piggyback system while I was in local government. It is not always true that volume reduces price, particularly on salt. I can recall one year when we bid salt that we got it for \$1.12 cheaper than the state bought it.

The question I have for the main sponsor is: If, by chance, a local municipality, after the county has bid these tax bonds, could go out and purchase them cheaper than by group purchasing, would they be able to opt out after the reduction in the price of the bonds?

Mr. FRYER. No, they could not. One, it would be bid, Mr. Speaker, and, of course, the lowest responsible bidder would receive the bid.

Mr. ABRAHAM. Yes, but that does not necessarily mean the lowest responsible bidder will have the cheapest bonding price for that particular community.

Mr. FRYER. I fail to see how it would, Mr. Speaker, just by virtue of the fact that the answer is volume.

Mr. ABRAHAM. That is not always true, Mr. Speaker.

Mr. FRYER. Well, I repeat that if you had, let us say, 40 municipalities in a county and if you had each one of those tax collectors going out and getting that bond wherever they decide, usually with a friend, they are paying the highest price. Now if you combined all of this practice, because you were paying 40 commissions to 40 individual agents that you were dealing with, why it is quite obvious, due to the very volume of it, that you will be receiving a lower price. I do not see how it is possible for one single municipality to get to that low a price, because it is based on the volume.

Mr. ABRAHAM. Mr. Speaker, again, in Allegheny County we have 129 boroughs and townships and school districts, and I wonder how many companies are going to be able to provide a bond for a county that large. It may have worked in Armstrong County or the smaller counties, but I question whether the competition is really going to be there as far as bidding when you talk about large counties such as Allegheny.

Again, from my past experience in local government, volume did not always mean a savings, and again I will refer to the salt contract a couple years ago that the state went into. We were able to buy the salt cheaper.

All I am asking is that a provision or an option be allowed in the bill so that if the borough itself can go out and buy cheaper after the countywide bid, then that borough or township should be able to do so. And I was just wondering if we could pass over the bill until I draw an amendment to correct some of the wording or the language in your bill.

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

Mr. GEESEY. Before a decision is made on passing over the bill, I would like to make a comment which perhaps will put the gentleman at ease. The comment is that I have had approximately 21 years' experience in the bond business at this point in time. I would like to indicate to you that bonds are written by volume. The higher the volume, the lower the rate, and not only

the lower the rate, but the higher the experience credit that is given to that kind of a situation.

There is no municipality that could individually go out and buy the bond probably for half the price they would be paying for it under this legislation. This is a good bill. It will save all municipalities money, and I certainly urge support of it.

Mr. ABRAHAM. I agree that it is a good bill and I am in total agreement with the bill, but—

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

Will the gentleman, Mr. Fryer, advise the Chair whether or not the bill will go over or shall we continue the debate?

Mr. FRYER. Let us continue.

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

Mr. ABRAHAM. I agree totally that it is a good bill, but again I am just wondering if the option provision should be provided in the bill if the boroughs or townships could go out on their own and buy it cheaper. We went into group bonding, 11 communities. We found out after we bid 11 that we could buy cheaper as individual townships and boroughs. I have had that experience already.

If the main sponsor wants to roll the bill, we will roll it, but again I just feel that an option should be put in there, and I am wondering now, thinking about Allegheny County in particular, about the number of third class cities that we have in Allegheny County that are already eliminated from the bill per se.

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I will hope that the people will object to this bill, again going back to the local home-rule concept.

Let us look to the future at what can happen with this type of mandated law in the State of Pennsylvania. It is not unlikely that some company, hungry to capture this total market in the State of Pennsylvania, would come in and undercut other companies. This would reduce other companies from being in the business and they can make a big sweep of the whole State of Pennsylvania and corner a market because we have mandated that these people buy at the lowest bid, and this company—maybe it is a good company and maybe it is not—has blocked out competition in the field and then later on the price may go up.

We saw this thing happen with malpractice insurance when Argonaut went out and organized all the medical societies county by county, and so forth, and took over the whole market. Look at what history has proven. When you mandate these things, you are getting into the same kind of bind that we have gotten ourselves into with malpractice insurance.

I think the public, the government that is closest to their own electorate should have that decision and should not be mandated by the state. There is no reason that they cannot enter into joint purchasing agreements at this point. All we would do is take that right away from them and mandate it by the state legislature, and I think it is dead wrong.

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

Mr. A.C. FOSTER. Mr. Speaker, I rise in support of this bill and I do so as the product of the local government system. I think, for any who have observed my voting pattern in this House, I have been one of the most consistent supporters of the principles of local government, and I will resist any true encroachments upon the local government system.

But I do not see this bill as such. I see it as a bill that offers the possibility of saving a substantial amount of money and at no risk of encroaching upon the local government principle. And I say that because, in spite of the fact that in debate the bill has been presented as mandating that county commissioners do this, it does no such thing. It merely gives them the opportunity to do so. The bill, as presented, will allow the county commissioners to permit collective bonding.

For those who are concerned, first of all, that the larger counties may be too large to be a part of the system, once again, the county commissioners can make that decision individually. But I would like to see the 50, 55 or perhaps 60 counties of this Commonwealth that can benefit, and most certainly will benefit, have the opportunity.

Secondly, as to the fact that county commissioners might be able to, so to speak, ram this down the throats of municipalities, I can only say this: County commissioners stand for election also, and I do not think they are going to risk alienating a substantial number of their municipalities. In any event, I would hate to have the majority of the tax collectors in my area opposed to me in an election, so I think that is not the valid issue in this. This will save the taxpayers dollars and I strongly support the bill.

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

Mr. ZELLER. Mr. Speaker, I had requested a few weeks ago, when we debated this in caucus, to have my name removed from HB 594, PN 649, for the following reasons. We hear this local government bit all the time about permitting them to do this and to do that, and here we are mandating a county to give them the power that in case they decide to go into a central-bidding system, then it becomes a shall. No longer is it that the local government has any power. The county is going to be the big daddy. They are going to call the shots, and then we have mandated that down here and allowed them to do it. Okay. Right now they can do it on their own if the county is that great. If the county wants to do so much for the people, they can go around and talk and sell it locally like they should do. They can sell it to their local government, and I am sure that any local government that sees where they are going to save money wants to get on the bandwagon. Then it becomes local government and then it is home rule. They make the decisions. Here we are telling them a county is going to be the boss. Here is what you walked yourself into.

When I woke up to this, hallelujah, this is what is going to happen. Next is going to be central tax collection and some of the people who spoke today have the move for a state collection system. One of the people who spoke.

Our borough of Emmaus has made interest, has collected in-

terest on investing their tax collection monies at \$34,000 last year alone. You see what they are walking into? A juicy little deal. You are going to walk into next, not only a county tax collection system but you are going to walk into a state collection tax system and they are going to charge you for collecting, and you are going to lose all of the interest anyway. Think it over before you get on this bandwagon, and vote "no."

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

Mr. ZEARFOSS. I wonder if Mr. Fryer would consent to additional interrogation.

The SPEAKER pro tempore. Would the gentleman from Berks, Mr. Fryer, consent to interrogation?

Mr. FRYER. I will, Mr. Speaker.

Mr. ZEARFOSS. Mr. Speaker, where in the bill does it indicate how the premium for this bond, if it is jointly bid, would be distributed among taxpayers?

Mr. FRYER. Would the gentleman repeat the question?

Mr. ZEARFOSS. What provision is made in the bill, if any, to indicate how the premium would be adjusted, how the premium would be distributed, between the tax collectors who are covered under this joint bond?

Mr. FRYER. The tax collector's bond is based on the amount of tax receivables, so of course that would merely be a matter of taking each individual municipality and putting it in with the entire county developing that fraction and that would be it.

Mr. ZEARFOSS. Is that provided for in the bill, Mr. Speaker?

Mr. FRYER. I do not think we have to tell people how to add 2 plus 2.

Mr. ZEARFOSS. Would it not be just as reasonable if there were one county tax collector and maybe 17 or 20 municipal tax collectors, so that the premium be divided on an equal per capita share for each tax collector? In the absence of anything in the bill to specify how it shall be distributed, would it not be reasonable to assume that it would just be a per capita distribution?

Mr. FRYER. No, no not at all. I think it being on the taxables would be the most logical approach.

Mr. ZEARFOSS. I agree with you that that would be and I assume that is the intent of the sponsor of the bill, is that correct, that that is the intent and that it would be distributed on that basis?

Mr. FRYER. Yes, sir.

Mr. ZEARFOSS. I think it is important to get that on the record because if this bill does pass, it seems necessary to me that some method be prescribed for making the distribution of the premium.

One other question: What happens to the premiums in case one of the tax collectors covered by this blanket bond would defalcate, would take off with the taxes? In other words, in the claim against the bond, what happens to the premium?

Mr. FRYER. Would the gentleman tell me what happens under the present system?

Mr. ZEARFOSS. Well, the premium would go up for that guy if he is going to be covered again. Of course, it is very difficult—

Mr. FRYER. I doubt if they would cover him.

Mr. ZEARFOSS. You would not be able to cover him again, but on a blanket bond of this nature there is experience credit, and if you have bad experience, you lose credits and premiums go up for the blanket. Is that correct, Mr. Speaker?

Mr. FRYER. Once again, I think through the volume theory you are spreading your loss period, and that is what makes it more attractive to the bonding company in bidding it.

Mr. ZEARFOSS. I grant that. Now when you have a loss, however, by one of your tax collectors, is it not true that under a blanket that all of the tax collectors covered by this bond would then suffer a piece of that loss because the premium had increased as a result of the loss?

Mr. FRYER. I would think it would be in the very nature of insurance, which is to spread the loss factor.

Mr. ZEARFOSS. Right. Thank you, Mr. Speaker. I have no further questions.

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

Mr. FRYER. Mr. Speaker, I know you have heard a lot of debate. I am thoroughly convinced that this is one of the best bills that has been introduced during my stay here in Harrisburg. I feel very strongly that the taxpayers are calling for more economy in government. Here is your opportunity. Two counties have proven, by their actions, the savings to be effected, substantial savings. And let me remind you that presently you have the system in which the tax collector goes out and gets the bond from whomever he cares to. Generally, it is from a friend. Nothing wrong in it, but it is at a higher price rather than through the volume period. Now if you are talking about taking away a right, yes, you are. You are taking one right away, and that is the right of the tax collector to go out and get the bond from whomever he cares to. Instead we propose that the county may—I repeat, may—enter into a system for a blanket bond for all of those municipalities, except cities of the third class, which was a big mistake. You reduced the volume.

Now I say to you, we are not really hurting anyone and we are effecting a savings. There are counties that are asking for this. Are we to deny them that? Are we to deny them the opportunity to save taxpayers money? I regret to the members of the House that I do not have the ability to convey this because the issue is quite simple. If you want to save taxpayers money, this is the route to go.

I would plead with you that you vote "yes" on this bill. Do not permit counties that are asking for this plan to be denied. And the mention has been made, let them do this on a voluntary basis. You and I know precisely what would happen, because the approach would be made to the tax collector. Will you not enter into an agreement with all the tax collectors to perform this blanket bond? His answer would be, I am quite satisfied with getting it where I always got it. Although there is one answer to that: Then it is the taxpayer who pays. If you want to permit that luxury, then I say you should vote against the bill. Thank you.

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

Mr. ZELLER. Mr. Speaker, I hate to go against my boss. I mean that kiddingly, in a way. He is the chairman of the committee and does a very good job. The problem I see, though, with the oratory that was just given is that some of the rhetoric in regard to saving so much money and they may do it voluntarily and have savings are good words to the ear. We all love to hear that. That is beautiful. But let us get down to brass tacks. We talk about they may do it. They may do it now. When he cites two counties that are doing it without anybody down here telling them what to do and they are saving money, okay. God bless them. They may do it, but here we have a situation now where we are going to tell the counties that the counties are going to be the boss now because they may decide to do it, and when they may decide to do it, then it becomes a shall bill, and then everybody better get in line and get their ducks all lined up. I think that that is just preposterous. When you come up here and try to tell us all about this business of voluntary, may do it and savings, what if you have a political condition existing in your county that is going to affect all of the little political subdivisions that do not like these birds? What are they going to do? They are going to ram it right down your throat whether you like it or not. That is the situation that you are in. If it is voluntary and our government here in Harrisburg starts telling the local government counties, now, counties, you are going to be the boss, that little local government he is talking about has no more word once that county decides. Then the little guy has to fall in line. They do not tell you that. Vote it down and save local government.

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—94

Abraham	Gatski	McGinnis	Scheaffer
Bennett	Geesey	McIntyre	Schmitt
Berlin	Geisler	McLane	Schweder
Berson	Gleeson	Meluskey	Scirica
Bittinger	Goodman	Miscevich	Shelton
Brandt	Greenfield	Morris	Shupnik
Brown	Harper	Mrkonic	Stapleton
Burns	Hoeffel	Mullen, M. M.	Stewart
Caltagirone	Hopkins	Novak	Stuban
Caputo	Hutchinson, W.	Noye	Taylor, F.
Cohen	Itkin	O'Donnell	Tenaglio
Cole	Kelly	O'Keefe	Wagner
Cowell	Kernick	Pievsy	Wansacz
Davies	Klingaman	Pott	Wargo
DeWeese	Knepper	Pratt	Wass
Doyle	Kowalyshyn	Prendergast	Weidner
Englehart	Laudadio	Pyles	Wilson
Fischer, R. R.	Lehr	Rappaport	Wise
Flaherty	Letterman	Ravenstahl	Wright, D.
Foster, A.	Livengood	Reed	Wright, J. L.
Fryer	Logue	Renwick	Yahner
Gallagher	Lynch	Ruggiero	Yohn
Gamble	Manderino	Ryan	Zitterman
Garzia	McCall		

NAYS—103

Anderson	Fisher, D. M.	Madigan	Scanlon
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Armstrong	Foster, W.	Manmiller	Seltzer
Arthurs	George, C.	McClatchy	Shuman
Barber	George, M.	Mebus	Sirianni
Bellomini	Giammarco	Milanovich	Smith, E.
Beloff	Gillette	Miller	Smith, L.
Bittle	Goebel	Milliron	Spencer
Borski	Greenleaf	Moehlmann	Spitz
Brunner	Grieco	Mowery	Stairs
Burd	Halverson	Mullen, M. P.	Sweet
Butera	Hamilton	Musto	Taddonio
Cassidy	Hasay	O'Brien, B.	Taylor, E.
Cessar	Haskell	O'Brien, D.	Thomas
Cianciulli	Hayes, D. S.	O'Connell	Trello
Cimini	Hayes, S. E.	Oliver	Valicenti
DeMedio	Helfrick	Pancoast	Vroon
DeVerter	Honaman	Parker	Wenger
DiCarlo	Hutchinson, A.	Petrarca	White
Dietz	Johnson	Piccola	Wiggins
Dininni	Jones	Pitts	Williams
Dombrowski	Katz	Polite	Wilt
Donatucci	Kolter	Rhodes	Zearfoss
Dorr	Laughlin	Richardson	Zeller
Duffy	Levi	Rieger	Zord
Dumas	Lincoln	Ritter	Zwinkl
Fee	Mackowski	Salvatore	

NOT VOTING—6

Freind	Gray	Kusse	Fineman, Speaker
Gallen	Irvis		

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

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZELLER. My mathematics may be wrong but how do we get 99 out of 93? Is somebody missing or what?

The SPEAKER pro tempore. Mr. Manderino's switch was not operative and I had to add one for him. I think I added it in the wrong place. That is why it is different.

TAX-RELATED BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 231, printer's No. 251, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—179

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

NAYS—9

Anderson	Itkin	Letterman	Shupnik
Brandt	Lehr	Mebus	Weidner
Dininni			

NOT VOTING—15

Barber	Freind	Kusse	Williams
Beloff	Gallen	O'Donnell	
Bittle	Gray	Shelton	Fineman, Speaker
DeWeese	Irvis	Wenger	
Dumas			

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 pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Mebus. For what purpose does the gentleman rise?

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

Mr. MEBUS. Mr. Speaker, I cannot explain it but somehow I must have voted the wrong way on HB 231, PN 251. The roll call indicates I was negative and I certainly meant to vote in the affirmative, for I am a cosponsor of that timeless piece of legislation.

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

The Chair recognizes the gentleman from York, Mr. Lehr.

Mr. LEHR. I would also like to be recorded as voting "yea" on HB 231.

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

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZELLER. I thought there was a law where they were waiting for this to be read off. I wanted to have my name as "yes" on HB 231 rather than "no." In other words, I voted wrong.

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

The Chair recognizes the gentleman from Columbia, Mr. Stuban. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. STUBAN. Mr. Speaker, on HB 231, the record shows I voted in the negative. I would like it to show I voted in the affirmative.

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 235, printer's No. 255**, entitled:

An Act amending the act of June 17, 1913 (P. L. 507, No. 335), entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes ***" further providing for counties to determine whether or not to impose the taxes permitted under this act.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—179

Abraham Gallagher Mackowski Rieger

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

NAYS—9

Greenleaf	Shuman	Stuban	Weidner
Kolter	Shupnik	Trello	Zeller
McClatchy			

NOT VOTING—15

Barber	Gallen	Kusse	Williams
Beloff	Gray	Prendergast	
DeWeese	Irvis	Shelton	Fineman,
Dumas	Johnson	Sirianni	Speaker
Freind			

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. 246, printer's No. 266**, entitled:

An Act amending the "Tax Reform Code of 1971" approved March 4, 1971 (P. L. 6, No. 2), providing for a minimum tax for capital stock and foreign franchise tax purpose.

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

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

The question is, shall the bill pass finally?

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

Mr. POTT. Mr. Speaker, I would like to speak in opposition to HB 246.

This bill, Mr. Speaker, is a tax bill. It increases the capital stock tax by 500 percent, from a minimum of \$10 to a minimum of \$50. This bill is detrimental to the portion of our corporate society that can least afford to pay additional taxes, the small new corporation; the corporation which has incorporated for legal protection, we are now giving an additional tax burden.

We understand that there are many corporations in this Commonwealth that are inactive. This is why the Department of Revenue desires to increase the tax, because of this inactivity. I contend, Mr. Speaker, that the Department of Revenue can handle inactive corporations by administrative regulation. We do not need a tax increase to handle inactive corporations.

I think, Mr. Speaker, that there are corporations in this Commonwealth that are worth less than \$5,000. This bill arbitrarily sets a minimum value on all corporations in this Commonwealth at \$5,000.

If you want to vote for a tax increase, vote for this bill. If you want to reject a tax increase, vote "no" for this bill.

Thank you, Mr. Speaker.

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

Mr. BRUNNER. Mr. Speaker, in brief reply to the gentleman's remarks, I believe the House should be advised that this really is not a tax increase. Said in another way, it could be considered a service charge that is administered by the Department of Revenue for processing the renewal papers for corporations each year. We have been advised by the department that it costs the department more than the stated value of \$50 each year to process these papers.

The House should be further advised that all the states that surround Pennsylvania have a minimum charge, that is in some instances higher than the \$50 assessed in this particular bill.

The last point that I want to make is that we are dealing here in most cases with inactive corporations. I would suggest that if these corporations do not want to pay the Commonwealth of Pennsylvania the minimum amount of \$50 for processing the annual returns, they have another choice. The corporations can be dissolved, thereby taking their names off the corporate tax rolls in Pennsylvania and eliminating the tax that is imposed on them.

I would say that this is nothing more than a housekeeping bill that is being promoted by the Department of Revenue to help them in caring for the overhead of the department. It should not, as I said earlier, be looked upon as a tax increase in any sense of the word.

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

Mr. ZEARFOSS. I am opposed to this bill, too. The \$50 minimum tax for the capital stock tax is a disgrace; \$10 minimum capital stock is a disgrace. As a matter of fact, the whole capital stock tax is a disgrace. It has absolutely nothing to do with the profitability of a business, whether it is making money or not making money.

This bill points out how ridiculous it is. The Department of Revenue tells us they need \$50 to process these tax returns even if the company that is filing the return is inactive and does no business and makes no money at all; profitable or unprofitable, doing nothing, they have to file a tax return.

Now the department says that it costs them \$50 to process that tax return of this defunct corporation. Then they say, however, the department has a procedure that if that defunct corporation will file an affidavit, they will not charge them any tax; they will not have to file a tax return in the future. But they say they cannot get the defunct corporations to file the affidavit because they cannot find the people to file the affidavit. Now if they cannot find the people to file the affidavit to get out from under the tax, how in the world are they going to find them to file a tax return in the first place?

This is an illusory tax. They are not going to collect it. The people who are not filing now are not going to file in the future. What the department should do is to say that if the corporation does not have any income or does not do any business, they do not have to file any tax return at all. Then it would not cost them \$50 to process the return. Nobody would have to file a return. It would be a very simple procedure for the department to do that. It would be a very simple procedure for this legislature to pass that kind of a bill.

This bill is going to tax somebody who does not have one cent of income to pay a tax, and you are not going to even be able to get the tax return out of them.

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

Mr. RHODES. Mr. Speaker, it is seldom that I disagree with my colleague from Delaware County on matters of tax legislation, but in this instance, I think, in the Finance Committee, we had ample discussion of this legislation. It was brought to our attention by the Revenue Department, I think very adequately and convincingly, that it is not the case that they cannot find the people who own these defunct corporations; it is just that these people who own these defunct corporations find it is to their benefit, it is worth something to them, to keep a corporation alive in Pennsylvania and use that corporation's name or that corporation's existence for some future benefit or some future purpose.

Therefore, it seemed to us in the Finance Committee that it was perfectly reasonable if people wanted to keep using a corporation shelter or a corporation name or a corporation existence under Pennsylvania law, that they should be required to pay something to process that corporation through the Department of Revenue annually. Therefore, that is why we passed this legislation to the floor. It is completely reasonable. People who want to maintain a corporation in Pennsylvania

should be required to pay \$50 a year to do so.

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

Mr. MANDERINO. Mr. Speaker, I rise in support of the legislation before us in HB 246. As indicated by some of the other speakers, we are doing nothing more here than trying to recover for the Commonwealth the cost that the Commonwealth entails in processing tax returns and forms that the law requires regarding corporations.

The law has not been changed so far as the minimum tax paid by these corporations that we are talking about, since 1937. Since 1937, everyone has paid a \$10 capital stock franchise tax when they are incorporated in Pennsylvania. Maybe in 1937 the duties of the Department of Revenue were such that the \$10 charge covered the cost of providing those services. It no longer covers. The \$50 minimum will raise for the Commonwealth of Pennsylvania something like \$800,000. We are not talking about a vast amount of money that these corporations would be paying.

So you can see by the \$50 how many of these corporations are out there getting benefit of the services of the Commonwealth without paying any tax except that \$10.

It is interesting to note that New York imposes a minimum tax on all corporations of \$250. West Virginia, a neighboring state, imposes an annual license tax, again based on the authorized capital stock, with \$250 being the minimum. Ohio imposes a \$50 minimum tax on these corporations.

I think it is fair that Pennsylvania get into the 20th century and impose a tax on these corporations that at least allows us to recover the cost entailed by the Commonwealth in servicing the corporations under the laws of this Commonwealth.

I ask you to support this legislation raising the minimum capital stock franchise tax to \$50 on all corporations.

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

Mr. WILSON. Mr. Speaker, I just could not sit and listen to this argument without getting up and making a few comments. If a corporation is getting no benefits, if it has nothing and is doing no business and the department wants to charge \$50, I suggest that instead of raising the fee from \$10 to \$50, we ought to investigate the department and find out what in the devil they are doing if they need this money.

Now the allusion, I would say, has been made to other states. I heard this when we wanted to raise the fees on license plates for vehicles in the Commonwealth of Pennsylvania, well, what do you know, they are doing it in other states.

Well, I hope this is not the song and dance and tune for the year, because New York was cited and, as I understand it, they have an income tax that is a lot higher than ours. First thing you know, they will be coming back here and saying, well, New York has a higher income tax; we ought to raise ours this year. They have a higher gas tax; we ought to raise ours this year. They have a higher wage tax; we ought to raise ours this year.

Frankly, if the corporation is defunct or inactive and is not doing any business, that corporation bureau does not do a thing over there. They have done nothing to deserve \$50 a

year—zero. I suggest we vote this down.

Thank you, Mr. Speaker.

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

Mrs. KERNICK. I wonder if the prime sponsor would stand for interrogation.

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

Mr. BRUNNER. I will.

The SPEAKER pro tempore. The lady may proceed.

Mrs. KERNICK. Mr. Speaker, are you saying that there is a loss of revenue in the department now?

Mr. BRUNNER. Yes, that is what the Department of Revenue has reported to us, that they lose money in processing these returns each year.

Mrs. KERNICK. Who picks up this loss of revenue?

Mr. BRUNNER. I would suppose the general fund of the Department of Revenue would have to absorb it.

Mrs. KERNICK. In other words, the working man?

Mr. BRUNNER. Right.

Mrs. KERNICK. Thank you, Mr. Speaker.

I think you supported your bill very well with those answers.

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

Mr. ZEARFOSS. The majority whip referred to the services rendered by the Department of Revenue and the Commonwealth to these defunct corporations that are paying the minimum tax under the law as it now stands. The only service, the only service rendered by the Department of Revenue is reviewing a tax return. That is what the tax is for, the cost of reviewing the tax return. I am sure that the corporate taxpayers involved in this bill would be more happy to give up that service in exchange for giving up the requirement of the tax.

Now, I wonder if Mr. Manderino would consent to a brief interrogation?

The SPEAKER pro tempore. Will the majority whip consent to interrogation?

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, did you refer to the year 1936 as being the date that the \$10 minimum tax was put into the law?

Mr. MANDERINO. There is no \$10 minimum tax in the law. The Corporation Bureau has assigned a minimum value to every corporation of \$1,000, which would make a \$10 tax on the capital stock franchise tax. That \$1,000 valuation was first assigned in 1937 and has been continued ever since.

Mr. ZEARFOSS. So, if there is a minimum tax being charged, it is without benefit of the statutory provision? Is that correct?

Mr. MANDERINO. I think it is not without benefit of law because it is in the regulations, and that is law.

Mr. ZEARFOSS. In other words, the regulations say that regardless of the nature or assets of a corporation or anything else, it has a minimum value of \$1,000? Is that correct?

Mr. MANDERINO. That is my understanding.

Mr. ZEARFOSS. And what we are saying in this is that there

will be a minimum tax. We are no longer referring to it as a minimum value of \$5,000; we are referring to this now as a minimum tax for having a charter in Pennsylvania. We will have a minimum capital stock tax of \$50. Is that correct?

Mr. MANDERINO. The net effect is the same. I do not know what the bill speaks to.

It is my understanding that there is a minimum of \$50 on the capital stock franchise tax that will be paid.

Mr. ZEARFOSS. Then, in other words, you are saying that each corporation just because it has a charter issued by the Commonwealth of Pennsylvania, doing nothing else at all in the Commonwealth but just sitting there with a charter, has a value of \$5,000?

Mr. MANDERINO. I do not think that is unusual. We tax land back home that just sits there and does nothing. There are a lot of things that we tax that do nothing. There are people who pay taxes on their business on gross figures and do not end up with a profit. You know it is not an unusual concept.

Mr. ZEARFOSS. Well, is a \$5,000 minimum value for a corporate charter a reasonable figure?

Mr. MANDERINO. I do not think that that is what the bill says. It says that there will be a minimum capital stock franchise tax of \$50 paid by every corporation in the Commonwealth.

Mr. ZEARFOSS. Does that not work out to meaning that under the present \$10 minimum tax that it has got a minimum value of \$5,000? It is valued at \$5,000?

Mr. MANDERINO. You can attribute anything to it you want. I am telling you that the statute that we are trying to enact simply says that in no case shall the tax so computed be less than \$50.

Mr. ZEARFOSS. Is it reasonable to assign a \$5,000 minimum value to a corporation charter?

Mr. MANDERINO. If that is the way it sits easiest in your mind, you can do that.

Mr. ZEARFOSS. Do you think that is a valid—

Mr. MANDERINO. I think that is a reasonable way to calculate it. It can be reasonable just simply to understand it as a \$50 minimum tax.

Mr. ZEARFOSS. I have a couple of corporate charters I want to sell for \$5,000. Will you buy them?

Mr. MANDERINO. No, sir.

Mr. ZEARFOSS. That is what I thought.

Mr. MANDERINO. If I had a couple of corporate charters that were inactive, I would simply dissolve the corporation.

Mr. ZEARFOSS. How much does it cost to dissolve a corporation? More than \$50?

Mr. MANDERINO. I do not know the answer to your question. But by the same token,—

Mr. ZEARFOSS. With lawyers' fees and everything else, does it not cost more than \$50 to dissolve a corporation?

Mr. MANDERINO. Would you let me answer the first question that you asked before you ask the second one?

Mr. ZEARFOSS. I thought you did. I thought you said you did not know, but go ahead.

Mr. MANDERINO. I do not know the answer to your question but I do not think we should be carrying them on the books

of the state and servicing the corporations that no longer do business. There is a manner in which they can be dissolved and they should be dissolved.

We do perform services for corporations in addition to this reviewing of a tax return as you say. We have to answer questions through the Bureau of Corporations for lawyers who inquire whether or not taxes are delinquent, and the charge for that is kept at a minimum because it is a necessity. Those corporations must be kept on the roster. We must check these corporations any time there is a complaint or any inquiry made about the corporation.

The processing of the tax return itself costs us more than \$50. I think that on corporations, insurance companies, et cetera, the theory has always been that the existence of these particular kinds of entities should not cost the taxpayers of this Commonwealth money; they ought to carry their own weight.

We are in a situation that they are not carrying their own weight. Now I can understand your disposition toward wanting a smaller burden on that corporation that is doing no business out there. I certainly can understand that. I would not argue with it if it were not placing a burden upon the taxpayers who are not corporate charterholders. It is placing a burden on the taxpayers. It is costing us five and six times and sometimes as high as ten times the amount of that \$10 fee that is being charged, to do the work that is necessary here at the state. That work that is necessary is work that is necessary under laws and regulations of this Commonwealth.

Mr. ZEARFOSS. Now, let me just go on a little further, Mr. Speaker. Under the present law and regulations, with a \$1,000 minimum valuation on a corporation, is it not true that the Department of Revenue will exempt from that minimum valuation and from the requirement of filing a tax return, if the corporation that is doing any business and is defunct will file an affidavit? Is that correct?

Mr. MANDERINO. You are entirely correct. If you file an affidavit, it is my understanding, and I am not a corporate expert, if your corporation is inactive, you can file an affidavit wherein they will charge a certain fee but they know you are inactive.

Mr. ZEARFOSS. Right. Now, under this present bill if it becomes law, will that procedure still be available for the inactive corporations?

Mr. MANDERINO. I would know no reason why it would not be.

Mr. ZEARFOSS. Well, let me suggest a reason; The one is that its evaluation of a minimum valuation of the corporation under the regulations, and this is a minimum tax which would be presumably, by its terms and now in the law, applicable to all corporations.

Mr. MANDERINO. Well, the fact remains, Mr. Speaker, that the department is telling us that they must process tax returns which cost more money. They are not processing tax returns for the inactive corporations; they do not have to file tax returns.

Mr. ZEARFOSS. If it costs them more to process the tax return, then is it not reasonable that we provide in this bill that the inactive corporation can still file the affidavit so that the

department does not have the burden of processing that tax return and putting this additional cost on the other taxpayers?

Mr. MANDERINO. I think the bill in its present form is reasonable. We are taking a charge of \$10 and raising it to \$50, a charge that has not been raised since 1937.

Mr. ZEARFOSS. I have no further questions.

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

Mr. BITTINGER. Mr. Speaker, I oppose this bill and would suggest that by its defeat we might be suggesting to the Department of Revenue that it simplify its processing procedures in this matter.

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

Mr. POTT. Mr. Speaker, the arguments have deteriorated on this bill into defunct corporations, corporations that do not file tax returns.

It has been estimated that there are 50,000 corporations in this Commonwealth which pay less than \$50 in capital stock tax presently. Only 17,000 of those corporations are inactive.

This bill jeopardizes the 33,000 corporations that are actively trading and actively doing business. And it is a tax hike for 33,000 corporations.

This is the wrong way to go about taking care of defunct corporations. It is quite simple for the Department of Revenue to alter their procedures to take care of the defunct corporations. We should not penalize 33,000 corporations for the benefit of 17,000. I urge you to defeat this bill.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—96

Abraham	Gallagher	Letterman	Reed
Armstrong	Gamble	Livengood	Renwick
Bellomini	Garzia	Logue	Rhodes
Beloff	Gatski	Manderino	Richardson
Berlin	Geisler	McCall	Rieger
Berson	George, C.	McIntyre	Ritter
Borski	George, M.	McLane	Ruggiero
Brandt	Giammarco	Meluskey	Schmitt
Brunner	Gillette	Milanovich	Shupnik
Caltagirone	Gleeson	Miscevich	Stairs
Caputo	Goodman	Mrkonic	Stapleton
Cianciulli	Greenfield	Mullen, M. P.	Stuban
Cole	Greenleaf	Mullen, M. M.	Sweet
Cowell	Harper	Musto	Tenaglio
DeMedio	Hoeffel	Novak	Trello
DeWeese	Hutchinson, A.	O'Brien, B.	Valicenti
Dombrowski	Johnson	O'Keefe	Wargo
Donatucci	Jones	Oliver	White
Doyle	Kelly	Petrarca	Wiggins
Duffy	Kernick	Pievsky	Williams
Englehart	Kolter	Pratt	Wise
Fee	Kowalshyn	Prendergast	Wright, D.
Flaherty	Laudadio	Rappaport	Zitterman
Fryer	Laughlin	Ravenstahl	Zwikel

NAYS—99

Anderson	Goebel	Mebus	Sirianni
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Arthurs	Grieco	Miller	Smith, E.
Bennett	Halverson	Milliron	Smith, L.
Bittinger	Hamilton	Moehlmann	Spencer
Bittle	Hasay	Morris	Spitz
Brown	Haskell	Mowery	Stewart
Burd	Hayes, D. S.	Noye	Taddonio
Burns	Hayes, S. E.	O'Brien, D.	Taylor, E.
Butera	Helfrick	O'Connell	Taylor, F.
Cassidy	Honaman	O'Donnell	Thomas
Cessar	Hopkins	Pancoast	Vroon
Cimini	Hutchinson, W.	Parker	Wagner
Cohen	Itkin	Piccola	Wansacz
Davies	Katz	Pitts	Wass
DeVerter	Klingaman	Polite	Weidner
DiCarlo	Knepper	Pott	Wenger
Dietz	Lehr	Pyles	Wilson
Dininni	Levi	Ryan	Wilt
Dorr	Lincoln	Salvatore	Wright, J. L.
Fischer, R. R.	Lynch	Scanlon	Yahner
Fisher, D. M.	Mackowski	Scheaffer	Yohn
Foster, A.	Madigan	Schweder	Zearfoss
Foster, W.	Manmiller	Scirica	Zeller
Gallen	McClatchy	Seltzer	Zord
Geesey	McGinnis	Shuman	

NOT VOTING—8

Barber	Gray	Kusse	Fineman,
Dumas	Irvis	Shelton	Speaker
Freind			

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

TRANSPORTATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 172, printer's No. 185**, entitled:

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act entitled 'An act to establish a board of wardens for the Port of Philadelphia and for the regulation of pilots and pilotage and for other purposes' approved March twenty-ninth one thousand eight hundred and three and for regulating the rates of pilotage and number of pilots" further regulating the rates of pilotage and class of pilots.

On the question,

Will the House agree to the bill on third consideration?

HOUSE BILL No. 172 TABLED

The SPEAKER pro tempore. The Chair withdraws its decision that HB 172 be temporarily passed over.

The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport. Does the gentleman wish to make a motion?

Mr. RAPPAPORT. I wish to move that HB 172 be tabled.

Mr. Speaker, I am the prime sponsor. There are some problems and the people involved have asked me to move that it be tabled.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LABOR RELATIONS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 642, printer's No. 708**, entitled:

An Act amending the "Civil Service Act" approved August 5, 1941 (P. L. 752, No. 286), further providing for the political activities of individuals covered by civil service.

On the question,

Will the House agree to the bill on third consideration?

Mr. A. C. FOSTER offered the following amendments:

Amend Sec. 1 (Sec. 904), page 3, lines 8 and 9 by striking out "a State or local officer or employe" and inserting: any person

Amend Bill, page 3, lines 16 through 30, page 4, lines 1 through 14 by striking out all of said lines on said pages

Amend Sec. 3, page 4, line 15 by striking out "3" and inserting: 2

Amend Sec. 4, page 5, line 1 by striking out "4" and inserting: 3

On the question,

Will the House agree to the amendments?

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

Mr. A. C. FOSTER. Mr. Speaker, I rise to amend HB 642 today to close in on two areas of the bill, one of which is somewhat ambiguous and the second area where I think we should take care to preserve the rights of the individual civil service employe.

The first portion of my amendment on page 3, lines 8 and 9, simply involves striking out the words "a State or local officer or employe", and inserting the words "any person". This deals with the sensitive area of solicitation of political contributions. The term "any person" is much more specific and definite and not subject to ambiguous interpretations as "a State or local officer or employe".

The second part of my amendment gets to what I consider the heart of many political abuses. If the love of money is the root of all evil, then I think the political activities, the solicitation of money, is the root of many evils. So what I am doing in the second part of this amendment is keeping the present act the way it is and striking out all of the existing language on page 3, lines 16 through 30, and on page 4, lines 1 through 14. The basic reason for doing this is that I think we want to eliminate the approach being made and pressure being made upon civil service employes who contribute to campaigns. They have the right to do so under the remaining portions of the act. We are not abrogating any of their individual rights. We are simply shielding them from any pressure that they would feel obligated to contribute. The reason for doing this is obvious. We want to shield them from the abuses that occur through such pressure. I would ask an affirmative vote on the amendment.

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

Mr. LINCOLN. Mr. Speaker, would the gentleman from York, Mr. Foster, consent to a brief interrogation?

The SPEAKER pro tempore. Would the gentleman from York consent to interrogation?

Mr. A. C. FOSTER. I will, Mr. Speaker.

Mr. LINCOLN. Mr. Speaker, will you give to me once again your reasoning for the part of the amendment that deals with lines 8 and 9 on page 3 in section 904?

Mr. A. C. FOSTER. Simply to make it as specific as possible,

Mr. Speaker. The term "any person" is very specific and definitive. That means that no person can be approached insofar as solicitation is concerned.

Mr. LINCOLN. Mr. Speaker, you realize we are dealing with the Civil Service Act?

Mr. A. C. FOSTER. Yes, Mr. Speaker.

Mr. LINCOLN. May I ask how you intend to include everyone in a Civil Service Act?

Mr. A. C. FOSTER. Mr. Speaker, you would strike out the words "a State or local officer or employe" on lines 8 and 9, and if you can continue from the preceding page, it would then read: "or directly or indirectly coerce, attempt to coerce or command a State or local officer or employe to pay, lend or contribute anything of value to a party, committee, organization . . .", et cetera. "Any person" is simply a much more definite term and less subject to ambiguity. We are only trying to include those people that are covered by the act, Mr. Lincoln. We are trying to blanket in everyone in the Commonwealth.

Mr. LINCOLN. Mr. Speaker, you are taking what you call an ambiguity and making it a total mass of confusion. Show me some place in the bill where a person is defined. There is no definition for "person."

Mr. A. C. FOSTER. Would the gentleman repeat that please?

Mr. LINCOLN. Where in the act is any reference or definition made of "person"? Just what would a person be at that point?

Mr. A. C. FOSTER. Say that again.

Mr. LINCOLN. Just what would a person be after your amendment were accepted, if it is.

Mr. A. C. FOSTER. Any person would be included under the provisions of this act. The word "person" is specifically alluded to on line 11. The language there is not mine. On line 11 it says, "No person in the classified service shall be a candidate for public office, . . ." and the definition is the same there.

Mr. LINCOLN. Mr. Speaker, I think you are including many, many more people than what you are intending by your amendment. The bill as written now will cover anyone involved in civil service.

Mr. A. C. FOSTER. Mr. Speaker, I think the gentleman, Mr. Lincoln, honestly misunderstands what I am trying to do here. I am simply trying to prevent any person within the classified service from soliciting contributions from any other person in the classified civil service.

Mr. LINCOLN. Mr. Speaker, the bill already does that. The bill says ". . . a State or local officer or employe . . ." That covers everyone in the act. I think by changing that wording and by taking out what specifically delineates the people involved in the act and putting in "a person", you are destroying the whole concept of that section.

Mr. A. C. FOSTER. No, Mr. Speaker. What we are trying to do is prevent the solicitations of funds by people within the classified service, and I think this goes to the very heart of campaign reform.

Mr. LINCOLN. Mr. Speaker, I have no further questions, but I would like to have an opportunity to make some remarks on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentle-

man from Fayette, Mr. Lincoln.

Mr. LINCOLN. Mr. Speaker, I really do not think that Mr. Foster's amendment is necessary. I honestly do not understand what his intentions are. I think the way the bill is written, it very specifically includes everyone who could possibly do what he is afraid of. The state, local officers or employes, the whole gamut, is covered. I really do not see any reason for this amendment. I would ask the membership of the House to defeat it.

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

Mr. O'DONNELL. Mr. Speaker, may I interrogate the gentleman from York?

The SPEAKER pro tempore. Would the gentleman from York, Mr. Foster, consent to interrogation?

Mr. A. C. FOSTER, Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. O'DONNELL. Mr. Speaker, I am a little bit confused on the same issue. The language that is presently in there prohibits solicitation by civil service people of civil service people. Your amendment takes out the last part. Is the effect of the amendment then to prevent civil service people from soliciting others?

Mr. A. C. FOSTER. Yes; from soliciting money, period.

Mr. O'DONNELL. From soliciting money, period. So a policeman could not solicit from a storeowner, a welfare worker could not solicit from the welfare recipient, and an employe of the General Services Administration could not solicit someone who is receiving a lease from the State of Pennsylvania. That would be the effect of the amendment. Right?

Mr. A. C. FOSTER. Yes.

Mr. O'DONNELL. O.k. In that case I think that it is within the purview of the act because the people covered as actors are the civil service people, but the people that are covered as potentially being solicited are all persons. So I think that is within the purview of the act and I think it makes a lot of sense.

The second half of the amendment removes the language at the bottom of page 3 and the top of page 4? That is the condition-of-employment language?

Mr. A. C. FOSTER. Yes.

Mr. O'DONNELL. O.k. Could you explain to me what the effect of the second part of your amendment is?

Mr. A. C. FOSTER. The essence of the second part of the amendment is simply to prevent people within the classified service from being solicited for contributions. Now we are really weakening, in the section where it is written, the protection given individual employes at the present time. We are saying in here now that they cannot be solicited as a condition of their employment or continued employment. That seems to be protection, but it is more illusory than real.

I can remember back in the days when I was in the Navy, when our boatswain for the barracks came out and asked us to make a charitable donation—I forget to what organization; maybe to the U.S.O. or whatever—and he said, Now, this is not mandatory. You are not compelled to make this contribution. We are not going to keep a list of the names of those who do not contribute; however, we are going to keep a list of those who

do. So the implied threat is here and that is what I am trying to guard against.

Mr. O'DONNELL. So, if your amendment does not go through, somebody could be solicited; not as a condition of employment but as a condition of promotion? They could be solicited as a condition for getting the vacation they wanted, or from getting the job assignment that they wanted? Anything but firing could be threatened?

Mr. A. C. FOSTER. Yes, that is what I am trying to guard against.

Mr. O'DONNELL. Yes, I understand.

Mr. Speaker, I have a few remarks on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. O'DONNELL. I think the amendment is extremely valuable and deals with what might turn into a very serious problem. I think you have to go very slowly in this area. There is no question about the need to protect the first amendment rights that we have talked about for civil service employes, but the potential for abuse is substantial, and I think the amendment is a good idea.

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

Mr. MANDERINO. Will the gentleman, Mr. Foster, consent to interrogation?

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

Mr. A. C. FOSTER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, just permit me one question about the bill. As I understand the bill, what we are permitting with the bill is an opening up of the areas in which civil servants or those who are classified can participate in the political process. They are very restricted at the present time. I do not think they can even sign petitions for candidates; they cannot be committeemen or precinct officers; they cannot participate in politics at all. That is the essence of the bill, as I understand it. Would you agree?

Mr. A. C. FOSTER. I would concur with that.

Mr. MANDERINO. We are removing, by the bill, most of those restrictions. We are saying they are not second-class citizens and that they now can participate in politics to the extent allowed by the bill. You would agree to that?

Mr. A. C. FOSTER. I would agree, Mr. Manderino. I really think that we are possibly addressing the wrong portion of the individual rights of the workers in the bill. I had intended to try to correct that matter. I, for one, would love to see civil service employes have the right to run for public office. I think our borough councils and school boards would need that.

Mr. MANDERINO. I understand that. Generally, my concept of what the bill is attempting to do is what I have told you.

Mr. A. C. FOSTER. Yes, it is going to give them limited rights of participation.

Mr. MANDERINO. Limited rights of participation. As I understand the effect of your amendments taken together, the effect of your amendment is that although we are opening up the

process to them and allowing them to participate, they will neither be allowed to solicit contributions from any persons nor give contributions to any person—be solicited.

Mr. A. C. FOSTER. No, I do not concur with that, Mr. Speaker. If they opt to voluntarily make a contribution to a campaign, I feel they can do that.

Mr. MANDERINO. But they cannot be solicited?

Mr. A. C. FOSTER. They cannot be solicited.

Mr. MANDERINO. And they cannot solicit?

Mr. A. C. FOSTER. Right.

Mr. MANDERINO. Then I do understand your amendment. Thank you, Mr. Foster.

Mr. A. C. FOSTER. That is what we need to guard against.

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

Mr. MANDERINO. Mr. Speaker, I want to speak against the amendment. I think that what we are trying to do is to take away the status of the civil service employes that they have had up until now. We have patterned this act after the Federal law, which has recently removed Hatch Act restrictions from persons who formerly were governed by that act by allowing them to participate in the political process and the process of selecting government and selecting representatives.

I think it is right that they should not be denied those rights. They should not be second-class citizens. But by the same token, I do not think we should restrict them in the manner that Mr. Foster wants to restrict in his amendment, restrict them so that they can neither participate nor be solicited for financial contributions. I do not think that they should have any more status or any less status than any other citizen in this Commonwealth. I do not think that they should be prohibited from acting in a capacity where they might want to serve on a financial committee for a candidate and solicit contributions from other people.

What Mr. Foster is doing is saying, not only can they not solicit contributions from fellow employes in the service, but they cannot solicit contributions from anyone. They can neither solicit nor be solicited.

I think that if we are going to put them into the political process, let us give them the same status that we all have and that we all should enjoy, and defeat Mr. Foster's amendment.

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

Mr. A. C. FOSTER. Will the gentleman, Mr. Manderino consent to one or two questions?

The SPEAKER pro tempore. Will the majority whip consent to interrogation?

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. A. C. FOSTER. Mr. Speaker, you grant that under the proposals in this act, a member of the classified service may voluntarily contribute to the candidate of his choice?

Mr. MANDERINO. Are you talking about under your amendment or under the way the bill is originally drafted?

Mr. A. C. FOSTER. Either way.

Mr. MANDERINO. Under the way the bill was originally

drafted, he could make a voluntary contribution. He could also be solicited. He could not be solicited in a manner that put his job in jeopardy or as a condition of employment if he was solicited.

Mr. A. C. FOSTER. But under my amendment, he may also give a voluntary contribution.

Mr. MANDERINO. Yes, but nobody can ask him for it. Nobody can go to a civil servant, if he is a civil servant, and say "Hey, would you like to contribute to Mr. Foster's campaign? He is running for the legislature." You would be prohibited, under your amendment, to even ask him. Not only would you be prohibited from asking him, but in the event that he wanted to participate in your campaign and try to raise some funds for you, he would be prohibited from soliciting any person in the Commonwealth.

I think that if they want to be in the political process and if we are going to put them in the political process, we ought to let them participate under the same rules as anyone else. We cannot coerce. We cannot force. We cannot intimidate. We cannot mace, but we certainly can ask.

Mr. A. C. FOSTER. Now, Mr. Speaker, the one question—and I would invite my colleagues to listen closely to this one question: If all that be true then and you, Mr. Manderino, are a civil service employe, what right, what privilege are we conferring upon you to allow you to be solicited by someone, badgered by someone, for contributions? What real right are we conferring upon you? Now I am talking about the rights of the individual.

Mr. MANDERINO. I think it is a right to be able to contribute to a campaign, to work in a campaign, to help someone else become elected to office, to work on that person's finance committee or to act as a treasurer for that particular political candidate. I think that that is a right, and I think that we should not deny that right to the civil servants. I do not think that you ought to deny the right to the other citizens of this Commonwealth who engage in the political process from making a lawful solicitation of funds to anybody. I do not think that civil servants should be protected from a lawful solicitation.

Mr. A. C. FOSTER. Mr. Speaker, that was a very adroit answer, but unfortunately it did not answer my question. I ask what right do you confer upon that state employe to allow him to be solicited? Are you doing anything of value or benefit to him?

Mr. MANDERINO. I am allowing him to enjoy the same rights and privileges as every citizen of this Commonwealth by allowing him to learn from his fellow citizens whom his fellow citizens are working for, whom they are raising funds for, so that they can make an approach and he would understand from their approach that they are working for a candidate, and that he could participate in that policy or in that particular form of representative government. He can also participate by being active in a campaign. Your amendment takes both of those rights away from him.

Mr. A. C. FOSTER. No, my amendment does not take those away from him, Mr. Speaker. Actually what you are proposing and what you are saying, or am I stating this too strongly to say that you are conferring upon him the right to be pressured?

Mr. MANDERINO. No, I am not. If you will read the lan-

guage in the bill, he is not to be pressured, he is not to be intimidated, he is not to be maced as we understand macing, he is not to be solicited with that being in the manner that it is a condition of his continued employment. That is illegal under the laws today. We are not legalizing macing or intimidation. We certainly are not doing that. But we are saying that he will enjoy the same rights of all citizens of the Commonwealth; he will be able to join in the political process; he will be able to raise funds, solicit other people, but under the law—lawful solicitation.

You know that there is a feeling that all solicitations are bad and that it is bad for anybody to ask for a political contribution or try to support a candidate or raise money for a candidate. The post Watergate syndrome has somehow engendered itself into the thinking of many Pennsylvanians, many Americans, that asking anybody for a contribution to a political party is bad. Well, I do not happen to believe that and I would hope that members of this House do not happen to believe that. That is the way our process works. We could not elect candidates, we could not finance campaigns, we could not have the representative government that we have today unless that were allowed, unless you went to a total public financing of all political campaigns. I may be in favor of that and maybe that is the best way, but the people are not ready for that and it cannot happen until the people are ready for that.

I think that the process we have now of solicitation of contributions is voluntary. Lawful contributions is the way we have to go. We should not prohibit civil servants to engage in the political process. We should not shield them and say, yeah, you can participate, you can be elected committeemen yourself, you can go out there and hustle votes in the precinct, but do not ask anybody for a contribution, and tell people that they cannot now ask those people for a contribution. I think your amendment is ill conceived, ill considered and I would ask for its defeat.

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

Mr. A. C. FOSTER. To just go back once again to my analogy of the time when I was in the service. I was not required to contribute or to give to the U.S.O. or any other organization, but, by gosh, I know who handed out my liberty card on Saturday, and the pressure was there whether it was covert or overt.

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

Mr. LINCOLN. Mr. Speaker, I did not intend to speak a second time on this amendment, but my good friend from Philadelphia, Bob O'Donnell, spoke and I think that some of the points he made must be answered.

His fear of promotions, vacations or whatever being affected by whether you contribute or do not contribute or work or do not work, I think, is getting a little bit close to being ridiculous. I think we could legislate the whole gamut. We could say that you would not be allowed to go to the john unless you contributed. I mean how much protection are we supposed to give people? I do not think that the society in which we live is made up where we, as legislators, should have to worry about vaca-

tion schedules, days off, or whatever. There are other areas within the law to cover that.

The second thing that I would like to point out in this particular amendment is, Mr. Foster is worrying about protecting people that are only asking to be put in the same category as many of their comrades in the civil service. Of the 600,000-or-so public employes in Pennsylvania at this time, 85 percent have the same rights that are included in HB 642; 40 percent of the state employes have that right at this time. We are not asking for anything more or anything less.

The fact is that the Federal Government—and I did not plan on getting into the content of the bill at this point, but it has been brought in by other members—has a penalty provision, which is extremely strong. It says that anyone who violates the provisions of sections 904 and 905 of this bill is charged with a misdemeanor of the third class and automatically is separated from his job. We put in as much protection as we want. About the only other thing we could do would be to have someone from the House visit every department every once in awhile and sit down and make sure things are run properly.

I think that we are over doing it. I think changing the law as we intended if we accept Mr. Foster's amendment will put us in a worse position than where we were before. I would very respectfully request that you vote "no" on this amendment.

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

Mr. O'DONNELL. Mr. Speaker, I am very happy to find out that pressure on government employes and by government employes for political purposes is a ridiculous idea in Fayette County. I wish it were a ridiculous idea in Philadelphia County.

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

Mr. ZELLER. I would like to say ditto to the words of the last speaker.

I get a big kick out of this one because, you know, Mr. Manderino said a person can contribute under this bill but wants others to be able to solicit him. Who wants this? I have not talked to anybody in civil service who wants the bill. Now I know I was not backed by the organization the last time I ran, although I think I have a tremendous labor background.

But if you get right down to the nitty-gritty—and no one wants to mention this sacred word in this House right now but I will mention it—it seems that AFSCME—American Federation of State, County, and Municipal Employes—wants it. AFSCME officials want it. Nobody in civil service wants this. I do not hear anybody knocking doors down—

POINT OF ORDER

The SPEAKER pro tempore. 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 pro tempore. The gentleman will state it.

Mr. GREENFIELD. What is the gentleman addressing, the bill or the amendment?

The SPEAKER pro tempore. Will the gentleman try to keep

his remarks a little bit relevant to the amendment?

Mr. ZELLER. I am, Mr. Speaker, because of the fact that this is what the amendment is all about—the right of an individual to contribute if he wants to and not have the political pressure of someone saying, now if you do not contribute, we can make you wish you did. This is what our good friend is talking about, that so-called weekend liberty card. There are all kinds of ways of spanking you. That is why I say civil service employes have not asked for this. It is another group that has asked for it. That is why we should to along with this amendment, if we are really interested in people, not some political-pressure group.

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

Mr. HOEFFEL. Mr. Speaker, will the gentleman, Mr. Foster, consent to a brief interrogation?

Mr. A. C. FOSTER. I will.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HOEFFEL. Mr. Speaker, in Montgomery County, the Democratic Party does not have a lot of money. We have to undertake very modest fund-raising efforts. We indulge in a program we call "Dollars for Democrats." We walk down the streets of our municipalities and knock on doors and ask for a dollar contribution to the Democratic Party. Now under the terms of your amendment, if I knocked on the door of a civil servant and asked him for a dollar, would I be breaking the law?

Mr. A. C. FOSTER. No, because you are not a member of the classified service.

Mr. HOEFFEL. But if he is a member of the civil service and I solicited him, would I be breaking the law?

Mr. A. C. FOSTER. No. You may solicit him for funds, but he may not solicit you or anyone else for funds. This would have no effect on your program in Montgomery County, Mr. Speaker.

Mr. HOEFFEL. Well, I am glad to hear that Montgomery County will not be adversely affected. But that does not seem to be what you said before. I thought the impact of your amendment would prohibit any solicitation of a civil servant to contribute to a campaign.

Mr. A. C. FOSTER. My amendment would prohibit a member of the classified service from soliciting, a, another member of the classified service; or, b, any other person. In other words, if you are in civil service, you cannot solicit your colleagues nor can you solicit anyone else. But you as an individual can go up to someone on the street and ask that person for a contribution. Then he may or may not contribute as he sees fit.

Mr. HOEFFEL. Mr. Speaker, I am confused. From the earlier debate, it was my impression that you clearly stated that your amendment would protect, in your words, the civil servant from being requested to donate to campaigns. Your amendment would allow him to contribute, but you said that your amendment would not allow him to be solicited?

Mr. A. C. FOSTER. He may not be solicited by another member of the civil service. There is no prohibition against "John Q. Citizen" walking up to him and asking him for a contribution, because "John Q. Citizen" obviously is not going to know he is a member of the civil service.

Mr. HOEFFEL. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—89

Anderson	Geesey	McGinnis	Sirianni
Armstrong	Goebel	Mebus	Smith, E.
Berson	Greenleaf	Miller	Smith, L.
Bittle	Halverson	Moehlimann	Spencer
Borski	Hamilton	Mowery	Spitz
Brandt	Hasay	Mullen, M. M.	Stairs
Burd	Haskell	Noye	Sweet
Burns	Hayes, S. E.	O'Brien, D.	Taddonio
Butera	Helfrick	O'Donnell	Taylor, E.
Cessar	Honaman	Pancoast	Thomas
Cimini	Hopkins	Parker	Vron
Cohen	Hutchinson, W.	Piccola	Wagner
Davies	Itkin	Pitts	Wass
DeVerter	Katz	Polite	Weidner
Dietz	Klingaman	Pott	Wenger
Dorr	Knepper	Pyles	Wilson
Doyle	Lehr	Ryan	Wilt
Fischer, R. R.	Levi	Salvatore	Wright, J. L.
Fisher, D. M.	Mackowski	Scheaffer	Yohn
Foster, A.	Madigan	Scirica	Zearfoss
Foster, W.	Manmiller	Seltzer	Zeller
Fryer	McClatchy	Shuman	Zord
Gallen			

NAYS—106

Abraham	Garzia	Lynch	Rhodes
Arthurs	Gatski	Manderino	Rieger
Bellomini	Geisler	McCall	Ritter
Bennett	George, C.	McIntyre	Ruggiero
Berlin	George, M.	McLane	Scanlon
Bittinger	Giammarco	Meluskey	Schmitt
Brown	Gillette	Milanovich	Schweder
Brunner	Gleeson	Milliron	Shelton
Caltagirone	Goodman	Miscevich	Shupnik
Caputo	Greenfield	Morris	Stapleton
Cassidy	Grieco	Mrkonic	Stewart
Cianciulli	Harper	Mullen, M. P.	Stuban
Cole	Hayes, D. S.	Musto	Taylor, F.
Cowell	Hoeffel	Novak	Tenaglio
DeMedio	Hutchinson, A.	O'Brien, B.	Trello
DeWeese	Johnson	O'Connell	Valicenti
DiCarlo	Jones	O'Keefe	Wansacz
Dininni	Kelly	Oliver	Wargo
Dombrowski	Kernick	Petrarca	White
Donatucci	Kolter	Pievsky	Wiggins
Duffy	Kowalshyn	Pratt	Williams
Dumas	Laudadio	Prendergast	Wise
Englehart	Laughlin	Rappaport	Wright, D.
Fee	Letterman	Ravenstahl	Yahner
Flaherty	Lincoln	Reed	Zitterman
Gallagher	Livengood	Renwick	Zwilk
Gamble	Logue		

NOT VOTING—8

Barber	Gray	Kusse	Fineman,
Beloff	Irvis	Richardson	Speaker
Freind			

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LINCOLN offered the following amendment:

Amend Sec. 3 (Sec. 906), page 4, line 29, by striking out "this section," and inserting section 904 and 905,

On the question,

Will the House agree to the amendment?

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

Mr. LINCOLN. Mr. Speaker, the amendment is technical in nature. In the penalty provision which is section 906 in the bill as it was drafted, it was drafted to read that anyone "... found guilty of violating any of the provisions of this section..." Well, this section to me means section 906, and there is no way of violating anything in that particular section because it is just the penalty provision. So all I am doing is striking out the words "this section" and adding "section 904 and 905," which would be the provisions which could be violated.

On the question recurring,

Will the House agree to the amendment?

Amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. ZEARFOSS. I would like to ask the prime sponsor of the bill or somebody designated by the prime sponsor a few questions.

The SPEAKER pro tempore. Will the gentleman from Fayette, Mr. Lincoln, consent to interrogation?

Mr. LINCOLN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, the new language in this bill that would be inserted in the law restricts a candidate for public office from running in any partisan election. Does the bill or the law define partisan? And further than that, do we have any nonpartisan elections in Pennsylvania that would be covered by this?

Mr. LINCOLN. Mr. Speaker, I would believe that "partisan" would be taken from the Federal Campaign Elections Act, which defines "partisan" as an election where two parties would be involved and it would be for a public office. Nonpartisan offices would be the committeeman in the party, state committeeman, delegate to a convention or whatever.

Mr. ZEARFOSS. Those offices are specifically covered in the bill and permitted. Party offices or delegates are specifically covered. It says that a member of the classified service may run for one of those offices. I am concerned about the language that apparently permits by indirection a member of the classified

service from running in a nonpartisan election. What would a nonpartisan election be in Pennsylvania, if any?

Mr. LINCOLN. I know of none, Mr. Speaker, other than the ones that I have spoken of.

Mr. ZEARFOSS. Let me just ask to make sure and to get this on the record: Would you consider a judgeship where there is cross-filing to be partisan or nonpartisan?

Mr. LINCOLN. That would be partisan, Mr. Speaker.

Mr. ZEARFOSS. And how about a school director where there is cross-filing? Would that be partisan or nonpartisan?

Mr. LINCOLN. In my opinion, that would be partisan.

Mr. ZEARFOSS. So then you agree with me, which I did not say before, that there are no nonpartisan elections in Pennsylvania as far as I know?

Mr. LINCOLN. As far as my knowledge, I would say yes.

Mr. ZEARFOSS. So that language in the bill is really not meaningful?

Mr. LINCOLN. I would agree with that, yes.

The SPEAKER pro tempore. The Chair would suggest that the subject of the retention of judges or the subject of a constitutional amendment would probably be nonpartisan.

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

Mr. COWELL. On the last point when the questioning and answering went on, I would cite one example of a nonpartisan election that is available in Pennsylvania; that would be a position for a home-rule study commission, for instance. Candidates for that type of position would appear on the ballot in a nonpartisan fashion.

Mr. ZEARFOSS. I have just been advised also, Mr. Speaker, and I guess this is true, under a home-rule charter, municipal authorities could be elected on a nonpartisan basis.

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

Mr. DOYLE. Mr. Speaker, I wonder if the membership is aware of what the present situation is with regard to the Federal Hatch Act as it applies to state and local employes?

Right now if the locals and the state have anything to do with Federal money, the Hatch Act does not allow the person to run for, say, mayor of a borough or councilman, but it does allow them to run for a committeeman. That is the kind of Mickey Mouse situation that we have. This bill does not correct that. As a matter of fact, this bill would make it more certain that that is the kind of a kooky situation that we have. I am going to vote "no" on the bill and, until such time as we get a bill, everything is the same. Let our civil service be engaged the same way as everyone else, full out, in elections and partisan politics. That is fine. But until that time, this is only a half-measure. We should not go halfway.

In the civil service system that we have, they will still not be able to run for a public office, yet they can engage in politics. I think that is the wrong emphasis. If anything, it should be the opposite way. But I am going to vote "no" for those reasons.

Thank you.

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

Mr. ZEARFOSS. Mr. Speaker, I was not finished with my interrogation.

The SPEAKER pro tempore. The gentleman indicates he still wants to interrogate Mr. Lincoln. The gentleman may proceed.

Mr. ZEARFOSS. Mr. Speaker, under what circumstances, now that the Foster amendment has not been adopted, may a member of the classified service be solicited for a contribution?

Mr. LINCOLN. In the same manner as everyone else. It puts them in the same category with everyone else in Pennsylvania. They can be solicited in the same manner. I can walk up to one of them or you can or a fellow employe or whoever and ask them if they would like to contribute.

Mr. ZEARFOSS. You are saying that solicitation is not included within the words of "coerce" or "command"?

Mr. LINCOLN. I did not know solicitation ever was included with those two words.

Mr. ZEARFOSS. Mr. Lincoln, you are living in a dreamworld.

Under what circumstances may a member of the classified service now solicit someone else?

Mr. LINCOLN. In the same manner as any other employe of any other job or occupation in the Commonwealth: by opening their mouth and asking them if they will.

Mr. ZEARFOSS. There are no restrictions, in other words, on either being solicited or soliciting other persons?

Mr. LINCOLN. With the exception of coercion and other unfriendly ways of persuasion.

Mr. ZEARFOSS. As prohibited by law?

Mr. LINCOLN. As prohibited by law, yes.

Mr. ZEARFOSS. Where the bill prohibits contributions or solicitations being made as a condition of their employment or continued employment, what is meant by this? Does it include promotion and those things that Mr. Foster was trying to take care of in his amendment?

Mr. LINCOLN. I would think, yes.

Mr. ZEARFOSS. In other words, you cannot be denied a promotion if you refuse to contribute? Is that what you are saying? I should put it the other way: If you are denied a promotion as a result of refusing to contribute after being solicited under the bill, you would have a penalty involved, if it could be proved? Is that correct?

Mr. LINCOLN. I did not hear the last part of your statement, I am sorry.

Mr. ZEARFOSS. What I am asking is, would the penalty provisions come into play if someone were denied, by some other member of the classified service, a promotion because he did not contribute? There would be a possible penalty imposed upon the person that denied him that promotion, is that correct?

Mr. LINCOLN. On proof of that action, yes.

Mr. ZEARFOSS. On proof, yes.

Mr. LINCOLN. That penalty provision would be enacted at that point.

Mr. ZEARFOSS. So the restrictions that are now in the law with respect to promotions, or rather promotions and increase in pay and that sort of thing, are all included in the language that is now in the bill with respect to conditions of employment, is that your answer?

Mr. LINCOLN. I would think so, yes.

Mr. ZEARFOSS. Are members of the classified service under this bill as it presently stands permitted to make a contribution to a union political-action fund?

Mr. LINCOLN. I think that the present laws as applicable in that area would still apply, and they would still have the right as it is now, to spend or not to spend their money for that purpose. I do not think this act will have any effect whatsoever on that.

Mr. ZEARFOSS. And there is no prohibition on a member of the classified service who might be a member of the union for making that solicitation, is that correct?

Mr. LINCOLN. That is correct.

Mr. ZEARFOSS. Even if it is a superior?

Mr. LINCOLN. That is correct.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Gleeson.

Mr. GLEESON. Mr. Speaker, I would like to state my reasons for voting against these bills and I would like to ask the attention of the members to consider my reasons and maybe they would be influenced along the same lines.

As the situation now is, Mr. Speaker, and I do not know the exact figures, but vast numbers of our state employes have two protections: They have civil service protection and union protection.

We all know as experienced legislators what that means. It means, fine, we have a lot of fine people doing a good job, but it also means that there are many departments of this state that are completely beyond anyone's control. That means beyond their supervisor's control, beyond the Governor's control, beyond the legislature's control. They are just there. There are 50,000 or 70,000 people that are just there. Now, even though—now listen to this.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINCOLN. Mr. Speaker, are the gentleman's remarks relevant to the bill in front of us. If he has a problem with the state employes not working, let him introduce legislation to deal with that. This has nothing whatsoever to do with that problem.

The SPEAKER pro tempore. The Chair rules that the gentleman's remarks are somewhat far afield, but we will permit them.

Mr. GLEESON. Thank you, Mr. Speaker.

Now, the point is that we have all these people—and I am talking about 50,000 or 70,000 people—who have union protection, which is very strong protection, and we gave it to them. They have civil-service protection. Therefore, there is not anybody who can tell them what to do, including us, including the Governor, including their own bosses.

In addition to all this protection, they are going to start controlling us by participating in politics. They will have this tre-

mendous control over us, the legislature, and the executive, and the executive and legislature will not have any control over them. That is the reason that we have just got to draw the line. I have been a unionman all my life and I am going to continue to be a unionman, but this has got to end right here and I am voting "no".

Mr. LINCOLN. One of the problems—

The SPEAKER pro tempore. Will the gentleman, Mr. Lincoln, yield for just a moment. Since he is limited to two bites at the dog, we had better let some other animals in for a while.

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

Mr. LINCOLN. I have only had one shot on the bill.

The SPEAKER pro tempore. I am going to recognize you again.

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

Mr. ZELLER. Thank you, Mr. Speaker, for recognizing one of the dogs. Well spoken, sir.

The point brought out by Mr. Gleeson is well taken and the simple reason is that I, too, as stated by Mr. Doyle, feel that this bill does not go far enough.

My problem is that we as legislators, whether it is the Governor or no matter who it is, has nothing to say to these people. They have the right to strike. They can do anything they want. We have nothing to say, and they have a built-in monopoly, a built-in monopoly.

But now you want to give more power to a union - AFSCME - and you have not a thing to say. That is just beautiful. That is what you are doing to the citizens of Pennsylvania. If you think you are helping them with service, all you are doing is hurting them. That is what Mr. Gleeson has been bringing out and that is what many of the constituents of this state want to see corrected, but you sure are not helping it here. What you are doing is playing into the hands of the unions, the public union.

I am in a private-union sector. We would not even do that in a private-union sector, because if we do not buy it from Westinghouse, we buy it from General Electric. But where can I get any government anywhere else? This is what you are doing. Think it over once and vote "no."

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, would Mr. Lincoln consent to one question?

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

Mr. LINCOLN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. DORR. The gentleman from Delaware asked a question regarding the phraseology about coercion, and so forth, and I wanted to follow that up just one step beyond.

There was some indication on your part, I think, that you did believe that the bill covered the matter of promotions and vacation benefits and that kind of thing as far as the classified service people not being able to coerce or use those items of benefit to force payment of contributions. Am I reading you correctly on that?

Mr. LINCOLN. Yes.

Mr. DORR. Would you extend that or is it your intent in the bill to include such things that I would call favored work assignments. In other words, let us suppose a man is on a road crew and everybody on the road crew knows that it is better to ride a machine than it is to dig a ditch. Suddenly a man is asked for a contribution by his supervisor to a political party; he refuses; and suddenly his job is changed from riding a road grader to digging a ditch. Would that be a matter of coercion?

Mr. LINCOLN. First off, under the union contract, that would be an absolute impossibility. Well, not an impossibility, but if it did happen, the union member has the right of grievance.

Mr. DORR. Well, I only use that as an example. You understand what I mean.

Mr. LINCOLN. Well, I am answering that example.

I would think if you read on page 3 of the bill, line 30, by the new word added to it, it says "...whatsoever as a condition of their employment..." I would think that the word "condition" would cover any aspect of the job that they had. I do not know what other word you could use to describe the functions of that individual other than the job description which would be on the civil service test or whatever process they went through to get the job. Condition of employment to me would be work schedules, vacations, hours or whatever would be involved.

Mr. DORR. Work assignments?

Mr. LINCOLN. Right.

Mr. DORR. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from York, Mr. Foster, wish to debate the bill any further?

Mr. A.C. FOSTER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. A.C. FOSTER. Mr. Speaker, I am somewhat disturbed by the course of events that this bill has taken in its progress through the system. Really, I looked upon this bill as a possible Magna Carta for the civil-service employes of this Commonwealth. What I am about to say is, I would like to reiterate the remarks made by the gentleman from Delaware, Mr. Doyle. I feel from the beginning that we were giving the wrong set of rights to civil-service employes. Truly, the most paramount right, the first right that any citizen should have, would be the right to run for public office himself.

I had prepared amendments. I had discussed this in committee and even prepared amendments for submission on the floor to admit this right. But, unfortunately, after a lot of research, I came to the conclusion that that type of amendment would run in direct conflict with Federal regulations. What we would do is simply abrogate the existing rights of civil-service employes without conferring any new ones upon them.

So, I was therefore satisfied to support the bill as it was with the proper safeguards. Now, I find that we have really done very little. We have adopted a halfway measure, so to speak, which really confers very few genuine rights upon the civil-service employes. For that reason, and with great reluctance, I am going to vote "no" on the bill. I think the paramount thing we have to keep in mind is the rights of these individual mem-

bers of the classified service. I would urge you to cast a negative vote not because the entire content of the bill was bad, but because, upon a reconsideration motion and the proper amendments, we can get a good bill. We can get the kind of bill that the civil-service employes of this Commonwealth deserve. I would ask for a negative vote under those conditions.

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

Mr. LINCOLN. Mr. Speaker, before casting that "no" vote as Mr. Foster urges you to do, I would like for you to consider a few things. Whom are we talking about whenever we talking about classified employes under this bill? We are talking about institutional workers in most cases. These people are food service workers, they are attendants, they are clerical workers or custodial workers. They had to pass a test under civil-service regulations to get the job. They are not politically motivated. They are not intending to go out and tear the state apart. They did not get involved in their job in the first place because of politics. They only got their jobs because they were tested and there was an opening and they got it and that is it.

Also, I do not know whether some of the gentlemen are so concerned about the effects of this bill. Right now, the Department of Auditor General, the Department of Treasury, the Department of Transportation and the Department of Revenue have no regulations or restrictions whatsoever on the employes working there.

All we are doing is giving the remaining portion of civil-service employes the same right. Now, if someone would like to go further with that, fine, introduce a bill, if they want to give them the right to run for office or whatever. Do not confuse that issue with what we are doing here today. The only thing we are doing is giving the same right to a group of people who have been denied that right to become involved politically, to campaign for whomever they choose, to sign petitions, to contribute if they want to or do not want to; nothing else. Forget all the other rhetoric and all the other occasions of bringing in one department or another during this debate. I am taking it right down the narrow line, that is exactly what we are doing. I think it is a good idea and I would urge 101 of my colleagues to vote with me and pass this bill.

Thank you.

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

Mr. YOHN. Mr. Speaker, I rise reluctantly to oppose this bill and I do so for the reason that I do not believe the language in section 905 of the bill is what Mr. Lincoln feels that it is. He has stated in response to interrogation that the language in that bill and that section would prohibit people from making requirements for contributions and then taking out retribution in the form of restricting their pay or changing their conditions of work or their scheduling, or that type of thing, and I do not think that the bill says that.

The current law prohibits any type of solicitation. The bill, as written, prohibits solicitation only if it is a condition of employment or continued employment. I think basically what that says is, if you go around and ask for contributions and say, if

you do not give me a contribution for my political campaign, you are going to lose your job, then that would be a violation. Well, nobody in his right mind is going to say that, but there are a lot of other more subtle types of pressure that can be exerted. And although Mr. Lincoln feels that the language does that, it seems to me clearly that the language does not do that.

This is a criminal statute. It would be construed strictly by the courts, and I think that that language about condition of employment should be expanded very drastically in order to make sure that people soliciting contributions would not be taking out retribution by affecting the pay of the particular individual involved or conditions of work or the scheduling of work and that type of thing. Therefore, until that change is made, I would have to oppose the bill.

The SPEAKER pro tempore. Does the gentleman from Delaware, Mr. Doyle, desire recognition?

Mr. DOYLE. Very briefly, to correct something which Mr. Lincoln said. He left the impression that all the employes in the different offices are going to be freed by this legislation, and that is not true. There is such a thing as administrative civil service, and the administration puts them under that. We have a councilman in one of our boroughs who wants to run for mayor. He cannot run for mayor. He has to give up his seat on council and he has to resign as committeeman. This legislation is not going to help him out. There are—I do not know the number—maybe 600 to 800 people out there, maybe more, I do not know, who are not touched by this bill and they cannot run for office, either political or party, public or party, and it is not going to help them.

On the question recurring,
Shall the bill pass finally?

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

YEAS—134

Abraham	Garzia	Manmiller	Rieger
Bellomini	Gatski	McCall	Ritter
Bennett	Geisler	McIntyre	Ruggiero
Berlin	George, C.	McLane	Salvatore
Bittinger	Giammarco	Meluskey	Scanlon
Bittle	Gillette	Milanovich	Schmitt
Borski	Goebel	Milliron	Schweder
Brown	Goodman	Miscevich	Shelton
Brunner	Greenfield	Moehlmann	Shuman
Burd	Greenleaf	Mrkonic	Shupnik
Caltagirone	Grieco	Mullen, M. P.	Sirianni
Caputo	Halverson	Mullen, M. M.	Smith, L.
Cassidy	Harper	Musto	Stapleton
Cessar	Haskell	Novak	Stewart
Cianciulli	Hayes, D. S.	Noye	Stuban
Cohen	Helfrick	O'Brien, B.	Sweet
Cole	Hoeffel	O'Connell	Taylor, F.
Cowell	Hopkins	O'Donnell	Tenaglio
DeMedio	Hutchinson, A.	O'Keefe	Thomas
DeVerter	Johnson	Oliver	Trello
DeWeese	Jones	Pancoast	Valicenti
DiCarlo	Kelly	Parker	Wansacz
Dininni	Kernick	Petrarca	Wargo
Dombrowski	Klingaman	Piccola	Wass
Donatucci	Kolter	Pievsky	White
Duffy	Kowalshyn	Polite	Wiggins
Englehart	Laudadio	Prendergast	Wilt

Fee	Laughlin	Rappaport	Wise
Fischer, R. R.	Letterman	Ravenstahl	Wright, D.
Fisher, D. M.	Levi	Reed	Yahner
Flaherty	Lincoln	Renwick	Zitterman
Gallagher	Livengood	Rhodes	Zord
Gallen	Logue	Richardson	Zwikl
Gamble	Manderino		

NAYS—60

Anderson	Geesey	McGinnis	Spencer
Armstrong	Gleeson	Mebus	Spitz
Arthurs	Hamilton	Miller	Stairs
Berson	Hasay	Morris	Taddonio
Brandt	Hayes, S. E.	Mowery	Taylor, E.
Burns	Honaman	O'Brien, D.	Vroon
Cimini	Hutchinson, W.	Pitts	Wagner
Davies	Itkin	Pott	Weidner
Dietz	Katz	Pratt	Wenger
Dorr	Knepper	Pyles	Williams
Doyle	Lehr	Ryan	Wilson
Dumas	Lynch	Scheaffer	Wright, J. L.
Foster, A.	Mackowski	Scirica	Yohn
Foster, W.	Madigan	Seltzer	Zearfoss
Fryer	McClatchy	Smith, E.	Zeller

NOT VOTING—9

Barber	Freind	Irvis	Fineman,
Beloff	George, M.	Kusse	Speaker
Butera	Gray		

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARTHURS. Representative Pratt was called off the floor during the last debate. On the vote on HB 642, PN 708, which was taken just prior to that last debate, his switch was malfunctioning. He would like to be recorded in the affirmative on that bill.

The SPEAKER pro tempore. The gentleman's remarks shall be spread upon the record.

HB 207 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. HB 207, PN 807, will be passed over temporarily.

The SPEAKER pro tempore. Does the gentleman from Montour have amendments to HB 207?

Mr. WAGNER. Yes, Mr. Speaker, but I do not have them yet.

The SPEAKER pro tempore. Does the majority whip wish this bill passed over temporarily or over for the day? The gentleman has amendments which have not yet been presented.

Mr. MANDERINO. Do we know when we are going to get the amendments?

Mr. WAGNER. I was advised I would have had them already, so I would expect shortly.

Mr. MANDERINO. Mr. Speaker, I ask you to pass over the bill temporarily.

URBAN AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 134, printer's No. 147**, entitled:

An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of this Commonwealth; and validating such improvements assessments claims and liens therefor and the proceedings for the collection of such assessments claims and liens.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. RITTER. Mr. Speaker would the sponsor of the bill consent to interrogation?

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

Mr. DeMEDIO. Yes, I will.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RITTER. Mr. Speaker, last week when this bill was up, I asked a number of questions. I would just like to ask a few today to see if I can clarify what you are intending to do.

The purpose of this bill, as I see it, is that if a municipal improvement is made and there is an assessment against the propertyowner, a lien is filed against the property and under the current law the lien applies for 5 years. Now if that lien is to be renewed, it has to be renewed within that 5-year period for another like period of 5 years. Is that correct?

Mr. DeMEDIO. That is correct.

Mr. RITTER. The purpose of your bill is that in the event the solicitor or the appropriate municipal official neglects, for one reason or another, to extend the lien or reinstitute the lien, this bill is intended to cover that error?

Mr. DeMEDIO. It gives a 1-year period in which the lien could be filed and it would be validated. What this bill does, in effect, is permit the municipality to collect money that is rightfully owed to it but which it cannot recover because of a technical error. It is a validating statute.

Now this was last passed in this House in 1969, at which time the interrogator was a member of the House, and it passed 187 to 1. You were not the member who voted in opposition to the bill.

What this merely does is to permit validation of liens that are filed, for example, a little late because of inadvertence or negligence and which prevent the propertyowners from taking that improvement without making payments to the

municipality. There is a section in it that also protects any bona fide purchaser of the property who may have purchased the property not knowing that the lien was on record, and it also protects any individual who is not aware that the lien is on record and, for example, loans money to a person on a judgment note or a mortgage.

These validating statutes have been passed from time to time in order to bring about a just situation in that it does not permit a propertyowner to take advantage of a technical error and not pay for an improvement made to his property.

Mr. RITTER. Mr. Speaker, if they put in a sewer line in front of my property, I get assessed for that property. And if, in the period of 5 years, I do not pay the assessment off and they want to continue the lien, but the appropriate city official, for some reason or another, neglects to extend that lien, that is not my fault. That is one of the reasons I am paying city taxes, for him to do his job. If he neglects to do his job, I do not think that this legislature ought to give that person the right to automatically go in and extend that lien because he failed to do so originally.

The question for Mr. DeMedio is this: In the event that lien is not properly renewed, is there not a procedure now for that borough or city to reenact the lien if in fact the assessment has not been paid?

Mr. DeMEDIO. Well, that would depend, Mr. Speaker, on whether or not the statute of limitations has run on the action that would be necessary to revive the judgment. In other words, as you well know, a lien must be filed and it must be revived at every 5-year period. If you fail to revive at any termination of a 5-year period after a certain period of time, you no longer have any remedy because of the statute of limitations unless we validate the lien and permit the inadvertence or negligence to be corrected by a validating statute. This in no way prejudices or hurts the propertyowner. He is not being hurt in any way. He owes the money; the improvement was made to his property, and he should not be permitted to take advantage of this negligence or inadvertence. If it is corrected within a period of 1 year and nobody has been hurt by that and there is no bona fide purchaser intervening, no judgment or other liens that would take preference by which it would lose its priority, then I see nothing wrong with this. It merely brings about an equitable situation and does not permit somebody to profit by the inadvertence or negligence of a borough employe.

Mr. RITTER. Mr. Speaker, that is all of the interrogation.

I still really have great doubts about this bill. I may have been in the affirmative about 4 or 5 years ago when the bill passed, but maybe the passage of time has given me a little bit more wisdom than I had 5 years ago or 7 years ago because I intend to be in the negative today when this bill rolls.

I am concerned about a number of provisions in the bill, one of which says that within 12 months you can extend this lien or institute this lien within 12 months after the passage of any councilmanic ordinance assessing benefits under the provisions of this act where the improvement is already completed. There is no time limit on that. The improvement could have been completed 4 or 5 years ago and council may not decide for another 4

or 5 years to pass an ordinance assessing the assessment on there.

If you read further in the bill, it talks about a penalty, it talks about interest from the date the improvements were made and also ends up by talking about an attorney's commission of 5 percent for collecting this money that is owed. I think if there has ever been a bill which benefits attorneys in this Commonwealth, HB 134 has got to be it. It says, in effect, if the solicitor made a mistake, if the solicitor was not paying attention, if in fact the solicitor did not really care to go ahead and do his job that he is being paid for, do not worry about it, this legislature will pass a bill and it will say, whatever you did not do, you will now have another year to go ahead and do it regardless of whether or not that is proper. That is what this act will provide.

And then it goes on to say that the interest on that assessment is due from the date the improvements were made. Regardless of when that lien is filed, you are giving them another year to file it, and then, on top of all that, you are rewarding that solicitor who did not do his job by allowing him to get a 5-percent commission for collecting the costs and fines that are due because of the nonpayment of the assessment.

I just think that that is something that should not be done and I intend to vote in the negative. I would hope that other members of this General Assembly will vote in the negative also so that, if nothing else, we can perhaps get a bill which will do more of what the gentleman wants to do but will take out some of the objectionable provisions.

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

Mrs. KERNICK. Thank you, Mr. Speaker.

May I ask the sponsor a couple of questions?

The SPEAKER pro tempore. Will the gentleman from Washington, Mr. DeMedio, consent to interrogation?

Mr. DeMEDIO. Yes, Mr. Speaker.

The SPEAKER pro tempore. The lady may proceed.

Mrs. KERNICK. Are solicitors in municipalities bonded?

Mr. DeMEDIO. Yes, solicitors are bonded. But let me say this, that—

Mrs. KERNICK. No, I just want you to answer my question.

Mr. DeMEDIO. All right. Go ahead.

Mrs. KERNICK. Now, I notice on the explanation on the calendar it says: "This bill is remedial legislation for municipal liens intending to cure them of any technical defects." Should it not really read that the bill is intended to correct acts of omission by municipal solicitors who are well paid to handle municipal affairs?

Mr. DeMEDIO. Not necessarily, Mr. Speaker. A careful reading of this bill will indicate that there are other technical errors which are validated besides those of failure to file. Now failure to file does not necessarily indicate that the borough solicitor has failed to file that lien. It may well be that the borough secretary failed or some other official failed.

It also validates other technical errors which may have been made in the passage of the ordinance, for example, or in the bidding of the contracts; a number of other items. But in every instance the propertyowner whom this bill would permit the

lien to be entered against if this act is not permitted, will be given an improvement at no cost. He will be unjustifiably enriched.

Now let me say this: I was the only sponsor of this bill. It went to the committee and the committee reported the bill out without any pressure on my part. So most certainly, the Urban Affairs Committee must have felt that this bill had merit.

Mrs. KERNICK. Thank you, Mr. Speaker.

Now I would like to comment on this bill. I think it is very rewarding to see that we want to help the solicitors in municipalities and correct their mistakes by refusing to put the financial burden on them for their mistakes.

I would like to explain to you a little bit about what revival lists are. I happen to have a 1970 revival list here from Penn Hills. It was not prepared by the solicitor; it was prepared by one of his agents, a tax service company.

In 1970, as treasurer of Penn Hills and to try to help the municipality at no cost to them, I went over this revival list. The service company charges \$3 for every name that is on here; the prothonotary charges \$3 for filing it; and a portion of the \$3 charged by the service company goes back to the solicitor.

Out of this revival list, I went through and I found about 300 revivals that should never have been made because they had lost their priority, either through prior sheriffs' sales or because the property was eliminated or for any number of reasons. In fact, in one instance they were reviving a lien on three cows back in 1924. I am sure they were quite dead in 1970. So this cost Penn Hills, the municipality—not the school district because they are done separately—about \$1,800 for the mistakes of the solicitors. Now we are saying that they are not going to rebate the money that they make or charge for reviving liens that should not be revived, but we also want to protect them from any liens that they fail to revive.

I would also like to point out that in Penn Hills last year the taxpayers reimbursed our solicitor for services to the tune of \$87,000, and that did not include the months of September, October, November and December or any litigation that has not been billed for 1976.

I say it is time that we make the solicitors and the service companies do a proper job and let them bear the brunt of it. If they are not bonded, then go after their malpractice insurance. Vote "no" on this legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Mr. Speaker, I rise to speak in favor of this bill. There are many little municipalities that have a change-over of part-time solicitors, a changeover of secretaries and, inadvertently, it takes a while before they become knowledgeable and realize that these liens must be refiled. A lot of it is just done in plain ignorance of not realizing or knowing the law. I think this is a good protection for the municipality. I feel that you should vote for this bill.

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

Mr. ABRAHAM. Thank you, Mr. Speaker.

I agree with the prior speaker. We have a lot of boroughs and

townships in this state of ours that have very transitional types of secretaries, solicitors and borough managers for any number of reasons. We are all not as sophisticated as Penn Hills, although I do agree with the lady from Allegheny County that we ought to do something about the solicitors and maybe consider bonding them and the borough secretaries also.

MOTION TO RECOMMIT

Mr. ABRAHAM. At this time, Mr. Speaker, because of the confusion on the bill, I am going to ask that the bill be re-committed to the Urban Affairs Committee for further study and rewording of certain sections.

The SPEAKER pro tempore. It has been moved by the gentleman from Allegheny that the bill be recommitted to the Committee on Urban Affairs.

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

Mr. DeMEDIO. On the recommitment, I feel that we should either vote this bill up or down today. It has been argued sufficiently, although I would like to make some concluding remarks before we vote on the bill. But I do not feel that the Urban Affairs Committee, which had this in its possession already, could gain any advantage by recommitment of this bill to that committee. Therefore, I ask that the members vote against recommitment.

MOTION TO RECOMMIT AMENDED

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

Mr. ABRAHAM. Mr. Speaker, I would like to make a request and move that the bill be recommitted to the Local Government Committee. I think that is the place where the bill can be properly worded.

The SPEAKER pro tempore. The gentleman has amended his motion, to move that the bill be recommitted to the Committee on Local Government.

Mr. DeMEDIO. I oppose the recommitment for the same reasons.

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

The following roll call was recorded:

YEAS—96

Abraham	Geesey	Manmiller	Ruggiero
Anderson	Geisler	McCall	Shelton
Bellomini	George, C.	McClatchy	Shupnik
Berlin	George, M.	McGinnis	Smith, L.
Borski	Gillette	McIntyre	Spencer
Brandt	Greenleaf	Meluskey	Stairs
Brown	Grieco	Miscevich	Stewart
Brunner	Hamilton	Moehlmann	Taylor, E.
Burd	Harper	Mowery	Taylor, F.
Caputo	Hasay	Mrkonic	Thomas
Cowell	Haskell	Mullen, M. M.	Trello
DeVertter	Hayes, D. S.	Musto	Valicenti
Dietz	Hayes, S. E.	Novak	Wagner
Dininini	Helfrick	O'Brien, D.	Wansacz
Dorr	Hopkins	Pitts	Wargo
Duffy	Katz	Pratt	Wass

Flaherty	Kernick	Prendergast	Wenger
Foster, A.	Kolter	Pyles	Wiggins
Foster, W.	Laudadio	Rappaport	Wilson
Fryer	Lehr	Ravenstahl	Wilt
Gallen	Levi	Renwick	Wright, D.
Gamble	Logue	Rhodes	Yahner
Garzia	Mackowski	Richardson	Zeller
Gatski	Madigan	Ritter	Zwinkl

NAYS—95

Armstrong	Fischer, R. R.	Mebus	Schmitt
Arthurs	Fisher, D. M.	Milanovich	Schweder
Bennett	Gallagher	Miller	Scirica
Berson	Giammarco	Milliron	Seltzer
Bittinger	Goebel	Morris	Shuman
Bittle	Goodman	Mullen, M. P.	Sirianni
Burns	Greenfield	Noye	Smith, E.
Butera	Halverson	O'Brien, B.	Spitz
Caltagirone	Hoeffel	O'Connell	Stapleton
Cassidy	Honaman	O'Keefe	Stuban
Cessar	Hutchinson, A.	Oliver	Sweet
Cianciulli	Hutchinson, W.	Pancoast	Taddonio
Cimini	Johnson	Parker	Tenaglio
Cohen	Jones	Petrarca	Vroon
Cole	Kelly	Piccola	Weidner
Davies	Klingaman	Pievsky	White
DeMedio	Knepper	Polite	Williams
DeWeese	Kowalyshyn	Pott	Wise
DiCarlo	Laughlin	Reed	Wright, J. L.
Dombrowski	Lincoln	Rieger	Yohn
Donatucci	Livengood	Ryan	Zearfoss
Doyle	Lynch	Salvatore	Zitterman
Engelhart	Manderino	Scanlon	Zord
Fee	McLane	Scheaffer	

NOT VOTING—12

Barber	Gleeson	Kusse	Fineman, Speaker
Beloff	Gray	Letterman	
Dumas	Irvis	O'Donnell	
Freind	Itkin		

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—76

Arthurs	Doyle	Lynch	Scanlon
Bellomini	Engelhart	Manderino	Scirica
Berlin	Fee	Mebus	Seltzer
Berson	Fischer, R. R.	Milanovich	Shuman
Bittinger	Fisher, D. M.	Milliron	Sirianni
Bittle	Flaherty	Morris	Spitz
Borski	Gallagher	Mrkonic	Stapleton
Brunner	Garzia	Mullen, M. P.	Stuban
Burns	Goodman	Mullen, M. M.	Sweet
Butera	Greenfield	O'Keefe	Taddonio
Caltagirone	Greenleaf	Oliver	Tenaglio
Cassidy	Haskell	Parker	Wagner
Cianciulli	Hayes, D. S.	Piccola	Weidner
Cohen	Hutchinson, A.	Pievsky	Williams
Cowell	Hutchinson, W.	Pott	Wilson
DeMedio	Johnson	Reed	Wilt
DeWeese	Jones	Richardson	Wright, J. L.
Donatucci	Knepper	Rieger	Yohn
Dorr	Kowelyshyn	Ryan	Zearfoss

NAYS—112

Abraham	Gleeson	McCall	Scheaffer
Anderson	Goebel	McClatchy	Schmitt
Armstrong	Grieco	McGinnis	Schweder
Brandt	Halverson	McIntyre	Shelton
Brown	Hamilton	McLane	Shupnik
Burd	Harper	Meluskey	Smith, E.
Cessar	Hasay	Miller	Smith, L.
Cimini	Hayes, S. E.	Miscevich	Spencer
Cole	Helfrick	Moehlmann	Stairs
Davies	Hoeffel	Mowery	Stewart
DeVerter	Honaman	Musto	Taylor, E.
DiCarlo	Hopkins	Novak	Taylor, F.
Dietz	Katz	Noye	Thomas
Dininni	Kelly	O'Brien, B.	Trello
Dombrowski	Kernick	O'Brien, D.	Valicenti
Duffy	Klingaman	O'Connell	Vroon
Foster, A.	Kolter	Pancoast	Wansacz
Foster, W.	Laudadio	Petrarca	Wargo
Fryer	Laughlin	Pitts	Wass
Gallen	Lehr	Polite	Wenger
Gamble	Letterman	Pratt	Wiggins
Gatski	Levi	Pyles	Wise
Geesey	Lincoln	Rappaport	Wright, D.
Geisler	Livengood	Ravenstahl	Yahner
George, C.	Logue	Renwick	Zeller
George, M.	Mackowski	Ritter	Zitterman
Giammarco	Madigan	Ruggiero	Zord
Gillette	Manmiller	Salvatore	Zwinkl

NOT VOTING—15

Barber	Freind	Kusse	White
Beloff	Gray	O'Donnell	
Bennett	Irvis	Prendergast	Fineman, Speaker
Caputo	Itkin	Rhodes	
Dumas			

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

INSURANCE BILL ON THIRD CONSIDERATION

Agreeable to order,
The House proceeded to third consideration of **House bill No. 207, printer's No. 807**, entitled:

An Act providing for the establishment organization operation and termination of fraternal benefit societies; imposing additional powers and duties on the Insurance Department and Insurance Commissioner and providing penalties for violations.

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

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

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

YEAS—194

Abraham	Gallagher	Manderino	Salvatore
Anderson	Gallen	Manmiller	Scanlon
Armstrong	Gamble	McCall	Scheaffer
Arthurs	Garzia	McClatchy	Schmitt
Barber	Gatski	McGinnis	Schweder

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

NAYS—0

NOT VOTING—9

Freind	Irvis	Lynch	Fineman,
Goebel	Kusse	White	Speaker
Gray			

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.

LIQUOR CONTROL COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, I would like to have a meeting of the Liquor Control Committee in the rear of the House following this morning's session.

HEALTH AND WELFARE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 274, printer's No. 1012, entitled:

An Act requiring advice of the need of a cytology (Papanicolaou) test for uterine cancer detection of certain women receiving hospital care for the purpose of detecting uterine cancer early and reducing the morbidity and mortality therefrom.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—180

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

NAYS—12

Anderson	George, M.	Miller	Wagner
Dietz	McClatchy	Pitts	Wise
Dorr	Mebus	Spitz	Zearfoss

NOT VOTING—11

Freind	Irvis	O'Donnell	Fineman,
Giammarco	Kusse	Spencer	Speaker
Gray	Lynch	White	
Hamilton			

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.

PERMISSION TO ADDRESS HOUSE

Mr. KATZ requested and obtained unanimous consent to address the House.

Mr. KATZ. Mr. Speaker, I would like to interject some humor into the session this afternoon with a serious note. I think the way to do this and to set the stage for what I am going to say is to turn back the clock approximately 15 hours in the city of Philadelphia to 11 o'clock last night. And when I am done with that, I will turn back the clock a little further, probably to something like 9 o'clock in the morning when I am riding up the turnpike.

Now here it goes as follows: The 11 o'clock news last night: Good evening, ladies and gentlemen of Philadelphia, this is Larry Kane, and I want to bring you the big stories on Action News tonight in the city of Philadelphia: One, Representative Shuman votes for a tax package; two, Representative Katz gets a hair transplant in the city of Philadelphia; and, three, Pat McGinnis introduces a bill to abolish Saint Patrick's Day. But the big story, the really big story in Philadelphia is: The Philadelphia School Board comes to Harrisburg with their black satchel to get \$100 million.

Now, of course, the first three stories are not true, and the last story is probably true.

But if we go back a little further, if we go back to approximately 9 o'clock in the morning when I am riding up the turnpike and I turn on the radio to station KYW, here is the big story of the day: Hillel Levinson from the city of Philadelphia comes to Harrisburg to talk to the leadership and to the House and the Senate and the Governor. And following Hillel Levinson up the turnpike in the big black limousine is probably the superintendent of schools, Mr. Marcuse, and probably the president of the school board, Mr. Thomas. And they all came to Harrisburg because they need money for the Philadelphia system.

Now, whom did they talk to yesterday? I asked members of this House and I asked members of the Senate, whom did they talk to? They did not talk to me. They did not talk to Representative Pievsky, as far as I know. I am sorry, one of them did speak to him. They did not talk to Hardy Williams. I asked somebody over in the Senate whom they talked to. They did not talk to them.

What I am going to say to you today is this: This legislator from the city of Philadelphia is not going to give them a penny anymore, anymore, for that Philadelphia school system. I tell you, Mr. Speaker, that that system down in the city of Phila-

delphia is nothing more than a cesspool and we are drowning in it, the citizens of Philadelphia and the people of the Commonwealth of Pennsylvania.

I have been here for 7 years, since 1970. We have voted bloc grants. We have voted bloc grants again. We have changed the subsidy formula. We have done everything to help that system.

I tell you that they take us for granted. They think we are nothing but puppets. They think they can run up this turnpike and when they are ready for \$100 million, they are going to get everybody in line like we are a bunch of donkeys and we are going to vote to give them that money.

Once and for all, and I am asking the Republican caucus as well as the members of the Democratic caucus, do not give that system a penny until they have the respect and show the courtesy that we are elected officials and not part of that bureaucracy and that patronage system and everything else that goes on down on that school board.

I ask you all, I ask you all today to say that if they want to come back and if they want money, they had better come into the Republican caucus and they had better come into the Democratic caucus, and not just make deals with leadership, because they are not going to get my vote.

Thank you.

HOUSE SCHEDULE

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

Mr. MANDERINO. Mr. Speaker, we have completed most of the work of today's calendar. We still have the House bills dealing with the Municipal Planning Code that amendments have been drawn to. It is my understanding that those amendments are now down.

I would expect now to break for lunch for 1 hour, until 2:30; come back on the floor of the House; run those four bills that we attempted to run this morning that needed amendments; run HB 141, which is the budgetary reform bill. I understand there are "sunset" amendments to go in. Then I would expect to caucus after that session this afternoon on the bills we will run tomorrow. We will be starting at 9:30 in the morning.

So unless there are any announcements by the minority side, Mr. Speaker, I would ask that this House be declared in recess for a period of 1 hour for the purposes of lunch.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. I have no announcement at this time, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mrs. KERNICK. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The lady will state it.

Mrs. KERNICK. When you earlier referred to the "dogs" in the House, were you simply talking about the male members? I expect an answer, Mr. Speaker.

The SPEAKER pro tempore. The Chair would like to remind the lady that it was not referring to the "dogs" in the House; it was to the "animals" and that is neuter and neater.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 986 By Messrs. O'DONNELL, IRVIS, MANDERINO, WHITE, RHODES, TENAGLIO, RAVENSTAHL, RICHARDSON, REED, ITKIN, ZWIKL, LAUGHLIN, BERSON, FLAHERTY, McLANE, Mrs. HARPER, Messrs. DOMBROWSKI, COHEN, BITTINGER, MILLIRON, MELUSKEY, BROWN and CAPUTO

An Act providing for the disclosure by certain institutions of information concerning the making of mortgage loans, the procedure to be followed in doing so, making an appropriation and prescribing penalties.

Referred to Committee on Consumer Affairs.

No. 987 By Messrs. ENGLEHART, BELLOMINI, GALLAGHER, MANMILLER, GOODMAN, BURNS and B. F. O'BRIEN

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), referred to as the Pennsylvania Thoroughbred Horse Racing Law, further providing for the disposition of pari-mutuel pools.

Referred to Committee on State Government.

No. 988 By Messrs. ENGLEHART, BELLOMINI, PIEVSKY, CIANCIULLI, B. F. O'BRIEN and GOODMAN

An Act amending the act of December 22, 1959 (P. L. 1978, N. 728), referred to as the Pennsylvania Harness Racing Law, further providing for the disposition of pari-mutuel pools.

Referred to Committee on State Government.

No. 989 By Messrs. JOHNSON, JONES, GIAMMARCO, Mrs. KELLY, Mrs. SCANLON, Messrs. DONATUCCI, OLIVER, CIANCIULLI, MILLIRON, RICHARDSON, WIGGINS and RITTER

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), prohibiting smoking in hospitals except in designated areas, and providing penalties.

Referred to Committee on Health and Welfare.

No. 990 By Messrs. JOHNSON, JONES, GIAMMARCO, Mrs. KELLY, Mrs. SCANLON, Messrs. DONATUCCI, CIANCIULLI, OLIVER, MILLIRON, RICHARDSON, WIGGINS and RITTER

An Act amending the "Medical Practice Act of 1974," approved July 20, 1974 (P. L. 551, No. 190), prohibiting smoking in physicians' waiting rooms, and providing penalties.

Referred to Committee on Health and Welfare.

RECESS

The SPEAKER pro tempore. The Chair now declares this House in recess until 2:30 p.m.

AFTER RECESS

THE SPEAKER PRO TEMPORE (HARRY A. ENGLEHART, JR.) IN THE CHAIR

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

DECISION OF CHAIR RECONSIDERED

The SPEAKER pro tempore. Without objection, the Chair returns to page 10 of today's calendar, to HB 50, PN 364. The Chair withdraws its decision of this morning that this bill is not called.

HEALTH AND WELFARE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 50, printer's No. 364, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177, No. 175), creating Advisory Committees for Mental Health and Mental Retardation.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

Mr. DiCARLO moved that House bill No. 50 be recommitted to the Committee on Health and Welfare.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LOCAL GOVERNMENT BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 331, printer's No. 360, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law" approved May 21, 1943 (P. L. 571, No. 254), 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?

Mr. WILSON offered the following amendments:

Amend Title, page 1, lines 1 through 23 by striking out all of said lines and inserting

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, adding provisions relating to the valuation and assessment of real property subject to local taxation, imposing duties on the State Tax Equalization Board, requiring certification of county directors of assessments and assessors, prescribing penalties, making an appropriation and making repeals.

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1591. Special aid to school districts.

Amend Bill, page 1, lines 26 through 28, page 2, lines 1 through 15 by striking out all of said lines on said pages and inserting

Section 1. Title 53, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, the title heading amended December 10, 1974 (P. L. 816, No. 271), is amended by adding a chapter to read:

CHAPTER 15
REAL PROPERTY ASSESSMENTS

Subchapter
A. Preliminary Provisions
B. Subjects of Local Taxation; Exemptions
C. County Assessment Office
D. Assessment Roll and Procedures
E. Special Provisions on Assessments

F. Board of Assessment Appeals
G. State Tax Equalization Board

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.
1501. Short title.
1502. Definitions.
1503. Application of chapter.
1504. County-wide assessment.
1505. Excluded provisions.
1506. Other assessment functions.
1507. Construction.

§ 1501. Short title.
This chapter shall be known and may be cited as the "Real Property Assessment Law."

§ 1502. Definitions.
The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Director." The director of assessments appointed pursuant to section 1521(a) (relating to director of assessments) or, in cities of the first class, the Board of Revision of Taxes.

"Local taxation" or "taxation." Any tax imposed by a political subdivision on real property including any county, city, borough, town, township, road, poor and school tax.

§ 1503. Application of chapter.
This chapter shall apply to all counties and to cities of the first class.

§ 1504. County-wide assessment.
(a) General rule.—Except in cities of the first class, all real property shall be assessed at the county level and each political subdivision within the county shall levy real property taxes on the valuation and assessment made by the county.

(b) City taxation.—No later than the beginning of the third calendar year following enactment of this chapter, every city except a city of the first class shall levy its real property taxes directly on the assessments made by the county in which it is located.

(c) City employees.—Except in cities of the first class, when counties assume the assessment functions performed by cities, all employees of the city assessment office may be transferred to the county assessment office and placed in job classifications similar to their positions in the city office.

§ 1505. Excluded provisions.
This chapter does not include and does not repeal any provision of the act of June 17, 1913 (P. L. 507, No. 335), referred to as the Intangible Personal Property Tax Law, nor does this chapter repeal the act of April 21, 1858 (P. L. 385, No. 411), entitled "A further supplement to the act incorporating the City of Philadelphia" or the act of January 4, 1859 (P. L. 828, No. 765), entitled "An act to enable the city of Pittsburg to raise Additional Revenue."

§ 1506. Other assessment functions.
Notwithstanding any other provisions of this chapter, the real property assessment offices and boards in the various counties of the Commonwealth shall continue to perform the assessment and appeal functions with respect to intangible personal property and occupations and professions as provided by law immediately prior to the effective date of this chapter.

§ 1507. Construction.
(a) Continuation of existing laws.—The provisions of this chapter, insofar as they are the same as existing laws, are intended as a continuation of such laws and not as new enactments.

(b) Dates mandatory.—All dates specified in this chapter for the performance of any acts or duties shall be construed to be mandatory and not discretionary with the officials or other persons who are designated by the provisions of this chapter to perform such acts or duties.

SUBCHAPTER B
SUBJECTS OF LOCAL TAXATION: EXEMPTIONS

Sec.
1511. Subjects of taxation.

1512. Exemptions from taxation.

1513. Validation of exemptions.

§ 1511. Subjects of taxation.

(a) General rule.—All real property of any description, improved or unimproved, shall be valued and assessed as provided in this chapter and unless exempt from taxation under this chapter shall be subject to real property taxation by any political subdivision at the annual rate.

(b) Equipment in establishments.—Machinery, tools, appliances and other equipment contained in any mill, mine, manufactory or industrial establishment shall not be considered or included as part of real property in determining the value of such mill, mine, manufactory or industrial establishment.

(c) House trailers and mobile homes.—For the purposes of this chapter, real property shall include all house trailers and mobile homes permanently attached to land or connected with water, gas, electric or sewage facilities. Any house trailer or mobile home upon which a real property tax is levied by any political subdivision shall not be subject to any tax not levied on any other real property in the political subdivision except that such property shall be deemed tangible personal property with respect to Article II of the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971."

(d) Utility realty.—Utility realty as defined in the act of March 10, 1970 (P. L. 168, No. 66), known as the "Public Utility Realty Tax Act," shall be valued and assessed in the same manner as provided in this chapter for real property.

§ 1512. Exemptions from taxation.

(a) Exempt property.—The following property shall be exempt from local taxation:

(1) All parsonages, rectories, churches, meetinghouses, or other actual places of regularly stated religious worship with the ground thereto annexed and necessary for the occupancy and enjoyment of the same.

(2) All actual places of burial, including burial grounds and all mausoleums, vaults, crypts or structures intended to hold or contain the bodies of the dead, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith.

(3) All hospitals, universities, colleges, seminaries, academies, associations and institutions of learning, benevolence, or charity, including fire and rescue stations, founded, endowed, and maintained by public or private charity subject to the following conditions:

(i) The entire revenue derived by the same shall be applied to the support and to increase the efficiency and facilities thereof, the repair and the necessary increase of grounds and buildings thereof, and for no other purpose.

(ii) The property of associations and institutions of benevolence or charity shall be necessary to and actually used for the principal purposes of the institution and shall not be used in such a manner as to compete with commercial enterprise.

(4) All schoolhouses belonging to any political subdivision, with the ground thereto annexed and necessary for the occupancy and enjoyment of the same. There shall be no exemption from assessments or charges for improvement for grading, paving, curbing, macadamizing, maintenance, or improvement of streets or roads and constructing sewers and sidewalks and other municipal improvements abutting land owned by a school district, unless otherwise provided by law except that any such school district may agree to pay all or part of any such assessments or charges for grading, paving, macadamizing, maintenance or improvement of streets or grounds abutting land owned by the school district.

(5) All courthouses, jails and poorhouses, with the ground thereto annexed and necessary for the occupancy and enjoyment of the same.

(6) All public parks when owned and held by trustees for the benefit of the public, and actually and regularly used for amusements, recreation, sports and other public purposes without profit.

(7) All other public property used for public purposes, and other property otherwise taxable which is owned or held

by an agency of the Government of the United States.

(8) All real property owned and occupied by any branch, post or camp of honorably discharged servicemen or servicewomen and actually and regularly used for benevolent, charitable or patriotic purposes.

(9) All real property owned by one or more institutions of purely public charity actually and regularly used and occupied partly by such owner or owners and partly by other institutions of purely public charity, and necessary for the occupancy and enjoyment of such institutions so using it.

(10) All real property actually and regularly used as playgrounds, with the equipments and grounds thereto annexed, necessary for the occupancy and enjoyment of the same, founded, endowed, or maintained by public or private charity, which apply their revenue to the support and repair of such playgrounds and to increase the efficiency and facilities thereof, either in ground or buildings, or otherwise, and for no other purpose, and owned, leased, possessed, or controlled by public school boards or properly organized and duly constituted playground associations, and approved and accepted by the board of county commissioners, or board of assessment and revision of taxes, of the county in which said playgrounds are situated as such playgrounds.

(11) All buildings owned and occupied by free, public, nonsectarian libraries, and the land on which they stand and that which is immediately and necessarily appurtenant thereto except that the net receipts of such corporation or association from rentals shall be used solely for the purpose of maintaining the said library.

(12) All buildings actually and regularly used for public museums or art galleries and not used for private or corporate profit, together with the ground thereto annexed and necessary for the occupancy and enjoyment of the same.

(13) All real property used for public limited access highways and maintained by public funds.

(14) All real property of war veterans who are blind, paraplegic or have suffered the loss of two or more limbs as a result of military service and who are in need of an exemption from payment of real estate taxes as determined by the State Veterans' Commission.

(15) The real property of public utilities is subject to real estate taxes imposed by local taxing authorities. Payment to the Commonwealth of gross receipts taxes or other special taxes in replacement of gross receipts taxes by a public utility and the distribution by the Commonwealth to the local taxing authorities of the amount as herein provided shall, however, be in lieu of local taxes upon its real property which is used or useful in furnishing its public utility service. The amount raised annually by such gross receipts or other special taxes shall not be less than the gross amount of real estate taxes which the local taxing authorities could have imposed upon such real property but for the exemption herein provided. This gross amount shall be determined in the manner provided by law. An amount equivalent to such real estate taxes shall be distributed annually among all local taxing authorities in the proportion which the total tax receipts of each local taxing authority bear to the total tax receipts of all local taxing authorities, or in such other equitable proportions as may be provided by law. Notwithstanding the provisions of this section, any law in effect prior to the adoption of section 4 of Article VIII of the Constitution of Pennsylvania which subjects real property of public utilities to local real estate taxation by local taxing authorities shall remain in full force and effect.

(16) New single and multiple dwellings constructed for residential purposes and improvements to existing unoccupied dwellings or improvements to existing structures for purposes of conversion to dwellings, until:

(i) occupied;

(ii) conveyed to a bona fide purchaser; or

(iii) one year from the first day of the month in which falls the sixtieth day after which the building permit was issued or, if no building permit or other notification of improvement was required, then from the date construction commenced. The initial assessment of any multiple dwelling because of occupancy shall be upon such

proportion which the value of the occupied portion bears to the value of the entire multiple dwelling.

(17) The improvements to certain deteriorated residential property which qualify for exemption under section 4 of the act of July 9, 1971 (P. L. 206, No. 34), relating to tax exemptions for improvements to deteriorated dwellings.

(18) Silos used predominantly for processing or storage of animal feed incidental to operation of the farm on which the silo is located shall not be included in determining the value of real estate used predominantly as a farm.

(b) Limitations.—Except as otherwise provided in subsection (a)(11), all real property, other than that which is actually and regularly used and occupied for the purposes specified in subsection (a), and all such property from which any income or revenue is derived, other than from recipients of the bounty of the institution or charity, shall be subject to taxation, except where exempted by law for State purposes.

(c) Title to property.—Except as otherwise provided in subsection (a)(10), all real property, actually and regularly used and occupied for the purposes specified in subsection (a) shall be subject to taxation, unless the person or persons, associations or corporation, so using and occupying the same, shall be seized of the legal or equitable title in the realty absolutely.

§ 1513. Validation of exemptions.

(a) Exemption validation certificate.—No exemption of property from local taxation shall be valid and operative for any tax year unless and until the owner or owners thereof shall have submitted to the director of assessments of the county in which such property is situate a uniform exemption validation certificate for all counties, under oath, identifying the property in question and describing its current use, and unless the actual use clearly establishes that the claimed exemption is applicable, the basis upon which the exemption is claimed. Such certificate shall be filed at least 60 days before the closing of the assessment roll.

(b) Multiple properties.—A person owning in a county more than one parcel of property for which exemption is to be claimed shall be permitted to submit to the director of assessments of such county a single such certificate, completed in a manner as to incorporate by reference an attachment wherein is listed and identified each such individual parcel.

(c) Multiple uses.—With respect to parcels of property, portions of which are devoted to different uses, such statement shall identify and describe such different portions and uses, and exemptions shall apply only to such portion or portions of the premises as are devoted to an exempt use.

(d) Change in use.—In the event the use of a parcel of property changes from an exempt use to a non-exempt use the property shall be assessed from the date of its change on a pro-rata basis for the assessment year except that the taxable status of utility realty for each tax year shall be determined as of the end of the preceding calendar year, and not otherwise.

SUBCHAPTER C COUNTY ASSESSMENT OFFICE

Sec.

1521. Director of assessments.

1522. Duties of director.

1523. Assessors and other employees.

1524. Duties of assessors and other employees.

1525. Compelling action by mandamus.

§ 1521. Director of assessments.

(a) Appointment.—In each county there shall be a director of assessments appointed by the board of county commissioners or, in the case of cities of the first class, by the Board of Judges of the Courts of Common Pleas of Philadelphia County. Two or more counties may jointly appoint a director of assessment. After two years from the effective date of this chapter, no person shall serve or be appointed as director, except in cities of the first class, unless he has been certified by the State Tax Equalization Board pursuant to section 1586 (relating to certification and training of directors and assessors).

(b) Other employment.—Except in cities of the first class the director shall not serve as a member of the Board of Assessment Appeals or be employed by the Commonwealth, by any political subdivision thereof or by a municipality authority,

county, or city of the first class in any other capacity.

(c) Compensation and expenses.—Except in cities of the first class the appointing body shall fix the salary of the director and shall appropriate annually to the director such funds as may be necessary for payment of salaries and other expenses in the operation of the assessment office under his supervision. Where two or more counties jointly appoint a director, they shall agree upon their proportionate annual share of the salaries and other expenses required to operate the assessment offices under his supervision.

(d) Legal counsel.—Except in cities of the first class the appointing body shall provide legal counsel to the director and that counsel shall not be employed by the county in any other capacity. In cities of the first class, the counsel shall be appointed by the director.

§ 1522. Duties of director.

The director shall have the power, and it shall be his duty, to:

(1) Make or supervise the making of all assessments and valuations of property for tax purposes in the county.

(2) Pass upon and determine the amount of property of any owner entitled to exemption from taxation.

(3) Direct and supervise the activities of the assessors and other employees employed to perform the property assessment function, other than the board and its employees.

(4) Establish, within the limits of this chapter, the form of the property assessment roll of the county and the tax duplicates to be prepared therefrom, and prepare or cause to be prepared such assessment roll and tax duplicates.

(5) Except in cities of the first class establish and maintain on a current basis a permanent records system as follows:

(i) Tax maps of the entire county drawn to scale or aerial maps, which maps shall indicate all property and lot lines, set forth dimensions or areas, indicate whether the land is improved, and identify the respective parcels or lots by a system of numbers or symbols and numbers whereby the ownership of such parcels and lots can be ascertained by reference to the property record cards and property owner's index.

(ii) Property record cards arranged geographically according to the location of property on the tax maps, which cards shall set forth the location and description thereof, the acreage or dimensions, description of improvements, if any, the owner's name, address and date of acquisition, the purchase price, if any, set forth in the deed of acquisition, the assessed valuation, and the identifying number of symbol and number shown on the tax map.

(iii) Property owner's index consisting of an alphabetical listing of all property owners, setting forth brief descriptions of each parcel or lot owned and cross-indexed with the property record cards and the tax map.

(6) Enter into such contracts with such approvals as required by law as may be necessary to establish and maintain the permanent records system established under paragraph (5).

(7) Disclose to the owner of any assessed property, on request, the method of valuing that property and the specific calculation used to arrive at the assessed valuation.

(8) Perform all other duties imposed upon the director by this chapter.

§ 1523. Assessors and other employees.

(a) Appointment.—Except in cities of the first class, the board of county commissioners shall, on the advice of the director, appoint such assessors, clerks and other employees as may be necessary to carry out the provisions of this chapter who shall work under the supervision of the director. After two years from the effective date of this chapter, no person shall serve or be appointed as assessor except in cities of the first class unless he has been certified by the State Tax Equalization Board pursuant to section 1586 (relating to certification and training of directors and assessors.) In cities of the first class, appointments of city employees shall be made pursuant to civil service regulations in accordance with the provisions of the Philadelphia Home Rule Charter. For employees assigned by the School District of Philadelphia, the appointments shall be made by the director after consultation with the officials of the

school district. In cities of the first class, all existing and future positions of Real Property Assessing Supervisors, Assessors and Deputy Assessors (presently classified and designated as "Real Property Assessing Supervisor," "Real Property Assessor" and "Property Aide (real)" under civil service classification and regulations) shall continue to be city employees under civil service classification and regulations. All other city employee classifications presently existing in the office of the present Board of Revision of Taxes which are under civil service regulations and jurisdiction shall remain so and shall continue to be maintained in those classifications. All new city employees under the Director of Assessments shall be under civil service classifications and subject to civil service regulations and jurisdiction. Employees assigned by the Philadelphia School District shall be for duties in a general clerical category and in such numbers as may be determined by the director and school district in order to allocate a fair distribution of the operating costs of the office to the school district.

(b) Compensation.—Except in cities of the first class, the appointing body shall fix the salaries of the assessors, clerks and other employees. In cities of the first class, salaries of city employees shall be fixed pursuant to civil service regulations and in accordance with the provisions of the Philadelphia Home Rule Charter. The salaries of employees of the Philadelphia School District shall be fixed by the school district after consultation with the director.

(c) Dismissal and suspension.—Subject to the limitations provided in this chapter, assessors, clerks and employees may, on the advice of the director, be dismissed or suspended by the appointing body except in cities of the first class.

§ 1524. Duties of assessors and other employees.

The assessors and other employees assigned to the assessment function shall, under the supervision of the director, perform such duties as may be assigned to them by the director.

§ 1525. Compelling action by mandamus.

(a) Action authorized.—Any political subdivision may bring an action in mandamus to compel the director, board of county commissioners or the Board of Judges of the Courts of Common Pleas of Philadelphia County to comply with the provisions of this chapter.

(b) Venue and jurisdiction.—The action authorized under subsection (a) shall be brought in the court of common pleas of the county where the defendant is required to perform his or its duty and the court is authorized to retain jurisdiction and control over such action until compliance with the provisions of this chapter has been concluded.

SUBCHAPTER D ASSESSMENT ROLL AND PROCEDURES

Sec.

1531. Preparation of assessment roll.

1532. Valuation and assessment of property.

1533. Notice of change in valuation.

1534. Additions and revisions to assessments.

1535. Adjustment of tax rates.

§ 1531. Preparation of assessment roll.

(a) Annual preparation.—Except in cities of the first class annually, on or before August 1, the director shall prepare an assessment roll or list of real property, subject to local taxation, together with the value placed upon each parcel or tract.

(b) Exempt property.—All parcels or tracts of real property, whether improved or unimproved, which by law are made exempt from taxation, shall also be listed and valued on the same basis as taxable property.

(c) Form of roll.—The director shall determine the form of the assessment roll and the order of listing of real property except that the assessment roll shall show, for each political subdivision:

(1) The name and last known address of the last known owner of each parcel or tract of real property.

(2) The location of each parcel or tract of real property, with a description of such location sufficient to identify it either by reference to a tax parcel number, street address, account number or by metes and bounds from clearly recognizable monuments.

(3) The value of each parcel or tract of real property which may show separately the value of the land and the value of any improvements thereon.

(d) Public inspection.—The current assessment roll and the records referred to in section 1522(5) (relating to duties of director) shall be open to public inspection during regular business hours throughout the year.

(e) Notice of completion.—Upon completion of the assessment roll, the director shall give notice by publication in at least one newspaper of general circulation published in the county that the assessment roll has been completed, and specifying the place and times when such roll will be open for inspection and the time and procedures for appealing from the assessments.

(f) Certification to political subdivision.—Annually on or before October 15, the director shall certify to each political subdivision within the county the value of real property appearing in the assessment roll and taxable by the political subdivision and shall submit a copy to the State Tax Equalization Board. In cities of the first class this certification shall be made to the director of finance, city controller, department of collections and School District of Philadelphia and State Tax Equalization Board on or before January 25 of the year for which the assessments will apply. This certification will include all exempt properties. In addition to which, a separate listing of all exempt properties shall be given to these officials and departments. This certification in cities of the first class shall constitute the assessment roll and shall be open to public inspection at all times during the business hours of the office. In cities of the first class, on September 15 of each year the director shall give notice by publication in three newspapers of general circulation published in the city, of the time and procedures for appealing from the assessments.

§ 1532. Valuation and assessment of property.

(a) General rule.—All real property shall be valued and assessed at the fair market value of such property and each director of assessment shall, as necessary, annually adjust property valuations to reflect fair market value.

(b) Fair market value.—In determining fair market value, the director may consider the following factors in accordance with generally accepted appraisal standards and practice:

- (1) The price at which any property may have been sold.
- (2) Replacement cost less depreciation consisting of physical deterioration and functional and economic obsolescence.
- (3) Capitalization of income.
- (4) Market data comparison.

(c) Ground rent, dower or mortgage.—Real property shall be valued without deduction for any ground rent, dower or mortgage to which it may be subject except where there is no provision in the ground rent deed requiring the lessee to pay the taxes on the ground rent in which case the ground rent shall be valued and assessed separately to the owner thereof.

(d) Time limitations.—The initial valuation and assessment of property to comply with the provisions of this chapter shall be completed within three years from the effective date of this chapter. Valuations and assessments made within five years prior to the effective date of this chapter which conform to the requirements of this chapter shall constitute the valuations and assessments required under this chapter.

(3) Assessment ratio.—The board of county commissioners may not determine and establish a value of real property less than fair market value.

§ 1533. Notice of change in valuation.

(a) Property owners.—As soon as possible after completion of the assessment roll but not later than August 15, except in cities of the first class, where the date shall be September 10, the director shall cause to be mailed or delivered to each owner of assessed property, the value of which was changed from that fixed in the preceding assessment roll and as corrected after revision, at his last known address, a notice of such change and the amount of such new valuation and assessment. The notice shall contain the time and procedures for appealing from the assessment.

(b) Taxing authorities.—When a change of 10% or more has been made in the value of property as finally fixed in the preceding assessment roll, or when the valuation has been fixed of

property for which a separate valuation was not previously fixed, whether or not such changed or new valuation was made before or after an appeal has been heard by the Board of Assessment Appeals, the director shall give notice of such changed or new valuation to the political subdivisions in which the assessed property is located and to any additional taxing authorities affected by such valuation.

§ 1534. Additions and revisions to assessments.

(a) New buildings.—Whenever there is any construction of a building or whenever any building loses its exempt status, which does not appear on the assessment roll, the director shall inspect and assess or reassess such property and shall give notice of such assessment or reassessment to the property owner and taxing authorities in the manner provided in section 1533 (relating to notice of change in valuation) who shall have such rights of appeal as are provided in Subchapter F (relating to Board of Assessment Appeals).

(b) Destroyed or flooded buildings.—The director shall at any time revise the assessment of real property containing buildings which are destroyed by fire, flood or otherwise or razed taking into account the change in value of the property for that part of the assessment year subsequent to such destruction or razing. Following such revision, the director shall order an appropriate abatement or refund of taxes due or paid.

(c) Repairs.—The painting of a building or other normal periodic repairs including, but not limited to, roofing, siding, plumbing and heating, shall not constitute a basis for change in valuation notwithstanding the fact that the performance of such work may have been reportable under section 1541 (relating to information on improvements).

(d) Property tax assistance.—The county commissioners or other appointing authority as specified in section 1521(a) (relating to director of assessments) may direct that property values of the principal domicile of owners who are 65 years of age or older, or who are permanently and totally disabled regardless of age, and whose income from all sources does not exceed \$7,500, shall not be increased as a result of any reassessment subsequent to that initially specified in this chapter except that additions to the property shall be subject to increased valuation.

(e) Real estate subject to a sewer construction ban order.—When a department or agency of the Commonwealth or a municipality has ordered a sewer connection ban because of a lack of adequate sewage treatment facilities, the real estate affected by the order shall be reassessed for the duration of the order or for two years, whichever is the shorter period of time. The reassessment shall be based on the best use of the land during the period of the reassessment.

§ 1535. Adjustment of tax rates.

(a) General rule.—Each political subdivision levying a real property tax on the first assessment prepared under section 1531 (relating to preparation of assessment roll) based upon the valuations and assessments prepared under section 1532 (relating to valuation and assessment of property) shall, for the first year, reduce its tax rate for the purpose of having the total amount of taxes levied for that year against the real property contained in the assessment roll equal to not more than 110% of the total amount it levied on such properties the preceding year.

(b) New buildings and improvements.—For the purpose of determining the total amount of taxes to be levied by any political subdivision for the first year, the amount to be levied on newly constructed buildings or other structures or new improvements to existing buildings or other structures need not be considered.

(c) Filing and publication.—Upon tentatively fixing a tax rate to accomplish the purposes of subsection (a), the political subdivision shall file the adjusted tax rate with the court of common pleas of the county in which the political subdivision is located and shall publish it in a newspaper of general circulation in the political subdivision.

(d) Subsequent rate increase.—In the second year and succeeding years following the first assessment prepared in accordance with section 1531 and the filing and publication of the tax rate thereunder, the political subdivision, upon good cause determined as a result of budget hearings held pursuant to the

provisions of the appropriate municipal code, may decrease the tax rate fixed pursuant to subsection (a) but may not increase the said tax rate by more than 10% of the tax rate fixed for the preceding year or by the percentage of increase for the year preceding as reflected in the Consumer Price Index for Pennsylvania as published by the United States Bureau of Labor Statistics, whichever is greater, unless such rate increase shall be submitted for approval in a referendum pursuant to subsection (e).

(e) Referendum.—The legislative body of the political subdivision shall, in the manner provided by the election laws of the Commonwealth, submit the question of increasing the tax rate to the electorate at a special election held for such purpose. The question shall be in the following form:

Shall the tax rate of (here insert name of political subdivision) be increased by . . . mills for the year 19

The question shall be printed on separate official ballots in bound form by the county commissioners of each county. A sufficient number of ballots shall be furnished to the election officers in each election district of every county so that one ballot may be supplied to each voter at the election. In districts where voting machines are used the question shall appear on the face of the machine where the machine is properly equipped for the purpose. The results of the election shall be tabulated by the proper election officers of each county who shall certify to the county board of elections whether the majority of persons voting on the question voted "yes" or "no" on such question who shall certify the results thereof to the legislative body of the political subdivision.

SUBCHAPTER E SPECIAL PROVISIONS ON ASSESSMENTS

Sec.

- 1541. Information on improvements.
- 1542. Registration of deeds.
- 1543. Duties of recorder of deeds.
- 1544. Lands divided by municipal boundary lines.
- 1545. Annexed lands.
- 1546. Minerals and mineral rights.
- 1547. Property of decedents' estates.
- 1548. House trailers and mobile homes.

§ 1541. Information on improvements.

(a) Improvements under building permit.—Every political subdivision issuing building permits shall keep a record of each building permit issued and, on or before the first Monday of each month, shall file the record or a copy thereof in the assessment office of the county in which the political subdivision is located. The county shall provide for the issuance of building permits in political subdivisions that do not issue such permits.

(b) Other improvements.—Any person making improvements other than repairs specified in section 1534 (c) (relating to additions and revisions to assessments) aggregating \$1,000 or more in value annually to any real property, who is not required to obtain a building permit from a political subdivision within 30 days of commencing such improvements, shall furnish notice to the director on such improvements.

(c) Contents of record or notice.—The building permit record and notice required under subsections (a) and (b) shall contain the name and address of the owner and a description sufficient to identify the property involved, the nature and cost of the improvements and, in the case of the building permit record, the date of issuance of the building permit.

(d) Penalty.—Any person who willfully fails to comply with the provisions of subsection (a) or (b) or who willfully falsifies information furnished in accordance with subsection (c) shall be guilty of summary offense and, upon conviction, shall be sentenced to pay a fine not exceeding \$100.

§ 1542. Registration of deeds.

(a) General rule.—Every grantee of real property shall register the deed of conveyance in the assessment office of the county in which the property is assessed within 30 days from the date of conveyance.

(b) Exception.—Registration of a deed under subsection (a) shall not be required if it was previously recorded in the office for the recording of deeds for such county.

(c) Penalty.—Any person who willfully fails to comply with

the provisions of this section shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine not exceeding \$100.

§ 1543. Duties of recorder of deeds.

(a) General rule.—The recorder of deeds of each county shall keep a record of every deed or conveyance of land in said office entered in his office for recording and, on or before the first Monday of each month, shall file the record or a copy thereof in the assessment office of the county together with the recorder's certificate appended thereto that such record is correct.

(b) Contents of record.—The record required under subsection (a) shall contain the following information:

- (1) Names of the grantor and grantee.
- (2) Complete post office address of the grantee.
- (3) Consideration for the conveyance.
- (4) Location of the property as to city, borough, town, township and, if applicable, ward.
- (5) Acreage of the land conveyed, if mentioned.
- (6) Lot or other number or numbers by which the land is designated on a recorded plan, if any.

§ 1544. Lands divided by municipal boundary lines.

(a) General rule.—Where lands are divided by boundary lines of political subdivisions, the portion of the land located in a particular political subdivision shall be assessed therein without regard for the location of any building or buildings on such land.

(b) Buildings.—Where buildings are divided by boundary lines of political subdivisions, the building shall be assessed in the political subdivision where the larger portion of the building is located except that the owner of a residence, by written notice of election to the director of each county in which any portion of the residence is located, may elect to have the residence assessed wholly in a particular subdivision which election shall be binding on the electing owner and future owners of such residence.

§ 1545. Annexed lands.

Where lands located in one county are annexed to a political subdivision located in another county, the lands shall be assessed by the county in which the land is located and the assessment office shall record the same in a separate assessment book. The owners of property so assessed shall have the same rights of appeal as any other taxable in the same county.

§ 1546. Minerals and mineral rights.

(a) Separate assessment.—Minerals and the surface shall be assessed separately where the owner of the surface does not have the right to the minerals underlying the surface.

(b) Surface divided by municipal boundary lines.—Where the surface of land is divided by boundary lines of political subdivisions and the ownership of the surface has been severed from the ownership of underlying minerals, each division of the minerals shall be assessed in the political subdivision in which it actually lies.

§ 1547. Property of decedents' estates.

Where any person shall die leaving real property, which, by the existing laws of the Commonwealth is subject to local taxation such property, so long as the same shall belong to the estate of such deceased person, may be assessed in the name of the decedent or in the name of his administrator, executor or his heirs generally, or in the name of any of the administrators, executors or heirs, and in assessing it in the names of the executors, administrators or heirs, it shall not be necessary to designate them by their christened or surnames.

§ 1548. House trailers and mobile homes.

(a) Assessed in owner's name.—House trailers and mobile homes subject to real property taxation shall be assessed and taxed in the name of the owner.

(b) Movement of unit.—Whenever a unit is moved into a political subdivision or is moved from one location to another, whether or not within the same political subdivision, the owner of the unit shall furnish to the director within 30 days from the date of occupancy at the new location the following:

- (1) Year, make and model of the unit.
- (2) Size of unit.
- (3) Name of owner of land on which unit is located.
- (4) Name and mailing address of owner of unit.

(c) Notice of removal requirements.—The director shall

notify the owner in writing that it shall be unlawful to remove the unit from the taxing district without first having obtained a removal permit from the local tax collector.

(d) Issuance of removal permit.—The local tax collector shall forthwith issue a removal permit upon application therefor during normal business hours whenever a fee of \$2 and all taxes levied and assessed on the unit to be removed are paid. The taxes shall be prorated as of the date of the application for the removal permit and refunds share be paid.

(e) Penalty.—Any person removing a unit from the taxing district without first having obtained a removal permit shall be guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine of \$100 and costs of prosecution or undergo imprisonment not exceeding 30 days, or both.

(f) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Owner." the person named in the certificate of title for the unit whether the title was issued by the Commonwealth or another state.

"Unit." A house trailer or mobile home.

SUBCHAPTER F BOARD OF ASSESSMENT APPEALS

Sec.

- 1561. Definition.
- 1562. Creation of board.
- 1563. Powers and duties of board.
- 1564. Board operation.
- 1565. Appeals.
- 1566. Hearings.
- 1567. Correction of assessment roll.
- 1568. Collection of taxes.
- 1569. Tax refunds and credits.

§ 1561. Definition.

As used in this subchapter, the word "board" shall mean the Board of Assessment Appeals.

§ 1562. Creation of board.

(a) Composition.—There is hereby created in each county a Board of Assessment Appeals to be composed of not less than three nor more than seven members. In a city of the first class the Board of Assessment Appeals shall be the Board of Revision of Taxes.

(b) Appointment of members.—The members shall be appointed by the board of county commissioners or, in the case of cities of the first class, by the Board of Judges of the Courts of Common Pleas of the City of Philadelphia and vacancies shall be filled by the appointing body for the unexpired terms.

(c) Terms of members.—Except in cities of the first class the members shall serve for terms of six years each and until their successors have been appointed and qualified except that the members first taking office shall be divided as nearly as possible into three groups with the members of each group serving terms which expire January 15, 1978, January 15, 1980 and January 15, 1982, respectively as designated by the appointing body.

(d) Other employment.—The members shall not be employed by the Commonwealth, by any political subdivision thereof, or by any municipal authority in any other capacity.

(e) Compensation and expenses.—Except in cities of the first class the appointing body shall fix the salary of the members and shall appropriate annually to the board such funds as may be necessary for the payment of salaries and other expenses in carrying out the duties of the board. In cities of the first class the governing body shall fix the salary of the members and shall appropriate annually to the board such funds as may be necessary for the payment of salaries and other expenses in carrying out the duties of the board.

(f) Legal counsel.—The appointing body shall provide separate counsel to the board who shall not be employed by the county or city of the first class in any other capacity. Such counsel shall appear for the board and represent them in appeals and shall advise the board regarding its powers and duties, the rights of citizens and the best methods of legal procedure for carrying out the duties of the board.

§ 1563. Powers and duties of board.

The board shall have the power and its duty shall be to:

(1) Hear and determine appeals from assessments made by the director.

(2) Adopt rules of procedure, not inconsistent with the provisions of this chapter, with respect to the hearing and determination of appeals.

§ 1564. Board operation.

(a) Organization.—The members of the board shall meet and organize as a board by the selection of a chairman. In cities of the first class, the board shall also elect a vice chairman.

(b) Meetings.—The board shall meet from time to time at the call of the chairman for the conduct of hearings and the affairs of the board.

(c) Decisions.—A majority vote of all the members of the board shall constitute a decision of the board.

(d) Actions.—All actions of the board shall be recorded in writing and shall be open to the public.

§ 1565. Appeals.

(a) General rule.—Except in cities of the first class any person having any interest in property who is aggrieved by any assessment of such property may appeal to the board for relief within 30 days after the published notice of the closing of the assessment roll or within 30 days after a special notice of a new or revised assessment. In cities of the first class this appeal shall be filed by the first Monday in October.

(b) Contents of appeal.—The appeal filed with the board under subsection (a) shall set forth:

(1) The assessment or assessments by which such person feels aggrieved.

(2) The address to which the board shall mail notice of the time and place of hearing.

(c) Political subdivisions.—Any political subdivision which feels aggrieved by the assessment or exemption of any property within its geographical boundaries shall have the same rights of appeal as a taxable with respect to his property and shall have the right of appeal from any decision of the board even though it was not a party to the proceedings.

(d) Failure to appeal.—No person and, except as otherwise specifically provided in subsection (c), no political subdivision shall be permitted to question any assessment before the board in any year unless an appeal was filed pursuant to the requirements of subsections (a) and (b) and no person or political subdivision shall be permitted to question before the board any assessment not designated in the appeal.

(e) Review of board decision.—Any person who was a party to a proceeding before the board and any political subdivision aggrieved by a decision of the board may file an appeal with the court of common pleas of the respective county within 30 days of the date of the decision of the board.

§ 1566. Hearings.

(a) Time.—Except in cities of the first class the board shall meet to hear appeals as follows:

(1) In the case of appeals following completion of the assessment rolls, on the first business day following the last date for appeal after publication of notice of completion of the assessment roll and continuing thereafter until all appeals have been heard and decided.

(2) In the case of appeals from new or revised assessments, from time to time as may be necessary.

(b) Notice.—The board shall notify appellant of the time and place of hearing on the appeal from a new or revised assessment by depositing written notice in the mail, addressed to appellant at his last known post office address, not later than the 15th day preceding the designated date of hearing.

(c) Procedure.—All hearings shall be open to the public and shall be conducted in accordance with rules of procedure prescribed by the board. Any party may appear and be heard either in person or by counsel and may present such evidence as may be permitted by the rules of the board.

(d) Duty of director.—Except in cities of the first class the director and such staff as he may designate shall attend the hearing and shall furnish the board with such information relating to the assessment appealed from as the board may require. In cities of the first class information relating to the assessment appealed from shall be provided to the board by the

assessor responsible for the assessment.

(e) Powers of board.—At the hearing, the board shall inquire as to the proper value of the property and where pertinent, its taxable status. The director, and in cities of the first class the board and the assessor may present such evidence as may be permitted by the rules of the board and the board may subpoena witnesses, books, records and other evidence. Any member of the board shall be competent to administer oaths and affirmations and any witness may be examined under oath or affirmation.

(f) Political subdivisions.—Any political subdivision having an interest in the assessment may appear and be heard either by its solicitor or by counsel specially engaged for such purpose. Insofar as practical, the board shall schedule hearings so that cases involving the same political subdivision shall be heard on the same day or days.

(g) Decision and record.—Following the hearing, the board shall make an order affirming, vacating or modifying the assessment appealed from and shall serve a copy of the order on the parties and affected political subdivisions personally or by mail within 20 days after the hearing. The order shall be entered in the minutes of the board which shall be a public record.

§ 1567. Correction of assessment roll.

(a) Preparation.—When the board has completed the hearing of appeals and has entered an order in each case, the director and in cities of the first class the assessor shall make such changes in the assessment roll as are necessary to conform to the orders of the board.

(b) Distribution in general.—Except in cities of the first class when corrections have been made to the assessment roll, the director shall prepare five copies of the assessment roll, attach to each his certificate that they are true copies of the original assessment roll and distribute one copy or the applicable portion of a copy as follows:

(1) State Tax Equalization Board, a complete copy.

(2) Board of country commissioners, a complete copy.

(3) Treasurer, director of finance, city controller, department of collections and school district of the county or city of the first class, a complete copy.

(4) Political subdivisions within the county, such portion of a copy as contains the assessment of property within the political subdivision.

(c) Distribution in first class cities.—In cities of the first class, when corrections have been made, the director shall prepare six copies of the changes and attach to each his certificate that they are true copies of the changes which have been made and distribute one copy to each as follows:

(1) State Tax Equalization Board.

(2) City Council.

(3) Director of Finance.

(4) Department of Collections.

(5) City Controller.

(6) School District of Philadelphia.

(d) Contents of copies.—Copies of the assessment roll distributed under subsection (b) shall, in addition to the information required in the original assessment roll, provide a space to the right of each assessment for the entry of all real property taxes which may be levied thereon by the respective political subdivisions. Copies of such roll so furnished shall be considered as originals for all purposes.

(e) Preservation and inspection.—The corrected assessment roll shall be preserved in the office of the director and shall be open to public inspection subject to such regulations as the director may prescribe for the preservation and safekeeping of such roll.

§ 1568. Collection of taxes.

Appeals filed under section 1565 (relating to appeals) shall not prevent the collection of taxes based on the assessment appealed from.

§ 1569. Tax refunds and credits.

(a) General rule.—Whenever, upon the final disposition of an appeal, it is determined that the taxes paid are in excess of the amount due by reason of an incorrect assessment of the property, the taxpayer shall be entitled to a refund of the amount of such excess tax payment with interest thereon at the same rate as allowed by law to be charged the taxpayer by the same tax-

ing district for delinquent payment of such taxes. The refund of the amount of the excess tax payment shall bear interest from the date such excess payment was made, or the date the tax was due, whichever is later, to the date of the final refund of the tax. Such amount improperly collected with interest shall constitute a legal setoff or credit against any future taxes assessed against the property by the same taxing district, or shall be paid to the taxpayer, at his option.

(b) Extension of time.—When a taxing district alleges that it is unable to credit or pay all of the refund and interest to which the taxpayer is entitled under subsection (a), in any one year, the board, upon application of either party, shall determine over what period of time such refund and interest shall be made and shall fix the amount thereof which shall be credited or payable with interest in any year or years.

(c) Existing proceedings.—The provisions of this section shall apply to appeals from assessments pending on the effective date of this chapter whether or not there has been a payment of any moneys into court or to the tax collector under written protest.

SUBCHAPTER G STATE TAX EQUALIZATION BOARD

Sec.

- 1581. Definitions.
- 1582. Creation of board.
- 1583. Powers and duties of board.
- 1584. Board operation.
- 1585. Investigations and hearings.
- 1586. Certification and training of directors and assessors.
- 1587. Monthly reports by directors.
- 1588. Valuation of property in school districts.
- 1589. Appeals.
- 1590. State subsidies to school districts.
- 1591. Special aid to school districts.

§ 1581. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Board." The State Tax Equalization Board.
"Secretary." The Secretary of Education of the Commonwealth.

§ 1582. Creation of board.

(a) Composition.—There is hereby created an independent administrative board which shall be known as the State Tax Equalization Board to be composed of five members.

(b) Qualification of members.—Each member shall be a citizen of the United States, be a resident of Pennsylvania, be a qualified elector for a period of at least one year next preceding his appointment, be familiar by training or experience with the problems involved in the work of the board and devote his entire time in the duties of his office.

(c) Appointment of members.—The members of the board shall be appointed by the Governor, by and with the advice and consent of the Senate, for terms of four years each or until their successors shall be duly appointed and shall have qualified. No more than three members of the board at any time shall be members of the same political party. The Governor shall designate one of the members as chairman. Members of the board created by the act of June 27, 1947 (P. L. 1046, No. 447) referred to as the State Tax Equalization Board Law, shall serve until their successors are appointed and shall have qualified.

(d) Compensation.—The chairman of the board shall receive an annual salary of \$20,000 and each other member shall receive an annual salary of \$17,500.

(e) Removal of members.—A member of the board may, after notice and an opportunity to be heard, be removed for cause by the Governor.

(f) Vacancies.—Any vacancy occurring shall be filled by appointment of the Governor for the unexpired term.

§ 1583. Powers and duties of board.

The board shall have the powers and its duties shall be:

- (1) To determine the market value of taxable real property in each of the school districts.
- (2) To formulate, adopt and supervise the implementa-

tion of uniform standards, procedures, records and forms in all counties of the Commonwealth.

(3) To compile data and provide assistance to counties in determining the value of real property in each of the counties of the Commonwealth, and to conduct investigations, require information and have access to whatever public records are necessary for such purpose.

(4) Except in cities of the first class, to provide for the qualifications, examination, certification and training of directors of assessment and assessors.

(5) To investigate the finances and any other general circumstances of any school district requesting special aid from the secretary and to advise the secretary in making grants of special aid.

(6) To make surveys and investigations of the finances of school districts in the interest of a more equitable distribution of school support.

(7) To subpoena State and local officials and to require from them such information as may be necessary for the proper discharge of its duties.

(8) To have and exercise all of the powers and perform all of the duties imposed upon independent administrative boards by the act of April 9, 1929 (P. L. 177, No. 175) known as "The Administrative Code of 1929."

§ 1584. Board operation.

(a) Chairman.—The chairman shall be in charge of the administration of the board and the transaction of its routine business and shall execute the orders and policies of the board. In the absence of the chairman, the member designated by him shall perform his duties and, while doing so, shall have the authority of chairman.

(b) Quorum.—Three members of the board shall constitute a quorum. A quorum, voting unanimously, shall be sufficient to exercise all the powers and perform all the duties of the board.

(c) Employees.—The board shall have the power to employ such employees, assistants and experts as may be necessary to carry out any clerical, administrative, investigatory or technical tasks connected with its work and to fix the compensation of such employees subject to the provisions of the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929."

§ 1585. Investigations and hearings.

(a) Board members.—Any investigation, inquiry or hearing which the board has power to undertake or hold may be undertaken or held by or before any one or more members of the board and, in such case, shall be deemed to be the investigations, inquiries and hearings of the board.

(b) Agents or examiners.—In any investigation, inquiry or hearing, the board may employ special agents or examiners who shall have the power to administer oaths, examine witnesses and receive evidence in any locality which the board may designate. The testimony and evidence so taken or received shall have the same force and effect as if taken or received by the board or any one or more of its members.

(c) Decisions.—Any determination, ruling or order of a member or members shall not become effective until approved and confirmed by a quorum of the board and ordered to be filed in its office. Upon such confirmation and order, such determination, ruling or order shall be the determination, ruling or order of the board.

§ 1586. Certification and training of directors and assessors.

The board shall, except in cities of the first class:

(1) Establish minimum qualifications for the appointment of directors of assessment and assessors and shall provide for the examination of applicants for such positions and for the issuance of certificates of qualification to the directors and assessors. No certificate shall be issued for any person who has not demonstrated to the satisfaction of the board that he is competent to perform the work.

(2) After consultation with and in cooperation with the appointing authority in each county, conduct or sponsor in-service, pre-entry and intern training courses on the technical, legal and administrative aspects of the assessment process. The board shall make no charge for the training courses it provides.

(3) Prepare, issue, and periodically revise guides for as-

assessment personnel in the form of handbooks of rules and regulations, appraisal manuals, special manuals and studies, cost and price schedules, news and reference bulletins and digests of property tax laws suitably annotated.

§ 1587. Monthly reports by directors.

(a) General rule.—Except in cities of the first class where quarterly reports shall be made, on or before the 15th day of each month, each director shall prepare, certify and deliver to the board for its use and in such form and manner as the board shall prescribe, a list containing additions, deletions, changes, or revisions which occurred in the assessment roll during the preceding month.

(b) Reimbursement.—The Board shall pay to the director the sum of 20¢ for each property on the list affected by an addition, deletion, change or revision in the assessment.

§ 1588. Valuation of property in school districts.

(a) Compilation of data.—The board shall accumulate and compile all available and relevant data, in any way having a bearing on the market value of real property in the several school districts.

(b) Current data.—Following the compilation of data designated in subsection (a), the board shall add thereto, from time to time, such additional data concerning new sales and improvements and other data to the end that the records of the board shall at all times show the present market value of real property in each school district as nearly as the same can be determined.

(c) Access to records.—In compiling data under subsections (a) and (b), the board shall have authority to examine all county tax assessment records and shall have power to examine all other public records wheresoever located.

(d) Valuation of property.—From the data compiled under subsections (a) and (b), the board shall determine and maintain the market value of real property in each school district of the Commonwealth.

(e) Certification of valuation.—Annually, on or before July 1, the board shall certify the market value of real property in each school district to the secretary and to the school district in which the property is located.

§ 1589. Appeals.

(a) School districts.—Any school district aggrieved by the valuation by the board of taxable real property located in the school district may, within 30 days from receipt of the certification of such valuation, appeal to the board for a hearing to reconsider such valuation.

(b) Judicial review.—Any party aggrieved by an adjudication of the board issued following an appeal under subsection (a) may appeal to the Commonwealth Court in accordance with the provisions of the act of June 4, 1945 (P. L. 1388, N. 442), known as the "Administrative Agency Law" and the act of July 31, 1970 (P. L. 673, No. 223), known as the "Appellate Court Jurisdiction Act of 1970."

§ 1590. State subsidies to school districts.

The market value of taxable real property in each school district as finally determined by the board shall be used by the secretary in ascertaining and determining the amount of funds required to meet payments to school districts and to apportion and allot the same to and among the respective school districts.

§ 1591. Special aid to school districts.

(a) Recommendations.—Before granting any special aid to any school district, the secretary shall submit the request to the board which shall make its recommendations with respect thereto insofar as the same is affected by the district's ability to raise funds by taxation. Such recommendations shall be for the advice of the secretary in passing on such requests.

(b) Investigation.—Before making recommendations, the board shall carefully investigate and study the financial circumstances of the district and whether or not it has exhausted its available taxing power not only on real property, but also on all other available property and subjects of taxation and that collection of such taxes is being effectively made and enforced.

Section 2. Existing boards, offices, assessors and assistant assessors shall continue to perform their duties and functions relating to the valuation and assessment of real property until notified by the respective director of assessments that he is ready to perform the duties and exercise the powers imposed

and authorized under this act at which time they shall transfer to him all records in their possession relating to the valuation and assessment of such property. The director shall transfer to the Board of Assessment Appeals when it is organized and ready to perform the duties and exercise the powers imposed and authorized under this act all records relating to matters within its jurisdiction.

Section 3. All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations and other materials which are used, employed or expended in connection with the powers, duties or functions exercised by the State Tax Equalization Board created by the act of June 27, 1947 (P.L. 1046, No. 447), are hereby transferred to the State Tax Equalization Board created by this act subject to such changes as shall be made by the board from time to time in exercising the powers granted to it under this act.

Section 4. The sum of \$1,000,000, or as much thereof as may be necessary, is hereby specifically appropriated to the State Tax Equalization Board for the fiscal period ending June 30, 1978 for the payment of salaries and other expenses of the board.

Section 5. (a) The following acts and parts of acts are repealed insofar as inconsistent with the provisions of this act:

Section 52, act of April 1, 1836 (P.L. 436, No. 146), entitled "An act Regulating Election Districts, and for other purposes."

The act of April 26, 1893 (P.L. 25, No. 20), entitled "An act directing the board of revision of taxes in cities of the first class to add to the assessment books and to the duplicates thereof in the hands of the receiver of taxes, real estate which has ceased to be exempt from taxation, and subjecting such real estate to taxation for the proportionate part of the year during which it is not exempt."

The act of June 3, 1915 (P.L. 787, No. 346), entitled "An act relating to the assessment of real estate for taxation."

The act of May 5, 1931 (P.L. 92, No. 68), entitled "An act requiring boards of revision and boards for the assessment and revision of taxes of cities of the second class and counties of the second class to give taxables notice of increases in valuations and appeal days."

The act of June 27, 1947 (P.L. 1046, No. 447), entitled "An act providing for equalization of assessed valuations of real property throughout the Commonwealth for use in determining the amount and allocation of Commonwealth subsidies to school districts; creating a State Tax Equalization Board; and prescribing its powers and duties; imposing duties on certain local officers, agents, boards, commissions and departments; and making an appropriation."

(b) The following acts and parts of acts are repealed insofar as they relate to the designation, exemption, valuation and assessment of real property for purposes of taxation by political subdivisions:

Section 23, act of April 22, 1846 (P.L. 486, No. 390), entitled "An act to provide for the reduction of the public debt."

The act of May 5, 1876 (P.L. 125, No. 91), entitled "An act providing for the classification of real estate for purposes of taxation and for the appointment of assessors in cities of the second class."

The act of July 9, 1897 (P.L. 219, No. 182), entitled "An act providing for the classification of real estate and other property for purposes of taxation, and for the election of assessors and prescribing the duties thereof in cities of the second class."

The act of May 11, 1911 (P.L. 273, No. 175), entitled "An act providing a uniform rate of assessment and taxation for all real estate in cities of the second class."

The act of June 26, 1931 (P.L. 1379, No. 348), entitled, as amended, "An act creating in counties of the second A and third class a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; providing for their salaries, payable by the county; abolishing existing boards; defining the powers and duties of such board; regulating the assessment of persons, property, and occupations for county, borough, town, township, school, and poor purposes; authorizing the appointment of subordinate assessors, a solicitor, engineers, and clerks; providing for their compensation, payable by such counties; abolishing the office of ward, borough, and township assessors, so far

as the making of assessments and valuations for taxation is concerned; and providing for the acceptance of this act by cities."

The act of May 22, 1933 (P.L. 853, No. 155), known as "The General County Assessment Law."

The act of June 21, 1939 (P.L. 626, No. 294), entitled "An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties."

The act of June 27, 1939 (P.L. 1199, No. 404), entitled "An act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas; providing for the appointment, by the board, of personal property assessors, real estate assessors and assistant real estate assessors, clerks and other employes; fixing the salaries of members of the board, assessors and assistant assessors, and providing for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing laws."

The act of May 21, 1943 (P.L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law."

(c) All other acts and parts of acts are repealed insofar as they are inconsistent herewith.

Section 6. In printing this act in advance copies of statutes, the Laws of Pennsylvania or an official publication of the Consolidated Statutes, the Director of the Legislative Reference Bureau may change the chapter number and related section numbers and cross references without the approvals and notations required under 1 Pa.C.S. § 1105 (relating to editing statutes for printing) to assure the proper placement of this act in Title 53 of the Pennsylvania Consolidated Statutes.

Section 7. This act shall take effect on January 1 of the second year following final enactment.

On the question,

Will the House agree to the amendments?

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

Mr. WILSON. Thank you, Mr. Speaker.

I circulated earlier this morning a three-page analysis of the 25-page amendment that I would like to offer today to HB 331. I hope that everybody has an opportunity to read the analysis of this bill.

It is my opinion that the assessment reform is long overdue. I think that what we are doing in some of these bills, such as HB 331, is a minuscule start in the right direction. In my proposed amendment, I would not change the impact of HB 331.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. PANCOAST. The gentleman is entitled to be heard. He is offering a very significant amendment here to the bill that is under our consideration at the present time.

The SPEAKER pro tempore. The gentleman is correct. These amendments are important, serious, technical and controver-

sial, and I suggest that all members pay close attention to the debate.

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

Mr. WILSON. I thank the Speaker.

Let me point out to you the changes that I would offer in my amendment so that you are clear and clean as to what we are trying to do here.

I would create a director of assessments by county in each and every county. However, several counties could join with each other in order to economize. The directors and the assessors would have to be certified by the State Tax Equalization Board after the enactment of this legislation. That is to say that anybody who is there now would be retained in their current capacity without having to be certified. They would have a grandfather clause.

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. Since HB 331 is an amendment to the Municipalities Planning Code, my question is, is the amendment offered by Mr. Wilson germane to HB 331? I am sorry, Mr. Speaker, HB 331 concerns the Fourth to Eighth Class County Assessment Law. My point is, Mr. Speaker, that HB 331—

The SPEAKER pro tempore. Will the gentleman yield for just one moment?

Under rule 27, as adopted by this House recently, if the gentleman is raising the question of germaneness of the gentleman's amendments to HB 331, this is a matter that is subject to a decision by the House and not a decision by the Speaker. Is the gentleman raising this point?

Mr. RITTER. Yes, Mr. Speaker, I am.

Mr. Speaker, the reason for that is that HB 331 amends Act 254 of the 1943 session, Pamphlet Law 571. Mr. Wilson's amendment seeks to amend Title 53 of the Pennsylvania Consolidated Statutes, which concerns municipalities generally.

We are talking in HB 331 of amending that act, as I said, number 254 which is the fourth to eighth class county assessment law. Mr. Wilson seeks to amend that, to strike all of that and insert a provision known as the real property assessment law, which I assume would cover all counties and all counties and cities of the first class, et cetera. I do not believe that that is germane to HB 331. I would ask the House to so rule.

The SPEAKER pro tempore. The question is whether or not the amendment proposed by the gentleman from Bucks, Mr. Wilson, seeking to amend Pennsylvania Consolidated Statutes relating to real property subject to local taxation, is germane to HB 331, PN 360, which seeks to amend the act relating to assessments in the fourth to eighth class counties.

PARLIAMENTARY INQUIRY

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

Mr. WILSON. Mr. Speaker, I would like an answer to the gentleman's inquiry. I read hastily here his points. I think perhaps they are well taken. I would like, Mr. Speaker, to make a parliamentary inquiry of the Chair.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILSON. Would it be the Speaker's interpretation that the amendments I offer to HB 331 would be more applicable to HB 332 which amends the general county assessment law?

The SPEAKER pro tempore. In answer to the gentleman's point of parliamentary inquiry, under rule 27 as now in existence and which is new this year, the Speaker no longer has the authority to determine germaneness of an amendment either to this bill or any other bill. It is a matter for decision by the full House.

The gentleman from Lehigh, Mr. Ritter, has raised the question of germaneness and wishes a roll-call vote by the House on whether or not your amendment is germane.

Mr. WILSON. Mr. Speaker, my question was not germaneness but the correctness in offering the amendment to HB 332 rather than to HB 331.

I do not have the time to answer Mr. Ritter's point in total, but it is perhaps on the surface, at least, obvious that the amendment should have been prepared to HB 332. The question is: Can this amendment be, in fact, transferred to that measure?

The SPEAKER pro tempore. It is the Speaker's personal opinion that you are no better off with HB 331 than you are with HB 332. However, it is still a matter for decision by the House.

The question is whether or not the amendments of the gentleman, Mr. Wilson, are germane.

Does the gentleman, Mr. Wilson, still desire recognition?

AMENDMENTS WITHDRAWN

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

Mr. WILSON. No, I am going to withdraw the amendment from HB 331. I would like to offer it in all seriousness because of this question that I frankly do not have an answer to. I would withdraw the amendment to HB 331 at this time.

My question still remains: Could I physically offer it to HB 332 or do we have to go through the process of redrafting the amendment?

The SPEAKER pro tempore. If the gentleman withdraws his amendment to HB 331, he is free to offer the same amendment to HB 332, but it will be subject to the same inquiry by the gentleman from Lehigh as to whether it is germane, and the House will still have to vote on it.

Mr. WILSON. If you would like, I would like.

The SPEAKER pro tempore. The Chair thanks the gentleman. The amendments from HB 331 are withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendment:

Amend Sec. 1 (Sec. 204), page 2, line 9, by inserting after "reassessment." The Commonwealth shall, not later than August 31 of each year, reimburse each political subdivision for any

reduction in tax revenues from the real estate affected by a sewer connection ban ordered by a department or agency of the Commonwealth resulting in a reassessment as required by this section.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I apologize for the inconvenience of having to redraft these amendments.

The amendment now deals with, as I had thought that the morning amendment had dealt with, only those situations where the Commonwealth has ordered the sewage ban which is causing the reduced assessment. Therefore, in only those cases where it is the Commonwealth's policy which is causing the loss of revenue at the local level and it is in only those cases where the Commonwealth would have to reimburse the local government.

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

Mr. MANDERINO. Mr. Speaker, the opposition I raised this morning to the Dorr amendments has equal validity to the amendment as it now stands. If you can recall, my argument was that under the law of this Commonwealth, the ban is placed by the Department of Environmental Resources on additional capacity at the sewage plants whenever those plants are not able to take additional sewage. That is the only way they can impose the ban.

To allow the Dorr amendment would be to say that when the property value is reassessed and lowered because of the mandated reassessment in HB 331, that we will take out of the tax treasury of the Commonwealth of Pennsylvania, out of the general fund, moneys to pay the local municipalities those taxes. Again, it is equally ridiculous with this amendment.

There would be, again, no reason for the local tax assessors, when they make their reassessment, to avoid lowering the assessment if in fact the assessment should not be lowered because there is no loss to the municipality. The big grandfather and granddaddy in Harrisburg is going to make up those taxes.

I do not think that is fair and I do not think that we should be doing it. I do not think, if under the law these plants cannot take additional capacity, that we should allow the reassessment to go forth and have assessments lowered because the value is not there and then just pick up the tab here in the Commonwealth. If you do this, you are looking at many, many dollars out of the Commonwealth's treasury to help those municipalities because they do not have the value that they have been assessing. That is simply what you are doing. I oppose the amendment.

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

Mr. ZELLER. Mr. Speaker, as we did this morning, I would like to say ditto to what Mr. Manderino said and certainly vote against this amendment.

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

Mr. ARTHURS. Mr. Speaker, just last night many of us met here in town with commissioners from southwestern Pennsylvania. Those of us who either serve or have served on the Local Government Committee hear the same thing that we heard from these commissioners last night, that we on the state level just keep mandating program after program after program for their local governments and we come up with no way of supporting these programs.

Once again we have our Department of Environmental Resources here for health reasons—I will say that—but they are not financially involved and it is not costing them one red cent to mandate whether or not a community needs to put in a sewage system.

I think that it is only fair and I think it is about time that we on the state level, if we are mandating these programs or, in this particular case, saying that a community must put in a sewage system and then we cannot come up with money for years to help finance this program, I think the least that we can do is to take and assume the responsibility of this reassessing. I would ask for support of the amendment.

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

Mr. MORRIS. Mr. Speaker, I sat quietly during the debate on Mr. Dorr's amendments this morning but I have to rise to my feet because I think Mr. Dorr is making a very fundamental mistake, and Mr. Arthurs who just spoke and whom I rarely disagree with is even further off the line here. The fact of the matter is that these sewage bans are brought about because of either malfunctioning of a local sewage system or a sewage system which has reached its capacity and has to be expanded.

Now this is a local problem. Mr. Manderino is absolutely correct when he says that the taxpayers of the Commonwealth should not be paying to correct this situation. It is a local problem.

As far as providing the funds for putting in these sewage systems, most of that money is federal, and a very substantial part is also state money. By far the greatest share of the cost of these sewage systems is borne by the Federal and state government already. It is not a local cost.

We are not mandating anything on them. They went out to get their sewage systems. They asked for the Federal and state funding to get them through. I just do not think that we are getting this problem in the correct focus. I certainly oppose this amendment and I urge the other members likewise to vote against it.

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

Mr. BITTINGER. Mr. Speaker, I likewise oppose this amendment. The idea here is to prevent the creation of a serious health program. The fact that possibly a minor problem would result in reduced tax revenues, I think is one that should be handled locally and is a lot less serious than the health problems that could result.

In my own district, I have a municipality where they now have banned any new construction of housing because of the sewage situation and currently they have problems with raw

sewage running in the streets. This is a serious health problem and I think should be prevented elsewhere. Again, I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, just one further point, I think Mr. Manderino and I have a difference in philosophy. His apparently is that when the Commonwealth has a policy which results in action taken at the local level, that the local people should pick up the tab for that. It is my feeling that if it is the Commonwealth's policy again that causes the loss of revenue locally, then it should be the Commonwealth's taxpayers who pick up the tab for it.

The gentleman, Mr. Morris, makes a point which perhaps in his area may be true. In my area, it is not a local problem which is causing the bans. In the main part, it is the result of the Commonwealth deciding that it is better policy to have regional sewage-treatment plants and therefore they begin to put bans on development in local areas in order to place leverage and pressure upon the local people who could well afford to build these plants, tertiary treatment plants, for example, by themselves cheaper than the regional plant can be built. They place the ban on in order to put leverage on the local people to go the way that the DER—Department of Environmental Resources—wants.

I suggest to you that if any of your members are having difficulty with DER of that nature, that it is not a local problem but rather a Commonwealth problem, and that is what I am addressing myself to.

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

The following roll call was recorded:

YEAS—71

Anderson	Gallen	Levi	Pyles
Armstrong	Geesey	Mackowski	Ryan
Arthurs	Goebel	Madigan	Salvatore
Bittle	Greenleaf	Manmiller	Scheaffer
Brandt	Grieco	McClatchy	Scirica
Burd	Halverson	McGinnis	Seltzer
Butera	Hamilton	Mebus	Smith, L.
Cessar	Hasay	Miller	Spencer
Cimini	Haskell	Moehlmann	Taddonio
Davies	Hayes, D. S.	Mowery	Taylor, E.
DeVerter	Hayes, S. E.	Noye	Thomas
Dietz	Helfrick	O'Brien, D.	Vroon
Dininni	Honaman	O'Connell	Wagner
Dorr	Hutchinson, W.	Pancoast	Wass
Fischer, R. R.	Katz	Parker	Weidner
Fisher, D. M.	Klingaman	Pitts	Wenger
Foster, A.	Knepper	Polite	Wilt
Foster, W.	Lehr	Pott	

NAYS—119

Abraham	Gamble	Meluskey	Shuman
Barber	Garzia	Milanovich	Shupnik
Bellomini	Gatski	Milliron	Sirianni
Beloff	Geisler	Miscevich	Smith, E.
Bennett	George, C.	Morris	Spitz
Berlin	George, M.	Mrkonic	Stairs

Berson	Giammarco	Mullen, M. P.	Stapleton
Bittinger	Gillette	Mullen, M. M.	Stewart
Borski	Gleeson	Musto	Stuban
Brown	Goodman	Novak	Sweet
Brunner	Greenfield	O'Brien, B.	Taylor, F.
Burns	Harper	O'Keefe	Tenaglio
Caltagirone	Hoeffel	Oliver	Trello
Cassidy	Hutchinson, A.	Petrarca	Valicenti
Cianciulli	Itkin	Piccola	Wansacz
Cohen	Johnson	Pievsky	Wargo
Cole	Jones	Pratt	White
Cowell	Kelly	Prendergast	Wiggins
DeMedio	Kernick	Rappaport	Williams
DeWeese	Kolter	Ravenstahl	Wilson
Dombrowski	Kowalshyn	Reed	Wise
Donatucci	Laudadio	Renwick	Wright, D.
Doyle	Laughlin	Richardson	Wright, J. L.
Duffy	Letterman	Rieger	Yahner
Dumas	Livengood	Ritter	Yohn
Englehart	Logue	Ruggiero	Zeller
Fee	Manderino	Scanlon	Zitterman
Flaherty	McCall	Schmitt	Zord
Fryer	McIntyre	Schweder	Zwikl
Gallagher	McLane	Shelton	

NOT VOTING—13

Caputo	Hopkins	Lynch	Zearfoss
DiCarlo	Irvis	O'Donnell	
Freind	Kusse	Rhodes	Fineman,
Gray	Lincoln		Speaker

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

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

Amend Sec. 1 (Sec. 204), page 2, line 7 by inserting after "time." For the purpose of this section, the phrase "affected by the order" shall be defined as the application for a building permit and the denial to the applicant of permission to proceed with the building or construction because of a sewer ban order.

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

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

Mr. DOYLE. Mr. Speaker, I believe these amendments might be agreed to. It is a very simple one. It states that the only time the purposes and the effect of this Act will come into being will be where there has been an application for a building permit and the applicant cannot go further with the building or the construction because of the sewer ban. If this were not in there, what would happen would be that for anyone with just a small or large acreage, simply because he has some ground that is buildable, it would be mandated that he would get an automatic reassessment, which would be expected to go down. If you are the owner of maybe a 3-acre lot of ground with your house and two other lots on it, it would be foreseeable to say that I want a reduction on the 2 extra lots even though I do not intend to ever build on them. This would make it so that you would have to have some action on the applicant's part before the effect of this act would come into play. I think it might be agreed upon.

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

Mr. ZELLER. Mr. Doyle, will you consent to interrogation please?

The SPEAKER pro tempore. Would the gentleman consent to interrogation? He indicates he will.

Mr. DOYLE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ZELLER. Thank you. Mr. Speaker, we talked about it this morning. Would this in effect do what I talked about this morning in regard to—I have a piece of property that I purchased, the property was zoned residential and there is a percolation test now all of a sudden and DER or the local sewer officer says, no way, you cannot build on it because in other words the percolation test does not satisfy or there is no sewage in the area, so I should be allowed a lower assessment. Is that what you are getting at?

Mr. DOYLE. If DER says you cannot put in a tile field on some onsite sewage, then you would be entitled to the benefit of it.

Mr. ZELLER. Very good. Thank you. That is a "go" bill. Thank you.

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

The following roll call was recorded:

YEAS—188

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

Fee	Laudadio	Ravenstahl	Wright, D.
Fischer, R. R.	Laughlin	Reed	Wright, J. L.
Fisher, D. M.	Lehr	Renwick	Yahner
Flaherty	Letterman	Richardson	Yohn
Foster, A.	Levi	Rieger	Zeller
Foster, W.	Lincoln	Ritter	Zitterman
Fryer	Livengood	Ruggiero	Zord
Gallagher	Logue	Ryan	Zwinkl

NAYS—4

Dininni	Manmiller	Piccola	Weidner
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NOT VOTING—11

Beloff	Irvis	O'Donnell	Fineman,
Caputo	Kusse	Rhodes	Speaker
Freind	Lynch	Zearfoss	
Gray			

The question was determined in the affirmative and the amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

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

Dombrowski	Klingaman	Pott	Wiggins
Donatucci	Knepper	Pratt	Williams
Dorr	Kolter	Prendergast	Wilson
Doyle	Kowalshyn	Pyles	Wilt
Duffy	Laudadio	Rappaport	Wise
Dumas	Laughlin	Ravenstahl	Wright, D.
Englehart	Lehr	Reed	Wright, J. L.
Fee	Letterman	Renwick	Yahner
Fischer, R. R.	Levi	Richardson	Yohn
Fisher, D. M.	Lincoln	Rieger	Zearfoss
Flaherty	Livengood	Ritter	Zeller
Foster, A.	Logue	Ruggiero	Zitterman
Foster, W.	Mackowski	Ryan	Zord
Fryer	Madigan	Salvatore	Zwinkl
Gallagher			

NAYS—1

Garzia

NOT VOTING—9

Caputo	Irvis	O'Donnell	Fineman,
Freind	Kusse	Rhodes	Speaker
Gray	Lynch		

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. 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 recurring,

Will the House agree to the bill on third consideration?

Mr. DOYLE offered the following amendment:

Amend Sec. 1 (Sec. 206), page 2, line 3, by inserting after "re-assessment." For the purpose of this section, the phrase "affected by the order" shall be defined as the application for a building permit and the denial to the applicant of permission to proceed with the building or construction because of a sewer ban order.

On the question,

Will the House agree to the amendment?

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

Mr. DOYLE. This is the identical same amendment only to this bill rather than to HB 331. It says the same thing.

On the question recurring,

Will the House agree to the amendment?

Amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on

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

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

YEAS—191

Table listing names of members who voted 'YEAS' (191 total). Includes names like Abraham, Anderson, Armstrong, etc., in four columns.

NAYS—1

Garzia

NOT VOTING—11

Table listing names of members who did not vote (11 total). Includes names like Beloff, Caputo, Freind, etc., in four columns.

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. 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? Mr. DOYLE offered the following amendment:

Amend Sec. 1 (Sec. 13), page 3, line 3 by removing the period after "residences" and inserting and the phrase "affected by the order" shall be defined as the application for a building permit and the denial to the applicant of permission to proceed with the building or construction because of a sewer ban order.

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

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

Mr. DOYLE. Same thing, Mr. Speaker; same amendment.

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—192

Table listing names of members who voted 'YEAS' (192 total). Includes names like Abraham, Anderson, Armstrong, etc., in four columns.

Davies	Hutchinson, W.	Pancoast	Vroon
DeMedio	Itkin	Parker	Wagner
DeVerter	Johnson	Petrarca	Wansacz
DeWeese	Jones	Piccola	Wargo
DiCarlo	Katz	Pievsky	Wass
Dietz	Kelly	Pitts	Weidner
Dininni	Kernick	Polite	Wenger
Dombrowski	Klingaman	Pott	Wiggins
Donatucci	Knepper	Pratt	Williams
Dorr	Kolter	Prendergast	Wilson
Doyle	Kowalyszyn	Pyles	Wilt
Duffy	Laudadio	Rappaport	Wise
Dumas	Laughlin	Ravenstahl	Wright, D.
Englehart	Lehr	Reed	Wright, J. L.
Fee	Letterman	Renwick	Yahner
Fischer, R. R.	Levi	Rhodes	Yohn
Fisher, D. M.	Lincoln	Richardson	Zearfoss
Flaherty	Livengood	Rieger	Zeller
Foster, A.	Logue	Ritter	Zitterman
Foster, W.	Mackowski	Ruggiero	Zord
Fryer	Madigan	Ryan	Zwilk

Brunner	Gillette	Morris	Smith, E.
Burns	Goebel	Mowery	Stewart
Butera	Goodman	Mrkonic	Stuban
Caltagirone	Grieco	Mullen, M. P.	Sweet
Caputo	Halverson	Mullen, M. M.	Taddonio
Cassidy	Haskell	Musto	Tenaglio
Cessar	Hayes, D. S.	Novak	Trello
Cianciulli	Hayes, S. E.	Noye	Valicenti
Cimini	Hopkins	O'Brien, B.	Wagner
Cohen	Hutchinson, A.	Oliver	Wargo
Cowell	Itkin	Pancoast	Wass
DeMedio	Jones	Parker	Weidner
DeWeese	Kelly	Pievsky	White
DiCarlo	Knepper	Pott	Wiggins
Dininni	Kolter	Pratt	Williams
Dombrowski	Kowalyszyn	Prendergast	Wilson
Donatucci	Laudadio	Pyles	Wilt
Dorr	Laughlin	Rappaport	Wright, J. L.
Doyle	Lehr	Ravenstahl	Yahner
Dumas	Levi	Reed	Yohn
Englehart	Lincoln	Renwick	Zearfoss
Fee	Livengood	Rhodes	Zitterman
Fischer, R. R.	Logue		

NAYS—1

Garzia

NOT VOTING—10

Beloff	Gray	Lynch	Fineman,
Freind	Irvis	O'Donnel	Speaker
Gleeson	Kusse	White	

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

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

RECONSIDERATION OF VOTE ON HOUSE BILL No. 134

Mr. DeMEDIO moved that the vote by which **HOUSE BILL No. 134**, printer's No. 147, entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims and municipal liens in the several cities of the third class boroughs and townships of this Commonwealth; and validating such improvements, assessments, claims and liens therefor and the proceedings for the collection of such assessments, claims and liens.

was defeated on final passage on this day be reconsidered.

Mr. BRUNNER seconded the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—134

Abraham	Fisher, D. M.	Mackowski	Rieger
Arthurs	Flaherty	Madigan	Ritter
Barber	Foster, A.	Manderino	Ruggiero
Bellomini	Fryer	Manmiller	Ryan
Bennett	Gallagher	McCall	Salvatore
Berlin	Garzia	McLane	Scheaffer
Berson	Gatski	Mebus	Schmitt
Bittinger	Geesey	Milanovich	Schweder
Bittle	Geisler	Miller	Scirica
Borski	George, C.	Milliron	Shelton
Brandt	Giammarco	Miscevich	Shupnik

NAYS—55

Anderson	Hamilton	Moehlmann	Stairs
Armstrong	Harper	O'Brien, D.	Stapleton
Brown	Hasay	O'Connell	Taylor, E.
Burd	Helfrick	O'Keefe	Taylor, F.
Cole	Hoeffel	Petrarca	Thomas
Davies	Honaman	Piccola	Vroon
DeVerter	Hutchinson, W.	Pitts	Wansacz
Dietz	Katz	Polite	Wenger
Duffy	Kernick	Seltzer	Wise
Foster, W.	Klingaman	Shuman	Wright, D.
Gallen	Letterman	Sirianni	Zeller
Gamble	McClatchy	Smith, L.	Zord
George, M.	McGinnis	Spencer	Zwilk
Greenleaf	Meluskey	Spitz	

NOT VOTING—14

Beloff	Greenfield	Lynch	Scanlon
Freind	Irvis	McIntyre	
Gleeson	Johnson	O'Donnel	Fineman,
Gray	Kusse	Richardson	Speaker

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

HB 134 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. DeMEDIO moved that House bill No. 134 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. 594

Mr. FRYER moved that the vote by which **HOUSE BILL No. 594**, printer's No. 1149, entitled:

An Act amending the "Local Tax Collection Law" approved May 25, 1945 (P. L. 1050, No. 394), authorizing the county commissioners to require joint bidding of bonds for tax collectors.

was defeated on final passage on this day be reconsidered.

Mr. MORRIS seconded the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—124

Abraham	Gamble	McCall	Salvatore
Arthurs	Garzia	McClatchy	Scheaffer
Bellomini	Gatski	McLane	Schmitt
Bennett	Geesey	Mebus	Schweder
Berlin	Geisler	Meluskey	Scirica
Berson	George, C.	Milanovich	Shuman
Bittinger	Goodman	Milliron	Shupnik
Bittle	Grieco	Miscevich	Stairs
Brandt	Halverson	Morris	Stapleton
Brunner	Harper	Mrkonic	Stewart
Burns	Haskell	Mullen, M. P.	Stuban
Butera	Hayes, D. S.	Mullen, M. M.	Sweet
Caltagirone	Hayes, S. E.	Musto	Taddonio
Caputo	Hoeffel	Novak	Tapulo, F.
Cassidy	Hutchinson, A.	Noye	Tenaglio
Cimini	Hutchinson, W.	O'Brien, B.	Trello
Cohen	Itkin	O'Keefe	Valicenti
Cole	Kernick	Pancoast	Wagner
Cowell	Klingaman	Petrarca	Wansacz
DeMedio	Knepper	Pievsky	Wargo
DeWeese	Kolter	Polite	Wass
Dombrowski	Kowalyszyn	Prendergast	Weidner
Doyle	Laudadio	Pyles	Wenger
Englehart	Laughlin	Rappaport	Wiggins
Fee	Lehr	Ravenstahl	Wilson
Fischer, R. R.	Letterman	Reed	Wilt
Flaherty	Levi	Renwick	Yahner
Foster, A.	Livengood	Rhodes	Yohn
Fryer	Logue	Ritter	Zeller
Gallagher	Madigan	Ruggiero	Zitterman
Gallen	Manderino	Ryan	Zwiki

NAYS—63

Anderson	Foster, W.	McGinnis	Sirianni
Armstrong	George, M.	Miller	Smith, E.
Beloff	Giammarco	Moehlmann	Smith, L.
Borski	Gillette	Mowery	Spencer
Brown	Goebel	O'Brien, D.	Spitz
Burd	Greenleaf	O'Connell	Taylor, E.
Cessar	Hamilton	Oliver	Thomas
Cianciulli	Hasay	Parker	Vroon
DeVerter	Helfrick	Piccola	White
Dietz	Honaman	Pitts	Williams
Dininni	Johnson	Pott	Wise
Donatucci	Jones	Richardson	Wright, D.
Dorr	Katz	Rieger	Wright, J. L.
Duffy	Kelly	Scanlon	Zearfoss
Dumas	Mackowski	Seltzer	Zord
Fisher, D. M.	Manmiller	Shelton	

NOT VOTING—16

Barber	Gray	Lincoln	Pratt
Davies	Greenfield	Lynch	
DiCarlo	Hopkins	McIntyre	Fineman,
Freind	Irvis	O'Donnell	Speaker
Gleeson	Kusse		

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

HB 594 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. FRYER moved that House bill No. 594 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. 246

Mr. BRUNNER moved that the vote by which HOUSE BILL No. 246, printer's No. 266, entitled:

An Act amending the "Tax Reform Code of 1971" approved March 4, 1971 (P. L. 6, No. 2), providing for a minimum tax for capital stock and foreign franchise tax purpose.

was defeated on final passage on this day be reconsidered.

Mr. MANDERINO seconded the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—121

Abraham	Gallagher	Livengood	Rhodes
Arthurs	Gamble	Logue	Richardson
Bellomini	Garzia	Manderino	Rieger
Beloff	Gatski	McCall	Ritter
Berlin	Geesey	McIntyre	Ruggiero
Berson	Geisler	McLane	Ryan
Bittinger	George, C.	Meluskey	Scanlon
Bittle	Giammarco	Milanovich	Schmitt
Borski	Gillette	Milliron	Schweder
Brandt	Gleeson	Miscevich	Scirica
Brunner	Goodman	Morris	Shelton
Butera	Greenfield	Mrkonic	Shupnik
Caltagirone	Halverson	Mullen, M. P.	Stairs
Caputo	Harper	Mullen, M. M.	Stapleton
Cassidy	Hayes, S. E.	Musto	Stewart
Cianciulli	Helfrick	Novak	Stuban
Cohen	Hoeffel	O'Brien, B.	Sweet
Cole	Hutchinson, A.	O'Keefe	Taddonio
Cowell	Johnson	Oliver	Taylor, F.
DeMedio	Jones	Pancoast	Tenaglio
DeWeese	Kelly	Petrarca	Trello
DiCarlo	Kernick	Pievsky	Valicenti
Dombrowski	Knepper	Polite	Wargo
Donatucci	Kolter	Pratt	Wass
Doyle	Kowalyszyn	Prendergast	White
Dumas	Laudadio	Pyles	Wiggins
Englehart	Laughlin	Rappaport	Williams
Fee	Letterman	Ravenstahl	Yahner
Flaherty	Levi	Reed	Zitterman
Foster, A.	Lincoln	Renwick	Zwikl
Fryer			

NAYS—74

Anderson	Goebel	Mebus	Spencer
Armstrong	Greenleaf	Miller	Spitz
Bennett	Grieco	Moehlmann	Taylor, E.
Brown	Hamilton	Mowery	Thomas
Burd	Hasay	Noye	Vroon
Burns	Haskell	O'Brien, D.	Wagner
Cessar	Hayes, D. S.	O'Connell	Wansacz
Cimini	Honaman	Parker	Weidner
Davies	Hopkins	Piccola	Wenger
DeVerter	Hutchinson, W.	Pitts	Wilson
Dietz	Itkin	Pott	Wilt
Dininni	Katz	Salvatore	Wise
Dorr	Klingaman	Scheaffer	Wright, D.
Duffy	Lehr	Seltzer	Wright, J. L.

Fischer, R. R.	Mackowski	Shuman	Yohn
Fisher, D. M.	Madigan	Sirianni	Zearfoss
Foster, W.	Manmiller	Smith, E.	Zeller
Gallen	McClatchy	Smith, L.	Zord
George, M.	McGinnis		

NOT VOTING—8

Barber	Irvis	Lynch	Fineman,
Freind	Kusse	O'Donnell	Speaker
Gray			

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

HB 246 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. BRUNNER moved that House bill No. 246 be placed on the final passage postponed calendar.

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

APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,
The House proceeded to third consideration of **House bill No. 141, printer's No. 1039**, entitled:

An Act relating to Commonwealth budget procedures.

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

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

Mr. PIEVSKY. Mr. Speaker, I rise in support of HB 141 and to make a brief statement, if I may, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PIEVSKY. Mr. Speaker, during the last several years, the Pennsylvania General Assembly has made striking progress toward recapturing its full constitutional powers of the purse. I need cite only a few examples:

Not so many years ago, we were overwhelmed by the massive amounts of budget information supplied by the executive branch. Today, we absorb and analyze their data and send for more.

Not so many years ago, Mr. Speaker, we seemed incapable of enacting a state budget on time. Today, we are operating on our third consecutive budget passed well before the June 30th deadline.

Not so many years ago, Mr. Speaker, we were manipulated by a state bureaucracy that used its control of vast sums of Federal aid to thwart legislative intent. Today, Mr. Speaker, we control every dollar spent from the state treasury, whether it be from state or Federal sources.

As the General Assembly has grown to full partnership in the budget process, the people of Pennsylvania have benefitted, particularly the taxpayers. During the last session alone, we rejected a gimmicky 15-month budget that postponed but did not solve Pennsylvania's fiscal problems and we rejected administration requests for more than \$250 million in new taxes. And we did those things without cutting into the level of serv-

ices being provided directly to the people.

All of us, Democrats and Republicans, have the right to be proud of the progress that has been made. But knowing human nature as we do, all of us should always be wary of the possibility that, unless we institutionalize these gains, they could slowly wither away as they have done before.

Today we have an opportunity, by voting for House Bill 141, to put a capstone on our efforts at budget reform. This legislation will provide Pennsylvania with its first comprehensive budget code and the General Assembly with permanent safeguards to protect its role as the keeper of the purse.

House Bill 141 is based on a \$30,000, five-volume study of the budgeting process conducted by the highly respected Pennsylvania Economy League. The study was sponsored and paid for by the Governor's budget office and by the Democrats and Republicans in both the House and the Senate. The House Appropriations Committee held public hearings on the Economy League Report both last year and this year.

The House Appropriations Committee has prepared a detailed section-by-section analysis of the bill. Much of what it accomplishes is to codify current budget practices that now are based on a variety of statutes, traditions, court rulings, and attorney generals' opinions.

But this bill also contains significant reforms. It establishes a schedule to insure that the General Assembly has full and timely access to budget information. It requires the executive branch to develop the first econometric model of Pennsylvania for revenue-forecasting purposes, and it requires regular reports on actual revenue collections. This feature is an important service and protection for legislators who must levy taxes or cut programs if sufficient revenues do not materialize.

The bill also requires the bureaucracy to identify the costs of their rules and regulations in advance, just as we require ourselves to identify the cost of proposed new laws before voting on them.

Basically, House Bill 141 embodies procedural reforms, and procedures are difficult to explain to your constituents. But in the long run, the reforms in this bill will mean more to the taxpayers of Pennsylvania than many of the other more publicized bills that we will vote on this year.

Mr. Speaker, no one can guarantee that the legislature will not have difficulties in dealing with budget issues in the future. No one can guarantee that we will not have to contend with fiscal constraints, political disagreements, and even the possibility of piecemeal budgetmaking.

In the last analysis, budget deadlocks and confrontations can be avoided only by determination, good will and lack of excessive partisanship on the part of the members of the General Assembly. But by voting for House Bill 141, we can provide the budget process with the kind of orderly procedures and defined responsibilities that makes those unpleasant possibilities less likely, and we can insure that the legislature has the tools and safeguards to fulfill its responsibility to the taxpayers to see that their dollars are well spent.

Mr. Speaker, I ask the members of the House to signal a new era in the fiscal policy of this Commonwealth by voting "yes" on house Bill 141.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DeVERTER offered the following amendments:

Amend Sec. 5, page 5, line 1 by removing the period after "Bulletin" and inserting and notice of such shall including the fiscal note be sent to the Majority and Minority Leaders of the House of Representatives and of the Senate and to the Majority and Minority Chairmen of the Appropriations Committees of both the House and Senate. The said Appropriations Committees shall submit the fiscal note to both Houses of the General Assembly within 30 days from the receipt of such proposed rule, regulation or amendment. Each House of the General Assembly shall vote on the proposed rule, regulation or amendment within 30 days of the date said rule, regulation or amendment was submitted by the Appropriations Committee. Such rule, regulation or amendment shall not become effective unless both Houses of the General Assembly approve the same within the time hereinabove specified.

Amend Sec. 5, page 5, by inserting between lines 23 and 24 (9) The recommendations, if any of the General Assembly.

On the question,

Will the House agree to the amendments?

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment directs itself to section 5, which begins on page 4 and goes over onto page 5 of HB 141. In that section it refers to the Office of the Budget submitting a fiscal note into the Pennsylvania Bulletin. My amendment would take this a step further. It would, in fact, include both the majority and minority leadership of the House and the Senate, as well as the Appropriations Committee Chairman in the same manner. Additionally, it would provide that the General Assembly, within 30 days from the receipt of the proposed rule, as well as the fiscal impact, must be voted on prior to its adoption by any agency of the Commonwealth.

I think, Mr. Speaker, that this is long overdue. I think for once we can get a handle on the spending in this Commonwealth with respect to the executive procedures that are used in the promulgation of rules and regulations, and I would ask for an affirmative vote on the amendment.

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

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the amendment. We are taking, if we pass HB 141, a giant step forward in budgetary reform. We are doing some things for the first time in the Commonwealth that can only be salutary so far as the taxpayers of Pennsylvania are concerned. We are arming ourselves in getting information that we never got before; we are getting the Governor's budget by mandate sooner than we ever would have gotten it before, and we are requiring fiscal notes on regulations and rules made by the departments, but what the gentleman, Mr. DeVerter, would want to do would be to hamstring and tie the hands of the department in making regulations by requiring that we vote here in the General Assembly on every one of those regulations that might in some manner entail the expenditure of money.

There is no question when we pass legislation and give the executive branch of government the power to make rules and regulations that in most instances those rules and regulations

that we envision will cost money. Whether it is a form that is prescribed on which reports are made or whether it is a manner in which certain things have to be done, there are some times monies being spent by the department but we envision that that would be so. Now to allow every one of the regulations to come over here because it entails the expenditure of any money and for the House and the Senate to have to vote on those really would destroy the rulemaking power and the regulationmaking power which the government relies on so heavily to do the job that is necessary and the job that is prescribed by the General Assembly.

I think that we should give the features of HB 141 a chance to operate. We are requiring, for the first time, fiscal information on those rules and regulations. Once we see those fiscally impacted regulations or those regulations that have any impact whatsoever, let us see whether it is necessary to bring those over here for a vote.

I ask you to reject the DeVerter amendment today. We are taking a giant step forward with the bill, and at this time I think the amendment is premature. I think it will hamstring the departments and it will tie their hands in the rulemaking power and it will give us such a workload here in the General Assembly that we would not be able to accomplish the task efficiently in any event. I ask for a defeat of the DeVerter amendment.

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

Mr. DeVERTER. Mr. Speaker, the bill may take one giant step forward. The step I propose is a step for mankind really. In the proliferation of rules and regulations, and especially the economic impact of them, even this morning we heard on the floor of this House how the ban on sewer assessments was impacting on our local municipalities. Now I just do not believe that we can continue to live with departments and agencies that consistently promulgate rules and regulations that have fiscal impact without this body and the other making a determination as to their validity. If we continue in this vein, we are going to continue to hear from the people back home and you are going to continue to get the same kind of complaints you presently get, and I just do not think that is the proper way to do business. I am merely asking that we slow down the pace of this proliferation and that we use some common sense in the approach to the rule- and regulationmaking body. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, I am concerned as anybody with the proliferation of rules and regulations, but the gentleman, Mr. Manderino, made a very important point, one which my committee has been trying to consider for some time. I do not believe that we are equipped at the moment—and this bill becomes effective July 1 this year—to handle the avalanche of rules and regulations requiring expenditure of Commonwealth funds in an intelligent manner, and I think that we are going to be bogged down in considering those requests without the proper time or staff to investigate them. We want to do the right

thing when we require all rules and regulations—that is my ultimate goal—to be submitted to some committee or some group of this General Assembly, but we are really not prepared to do it, and we should not do it, until we, ourselves, can do an intelligent job, instead of doing something which will make us fall flat on our face and have the administration sit back and laugh and say, see we told you you could not do it. It will put us back 10 years. I think that if we would be a little more patient—I agree with Mr. DeVerter. There are some problems and we should be doing something, but I think we ought to take some time—to study just what it is we want to do, what kind of authority do we want to give to a committee or to this legislature, and when we go with something, I would hope that it would be both Republican and Democratic. Then when we go with something, it is something that this General Assembly cannot only be proud of but something which will work. That is the most important thing.

I am afraid, as I said earlier, and I think Mr. Manderino pointed it out, that at the moment I do not think we are equipped to do it. If we do not do a good job, we should not even attempt it. It is for that reason and that reason alone that I would ask that the amendment be defeated.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to speak in opposition to this particular amendment. I very much agree with the concept of the goals that the amendment seeks to achieve. I think it is important that we move rather promptly to set up the proper mechanism so this House can properly review, or have the opportunity to review anyway, proposed rules and regulations that are promulgated throughout the state bureaucracy.

The basic problem with this particular format, as has been stated prior to this, is that it would require the legislature to act in every rule and every regulation that is promulgated throughout state government. I doubt that anybody in this room really has a handle on a job of that size that we would set up for ourselves.

The proper approach, and the one I hope we will adopt in the very near future, would be one where this legislature would have the opportunity to reject it if we did see fit. I do not think it is proper. I do not think it is really practical to set ourselves up in the business of having to act on every rule or every regulation though. We will spend all of our time reviewing rules and regulations rather than doing some of the other business before us. I do not think it would be more practical.

I will support any amendment that instead would take up the approach of providing us or the appropriate committee the opportunity to review and the opportunity to reject or veto a rule or regulation that a committee or perhaps the majority members of this House saw fit to reject.

Thank you, Mr. Speaker.

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

Mr. DeVERTER. Mr. Speaker, the previous speakers have spoken to the fact that there are so many rules and regulations.

Quite frankly, that is the real intent of this amendment, and it should be the intent of legislation if not this amendment, that we stop the proliferation, that we give time and consideration to those things that impact on each and every person's life, whether it is a governmental body or each individual. Until we do that, I just do not feel that we are accomplishing very much here.

Every time we pass legislation, we permit departments and agencies to promulgate rules and regulations. As a result, as you know, the intent is usurped and we end up paying the price tag and sitting here on the floor and voting more taxes for more expenditures. In addition, it places the burden back on the local municipality.

I think this is the real intent of this amendment and I think we should support it.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, I would like to interrogate one of the sponsors of the bill on the question of whether or not we have the constitutional authority to legislate what is in this bill. I just do not know, but I have some questions about it.

The SPEAKER pro tempore. I believe the gentleman's interrogation is premature until after the amendments are disposed of. Then I will recognize the gentleman immediately to have that problem resolved.

Mr. WILLIAMS. All right then, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—88

Anderson	Goebel	Manmiller	Seltzer
Armstrong	Greenleaf	McClatchy	Sirianni
Bittle	Grieco	McGinnis	Smith, E.
Brandt	Halverson	Mebus	Smith, L.
Burd	Hamilton	Miller	Spencer
Burns	Hasay	Milliron	Spitz
Butera	Haskell	Moehlmann	Stairs
Cassidy	Hayes, D. S.	Mowery	Taddonio
Cessar	Hayes, S. E.	Noye	Taylor, E.
Cimini	Helfrick	O'Brien, D.	Taylor, F.
Davies	Honaman	O'Connell	Thomas
DeVerter	Hopkins	Pancoast	Vroon
Dietz	Hutchinson, W.	Piccola	Wagner
Dininni	Katz	Pitts	Wass
Dorr	Klingaman	Polite	Weidner
Fischer, R. R.	Knepper	Pott	Wenger
Fisher, D. M.	Kowalyshyn	Pyles	Wilson
Foster, A.	Lehr	Reed	Wilt
Foster, W.	Levi	Ryan	Wright, J. L.
Gallen	Lynch	Salvatore	Yohn
Geesey	Mackowski	Scheaffer	Zearfoss
George, C.	Madigan	Scirica	Zord

NAYS—107

Abraham	Flaherty	Logue	Ritter
Arthurs	Fryer	Manderino	Ruggiero
Barber	Gallagher	McCall	Scanlon
Bellomini	Gamble	McIntyre	Schmitt
Bennett	Garzia	McLane	Schweder
Berlin	Gatski	Meluskey	Shelton
Berson	Geisler	Milanovich	Shuman

Bittinger	George, M.	Miscevich	Shupnik
Borski	Giammarco	Morris	Stapleton
Brown	Gillette	Mrkonje	Stewart
Brunner	Gleeson	Mullen, M. P.	Stuban
Caltagirone	Goodman	Musto	Sweet
Caputo	Greenfield	Novak	Tenaglio
Cianciulli	Harper	O'Brien, B.	Trello
Cohen	Hoeffel	O'Keefe	Valicenti
Cole	Hutchinson, A.	Oliver	Wansacz
Cowell	Itkin	Parker	Wargo
DeMedio	Johnson	Petrarca	White
DeWeese	Jones	Pievsky	Wiggins
DiCarlo	Kelly	Pratt	Williams
Dombrowski	Kernick	Prendergast	Wise
Donatucci	Kolter	Rappaport	Wright, D.
Doyle	Laudadio	Ravenstahl	Yahner
Duffy	Laughlin	Renwick	Zeller
Dumas	Letterman	Rhodes	Zitterman
Englehart	Lincoln	Richardson	Zwinkl
Fee	Livengood	Rieger	

NOT VOTING—8

Beloff	Irvis	Mullen, M. M.	Fineman,
Freind	Kusse	O'Donnell	Speaker
Gray			

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Williams, who wishes to interrogate the sponsor of the bill.

Mr. WILLIAMS. Mr. Speaker, I suppose Mr. Manderino, the majority whip, would probably be the most appropriate person.

The SPEAKER pro tempore. Will the majority whip consent to interrogation?

Mr. MANDERINO. I will submit to interrogation.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, the thrust of my inquiry basically is whether or not the legislature can tell the Governor how to prepare the budget he will give to us.

I guess my first question is, is the Governor's activity or responsibility in submitting a budget a constitutional requirement written down in a certain way or is it just a matter of tradition that he does that?

Mr. MANDERINO. I think that the constitution requires him to submit a budget. I am sure of that.

Mr. WILLIAMS. I am not sure of that.

Mr. MANDERINO. I am sure. Let me try to answer your question and maybe I can lighten your apprehension. This bill has been studied by the committee and the staff workers who formulated the legislation to meticulously avoid the question of separation of powers so that we did not step over the prerogatives of the executive in presenting and formulating his budget. There have been budgetary reforms proposed on the floor of this House which I vehemently opposed because of the separation-of-powers doctrine. All of the features in this bill, we feel, meet and are consistent with the separation-of-powers doctrine. We are not requiring anything of the executive that would be overstepping our bounds as legislators.

Mr. WILLIAMS. So I suppose you have said that it is constitutional?

Mr. MANDERINO. Yes, that is my opinion.

Mr. WILLIAMS. I will take your judgment on that. I have some serious questions about that the way I read it, but you are satisfied that it has been studied and we have not—

Mr. MANDERINO. I am.

Mr. WILLIAMS. I will take your judgment.

The SPEAKER pro tempore. The Chairs thanks the gentlemen.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MEBUS offered the following amendments:

Amend Title, page 1, line 1 by removing the period after "procedures" and inserting and to the expiration, continuation or reenactment of boards, councils, commissions and agencies.

Amend Bill, page 14, by inserting between lines 19 and 20

Section 14. Expiration, continuation or reenactment of boards, councils, commissioners and agencies.

(a) The General Assembly finds that State Government has produced an inexorable increase in numbers of agencies, growth of programs, and proliferation of rules and regulations and that the whole process developed without adequate legislative oversight, regulatory accountability, or a system of checks and balances. The General Assembly further finds that by establishing a system for the termination, continuation, or reestablishment of such agencies, it will be in a better position to evaluate the need for the continued existence of existing and future regulatory bodies.

The provisions of this act shall apply to every board, council, commission, independent commission, committee, agency and task force of State Government which is created by an act of the General Assembly or by appointment of the Governor.

(b) Unless specifically authorized to continue in being and function by act of the General Assembly subsequent to the effective date of this act, every board, commission, council and agency heretofore created by law, or by resolution adopted jointly by the House of Representatives and the Senate or by either of them, shall wind up its affairs and go out of existence according to a schedule determined by the Joint Leadership Committee of the House and Senate.

(c) The terms of officers and members of any reestablished or recreated boards, commissions or agencies shall not be altered in any manner whatsoever at the time of their reestablishment or recreation or at any other time.

(d) Reviews by the committee of reference in the General Assembly shall be completed at least three months before the expiration of the agency concerned.

(e) The Joint Leadership Committee shall be composed of the President pro tempore of the Senate, the Majority Leader, the Minority Leader, the Majority Whip, the Minority Whip, the Majority Caucus Chairman, the Minority Caucus Chairman, the Majority Caucus Secretary and the Minority Caucus Secretary of the Senate and the Speaker of the House, the Majority Leader, the Minority Leader, the Majority Whip, the Minority Whip, the Majority Caucus Chairman, the Minority Caucus Chairman, the Majority Caucus Secretary and the Minority Caucus Secretary of the House of Representatives. The Joint Leadership Committee shall meet within 60 days of the effective date of this act and shall within 120 days of the effective date of this act promulgate a schedule of agencies to be reviewed and termination dates of such agencies.

(f) Notwithstanding any law presently or hereafter enacted, except as to such boards, commissions, agencies or councils reestablished or recreated by act of assembly hereafter approved, the terms of all officers of any board, commission, council or agency shall end on the same date as the agency set by Joint Leadership Committee.

(g) Upon termination, each board, council, commission or agency shall continue in existence until July 1 of the next succeeding year for the purpose of winding up its affairs.

Termination shall not reduce or otherwise limit the powers or authority of each respective agency, board, council or commission. Upon the expiration of the one year after termination,

each respective agency, board, council or commission shall cease all activities.

(h) The life of any board, council, commission or agency scheduled for termination under this section may be continued or reestablished by the General Assembly for periods not to exceed six years.

Any newly created commission, board, council or agency shall have a life not to exceed six years and shall be subject to the provisions of this act.

(i) The Legislative Budget and Finance Committee shall cause to be conducted a performance audit of each board, council, commission or agency scheduled for termination under this act. The performance audit shall be completed at least six months prior to the date established for an agency's termination. In conducting the audit, the Legislative Budget and Finance Committee shall take into consideration, but not be limited to considering the factors listed in subsection (k). Upon completion of the audit report, the Legislative Budget and Finance Committee shall hold a public hearing for purposes of review of the report. A copy of the report shall be made available to each member of the General Assembly.

(j) Prior to the termination, continuation, or reestablishment of any such agency, a committee of reference in each House of the General Assembly shall hold a public hearing, receiving testimony from the public and the executive director of the agency involved, and in such a hearing the agency shall have the burden of demonstrating a viable public need for its continued existence and the extent to which a change in the type of transfer of the agency may increase the efficiency of administration or operation of the agency.

(k) In such hearings, the determination as to whether an agency, board, council or commission has proved a public need for its continued existence shall take into consideration the following factors, among others:

(1) the extent to which affirmative action requirements of State or Federal Government have been complied with by the agency, board, council or commission or the industry it regulates;

(2) the extent to which the agency, board, council or commission has operated in the most efficient manner;

(3) the extent to which the agency, board, council or commission has recommended statutory changes to the General Assembly which would benefit the public as opposed to the persons it regulates;

(4) the extent to which the agency, board, council or commission has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency, board, council or commission on the public regarding improved service, economy of service, and availability of service;

(5) the extent to which persons regulated by the agency, board, council or commission have been required to assess problems in their industry which affect the public;

(6) the extent to which the agency, board, council or commission has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates;

(7) the extent to which the agency, board, council or commission has expeditiously processed to completion complaints from the public concerning persons the agency, board, council or commission regulates, which complaints filed with the agency, board, council or commission; and

(8) the extent to which changes are necessary in the enabling laws of the agency, board, council or commission to adequately comply with the factors listed in this subsection.

(9) Any program evaluation reports made by the Secretary of the Budget pursuant to subsection (f).

(1) No more than one such commission, board, council or agency shall be continued or reestablished in any bill and such commission, board, council or agency shall be mentioned in the bill's title.

(m) This act shall not cause the dismissal of any claim or right of a citizen against any such agency, board, council or commission or any claim or right of an agency, board, council or commission terminated pursuant to this act which is subject to litigation.

(n) The General Assembly shall not terminate the exist-

ence or power of any agency which is created as a result of an interstate compact except in accordance with the provisions of the compact for termination of membership.

(o) Whenever any agency is terminated pursuant to the provisions of this act, the Commonwealth shall assume full responsibility for the payment of any outstanding bonded indebtedness of the terminated agency.

Amend Sec. 14, page 14, line 20 by striking out "14." and inserting 15.

Amend Sec. 15, page 14, line 24 by striking out "15." and inserting 16.

Amend Sec. 15, page 14, line 26 by removing the period after "thereafter" and inserting except that section 14 shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. MEBUS. Mr. Speaker, there has been much talk in recent months of the concept of "sunset" legislation. This amendment would add that concept into this bill.

I introduced a rather comprehensive sunset bill the very first day of this session. It was marked as HB 2. I think the concept in that bill was good. In substance this amendment is a restatement of HB 2.

I would hope that you would vote to put this in because I think the people of Pennsylvania are looking for protection from excessive expenditures on unwarranted, unnecessary and outlived things and programs in this Commonwealth. This is a way for us to get at the review of a lot of the agencies that operate in this state, that use tax funds in the hopes that we can minimize the expenditures and lessen the likelihood of additional taxes on the people of Pennsylvania. I would hope you would vote in favor of this amendment.

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

Mr. GEISLER. I will yield to the majority whip.

The SPEAKER pro tempore. The gentleman yields to the majority whip.

Mr. MANDERINO. Mr. Speaker, the concept that Mr. Mebus now tries to introduce into the budget reform act that we have up for passage this afternoon is the concept of "sunset" legislation. For members of the House who want to vote for such legislation, let me state, before I tell you that I will oppose Mr. Mebus's legislation, that we intend to consider "sunset" legislation this term. If you will look at the Democratic Policy Statement that was issued by the Democratic Policy Committee, point 16 of that statement said that we would "provide for 'sunset' reviews of government agencies, rules, and regulations." The House Democratic Party supported that concept.

Just last week we sent from this House a member of the Democratic Policy Committee, the Democratic program chairman, a member of the minority side of the legislature, and Senator O'Pake, who would chair the committee in the Senate that would deal with "sunset" legislation, to a conference held, I believe, in New York—New Jersey or New York—wherein thoroughly the problem of "sunset" legislation was discussed. Senator Muskie, who first brought the concept to the Federal Government, indicated,—and this is the second session of

Congress, by the way, that is considering "sunset" legislation in the Federal Government—that you must go slow in this field because there are a myriad of problems that you will encounter. I think Senator Muskie's remarks were that he would not move a bill in the Federal Congress dealing with "sunset" legislation until all of the questions have been raised and satisfactorily answered. Alan Rosenthal, who is the director of the Eagleton Institute of Politics, actually indicates opposition to "sunset" legislation as the present concept is talked about. Iowa's Governor had to veto the legislation that was presented to him, in the state of Iowa passed by the House and the Senate, because he felt it was illconsidered and too quickly passed and did not provide answers to a lot of questions, such as, what is going to happen to the functions that a particular agency or bureau is now performing? How do we transfer those functions to another agency? How do you deal with the problem of personnel that now is attached to that agency? Are there transfer rights, et cetera? So there are many problems with it. And I think to consider the "sunset" legislation as a part or as an amendment to our budget reform is illtimed.

I think that we are going to consider and I know that we are going to consider "sunset" legislation in the House. The chairman of the State Government Committee, Bob Geisler, who was asking for the floor, I am sure was asking to point out to the House that on April 13 he appointed a subcommittee to his Committee of State Government for the specific purpose of studying "sunset" legislation and to report a bill to the floor of this House. One of the pieces of information that came out of the conference that members of the House went to in New York was a rather sick brochure or pamphlet, "Sunset—It's Not All Rosy." It is a report on a new approach to legislative oversight, but it raises a lot of the problems that should be considered in "sunset" legislation.

What I am trying to say to this House is that we are going to consider "sunset" legislation. I do not think we should do it by matter of amendment. We should not usurp the power of the committee.

We have made arrangements that the subcommittee that Mr. Geisler has appointed be given the benefit of the report of the members that we sent to New York, all of the materials that have been collected from that seminar for their perusal, discussion and review and we would hope to get a good "Sunset" bill this year.

Now I have read in particular the Mebus amendment, and, frankly, it does not do half the things I would like to see "sunset" legislation do. If you review it thoroughly, there is no "sunset" at all. There is simply a House committee and a Senate committee appointed who would decide when, by date, the various agencies would be reviewed, and, presumably, that could be 20 years from now, 7 years from now or 8 years from now. I am not sure that that is the direction we should go.

So for all of these reasons, Mr. Speaker, I would ask the members of the House not to oppose the concept of "sunset" legislation, but to oppose the manner in which this amendment was hastily drawn. We just got it today. It does not appear to me to be an amendment of substance. It is not the kind of "sunset" legislation that I want to vote for this term. The committee is

working on it. Let us let them do their work. Let us get a good bill later this year. Let us oppose this amendment.

Thank you, Mr. Speaker.

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

Mr. GEISLER. Mr. Speaker, in line with what Representative Manderino said, there has been a subcommittee appointed, chaired by Representative Berlin, to study this matter. Hopefully, in the very near future they will come up with a comprehensive bill that will deal with the "sunset legislation and we will have an opportunity to vote on it in its entirety. For that reason, I would oppose this amendment.

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

Mr. PARKER. Mr. Speaker, I regret having to rise to oppose my good friend's amendment. There are many forms and varieties of "sunset" legislation which should be considered before the General Assembly passes any into law.

While I personally believe that Mr. Mebus' approach is pretty good, I think this far-reaching proposal should be considered in the context of a comprehensive and thorough look at many public-policy questions raised by "sunset" legislation.

HB 141 should be passed on its own merits, and "sunset" legislation for Pennsylvania should be enacted into law in the near future.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lycoming, Mr. Cimini.

Mr. CIMINI. "Sunset" legislation or oversight legislation is not new. It has already been implemented in other states. I think most of our bills here in the House have been patterned after Colorado and other places like that. So it is nothing new, and we have had it here in the last session.

My feeling is that this would be a good time to start. At least we could start and amend as we go along. If I remember correctly, about 3 or 4 weeks ago Representative Manderino made a statement on the floor of the House about cutting out one of the committees, standing committees in the House, stating that at least it was a beginning and a start and it was a good time to begin. I would hope that the Representative would be the leader in this to begin right today to implement "sunset" legislation in this state. It is long overdue. Its time has come. President Carter is talking about it; other states have implemented it.

Thank you.

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

Mr. RYAN. Mr. Speaker, I agree with almost everything that everyone has said, but particularly Mr. Mebus, and I would urge that this amendment be adopted. I agree with part of what Mr. Manderino said. He said that we have to take our time. I agree that we have taken our time. It seems to me that if there were "sunset" legislation in effect today that pertained to the legislature, we would all be disbanded somewhere under the provisions of whatever this act might say, because we have been sitting here for 4 months and it has become the sunset of

my life as I sit here doing nothing day after day. This is the first really important piece of legislation that we have had on the floor that we are attempting to put in by amendment, and it is about time. It is probably in the campaign literature of everyone in this House that we are going to support "sunset" legislation. We are a living example, this legislative body, of what "sunset" legislation is designed to hopefully cure.

If you are ineffective as a bureau or ineffective as a body, then get rid of it. We have made out the greatest case in the world for doing away with ourselves with some kind of self-destruction by the 4 months of inactivity that we have had this term.

I am in favor of passing it. If it is not perfect, we can amend it.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I doubt that there is anybody in this House who is opposed to the concept of "sunset" legislation. It is very popular to be for it today. I am sure the temptation to rush in and embrace this particular amendment because it is labeled "sunset" is very great. Let us not be that foolish, though. Let us do our homework; let us take a more responsible approach because what we might embrace today might come back to haunt us a little later on. I do not think we should embrace anything just because it happens to be labeled "sunset" no matter how great that temptation is.

Frankly, I think that this amendment, while superficially it is good, while just in terms of the basic skeleton it is good, is deficient in a number of areas. We should not just count on our finding out what the problems are at some later date and amending it and perhaps hanging some real meat on it to make it effective and meaningful and really significant at some later date if we get the chance. Let us not do that.

One problem that I have with this particular amendment is that the terms of the schedule that would be established for the review of existing state agencies and commissions and bureaus are not firmly established in the amendment; they would not be firmly established in law. I think that that is a basic idea or basic principle that should be embodied in a real meaningful final "sunset" law.

I am not willing to leave it to a small committee of a few legislative leaders, Republican and Democratic, to make the determination as to what the scheduled review would be. I would not be at all surprised if they would come back to us while we are sort of feeling out this new law, this new idea, and say, the first year we are going to review the consumer advocate and the second year we will review some other thing that might be pretty popular and maybe, finally, 6 years from now we will get around to really reviewing some of the real dogs that we have in terms of agencies and commissions and unnecessary bureaus and what have you. I think that we, the legislature, ought to establish that schedule for review very specifically in the law and I think we will have a chance to do that in the next few months.

The second problem that I have with this particular amendment is that the relationship and the responsibilities of the Legislative Budget and Finance Committee are rather indefi-

nite in this particular amendment in its current form. It says that that particular committee will study and will hold a public hearing and will issue a report to the General Assembly, but it does not specifically say that it is charged with the task of making any kinds of recommendations. It does speak to the types of things that ought to be considered. But the amendment does not speak to the content of that report that the committee is to bring back to us or to send to us and upon which we would base a great deal when it finally comes time for us to make a decision.

The amendment does not speak to the process that ought to be used in the drafting and in the introduction of a bill that would provide for the continuation of one of these commissions or agencies. It does not speak, as Mr. Manderino indicated earlier, to the phase-out process that would be required if in fact we see fit not to continue any particular agency.

So, again, I emphasize that while the skeleton is there and the concept is one with which none of us would quarrel, the specifics that would make this bill meaningful, the specifics that would make this bill effective, simply are not there. We would only be fooling the public and sometimes perhaps ourselves if we rush in and embrace this thing just because it is labeled "sunset."

More importantly, Mr. Speaker, I would emphasize that to adopt this amendment, which in fact would weaken this budget reform bill, might mean that we are going to pass by the opportunity to pass a significant piece of legislation in the area of budget reform. I am not going to question the motive of anybody, Mr. Speaker, but in fact I think we should all realize, those of us who are for budget reform, reform of the budgetary process, we are going to be weakening this bill and we are going to be weakening the likelihood of the adoption into law of a significant budgetary reform bill by adding this amendment because of its deficiencies and because it deals with a different type of concept. Therefore, Mr. Speaker, I would urge our colleagues to oppose the amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Fischer.

Mr. R. R. FISCHER. Mr. Speaker, I rise to support Mr. Mebus' amendment today. I have been a sponsor of several pieces of "sunset" legislation. I think that now is the time, before we begin the budgetary process, to look at the priorities we are going to establish, and I think this is a step forward to begin the study of those priorities before that budget process begins.

I think there are going to be very serious questions about this year's budget. I think in order for us to establish the credibility we need with the people of Pennsylvania, this "sunset" legislation should be acted on now. I urge all of you to vote in favor of Mr. Mebus' amendment.

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

Mr. MEBUS. Mr. Speaker, I do not claim that this bill is perfect, but as Mr. Cowell has so eloquently stated to you, there are flexibilities built into it. It can work if the people who are

going to deal with it, namely, the members of the General Assembly, want it to work.

If you want a "sunset" bill and you want it soon, this may not be the vehicle with which we will actually accomplish it. But if you put this amendment in this bill, you are going to bring the day of "sunset" legislation a whole lot closer in Pennsylvania. So when you vote, it is not just on the text of what I have offered today, but you will make that concept come a lot closer to passage is you do vote for it today.

The Senate still has to pass this bill. I do not know that they accept this as all the budget reform that is necessary. I think it likely that HB 141 will have very careful scrutiny in the Senate before it is sent back. But if you are interested in the concept of sunset, put this amendment in today, and you are going to see sunset come to pass a lot quicker.

GERMANENESS QUESTIONED

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

Mr. GOODMAN. Mr. Speaker, I would like to question the germaneness of the Mebus amendment to this bill. He is amending a budget reform act with "sunset" legislation, and I would like to present the question of germaneness to the House.

The SPEAKER pro tempore. The gentleman from Schuylkill, Mr. Goodman, pursuant to rule 27, questions the germaneness of Mr. Mebus' amendment to HB 141.

The Chair recognizes the gentleman, Mr. Mebus.

MR. MEBUS. I am waiting for the Chair's ruling.

The SPEAKER pro tempore. Under the rules of the House, the Chair does not rule; it goes to a vote of the House.

The Chair recognizes the gentleman, Mr. Mebus, for a short debate on his position.

Mr. MEBUS. Obviously I think it is germane, Mr. Speaker. I think it is also important.

The SPEAKER pro tempore. The question before the House is whether or not the amendments of the gentleman, Mr. Mebus, are germane.

Those who feel that the amendments are germane will vote "aye"; those opposed "no."

On the question,

Will the House agree to the germaneness of the amendments?

The following roll call was recorded:

YEAS—95

Anderson	George, M.	McClatchy	Seltzer
Armstrong	Goebel	McGinnis	Shuman
Barber	Greenfield	Mebus	Sirianni
Bittle	Greenleaf	Miller	Smith, E.
Brandt	Grieco	Milliron	Smith, L.
Brown	Halverson	Moehlmann	Spencer
Burd	Hamilton	Mowery	Spitz
Burns	Hasay	Noye	Stairs
Butera	Haskell	O'Brien, D.	Taddonio
Cassidy	Hayes, D. S.	O'Connell	Taylor, E.
Cessar	Hayes, S. E.	Pancoast	Thomas
Cimini	Helfrick	Parker	Vroon
Davies	Honaman	Piccola	Wagner
DeVertter	Hopkins	Pitts	Wass
Dietz	Hutchinson, W.	Polite	Weidner

Dininni	Katz	Pott	Wenger
Dorr	Klingaman	Pyles	Williams
Dumas	Knepper	Reed	Wilson
Fischer, R. R.	Lehr	Richardson	Wilt
Fisher, D. M.	Levi	Ruggiero	Wright, J. L.
Foster, A.	Lynch	Ryan	Yohn
Foster, W.	Mackowski	Salvatore	Zearfoss
Gallen	Madigan	Scheaffer	Zord
Geesey	Manmiller	Scirica	

NAYS—100

Abraham	Flaherty	Lincoln	Rieger
Arthurs	Fryer	Livengood	Ritter
Bellomini	Gallagher	Logue	Scanlon
Beloff	Gamble	Manderino	Schmitt
Bennett	Garzia	McCall	Schweder
Berlin	Gatski	McIntyre	Shelton
Berson	Geisler	McLane	Shupnik
Bittinger	George, C.	Meluskey	Stapleton
Borski	Giammarco	Milanovich	Stewart
Brunner	Gillette	Miscevich	Stuban
Caltagirone	Gleeson	Morris	Sweet
Caputo	Goodman	Mrkonic	Taylor, F.
Cianciulli	Harper	Mullen, M. P.	Tenaglio
Cohen	Hoeffel	Mullen, M. M.	Trello
Cole	Hutchinson, A.	Musto	Valicenti
Cowell	Itkin	Novak	Wansacz
DeMedio	Johnson	O'Brien, B.	Wargo
DeWeese	Jones	O'Keefe	White
DiCarlo	Kelly	Oliver	Wiggins
Dombrowski	Kernick	Petrarca	Wise
Donatucci	Kolter	Pievsky	Wright, D.
Doyle	Kowalyszyn	Prendergast	Yahner
Duffy	Laudadio	Rappaport	Zeller
Englehart	Laughlin	Ravenstahl	Zitterman
Fee	Letterman	Renwick	Zwinkl

NOT VOTING—8

Freind	Kusse	Pratt	Fineman,
Gray	O'Donnell	Rhodes	Speaker
Irvis			

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

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. Cowell, would submit to brief interrogation.

The SPEAKER pro tempore. Will the gentleman from Allegheny, Mr. Cowell, consent to interrogation?

Mr. COWELL. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

During the gentleman's remarks just a moment or two ago, he kept using the word "significant" in relationship to the reform provisions which are embodied in HB 141, and since this is a very popular word with the gentleman, I wonder if he

would define his word "significant."

Mr. COWELL. I am not going to try to give the speaker a dictionary definition. What I was looking for in a bill that would make it significant in my mind—and when I say "significant" in that sense, I am talking in terms of practical, effective, workable, so that it is meaningful in the end—I am looking for, one, a schedule that guarantees to this body that review of the various agencies will be pursued in a certain established fashion, a fashion and schedule that are established by this body. Secondly, the particular point that I had mentioned in my remarks, any way the bill is deficient and not as significant as it might be in the area of the Finance Committee and what it does once it has completed its study and as it is issuing its report to the General Assembly. I think we ought to spell out with more detail—

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the majority whip. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANDERINO. Mr. Speaker, the House has decided that the amendment is not germane, and it sounds to me like we are still debating the amendment.

Mr. S. E. HAYES. Mr. Speaker, my specific question to the gentleman is that when he was referring to the provisions contained in HB 141, he made reference several times to the significant reforms embodied in the legislation. I am not asking him to go back over his remarks concerning the Mebus amendment but rather the significant reforms which he makes reference to in HB 141 as it is presently before this House for consideration.

The SPEAKER pro tempore. The gentleman will limit his remarks to the specific reforms in HB 141.

Mr. S. E. HAYES. What is the definition of "significant," Mr. Speaker?

The SPEAKER pro tempore. I am just repeating your words.

Mr. COWELL. Mr. Speaker, I would characterize that as something that is important, something that has meaning and relevancy to the work of this body. Is that sufficient, Mr. Speaker?

Mr. S. E. HAYES. Would you put a quantitative definition to the word "significant" rather than just more words?

Mr. COWELL. No; I will not.

Mr. S. E. HAYES. In other words, significance does not necessarily mean the number of reforms.

Mr. COWELL. No; significance does not necessarily mean the number of reforms. For instance, as you probably know, I am an advocate of reducing the size of this legislature, which is just one reform. I think that is terribly significant though. So you cannot necessarily reduce significance to numbers.

Mr. S. E. HAYES. I thank the gentleman very much.

Since we are discussing the significance of amendments and various pieces of budget-reform legislation, I think it significant to make note of the fact that when the Pennsylvania Economy League made its recommendation to this General Assembly with respect to budgetmaking in this Commonwealth, they advanced no less than 67 recommendations, and

HB 141 modifies two of those recommendations and recommends only five of those recommendations for our action here.

What I am saying is this: There is nothing wrong with our doing the few things we are to do here today with respect to HB 141, but if any of us believe that we have here both the alpha and the omega of budgetmaking, if you think you have the alpha and the omega with respect to protecting the taxpayers of Pennsylvania, I suggest that we have another thought coming. What are we going to do about zero-based budgeting? What are we in fact going to do about "sunset" legislation? This House can decide whether or not an amendment is germane to a bill, and that is just a lot of parliamentary razzmatazz. What are we going to do about sunset? Are we forever going to come to this floor and maneuver—

The SPEAKER pro tempore. Will the gentleman yield for a moment?

Mr. S. E. HAYES. Yes, sir.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. DeVERTER. Mr. Speaker, I would like to hear the comments of Mr. Hayes and I would appreciate it if we could.

The SPEAKER pro tempore. The gentleman is correct. There is too much commotion on the floor of the House, too many side conferences. The members will please take their seats.

The gentleman, Mr. Hayes, will continue.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

What are we going to do about "sunset" legislation? Are we as a body going to be satisfied to dodge the issue through parliamentary maneuver each and every time a member advances the thought to this floor?

What about the capital-budget process in this Commonwealth? Are we satisfied with that? The capital budget expends millions and millions, hundreds of millions, of tax dollars every year in this Commonwealth. Are we to do anything about that?

What about stopgap appropriations? Almost every year it seems as though this General Assembly finds itself confronted with the unpleasant task of adopting less than a complete budget. Should we consider the reenactment of the current budget while we place the finishing touches on the Governor's spending scheme? Should we do these things?

The SPEAKER pro tempore. Will the gentleman yield again, please?

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. COWELL. Mr. Speaker, is the speaker addressing an amendment that is before us, or where are we?

The SPEAKER pro tempore. I feel that the gentleman's point

is probably well taken. Some of the gentleman from Blair's remarks are concerning "sunset" legislation, which is not involved in HB 141, that amendment having been rejected. I ask the gentleman to contain his remarks more closely to the content of the bill.

Mr. S. E. HAYES. What I am suggesting, Mr. Speaker, and I think that we must address ourselves to it, is the total significance of budget reform, not just what one person or one committee's bird's-eye view of budget reform may be. If we are to debate budget reform, let us not allow it to be just those few provisions found in HB 141. Are we satisfied that we have done enough with respect to our control of the flow of Federal appropriations coming into this Commonwealth? Do we think that we should establish ourselves as a General Assembly with respect to the postaudit and program evaluation of spending programs? What about the transition from one administration to another? This is always a mechanical difficulty regardless of who the Governor may be, be he a Democrat or be he a Republican. Are we satisfied that our funding mechanisms in the Commonwealth provide for a smooth transition and provide for cooperation between the outgoing Governor, the incoming Governor, and this General Assembly?

I will not burden the House with additional questions. I do not offer them in a partisan way, but I suggest to everyone, Republicans and Democrats alike, that we should not be satisfied with just HB 141. If it is a giant step forward, let us take that step, but let us not stop our journey with this one step. I ask the majority side to work with this side, and for sure we offer our cooperation to continue this journey in budget reform.

I do urge the members on our side of the aisle to support HB 141.

The SPEAKER pro tempore. I realize the hour is late and the day has been long. The louder you get, the longer it takes; the quieter you get, the quicker we get out.

The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, let me burden the House just for a moment to set the record straight. The recommendations that were made by the committee, Mr. Ingram's committee, in the Pennsylvania Economy League study that was referred to with 67 recommendations - let me just tell you about that.

There is no question there were 67 recommendations. Many of those recommendations, at the time the report was presented, specifically stated that you could not make the corrections by legislation. The report made recommendations so far as the committees of the House and the Senate were concerned and the manner in which they should operate. The report made recommendations so far as bureaus and agencies of this government and their internal procedures, which would not be the subject of legislation.

The Pennsylvania Economy League director, Mr. Ingram, who is supportive of this legislation, recognizes that we are going about as far as we can in legislation to fulfill the recommendations that that committee made. There are significant changes being made, Mr. Speaker. Major features of the bill include a more rigid time schedule for the preparation and the passage of the budget; requirements for programs auditing are

in this legislation; provision for more complete program measures, along with financial information that we never had before; fiscal notes to accompany regulatory and administrative policy changes; guarantees of necessary information being made available to the General Assembly; codification of the existing statutes dealing with these matters. Case law and tradition have now been put into the budget code. We are making significant changes.

He referred to what are we going to do about capital budgeting? Well, the budget reform code that we are passing now does not touch that. Amendments to the Capital Budget Act of 1968 would be necessary, and we are considering amendments to that.

Some of the recommendations made by the commission that we paid for in the House and the Senate and the other supportive agencies recommended that the legislature begin appropriating Federal funds. We took care of that last year with other legislation. We are doing what we can, and, to set the record straight, this is another step in the procedure. It is a giant step forward. Belittle it if you want, but I think it is good legislation. We ought to pass it, and let us move on.

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

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

Mr. GEORGE. Mr. Speaker, would Representative Hayes agree to interrogation?

The SPEAKER pro tempore. Will the gentleman from Blair, Mr. Hayes, consent to interrogation?

Mr. S. E. HAYES. I will.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GEORGE. With all respect to you, as a neighbor and a friend, I just heard you ask a colleague if he in fact knew everything on the pronouncement and ability to be able to interpret a word that he just used, and the word was "significant." Is that not true?

Mr. S. E. HAYES. I was curious, Mr. Speaker, as to what was meant by "significant," whether it meant a qualitative analysis or a quantitative analysis. That was the only reason for my interrogation.

Mr. GEORGE. Well, not to embarrass you in any way, but just for the matter to prove that I believe you know what a word means, would you explain to me what the word "expedient" means?

Mr. S. E. HAYES. The word "expedient"?

Mr. GEORGE. Yes.

Mr. S. E. HAYES. To facilitate an act in a faster way than may otherwise occur.

Mr. GEORGE. Thank you, and I am sure that you are perfectly right.

Do you believe that it is expedient and basically our obligation to the people in Pennsylvania to provide "sunset" and zero-based legislation as soon as possible?

Mr. S. E. HAYES. I think this House should consider those issues, yes.

Mr. GEORGE. Do you believe we should be expedient in such avenues?

Mr. S. E. HAYES. I think that we should move in a deliberate way. We should not tarry.

Mr. GEORGE. And do you as a colleague receive, almost daily, notices of proposals and bills that have gone into committees?

Mr. S. E. HAYES. Would you repeat the question, Mr. Speaker, please?

Mr. GEORGE. Do you, as everyone else does, receive, daily, sheets that instruct us of proposals or bills with analyses of such bills that have been introduced with comments affecting such bills?

Mr. S. E. HAYES. I do not understand the gentleman's question.

Mr. GEORGE. Let me try it another way. Do you receive, almost daily, analyses of bills that have been placed in committees?

Mr. S. E. HAYES. Is the gentleman making reference to what the Legislative Reference Bureau does?

Mr. GEORGE. I am making reference to the fact that almost daily we learn that certain bills have been proposed and introduced into this House, and we get a sheet which tells us who the sponsors are and what the intent of the legislation is.

Mr. S. E. HAYES. Are you referring to what the Legislative Reference Bureau does for us?

Mr. GEORGE. Yes, sir.

Mr. S. E. HAYES. Okay.

Mr. GEORGE. Are you only—

Mr. S. E. HAYES. I am not only satisfied with the analyses but there is such an activity that takes place in this General Assembly.

Mr. GEORGE. Thank you very much.

Are you aware that there are several bills that have been introduced that allude to zero-based and "sunset" legislation?

Mr. S. E. HAYES. Oh, there have been various pieces of legislation introduced which address themselves to those two questions. I do not think there is any doubt about that. I believe that everybody in this House knows that bills have been introduced during this session and bills have been introduced in previous sessions concerning these two issues.

Mr. GEORGE. Have you read any of the bills that have been introduced this session?

Mr. S. E. HAYES. Well, we certainly addressed ourselves to one here this afternoon.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. WEIDNER. Mr. Speaker, does this interrogation have anything to do with HB 141?

The SPEAKER pro tempore. The point of order is well taken. The Chair would advise the gentleman to restrict his comments to the merits of the bill.

Mr. GEORGE. Sir, I think that I will be to that in just a couple of phrases. My good colleague, Mr. Hayes, brought to

the attention of the House the proper meaning of the word "significant." I am trying to get him to bring to the House the proper meaning of the word "expedient."

The fact remains that there are many bills that have been introduced by both Republicans and Democrats, regardless of partisanship, that want to do exactly what he is talking about, but he insists that it must be done with an amendment. Yet there has been a bill proposed by 27 sponsors that I am familiar with, and there are both Democratic and Republican members on the State Government Committee, and that bill has not ever been discussed. Now if they are so interested in helping the people of Pennsylvania in not alluding to partisanship, then I insist that Mr. Hayes find out what he can do about HB 572, which, in fact, is "sunset" and zero-based legislation. Let us get on with it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Mr. Speaker, just by way of explanation, when I asked the gentleman, Mr. Cowell, about the word "significant," my only purpose was to see whether or not he was talking in terms of qualitative reforms, which is perfectly all right, or quantitative; in other words, the number of reforms; and there is certainly nothing wrong with that either. That was my only purpose at that time.

With respect to those reforms which are contained in HB 141, I believe the record will show that I offered no remarks in opposition to any one of those reforms. As a matter of fact, if those members who have been asking rhetorical questions were paying close attention, my closing remark was that I urged everyone on this side of the aisle to support HB 141 as a proper piece of legislation and as a matter which this General Assembly should enact. I did offer beforehand, however, that there are other matters to consider. I did not suggest that each and every one of those should be offered in the form of an amendment. I believe the record will show that. I do believe that the committees of this chamber should move with deliberate speed as fast as possible in order to do a proper job towards some of those things which I enumerated.

I would just like to make one observation with respect to program evaluation. As the gentleman, Mr. Manderino, correctly observed, there is a provision in HB 141 which speaks to the question of program evaluation. I submit to the House, however, that this is not the General Assembly exercising its oversight responsibilities with respect to program evaluation.

Section 4 of the bill, which is that section dealing with program evaluation, speaks to the secretary of the budget doing a program evaluation. I have no problem with that. He should do that. I believe you will find that he has done that sort of thing from time to time even without HB 141. However, let us not make the mistake and fail to realize that this is still the executive branch making a program evaluation. It is not the General Assembly, it is not the legislative branch making this program evaluation. If this General Assembly wants to discharge its responsibilities as the watchdog of the treasury, as the protector of tax dollars of this Commonwealth, we are going to have to be concerned about program evaluation.

There is nothing wrong with section 4. The secretary of the

budget should conduct for the Governor a program evaluation, but I suggest that we, too, as an independent branch of this Commonwealth government should also do a program evaluation.

Thank you, Mr. Speaker.

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

Mr. MANDERINO. Mr. Speaker, I have a number of my members who are off the floor right now who asked me to hold this vote for 10 minutes. We have two other items to consider, and I would ask you to temporarily pass over the vote on this. Let us consider the two resolutions and we will come back to the final vote on HB 141.

HB 141 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Without objection, this bill will be passed over temporarily.

RESOLUTION ADOPTED

Mr. ITKIN called up **HOUSE RESOLUTION NO. 54.**

The House of Representatives of the Commonwealth of Pennsylvania calls upon the President and the Congress of the United States to insure that adequate funding exists for the timely development and commercialization of these energy sources.

On the question,

Will the House adopt the resolution?

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

Mr. ITKIN. Mr. Speaker, I have been advised that I am limited to 5 minutes, otherwise I will lose a vote. That might be the critical vote, so I am going to try to keep my remarks very, very brief. But I think it is important that I do have the opportunity today to make a few remarks on the resolution, Mr. Speaker, before we consider voting on HR 54 because of the apparent confusion that existed last week when the resolution was debated. I am sure that this confusion not only exists here in the House but also back home with our constituencies.

There is a guy in my legislative district who is convinced that the energy crisis is a fraud perpetuated in order to increase the price of oil, gas and clean coal. Sound familiar? Like many people, he is angry about this hoax and what it is doing to his family's budget. Unlike many of the people who hold this opinion, he readily admits that the earth is being sucked dry of fossil fuels. But he insists that that is the petroleum and coal companies' problem. Simply stated, his contention is that it does not really matter if gas, oil and clean coal become unavailable. After all, we will always have electricity.

When George Gallup tells us that the American people are in the dark about the possibility that they will really be in the dark, I know what he is talking about.

Two generations of Americans have grown up believing that energy comes from a plastic switch on the wall. We believe that warmth and light are as natural a part of life as the sunrise or the coming of summer. It is hard to learn that it just is not so.

Like a man with a serious illness, the public refuses to accept the truth.

Before science and technology can solve the energy problem, we, the opinion leaders, must inform the public about the realities of the problem.

HR 54 is an important part of that process. What distinguishes this resolution from much of the energy debate is a sincere interest in solving the problem. It is this sincere effort that the public and Congress must see if they are to support the development of new forms of energy.

I believe that a fundamental part of the American spirit has been the desire to make the impossible possible. Today many of our most creative and skilled men and women are turning to the problems of solving the energy crisis. It is criminal that their voices are being drowned out by the cries of those who would seek to use the crisis and not to solve it.

I am the first one to admit that the source of this confusion has come from the politicians. To be a politician is to lead people toward some goal. When a worthy goal appears too elusive, some politicians seek to lead in an easier direction.

Forty years ago there were political leaders who blamed the Great Depression on a small band of New York financiers. Today another group of politicians mislead us into blaming all on a cabal of Texas oilmen. Now my distaste for some Texans is second to none. As a Steeler fan, I am not at all fond of the Dallas Cowboys, and downright do not like that Roger Staubach. But our natural prejudices must not be manipulated by people who, too weak to face a real enemy, have to create an enemy out of thin air, or, in this case, natural gas.

I am also concerned about those elected officials who avoid the problem by suggesting harmless and meaningless panaceas. I am thinking, for example, of officials who propose solar energy as the real alternative to fossil fuel. There are ancillary uses for solar power in home heating, but Pittsburgh is not going to forge steel from solar energy. The fact is, those who offer solar energy are offering the extreme form of "pie-in-the-sky."

Elected officials are not the only cause for public confusion and suspicion about energy. Well-meaning but often uninformed citizen's groups are also responsible. Many consumer advocates are now commanding the media's attention by protesting such things as utility pricing and nuclear power. Much of what they say is worthy and long overdue. But pointing to problems is not enough. Answers are needed, but all too often slogans are offered instead of serious solutions.

It is easy to point to something that is not quite right and demand that the energy industry stop doing it. But not doing anything is what caused the energy crisis. It is easy to say in the name of "consumer interest," that power companies should not expand their rate base and drive up prices. It is easy to say that industry should pay the same rate as residential consumers. However, the public must recognize that when you limit power, you limit industrial growth. When you drive up the price of power for industry, you drive out the industry that means jobs.

It is easy to condemn nuclear power because it has been used in war. However, the public must soon realize that when you limit the use of nuclear energy for the future, you limit the future.

Traditionally, the public has turned to the power industry for expert opinion on energy matters. But this source of information is now distrusted. Some of this distrust is the energy industry's own doing. When a giant petroleum company is caught breaking the law, the public will doubt its word. When utilities seem reluctant to consider reasonable change, the public will distrust its word. Moreover, the people will be skeptical of the opinions of an industry when the issue under discussion has a special interest to that very industry.

Clearly, much of the debate about energy and nuclear power is confusing. It is time to leave this chaos and travail in a clear direction toward an honest energy policy.

Those who voice concern over nuclear power are pointing to real problems. However, the solution is to solve the problem; not to reject nuclear power. Some opponents of nuclear power, like the professional protester against energy growth, are appealing to a new mood in the American people, a mood I find almost as disconcerting as the fact that we are running out of fossil fuels.

Nuclear power is a new source of energy. But the energy crisis reveals a new element in the American character. For the first time America is beginning to fear its own ability. For 200 years Americans have invented better ways to do things. That is progress. That, in fact, is another way to explain science and technology.

Science and technology have given us the tools with which we touch the stars of the heavens and the atoms of the earth. But our spirit is now afraid. We are in danger of losing that faith in the future that propelled the pioneers over the next hill and on to the other side of the horizon.

It is up to those who want only to solve the problem, it is up to science and technology, it is up to the spirit of progress, to allay that fear. It is time for those who seek to manipulate this crisis to be told to sit down. It is time for those who would seek to solve the problem to stand up.

Thank you very much for your undivided attention.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I thank the gentleman from Allegheny for his eloquent statement on the energy crisis. I find very little in it that I disagree with. But I think it is important that we call to the attention of the members the crux of this resolution, found on page 2, beginning on line 10, concerning the Federal budget cuts being proposed in the area of breeder reactors and nuclear fusion power. These are two subjects which are very, very complex.

First of all, the issue of nuclear power is a subject which is extremely complex, and the complexities of the Federal budget are enormous.

Let me just tell you what the Committee on Federal-State Relations considered in reporting this bill to the floor. We had the comments of the prime sponsor, Mr. Itkin. And with all due respect to his views, there are experts in the field who have views opposite his. We also heard from representatives from the U.S. Labor Party who also espoused the adoption of this resolution, for what purpose, I am not sure.

My point is this: The committee did not take into consider-

ation all the expertise that is available on these subjects. We know very little about this as far as members of that committee are concerned. I do not think there was enough brought out in committee to adequately make an intelligent decision on this resolution.

MOTION TO RECOMMIT

Mr. PICCOLA. For that reason, I move that HR 54 be recommitted to the Committee on Federal-State Relations.

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

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

Mr. MANDERINO. Mr. Speaker, we have spent considerable time on two different days on this. I think everyone knows the issue. I oppose the recommittal motion.

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

Mr. RITTER. As chairman of the Federal-State Relations Committee, I appreciate Mr. Piccola's views, but frankly I do not think that if you brought it back to our committee, we would do any more than bring it back up here again. I think we ought to decide the resolution either "yea" or "nay," and I oppose the recommittal.

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

Mr. A. K. HUTCHINSON. I would like everybody in this House to vote "no" on the motion to recommit this resolution.

Thank you.

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

The following roll call was recorded:

YEAS—11

Burd	Dorr	Polite	Sirianni
Cessar	Madigan	Salvatore	Wagner
Dietz	Piccola	Seltzer	

NAYS—182

Abraham	Gallen	Logue	Ryan
Anderson	Gamble	Lynch	Scanlon
Armstrong	Garzia	Mackowski	Scheaffer
Arthurs	Gatski	Manderino	Schmitt
Barber	Geesey	Manmiller	Schweder
Bellomini	Geisler	McCall	Scirica
Beloff	George, C.	McClatchy	Shelton
Bennett	George, M.	McGinnis	Shuman
Berlin	Giammarco	McIntyre	Shupnik
Berson	Gillette	McLane	Smith, E.
Bittinger	Gleeson	Mebus	Smith, L.
Bittle	Goebel	Meluskey	Spencer
Borski	Goodman	Miller	Stairs
Brandt	Greenfield	Milliron	Stapleton
Brown	Greenleaf	Miscevich	Stewart
Brunner	Grieco	Moehlmann	Stuban
Burns	Halverson	Morris	Sweet
Butera	Hamilton	Mowery	Taddonio
Caltagirone	Harper	Mrkonic	Taylor, E.
Caputo	Hasay	Mullen, M. M.	Taylor, F.

Cassidy	Haskell	Musto	Tenaglio
Cianciulli	Hayes, D. S.	Novak	Thomas
Cimini	Hayes, S. E.	Noye	Trello
Cohen	Helfrick	O'Brien, B.	Valicenti
Cole	Hoeffel	O'Brien, D.	Vroon
Cowell	Honaman	O'Connell	Wansacz
Davies	Hopkins	O'Donnell	Wargo
DeMedio	Hutchinson, A.	O'Keefe	Wass
DeVertter	Hutchinson, W.	Oliver	Weidner
DeWeese	Itkin	Pancoast	Wenger
DiCarlo	Johnson	Parker	White
Dininni	Jones	Petrarca	Wiggins
Dombrowski	Katz	Pitts	Williams
Donatucci	Kelly	Pott	Wilson
Doyle	Kernick	Pratt	Wilt
Duffy	Klingaman	Prendergast	Wise
Dumas	Knepper	Pyles	Wright, D.
Englehart	Kolter	Rappaport	Wright, J. L.
Fee	Kowalyszyn	Ravenstahl	Yahner
Fischer, R.R.	Laudadio	Reed	Yohn
Fisher, D.M.	Laughlin	Renwick	Zearfoss
Flaherty	Lehr	Rhodes	Zeller
Foster, A.	Letterman	Rieger	Zitterman
Foster, W.	Levi	Ritter	Zord
Fryer	Lincoln	Ruggiero	Zwilk
Gallagher	Livengood		

NOT VOTING—10

Freind	Kusse	Pievsky	Fineman,
Gray	Milanovich	Richardson	Speaker
Irvis	Mullen, M.P.	Spitz	

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

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—172

Abraham	Gamble	McCall	Schmitt
Anderson	Garzia	McClatchy	Schweder
Armstrong	Gatski	McGinnis	Scirica
Arthurs	Geesey	McIntyre	Seltzer
Barber	Geisler	McLane	Shelton
Beloff	George, M.	Mebus	Shuman
Berlin	Giammarco	Meluskey	Shupnik
Berson	Gleeson	Milanovich	Smith, E.
Bittinger	Goebel	Miller	Smith, L.
Bittle	Goodman	Miscevich	Spencer
Borski	Greenfield	Moehlmann	Stairs
Brandt	Greenleaf	Morris	Stapleton
Brunner	Grieco	Mowery	Stewart
Burd	Halverson	Mrkonjic	Stuban
Burns	Hamilton	Mullen, M. P.	Sweet
Butera	Harper	Mullen, M. M.	Taddonio
Caltagirone	Hasay	Musto	Taylor, E.
Caputo	Hayes, S. E.	Novak	Taylor, F.
Cessar	Honaman	Noye	Tenaglio
Cianciulli	Hopkins	O'Brien, B.	Trello
Cimini	Hutchinson, A.	O'Brien, D.	Valicenti
Cole	Hutchinson, W.	O'Keefe	Vroon
Cowell	Itkin	Oliver	Wagner
Davies	Johnson	Pancoast	Wansacz
DeMedio	Jones	Parker	Wargo
DeVertter	Katz	Petrarca	Wass
DeWeese	Kelly	Pievsky	Weidner
Dietz	Kernick	Polite	Wenger
Dininni	Klingaman	Pott	White
Donatucci	Knepper	Pratt	Wiggins
Dorr	Kolter	Prendergast	Williams
Doyle	Laudadio	Pyles	Wilson

Duffy	Laughlin	Ravenstahl	Wilt
Dumas	Lehr	Reed	Wise
Englehart	Letterman	Rhodes	Wright, D.
Fee	Levi	Richardson	Wright, J. L.
Fischer, R.R.	Lincoln	Rieger	Yahner
Fisher, D.M.	Livengood	Ritter	Yohn
Flaherty	Logue	Ruggiero	Zearfoss
Foster, A.	Lynch	Ryan	Zeller
Fryer	Mackowski	Salvatore	Zitterman
Gallagher	Manderino	Scanlon	Zord
Gallen	Manmiller	Scheaffer	Zwilk

NAYS—23

Brown	George, C.	Kowalyszyn	Pitts
Cassidy	Gillette	Madigan	Rappaport
Cohen	Haskell	Milliron	Renwick
DiCarlo	Hayes, D.S.	O'Connell	Sirianni
Dombrowski	Helfrick	O'Donnell	Thomas
Foster, W.	Hoeffel	Piccola	

NOT VOTING—8

Bellomini	Gray	Kusse	Fineman,
Bennett	Irvis	Spitz	Speaker
Freind			

The question was determined in the affirmative and the resolution was adopted.

THE SPEAKER PRO TEMPORE (HARRY A. ENGLEHART, JR.) IN THE CHAIR

The SPEAKER pro tempore. The Chair thanks the gentleman from Washington County for his superb job.

CONSIDERATION OF HB 141 RESUMED

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Barber.

Mr. BARBER. Mr. Speaker, I would ask you to hold this bill, HB 141, over until tomorrow, please, so that we can study the bill more.

The SPEAKER pro tempore. The gentleman, Mr. Barber, has requested the principal sponsor to hold the bill over until tomorrow.

The Chair recognizes the principal sponsor, Mr. Pievsky.

Mr. PIEVSKY. Mr. Speaker, I would have to oppose that motion, if there was a motion, and I would insist that the bill be rolled immediately. We worked hard and long on this piece of legislation and it is time to roll it. Let us get it over with.

The SPEAKER pro tempore. The gentleman has not made a motion; he made a request. Is that right?

MOTION TO PASS OVER HB 141

Mr. BARBER. Mr. Speaker, in that case, I would like to move that we hold the bill over until tomorrow.

The SPEAKER pro tempore. It has been moved by the gentleman from Philadelphia, Mr. Barber, that HB 141, PN 1039, be held over until Wednesday.

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

Mr. PIEVSKY. Mr. Speaker, I oppose that motion. I urge my colleagues to oppose this motion and to vote in favor of the bill.

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

The following roll call was recorded:

YEAS—68

Anderson	Halverson	O'Brien, D.	Spencer
Armstrong	Hamilton	Oliver	Spitz
Barber	Harper	Pancoast	Stairs
Brandt	Hayes, D. S.	Parker	Taddonio
Burd	Hoeffel	Piccola	Taylor, E.
Burns	Hutchinson, A.	Pitts	Thomas
Cimini	Johnson	Polite	Vroon
DeVerter	Katz	Pyles	Wagner
DiCarlo	Knepper	Richardson	Wass
Dorr	Kowalshyn	Ryan	Weidner
Dumas	Lehr	Salvatore	White
Foster, A.	Lynch	Scheaffer	Wiggins
Foster, W.	Madigan	Scirica	Williams
Gallen	McClatchy	Shelton	Wilson
Geesey	McGinnis	Sirianni	Wright, J. L.
Gillette	Mebus	Smith, E.	Zearfoss
Greenleaf	Noye	Smith, L.	Zord

NAYS—127

Abraham	Flaherty	Lincoln	Reed
Arthurs	Fryer	Livengood	Renwick
Bellomini	Gallagher	Logue	Rhodes
Bennett	Gamble	Mackowski	Rieger
Berlin	Garzia	Manderino	Ritter
Berson	Gatski	Manmiller	Ruggiero
Bittinger	Geisler	McCall	Scanlon
Bittle	George, C.	McIntyre	Schmitt
Borski	George, M.	McLane	Schweder
Brown	Giammarco	Meluskey	Seltzer
Brunner	Gleeson	Milanovich	Shuman
Butera	Goebel	Miller	Shupnik
Caltagirone	Goodman	Milliron	Stapleton
Caputo	Greenfield	Miscevich	Stewart
Cassidy	Grieco	Moehlmann	Stuban
Cessar	Hasay	Morris	Sweet
Cianciulli	Haskell	Mowery	Taylor, F.
Cohen	Hayes, S. E.	Mrkonic	Tenaglio
Cole	Helfrick	Mullen, M. P.	Trello
Cowell	Honaman	Mullen, M. M.	Valicenti
Davies	Hopkins	Musto	Wansacz
DeMedio	Hutchinson, W.	Novak	Wargo
DeWeese	Itkin	O'Brien, B.	Wenger
Dietz	Jones	O'Connell	Wilt
Dininni	Kelly	O'Keefe	Wise
Dombrowski	Kernick	Petrarca	Wright, D.
Donatucci	Klingaman	Pievsky	Yahner
Duffy	Kolter	Pott	Yohn
Englehart	Laudadio	Pratt	Zeller
Fee	Laughlin	Prendergast	Zitterman
Fischer, R.R.	Letterman	Rappaport	Zwilk
Fisher, D.M.	Levi	Ravenstahl	

NOT VOTING—8

Beloff	Gray	Kusse	Fineman,
Doyle	Irvis	O'Donnell	Speaker
Freind			

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

On the question recurring,

Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 141. Mr. Speaker, it is my understanding that the process that exists now whereby this body checks out the budget and comes up with a budget is through use of an Appropriations Committee. I do not know whether or not this piece of legislation suggests that that Appropriations Committee and this body cannot do its job. I do think that some improvements should be made, but I wonder where in this bill is any help for the individual legislator. It does not seem to me, if the Secretary of the Budget has certain powers that he must perform and certain powers that he may perform, that I, as one individual legislator, will be educated one iota more.

We all have gotten the budget put out by the Governor a month or two ago, and, frankly, we cannot make heads or tails of that. This piece of legislation seems to me to be a substitute to produce the individual work and evaluation of one person, the Secretary of the Budget, and I do not believe that the Secretary of the Budget, as one person, in substituting his evaluation of anybody else's performance or money needs or anything else, is any better off than 10, 12, or 20 people working hard in this body.

Mr. Speaker, rather than to provide a substitute that does not deliver any concrete, well-organized information to an individual legislator, it seems to me that instead we need an independent body that would give this body and each of its members a well-analyzed document from several different points of view from which we, as individual members, can make some judgment. I am not satisfied that for the Governor's office to give some other information to the Appropriations Committee, to the minority leader, to the majority leader, to the Speaker, is going to do a darn thing to help me understand what is going into the budget.

A few weeks ago I asked a dumb question, When are we going to deal with the budget? And it always recurs that a few people have the information. Now maybe those few people do not have it well analyzed. But hard as I try, this piece of legislation seems to try to solve a problem, but it seems to me it will perpetuate a problem, will substitute certain responsibilities that we as a legislature have to have. And even more than that, in a lot of fundamental issues that come up, how is one member here going to get that information? Nothing in that bill says that we get that information and that we are entitled to make an opinion, ask a question, and get a good, sound, reasoned judgment. Rather than to make that symptomatic mistake, I prefer for the Appropriations Committee, with whatever help it can muster, to do its job, ask the hard questions of those who run the departments, and come up with our own budget. I do think there would be an improvement, though it is not in this bill, and I think there ought to be an independent body that can analyze this information not only for us, the members, but also for the many citizens and citizen groups in this Commonwealth so that they, too, can make a judgment.

Mr. Speaker, I would urge the members of the House to op-

pose the bill in its present form for the very basic reason that it will not tell us individually anything that we do not already know.

Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—186

Abraham	Gallagher	Mackowski	Ryan
Anderson	Gallen	Madigan	Salvatore
Armstrong	Gamble	Manderino	Scanlon
Arthurs	Garzia	Manmiller	Scheaffer
Bellomini	Gatski	McCall	Schmitt
Beloff	Geesey	McClatchy	Schweder
Bennett	Geisler	McGinnis	Scirica
Berlin	George, C.	McIntyre	Seltzer
Berson	George, M.	McLane	Shuman
Bittinger	Giammarco	Mebus	Shupnik
Bittle	Gillette	Meluskey	Sirianni
Borski	Gleeson	Milanovich	Smith, E.
Brandt	Goebel	Miller	Smith, L.
Brown	Goodman	Milliron	Spencer
Brunner	Greenfield	Miscevich	Spitz
Burd	Greenleaf	Moehlmann	Stairs
Burns	Grieco	Morris	Stapleton
Butera	Halverson	Mowery	Stewart
Caltagirone	Hamilton	Mrkonic	Stuban
Caputo	Hasay	Mullen, M. P.	Sweet
Cassidy	Haskell	Mullen, M. M.	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.	Trello
Cowell	Hopkins	O'Connell	Valicenti
Davies	Hutchinson, A.	O'Keefe	Vroon
DeMedio	Hutchinson, W.	Pancoast	Wagner
DeVerter	Itkin	Parker	Wansacz
DeWeese	Jones	Petrarca	Wargo
DiCarlo	Katz	Piccola	Wass
Dietz	Kelly	Pievsky	Weidner
Dininni	Kernick	Pitts	Wenger
Dombrowski	Klingaman	Polite	Wilson
Donatucci	Knepper	Pott	Wilt
Dorr	Kolter	Pratt	Wise
Doyle	Kowalyshyn	Prendergast	Wright, D.
Duffy	Laudadio	Pyles	Wright, J. L.
Englehart	Laughlin	Rappaport	Yahner
Fee	Lehr	Ravenstahl	Yohn
Fischer, R. R.	Letterman	Reed	Zearfoss
Fisher, D. M.	Levi	Renwick	Zeller
Flaherty	Lincoln	Rieger	Zitterman
Foster, A.	Livengood	Ritter	Zord
Foster, W.	Logue	Ruggiero	Zwikl
Fryer	Lynch		

NAYS—11

Barber	Johnson	Richardson	Wiggins
Dumas	Oliver	Shelton	Williams
Harper	Rhodes	White	

NOT VOTING—6

Freind	Irvis	O'Donnell	Fineman,
Gray	Kusse		speaker

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.

RESOLUTION ADOPTED

Mr. ZWIKL called up HOUSE RESOLUTION NO. 67.

Memorialize the President of the United States to establish quotas on the importation of shoes into this Nation and strictly enforce the application of the quotas set by him for the protection of the welfare of the citizens of this Commonwealth and its industries engaged in the production of shoes.

On the question,

Will the House adopt the resolution?

Mr. ZWIKL offered the following amendments:

Amend first paragraph, page 1, line 1 by inserting after "labor" and government subsidies

Amend first paragraph, page 1, line 2 by striking out "shoes" and inserting various goods and commodities

Amend first paragraph, page 1, line 3 by removing the period after "Pennsylvania" and inserting and her sister states

Amend first RESOLVED clause, page 1, line 8 by striking out "(the Senate concurring), That the General Assembly" and inserting That the House of Representatives

Amend first RESOLVED clause, page 1, line 9 by striking out "memorialize" and inserting calls on

Amend first RESOLVED clause, page 1, line 10 by inserting after "States" and the Congress of the United States

Amend first RESOLVED clause, page 1, line 11 by striking out "shoes" and inserting various goods and commodities including but not limited to shoes, textiles, wearing apparel, mushrooms and steel

Amend first RESOLVED clause, page 1, lines 13 and 14 by striking out "this Commonwealth and its industries engaged in the" in line 13, all of line 14 and inserting the United States and the industries engaged in the manufacture and production of the various goods and commodities under such quotas; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, the presiding officers of the Senate and House of Representatives of the Congress of the United States and each of the Senators and Congressmen from Pennsylvania for their review and comment.

On the question,

Will the House agree to the amendments?

AMENDMENTS DIVIDED

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

Mr. ZWIKL. Mr. Speaker, I would like to divide that amendment, as I indicated to you earlier, after line 7, and then the second amendment will be added to take care of the rest of the first amendment.

The SPEAKER pro tempore. The gentleman requests that we vote on the first seven lines of his first amendment. The question is so divided.

On the question,

Will the House agree to Part I of the amendments?

Part I of the amendments was agreed to.

On the question,

Will the House adopt the resolution as amended?

Mr. ZWIKL offered the following amendment:

Amend Resolution, page 1, lines 8 through 14 by striking out all of said lines and inserting

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania calls on the President of the United States to direct his special representative for trade to develop voluntary trade restraints in the various goods and commodities, including, but not limited to shoes, textiles, wearing apparel, mushrooms and steel. Should this fail, the House of Representatives calls on the President of the United States and the Congress of the United States to establish quotas on the importation of the aforementioned goods and commodities into this Nation and strictly enforce the application of the quotas set for the protection of the welfare of the citizens of the United States and its industries engaged in the manufacture and production of the various goods and commodities under such quotas; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, the presiding officers of the Senate and House of Representatives of the Congress of the United States and each of the Senators and Congressmen from Pennsylvania for their review and comment.

On the question,

Will the House agree to the amendment?

Amendment was agreed to.

On the question recurring,

Will the House adopt the resolution as amended?

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

Mr. ZWIKL. Mr. Speaker, what we have done with these two amendments is we have stricken the word "shoes" and we have included "shoes, textiles, wearing apparel, mushrooms and steel," all major industries in Pennsylvania.

We are asking that the President direct his special representatives for trade to develop voluntary trade restraints in these various industries, and should this fail, the House is calling on the President and the Congress to establish quotas on the importation of these particular goods. I would ask for an affirmative vote on the resolution.

On the question recurring,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—192

Abraham	Gallen	Manderino	Salvatore
Anderson	Gamble	Manmiller	Scanlon
Armstrong	Garzia	McCall	Scheaffer
Arthurs	Gatski	McClatchy	Schmitt
Barber	Geesey	McGinnis	Schweder
Bellomini	Geisler	McIntyre	Scirica
Bennett	George, C.	McLane	Seltzer
Berlin	George, M.	Mebus	Shelton
Berson	Giammarco	Meluskey	Shuman
Bittinger	Gillette	Milanovich	Shupnik
Bittle	Gleeson	Miller	Sirianni
Borski	Goebel	Milliron	Smith, E.
Brandt	Goodman	Miscevich	Smith, L.
Brown	Greenfield	Moehlmann	Spencer
Brunner	Greenleaf	Morris	Spitz
Burd	Grieco	Mowery	Stairs
Burns	Halverson	Mrkonic	Stapleton
Butera	Hamilton	Mullen, M. P.	Stewart
Caltagirone	Harper	Mullen, M. M.	Stuban
Caputo	Hasay	Musto	Sweet
Cassidy	Haskell	Novak	Taddonio
Cessar	Hayes, D. S.	Noye	Taylor, E.

Cianciulli	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cimini	Helfrick	O'Brien, D.	Tenaglio
Cohen	Honaman	O'Connell	Thomas
Cole	Hopkins	O'Keefe	Trello
Cowell	Hutchinson, A.	Oliver	Valicenti
Davies	Hutchinson, W.	Pancoast	Vroom
DeMedio	Itkin	Parker	Wagner
DeVerter	Johnson	Petrarca	Wansacz
DeWeese	Jones	Piccola	Wargo
Dietz	Katz	Pievsky	Wass
Dininni	Kelly	Pitts	Weidner
Dombrowski	Kernick	Polite	Wenger
Donatucci	Klingaman	Pott	Wiggins
Dorr	Knepper	Pratt	Williams
Doyle	Kolter	Prendergast	Wilson
Duffy	Kowalyshyn	Pyles	Wilt
Dumas	Laudadio	Rappaport	Wise
Englehart	Laughlin	Ravenstahl	Wright, D.
Fee	Lehr	Reed	Wright, J. L.
Fischer, R.R.	Letterman	Renwick	Yahner
Fisher, D.M.	Levi	Rhodes	Yohn
Flaherty	Livengood	Richardson	Zearfoss
Foster, A.	Logue	Rieger	Zeller
Foster, W.	Lynch	Ritter	Zitterman
Fryer	Mackowski	Ruggiero	Zord
Gallagher	Madigan	Ryan	Zwikl

NAYS—3

DiCarlo	Hoeffel	Lincoln
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NOT VOTING—8

Beloff	Irvis	O'Donnell	Fineman,
Freind	Kusse	White	speaker
Gray			

The question was determined in the affirmative and the resolution was adopted.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. DiCARLO. Mr. Speaker, I inadvertently voted myself and also Mr. Lincoln in the negative on HR 67. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The gentleman's error is noted and his remarks will be spread upon the record.

I presume the gentleman, Mr. Lincoln, concurs in the remarks of the gentleman, Mr. DiCarlo.

Mr. LINCOLN. I would like to have the gentleman's remarks stricken.

The SPEAKER pro tempore. The gentleman's remarks will be so stricken, after they have been spread upon the record.

HOUSE SCHEDULE

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

Mr. MANDERINO. Mr. Speaker, let me first thank the House for the manner in which they conducted themselves in a long day today.

We had planned to go to caucus, but there is too much opposi-

tion to that at this hour. We will be in voting session tomorrow. We will begin at 9:30 in the morning with the master roll and several bills. It may be necessary to break for caucus for an hour tomorrow morning.

We will run tomorrow the lifeline bill; we will run the Juvenile Reform Act, which is legislation on status offenders and juveniles being housed with adult prisoners; we will run the resolution on St. Boniface Church; and we will run a number of other items. So if you are here promptly at 9:30 in the morning, you stand a chance of a departure early in the afternoon.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. I have no further announcements, Mr. Speaker.

WELCOMES

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, students from the Edison School and their teachers, Daniel DiSabato and James Chestney. These students are the guests of both gentlemen from Blair, Representatives Milliron and Cassidy.

The Chair is very pleased to welcome back to the hall of the House a former member of this House from the great city of Philadelphia, a man whom many of us spent many hours with, many pleasurable hours and many informative hours, the Honorable Louis Sherman.

The Chair is pleased to welcome to the hall of the House Mr. and Mrs. Tony Sevekis and Mrs. Irma Mink, who are guests of the gentleman from Allegheny, Mr. Gamble.

The Chair is pleased to welcome to the hall of the House the students from Nazareth Academy in northeast Philadelphia with their administrator Sister Bernadette. These young people are the guests of the gentlemen from Philadelphia, Messrs. Hamilton, Salvatore, O'Brien and Katz.

The Chair would like to welcome to the halls of the House Mr. John Vento, of the AFL-CIO of Allegheny County, who is the guest of the delegation from Allegheny County.

The Chair would like to welcome to the hall of the House the Executive Committee of the Pennsylvania Association of Retired State Employees: president, Paul Gernett of Camp Hill; senior vice president, Lyle Schuler of Warren; secretary, Wilma Cherup of Pittsburgh; treasurer, Clark Bair of Camp Hill; central region vice president, John Grosnick of Hershey; northeast vice president, Thomas Yeager of Moscow, Pennsylvania; northwest vice president, Elton Barton of Youngsville; southeast regional vice president, Thomas Cahalan of Wyomissing; southwest region vice president, Arthur Cohen of Pittsburgh; past president, Fred Mergenthaler of Harrisburg; former past president, Harry Weaver of Harrisburg, state membership chairman, H. C. Erickson of Camp Hill, Pennsylvania.

The Chair is also pleased to welcome to the hall of the House nine students from the Archbishop Prendergast High School

who are the guests of the delegation from Delaware County.

The Chair is pleased to announce and welcome to the hall of the House 36 senior government students from B-19 Spring High School, Cumberland County, and their teacher Mrs. Janet Oyler. They are the guests of the gentleman from Cumberland County, Mr. Noye.

The Chair is also pleased to welcome to the hall of the House children from Our Lady of Lourdes School in Overbrook. They are guests of the lady from Philadelphia, Mrs. Kelly.

The Chair is pleased to welcome to the halls of the House 23 senior government students from Newport High School, with their teacher, Jeffrey Billger, who are the guests of the gentleman from Perry, Mr. Noye.

The Chair is also pleased to welcome 30 students from the Cheltenham High School in Montgomery County, with their teacher, Mrs. Lila Booth, who are the guests of the gentleman from Montgomery, Mr. Mebus.

The Chair is pleased to welcome to the hall of the House Mr. Stephen Kray, the legislative representative of District 15 of the United Steel Workers of America and Mr. Joseph Kravacic, the field co-ordinator of the Appalachian Council, both of whom are the guests of the gentlemen from Allegheny, Messrs. Novak, Mrkonic, Abraham, Misceovich and Valicenti.

The Chair also recognizes and welcomes to the hall of the House Mr. and Mrs. Ken Swartley and their daughters Debbie and Nancy, and their Foreign Exchange daughter, Dorthe Koordt from Odense, Denmark. Odense, Denmark is the home of Hans Christian Andersen. They are the guests of the gentleman from Chester, Mr. Pitts.

The Chair is pleased to welcome to the hall of the House four eighth-grade students from the Southern Lehigh Middle School in Lehigh County: Susan Kish, Lori Watkins, Bart Reynolds, Michael Katzbeck, who are studying local and state government. They are the guests of the gentleman from Lehigh, Mr. Zeller.

The Chair is also pleased to welcome the seventh- and eighth-grade students of the Bible Baptist School of Shiremanstown and their teachers, Messrs. Sale and Buyers. They are the guests of the delegation from Cumberland County, Messrs. Mowery and Scheaffer.

The Chair is also pleased to welcome the members of the Women's Club of the city of York who are the guests of the gentleman from York, Mr. Lehr.

ADJOURNMENT

Mr. BROWN moved that this House do now adjourn until Wednesday, April 27, 1977, at 9:30 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 4:56 p.m., e.d.t.) the House adjourned.