

Legislative Journal

WEDNESDAY, JUNE 1, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 40

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS)
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 God, Thou didst speak to Moses out of the burning bush and impart to him the direction which Thou didst desire that he should go. We humbly pray that Thou wilt likewise speak to the members of this House of Representatives out of the burning issues which confront them in this hour. O God, grant to each one an open mind that he may see clearly the circumference of the problems, enable these stewards of Thine to delve deeply into each situation that they may come to a realization of the roots of the complexity, and challenge them with the indwelling of Thy presence that they may act wisely in coming to each solution. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for May 31, 1977, will be postponed until printed.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. The Chair recognizes the caucus chairman.

Mr. S. E. HAYES. Mr. Speaker, I have no further requests for leaves of absence.

The SPEAKER. The Chair thanks the gentlemen.

MASTER ROLL CALL RECORDED

The SPEAKER. The chair advises the members who are with-in hearing of his voice, the Chair is going to take the master roll call. We will hold that master roll call open for the next 5 or 6 minutes. He advises all members to come immediately to the floor of the House.

The members will proceed to vote.

The following roll call was recorded:

YEAS—200

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

NOT VOTING—2

Barber Shelton

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

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1190 By Messrs. DeMEDIO, R. R. FISCHER, LOGUE, SHUMAN, CIMINI, D. M. O'BRIEN, MANMILLER, NOVAK, ABRAHAM, MISCEVICH, TRELLO, M. M. MULLEN, MRKONIC, CASSIDY, COLE, ARMSTRONG, DIETZ, LEVI, PYLES, SPITZ, TENAGLIO, ZELLER and ZITTER-MAN

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), raising the number of members appointed to the State Veterans' Commission and changing the quorum requirement.

Referred to Committee on Military and Veterans Affairs.

No. 1191 By Messrs. BENNETT, HALVERSON, PRATT, LAUGHLIN, L. E. SMITH and McCALL

An Act regulating the title of, and the perfection of security interests in, mobile homes sold in the Commonwealth, and imposing powers and duties on the Department of Community Affairs in connection therewith.

Referred to Committee on Business and Commerce.

No. 1192 By Messrs. BENNETT, KLINGAMAN, YAHNER, MORRIS, LIVENGOOD, TENAGLIO, L. E. SMITH and MEBUS

An Act amending the act of May 28, 1976 (No. 71), entitled "An act exempting the owner of certain agricultural land from the payment of assessments for municipal improvements during the period of time that the owner does not use the services provided by the improvements or until there is a change in the use of the land," extending the provisions of the act to certain cemeteries.

Referred to Committee on Business and Commerce.

No. 1193 By Messrs. COLE, BELLOMINI, McCALL, MORRIS, RUGGIERO, DOMBROWSKI and MILANOVICH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for motorized pedalcycles.

Referred to Committee on Transportation.

No. 1194 By Messrs. LEVI, GOEBEL, BITTINGER and ARTHURS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing a processing fee in lieu of the registration fee for vehicles for certain driver's education programs.

Referred to Committee on Transportation.

No. 1195 By Messrs. BRUNNER, STEWART, DeMEDIO, MILLIRON and LAUDADIO

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), redefining the term "compensation" to include an amount equal to certain nonreimbursable expenses.

Referred to Committee on Finance.

No. 1196 By Messrs. DeWEESE, B. F. O'BRIEN, TAYLOR, LEHR, GOODMAN, GEORGE, LEVI, McCALL, D. M. FISHER, GATSKI and ABRAHAM

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), further providing for refunds.

Referred to Committee on Mines and Energy Management.

No. 1197 By Messrs. YAHNER, BRANDT, MORRIS, ZELLER, STUBAN, KLINGAMAN, WILT, WENGER, STAIRS, SHUMAN, W. W. FOSTER, SWEET, DeWEESE, MADIGAN, COLE, CALTAGIRONE and BROWN

An Act amending the "Pennsylvania Fertilizer Law of 1956," approved May 29, 1956 (1955 P. L. 1795, No. 598), further providing for the regulation of fertilizers and including soil conditioners and plant growth substances within the scope of regulation by the act.

Referred to Committee on Agriculture and Rural Affairs.

No. 1198 By Messrs. McCLATCHY, PYLES and SCIRICA

An Act amending the "Capital Budget Act of Fiscal Year 1973-1974, Highway Project Itemization Supplement," approved December 30, 1974 (P. L. 1160, No. 369), further providing for a project in Montgomery County.

Referred to Committee on Appropriations.

No. 1199 By Mr. PRATT

An Act amending the "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine," approved May 1, 1929 (P. L. 1216, No. 427), requiring certain nonresident applicants for a license to maintain an office in the Commonwealth.

Referred to Committee on Professional Licensure.

No. 1200 By Messrs. DAVIES, GEESEY, FREIND, LYNCH, MILLER, Mrs. KELLY, Messrs. GIAMMARCO, RITTER, BURD, O'CONNELL, MADIGAN, NOYE, MEBUS and RAVENSTAHL

An Act authorizing the manufacture, distribution, sale, and use of sodium saccharin without regard to Federal rules or regulations; and requiring sodium saccharin to meet certain standards.

Referred to Committee on Health and Welfare.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

By Mr. SELTZER

HOUSE RESOLUTION No. 107
(Concurrent)

The General Assembly of the Commonwealth of Pennsylvania requests the Congress of the United States to call a Constitutional Convention to propose an amendment to the United States Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the

Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing for that fiscal year.

Referred to Committee on Rules.

By Messrs. KLINGAMAN, ZELLER, YAHNER, THOMAS, MORRIS, MADIGAN, STAIRS, WENGER, CALTAGIRONE, STUBAN, W. W. FOSTER, DeVERTER, NOYE, WILT, HALVERSON, ZWIKL, FRYER, CASIDY, SHUMAN, COLE, Mrs. GEORGE, Messrs. DeWEESE, SWEET, GRIECO, BROWN and D. R. WRIGHT

HOUSE RESOLUTION No. 108
(Concurrent)

The General Assembly of the Commonwealth urge the Congress of the United States to thoroughly review the feasible alternate suggestions to achieve the intended objectives of the proposed Trexler Lake project, and while so doing, withhold any and all appropriations related to the development of the Trexler Lake project.

Referred to Committee on Rules.

By Messrs. RHODES, SCIRICA and BERSON

HOUSE RESOLUTION No. 109

The House of Representatives directs and authorized the Subcommittee on Crime and Corrections of the House Standing Committee on Judiciary to investigate the problems connected with the control and reduction of organized crime and public corruption, and the violation of civil rights by law enforcement authorities. This investigation shall include, but not be limited to, an investigation of the extent of organized crime and public corruption and the ability and effectiveness of law enforcement.

Referred to Committee on Rules.

May 31, 1977.

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered during the month of May, 1977 for the 161st Session of the General Assembly. This list also contains the names and addresses of the organizations represented by this registrants.

Respectfully submitted,

MARK GRUELL, JR.
Secretary of the Senate

VINCENT F. SCARCELLI
Chief Clerk
House of Representatives

**PENNSYLVANIA REGISTERED LOBBYISTS
BY ORGANIZATION**

Acceleration Corporation

Boyd, John A.
Dubson, Neal O.

Allied Mutual Insurance Company

Boyd, John A.
Dubson, Neal O.

Allnation Life Insurance Company

Boyd, John A.
Dubson, Neal O.

American Consumers Life Insurance Company

Boyd, John A.
Dubson, Neal O.

ABCO Life

Boyd, John A.
Dubson, Neal O.

Bedford County Grange Mutual Fire Insurance Company

Boyd, John A.
Dubson, Neal O.

Brotherly Aid Liability Plan

Boyd, John A.
Dubson, Neal O.

Caduceus Insurance Company

Boyd, John A.
Dubson, Neal O.

Capitol Insurance Company

Boyd, John A.
Dubson, Neal O.

Diamond State Securities Corporation

Boyd, John A.
Dubson, Neal O.

Freehold Mutual Fire Insurance Association

Boyd, John A.
Dubson, Neal O.

Goodville Mutual Casualty Company

Boyd, John A.
Dubson, Neal O.

Industrialized Housing Manufacturers Association

Cimakosky, Joseph C., Jr.
Edwards, C. Morgan
Holmes, William F.

Insurance Federation of Pennsylvania

Boyd, John A.
Dubson, Neal O.

Laborers' International Union of North America

Ferrari, Robert F.
Hill, Curtis H., Sr.
Pelusi, Anthony

Lenco Mutual Insurance Company

Boyd, John A.
Dubson, Neal O.

Life Assurance Company of Pennsylvania

Boyd, John A.
Dubson, Neal O.

Mennonite Indemnity, Inc.

Boyd, John A.
Dubson, Neal O.

Mennonite Mutual Insurance Association

Boyd, John A.
Dubson, Neal O.

Mid-Continent Insurance Company

Boyd, John A.
Dubson, Neal O.

Northeastern Life Insurance Company

Boyd, John A.
Dubson, Neal O.

Old Guard Mutual Insurance Company

Boyd, John A.

Old Guard Mutual Insurance Company (Continued)

Dubson, Neal O.

Parkway Day School

Hetrick, Norman P.

Tive, Ralph D.

Pennsylvania Association of Mutual Insurance Companies

Boyd, John A.

Dubson, Neal O.

Pennsylvania Federation of Teachers

Richman, Sunny

Pennsylvania Gas Association

Miller, Richard J.

Philanthropic Mutual Fire Insurance Company

Boyd, John A.

Dubson, Neal O.

Philanthropic Mutual Life Insurance Company

Boyd, John A.

Dubson, Neal O.

Pilgrim Intergroup Investment Corporation

Boyd, John A.

Dubson, Neal O.

Pilgrim Life Insurance Company

Boyd, John A.

Dubson, Neal O.

Pilgrim Mutual Insurance Company

Boyd, John A.

Dubson, Neal O.

Pine Grove Mutual Insurance Company

Boyd, John A.

Dubson, Neal O.

Pioneer Life Insurance Company

Boyd, John A.

Dubson, Neal O.

Pioneer Mutual Insurance Company

Boyd, John A.

Dubson, Neal O.

Provident Indemnity Life Insurance Company

Boyd, John A.

Dubson, Neal O.

Reamstown Mutual Insurance Co.

Boyd, John A.

Dubson, Neal O.

Red Rose Mutual Insurance Company

Boyd, John A.

Dubson, Neal O.

Ritter Life Insurance Company

Boyd, John A.

Dubson, Neal O.

State Farm Mutual Automobile Insurance Company

Hiestand, Jean C.

Statesman Group

Carlson, John A.

Stone Valley Mutual Fire Insurance Company

Boyd, John A.

Dubson, Neal O.

The Earl Mutual Insurance Company

Boyd, John A.

Dubson, Neal O.

The Industrial Truck Association

Carliss, Oswald S.

The Material Handling Association

Carliss, Oswald S.

The Pennsylvania Life Insurers Conference

Boyd, John A.

Dubson, Neal O.

Tri-County Mennonite Mutual Insurance Company

Boyd, John A.

Dubson, Neal O.

Wash. Mut. Fire Insurance Co. of Lawrence County

Boyd, John A.

Dubson, Neal O.

West Salem Mutual

Boyd, John A.

Dubson, Neal O.

World Life and Health Insurance Company

Boyd, John A.

Dubson, Neal O.

World Mutual Insurance Company

Boyd, John A.

Dubson, Neal O.

PENNSYLVANIA REGISTERED LOBBYISTS

Boyd, John A., 23 East LaCrosse Avenue, Lansdowne, Pennsylvania 19050

- Insurance Federation of Pennsylvania, 1560 Suburban Station Building, Philadelphia, Pennsylvania 19103
- Pennsylvania Association of Mutual Insurance Companies, 10 South Broad St., P.O. Box 644, Lititz, Pennsylvania 17543
- The Pennsylvania Life Insurers Conference, 2500 DeKalb Pike, Norristown, Pennsylvania 19404
- ABCO Life, 1925 North Front Street, Harrisburg, Pennsylvania 17102
- Acceleration Corporation, 6600 Busch Boulevard, Columbus, Ohio 43229
- Allied Mutual Insurance Company, 47 Ashby Road, Upper Darby, Pennsylvania 19082
- Allnation Life Insurance Company, 900 Philadelphia Pike, Wilmington, Delaware 19809
- American Consumers Life Insurance Company, 13 Corporate Square, Atlanta, Georgia 30329
- Bedford County Grange Mutual Fire Insurance Company, 446 West Pitt Street, P.O. Box 31, Bedford, Pennsylvania 15522
- Brotherly Aid Liability Plan, Salunga, Pennsylvania 17538
- Caduceus Insurance Company, 1315 Walnut Street, Suite 1129, Philadelphia, Pennsylvania 19107
- Capitol Insurance Company, 6401 Market Street, Upper Darby, Pennsylvania 19083
- Diamond State Securities Corporation, 900 Philadelphia Pike, Wilmington, Delaware 19809
- The Earl Mutual Insurance Company, 625 West Main Street, New Holland, Pennsylvania 17557
- Freehold Mutual Fire Insurance Association, R.D. 1 (Lottsville), Bear Lake, Pennsylvania 16402
- Goodville Mutual Casualty Company, 625 West Main Street, New Holland, Pennsylvania 17557
- Lenco Mutual Insurance Company, 2301 McDade Boulevard, Holmes, Pennsylvania 19043
- Life Assurance Company of Pennsylvania, 230 South 15th Street, Philadelphia, Pennsylvania 19102
- Mennonite Indemnity, Inc., 21 South 12th Street, Akron, Pennsylvania 17501
- Mennonite Mutual Insurance Association, Intercourse, Pennsylvania 17534
- Mid-Continent Insurance Company, P.O. Box 632, Scull Building, Somerset, Pennsylvania 15501
- Northeastern Life Insurance Company, 47 Ashby Road, Upper Darby, Pennsylvania 19082
- Old Guard Mutual Insurance Company, 1810 Oregon Pike, Lancaster, Pennsylvania 17601
- Philanthropic Mutual Fire Insurance Company, 1022 East Lancaster Avenue, Rosemont, Pennsylvania 19010

Boyd, John A. (Continued)

- Philanthropic Mutual Life Insurance Company, 1022 East Lancaster Avenue, Rosemont, Pennsylvania 19010
 - Pilgrim Life Insurance Company, 1835 Delmar Drive, Folcroft, Pennsylvania 19032
 - Pilgrim Mutual Insurance Company, 1835 Delmar Drive, Folcroft, Pennsylvania 19032
 - Pilgrim Intergroup Investment Corporation, 1835 Delmar Drive, Folcroft, Pennsylvania 19032
 - Pine Grove Mutual Insurance Company, P.O. Box 37, Pine Grove, Pennsylvania 17963
 - Pioneer Life Insurance Company, 103 Executive Plaza, 540 Pennsylvania Avenue, Fort Washington, Pennsylvania 19034
 - Pioneer Mutual Insurance Company, 540 Pennsylvania Avenue, Fort Washington, Pennsylvania 19034
 - Provident Indemnity Life Insurance Company, 2500 DeKalb Pike, Norristown, Pennsylvania 19404
 - Reamstown Mutual Insurance Co., R.D. 1, Stevens, Pennsylvania 17578
 - Red Rose Mutual Insurance Company, 1810 Oregon Pike, Lancaster, Pennsylvania 17601
 - Ritter Life Insurance Company, Church Road and Greenwood Avenue, Wyncote, Pennsylvania 19095
 - Stone Valley Mutual Fire Insurance Company, R.D. 1, Herndon, Pennsylvania 17830
 - Tri-County Mennonite Mutual Insurance Company, Gap, Pennsylvania 17527
 - Wash. Mut. Fire Insurance Co. of Lawrence County, #9 Dean Building, New Castle, Pennsylvania 16101
 - West Salem Mutual, 107 McCracken Road, Greenville, Pennsylvania 16125
 - World Mutual Insurance Company, 550 West DeKalb Pike, King of Prussia, Pennsylvania 19406
 - World Life and Health Insurance Company, 550 West DeKalb Pike, King of Prussia, Pennsylvania 19406
- Carliss, Oswald S., 1435 Hunter Road, Rydal, Pennsylvania 19046
- The Industrial Truck Association, 1326 Freeport Road, Pittsburgh, Pennsylvania 15238
 - The Material Handling Association, 1326 Freeport Road, Pittsburgh, Pennsylvania 15238
- Carlson, John A., 2150 Herr Street, Harrisburg, Pennsylvania 17105
- Statesman Group, 2150 Herr Street, Harrisburg, Pennsylvania 17105
- Cimakosky, Joseph C., Jr., P.O. Box 323, Berwick, Pennsylvania 16803
- Industrialized Housing Manufacturers Association, 216 Locust Street, P.O. Box 710, Harrisburg, Pennsylvania 17108
- Dubson, Neal O., 23 East LaCrosse Avenue, Lansdown, Pennsylvania 19050
- Insurance Federation of Pennsylvania, 1560 Suburban Station Building, Philadelphia, Pennsylvania 19103
 - Pennsylvania Association of Mutual Insurance Companies, 10 South Broad Street, P.O. Box 644, Lititz, Pennsylvania 17543
 - The Pennsylvania Life Insurers Conference, 2500 DeKalb Pike, Norristown, Pennsylvania 19404
 - ABCO Life, 1925 North Front Street, Harrisburg, Pennsylvania 17102
 - Acceleration Corporation, 6600 Busch Boulevard, Columbus, Ohio 43229
 - Allied Mutual Insurance Company, 47 Ashby Road, Upper Darby, Pennsylvania 19082
 - Allnation Life Insurance Company, 900 Philadelphia Pike, Wilmington, Delaware 19809
 - American Consumers Life Insurance Company, 13 Corporate Square, Atlanta, Georgia 30329
 - Bedford County Grange Mutual Fire Insurance Company, 446 West Pitt Street, P.O. Box 31, Bedford, Pennsylvania 15522
 - Brotherly Aid Liability Plan, Salunga, Pennsylvania 17538
 - Caduceus Insurance Company, 1315 Walnut Street, Suite

Dubson, Neal O. (Continued)

- 1129, Philadelphia, Pennsylvania 19107
 - Capitol Insurance Company, 6401 Market Street, Upper Darby, Pennsylvania 19083
 - Diamond State Securities Corporation, 900 Philadelphia Pike, Wilmington, Delaware 19809
 - The Earl Mutual Insurance Company, 625 West Main Street, New Holland, Pennsylvania 17557
 - Freehold Mutual Fire Insurance Association, R.D. 1 (Lottsville), Bear Lake, Pennsylvania 16402
 - Goodville Mutual Casualty Company, 625 West Main Street, New Holland, Pennsylvania 17557
 - Lenco Mutual Insurance Company, 2301 McDade Boulevard, Holmes, Pennsylvania 19043
 - Life Assurance Company of Pennsylvania, 230 South 15th Street, Philadelphia, Pennsylvania 19102
 - Mennonite Indemnity, Inc., 21 South 12th Street, Akron, Pennsylvania 17501
 - Mennonite Mutual Insurance Association, Intercourse, Pennsylvania 17534
 - Mid-Continent Insurance Company, P.O. Box 632, Scull Building, Somerset, Pennsylvania 15501
 - Northeastern Life Insurance Company, 47 Ashby Road, Upper Darby, Pennsylvania 19082
 - Old Guard Mutual Insurance Company, 1810 Oregon Pike, Lancaster, Pennsylvania 17601
 - Philanthropic Mutual Fire Insurance Company, 1022 East Lancaster Avenue, Rosemont, Pennsylvania 19010
 - Philanthropic Mutual Life Insurance Company, 1022 East Lancaster Avenue, Rosemont, Pennsylvania 19010
 - Pilgrim Life Insurance Company, 1835 Delmar Drive, Folcroft, Pennsylvania 19032
 - Pilgrim Mutual Insurance Company, 1835 Delmar Drive, Folcroft, Pennsylvania 19032
 - Pilgrim Intergroup Investment Corporation, 1835 Delmar Drive, Folcroft, Pennsylvania 19032
 - Pine Grove Mutual Insurance Company, P.O. Box 37, Pine Grove, Pennsylvania 17963
 - Pioneer Life Insurance Company, 103 Executive Plaza, 540 Pennsylvania Avenue, Fort Washington, Pennsylvania 19034
 - Pioneer Mutual Insurance Company, 540 Pennsylvania Avenue, Fort Washington, Pennsylvania 19034
 - Provident Indemnity Life Insurance Company, 2500 DeKalb Pike, Norristown, Pennsylvania 19404
 - Reamstown Mutual Insurance Co., R.D. 1, Stevens, Pennsylvania 17578
 - Red Rose Mutual Insurance Company, 1810 Oregon Pike, Lancaster, Pennsylvania 17601
 - Ritter Life Insurance Company, Church Road and Greenwood Avenue, Wyncote, Pennsylvania 19095
 - Stone Valley Mutual Fire Insurance Company, R.D. 1, Herndon, Pennsylvania 17830
 - Tri-County Mennonite Mutual Insurance Company, Gap, Pennsylvania 17527
 - Wash. Mut. Fire Insurance Co. of Lawrence County, #9 Dean Building, New Castle, Pennsylvania 16101
 - West Salem Mutual, 107 McCracken Road, Greenville, Pennsylvania 16125
 - World Mutual Insurance Company, 550 West DeKalb Pike, King of Prussia, Pennsylvania 19406
 - World Life and Health Insurance Company, 550 West DeKalb Pike, King of Prussia, Pennsylvania 19406
- Edwards, C. Morgan, P.O. Box 710, Harrisburg, Pennsylvania 17108
- Industrialized Housing Manufacturers Association, 216 Locust Street, P.O. Box 710, Harrisburg, Pennsylvania 17108
- Ferrari, Robert F., 240 North Third Street, Harrisburg, Pennsylvania 17101
- Laborers' International Union of North America, 240 North Third Street, Harrisburg, Pennsylvania 17101
- Hetrick, Norman P., Baskin, Boreman & Tive, Payne-Shoemaker Bldg., 5th Floor, P.O. Box 1150, Harrisburg, Pennsylvania 17108
- Parkway Day School, 130 West School House Lane, Phila-

- Hetrick, Norman P. (Continued)
 delphia, Pennsylvania 19144
- Hiestand, Jean C., One State Farm Plaza, Bloomington, Illinois 61701
 — State Farm Mutual Automobile Insurance Company, 1 State Farm Plaza, Bloomington, Illinois 61701
- Hill, Curtis H., Sr., 240 North Third Street, Harrisburg, Pennsylvania 17101
 — Laborers' International Union of North America, 240 North Third Street, Harrisburg, Pennsylvania 17101
- Holmes, William F., P.O. Box 326, Avis, Pennsylvania 17721
 — Industrialized Housing Manufacturers Association, 216 Locust Street, P.O. Box 710, Harrisburg, Pennsylvania 17108
- Miller, Richard J., State Street Building, Harrisburg, Pennsylvania 17101
 — Pennsylvania Gas Association, State Street Building, Harrisburg, Pennsylvania 17101
- Pelusi, Anthony, 240 North Third Street, Harrisburg, Pennsylvania 17101
 — Laborers' International Union of North America, 240 North Third Street, Harrisburg, Pennsylvania 17101
- Richman, Sunny, 1816 Chestnut Street, Philadelphia, Pennsylvania
 — Pennsylvania Federation of Teachers, 1816 Chestnut Street, Philadelphia, Pennsylvania 19103
- Tive, Ralph D., Baskin, Boreman and Tive, Payne-Shoemaker Building, Fifth Floor, P.O. Box 1150, Harrisburg, Pennsylvania 17108
 — Parkway Day School, 130 West School House Lane, Philadelphia, Pennsylvania 19144

RESOLUTION REPORTED FROM COMMITTEE

HR 94, PN 1406 (Amended) by Mr. WARGO

The House of Representatives directs the Subcommittee on Highways of the House Transportation Committee to investigate the current Department of Transportation specifications for road resurfacing with particular attention to be given to the use of the existing asphalt mix and thickness of Western Pennsylvania.

Rules.

HOUSE SCHEDULE ANNOUNCEMENT

The SPEAKER. The Chair would advise the members that it is the decision of the majority and the minority leaders and the Speaker that if we can get the voting finished this morning for the week, we will probably not be taking any votes tomorrow. That does not mean, I hasten to add before the majority leader turns livid in his seat, that Democrats, at least, are free to leave. We will be taking a master roll call tomorrow morning, but if we finish the voting this morning, the likelihood is—the Chair does not want to make a categorical announcement on this—that there will be little or no voting tomorrow morning. Tomorrow will be devoted to budget caucusing. So it behooves us to get along with our business so that we can clean up the voting for this week today.

The Chair thanks the members.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair has been reminded that some of the members may not have been given the notice that there is a luncheon for the members and staff members of the House of Representatives and their guests in the majority caucus room at 12:15 p.m.

The announcement was made that the luncheon was in honor of the Speaker, but the Speaker, quite seriously, would like the announcement to be that the luncheon is in honor of the House of Representatives, whom the Speaker compliments on its decorum and on its balance during a time of crisis. All of you are invited at 12:15 to the majority caucus room.

INTERROGATION

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. I understand that it is improper for me to question the Speaker. For that reason, I am wondering if the majority leader would consent to brief interrogation.

The SPEAKER. Would the majority leader consent?

The majority leader indicates that he will consent to interrogation. The gentleman may place the interrogation.

Mr. RYAN. Mr. Speaker, your last remarks dealt with the subject of your caucus, the Democratic caucus, tomorrow. I believe you termed it a caucus on the budget, and I met after your remarks with several of the Republican members to try and figure out what is before your caucus so that we, too, might caucus on a budget, if need be. It seems that no one knows what you are doing. We do not know what you are caucusing on. We are wondering if perhaps—

The SPEAKER. Will the gentleman yield?

Mr. RYAN. Yes, Mr. Speaker.

The SPEAKER. The Chair does not really know what it is doing at this moment.

Mr. RYAN. I see. So we are going to caucus on an imaginary budget?

Mr. MANDERINO. Mr. Speaker, I would hope that the minority, with its grandiose staff and technicians, has looked at SB 770—

Mr. RYAN. That would be the secret document?

Mr. MANDERINO. —has looked at the Governor's presentation of the budget, has seen revenue estimates, and is doing some serious thinking about the matters before us. We are attempting to go down that road, and we would hope that you would spend your time thinking about the possibilities, alternatives, et cetera.

Now, if your mind is already made up, which I assume that it is, then you do not have to spend that time.

Mr. RYAN. Mr. Speaker—

The SPEAKER. The Chair recognizes the gentleman, Mr. Ryan, and announces that the Chair is delighted to be above the fray.

Mr. RYAN. The key phrase that Mr. Manderino used in his brief explanation of what they are not doing was "going down that road." If the Chair had advised that we were caucusing on the balanced budget forwarded by the Senate, I would have been able to better understand the purpose of your caucus tomorrow. I can fully understand the need to have a master roll call to bring people in to look that one over.

The SPEAKER. The Chair thanks the gentleman for the gentleman's careful analysis and thoughtful appreciation of the problems of the majority party.

CALENDAR

**BUSINESS AND COMMERCE BILLS
ON SECOND CONSIDERATION**

Agreeable to order,

The House proceeded to second consideration of **House bill No. 613, printer's No. 669**, entitled:

An Act amending the "Savings Association Code of 1967" approved December 14, 1967 (P.L. 746, No. 345), providing additional investment powers increasing the mortgage lending powers of associations and providing for determination of liable interest on savings accounts and certificates

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. 616, printer's No. 672**, entitled:

An Act amending the act of January 30, 1974 (P.L. 13, No. 6), referred to as the Loan Interest and Protection Law modifying the legislative statement as to residential mortgage interest rates

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. 949, printer's No. 1326**, entitled:

An Act amending the "Business Corporation Law" approved May 5, 1933, (P.L. 364, No. 106), further providing for the approval of a plan of merger or consolidation:

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 400, printer's No. 943**, entitled:

An Act amending the act of September 2, 1965 (P.L. 490, No. 249), entitled "An act providing for the licensing and regulation of the business of transmitting money or credit for a fee or other consideration by the issuance of money orders by the sale of checks or by other methods; . . ." further stating application requirements; increasing net worth and bonding minimums; revising license fees; providing for immediate suspension of a license; and providing for assessment of examination costs

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

Ordered, to be transcribed for third consideration.

JUDICIARY BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 634, printer's No. 700**, entitled:

An Act amending the "Adoption Act" approved July 24, 1970 (P.L. 620, No. 208), further providing for the granting of a final decree in adoption when no birth certificate or certification of registration of birth can be obtained

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. 1107, printer's No. 1328**, entitled:

An Act providing for the custody of children

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **Senate bill No. 163, printer's No. 165**, entitled:

An Act providing for the custody of children

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

Ordered, to be transcribed for third consideration.

FINANCE BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 795, printer's No. 886**, entitled:

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act" approved March 11, 1971 (P.L. 104, No. 3), further providing for a temporary method of payment of administrative expenses and claims

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

Ordered, to be transcribed for third consideration.

INSURANCE BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 859, printer's No. 1325**, entitled:

An Act amending "The Insurance Company Law of 1921" approved May 17, 1921 (P.L. 682, No. 284), further providing for the cancellation or termination of certain policies

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 950, printer's No. 1327**, entitled:

An Act to create an Insurance Law Revision Commission and providing for review and revision of the Pennsylvania insurance laws

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. 987, printer's No. 1307**, entitled:

An Act amending the act of December 11, 1967 (P.L. 707, No. 331), referred to as the Pennsylvania Thoroughbred pari-mutuel pools

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. 988, printer's No. 1153**, entitled:

An Act amending the act of December 22, 1959 (P.L. 1978, No. 728), referred to as the Pennsylvania Harness Racing Law further providing for the disposition of pari-mutuel pools

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

Ordered, to be transcribed for third consideration.

**LOCAL GOVERNMENT BILLS
ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 626, printer's No. 1299**, entitled:

An Act amending "The Second Class Township Code" approved May 1, 1933 (P.L. 103, No. 69), changing population requirements for additional supervisors

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority whip. For what purpose does the gentleman rise?

Mr. RYAN. For the purpose of interrogating the chief sponsor.

The SPEAKER. Will the chief sponsor, Mr. Garzia, consent to interrogation?

The Chair advises the gentleman, Mr. Garzia, that his devoted friend, Mr. Ryan, wishes for him to stand for interrogation. Does the gentleman, Mr. Garzia, consent to interrogation?

Mr. GARZIA. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, preliminarily, I would like to advise the Chair that Mr. Garzia and I shared headlines equally last week from our joint efforts. So what you say about my being his devoted friend, the press also picked up.

Mr. Speaker, this bill, as I understand it, will reduce from 3,000 to 2,000 the population requirements to have an increase in the board of supervisors in second class townships to the number five. Is that accurate?

Mr. GARZIA. Yes; it drops down from 3,000 to 2,000.

Mr. RYAN. Could you advise me how many second class townships are affected?

Mr. GARZIA. Well, I think in Delaware County the only one is Bethel Township in my district. That is the only one, I am told.

Mr. RYAN. I do not know the answer to this. Do you know what position, if any, the Second Class Township Supervisors Association takes on this bill?

Mr. GARZIA. When I talked to the Township Supervisors Association, they favored the bill.

Mr. RYAN. All right.

Mr. GARZIA. I do not have it in writing, but I just talked to one of the officers and he said okay.

Mr. RYAN. This is a "may" provision as opposed to a "shall" provision, is it not?

Mr. GARZIA. Yes; it is a "may." They can go from three to five.

Mr. RYAN. I join with my good friend, Mr. Garzia, in urging support of the bill, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—141

Abraham	Gatski	McCall	Salvatore
Armstrong	Geisler	McGinnis	Scanlon
Arthurs	George, C.	McIntyre	Schmitt
Bellomini	George, M.	McLane	Schweder
Bennett	Giammarco	Meluskey	Seltzer
Berson	Gillette	Miller	Shupnik
Bittinger	Goodman	Milliron	Sirianni
Bittle	Gray	Miscevich	Smith, E.
Borski	Greenfield	Moehlmann	Smith, L.
Brown	Grieco	Morris	Spencer
Brunner	Hamilton	Mullen, M. P.	Spitz
Butera	Harper	Mullen, M. M.	Stapleton
Caltagirone	Hayes, S. E.	Musto	Stewart
Caputo	Helfrick	Novak	Sweet
Cassidy	Hoefel	O'Brien, B.	Taylor, E.
Cianciulli	Honaman	O'Brien, D.	Taylor, F.
Cohen	Hopkins	O'Connell	Tenaglio
Cole	Hutchinson, A.	O'Keefe	Thomas
Cowell	Hutchinson, W.	Oliver	Trello
Davies	Itkin	Pancoast	Valicenti
DeMedio	Johnson	Parker	Vroon
DeWeese	Jones	Petrarca	Wansacz
DiCarlo	Katz	Pievsky	Wargo
Dininni	Kelly	Pitts	Wass
Dombrowski	Kernick	Polite	Wenger
Donatucci	Knepper	Pratt	White
Doyle	Kolter	Prendergast	Wiggins
Duffy	Kowalyszyn	Ravenstahl	Wise
Englehart	Laudadio	Reed	Yahner
Fischer, R. R.	Letterman	Renwick	Zeller
Flaherty	Lincoln	Rhodes	Zitterman
Foster, A.	Livengood	Richardson	Zwikl
Freind	Logue	Rieger	
Gallagher	Lynch	Ritter	Irvis,
Gamble	Manderino	Ruggiero	Speaker
Garzia	Manmiller	Ryan	

NAYS—48

Anderson	Goebel	Madigan	Stairs
Burd	Greenleaf	McClatchy	Stuban
Burns	Halverson	Mebus	Taddonio
Cessar	Hasay	Mowery	Wagner
Cimini	Haskell	Mrkonc	Weidner
DeVerter	Hayes, D. S.	Noye	Wilson
Dietz	Klingaman	Piccola	Wilt
Dorr	Kusse	Pott	Wright, D.
Fisher, D. M.	Laughlin	Pyles	Wright, J. L.
Foster, W.	Lehr	Scheaffer	Yohn
Fryer	Levi	Scivica	Zearfoss
Geesey	Mackowski	Shuman	Zord

NOT VOTING—13

Barber	Dumas	Gleeson	Rappaport
Beloff	Fee	Milanovich	Shelton
Berlin	Gallen	O'Donnell	Williams
Brandt			

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

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. MILANOVICH. Mr. Speaker, earlier in the session I was not here to vote on HB 626, PN 1299. I wish to be recorded in the affirmative.

Thank you.

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

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

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

The SPEAKER. The gentleman will state it.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

I was not in my seat when we voted on HB 626. I would like to be recorded in the affirmative on that bill.

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1121, printer's No. 1329**, entitled:

An Act amending "The County Code" approved August 9, 1955 (P.L. 323, No. 130), granting commissioners the power to further amend the county budget under certain circumstances.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

Agreeable to the provision of the constitution, the roll call will now be taken.

YEAS—189

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

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

NAYS—1

Levi

NOT-VOTING—12

Barber	Dumas	Lynch	Rappaport
Beloff	Gleeson	McClatchy	Shelton
Brandt	Helfrick	McIntyre	Williams

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

I was not in my seat when we voted on HB 1121. I would like to be recorded in the affirmative on that bill.

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

HB 555 PASSED OVER TEMPORARILY

The SPEAKER. HB 555, PN 731, is passed over temporarily.

We may return to these bills which are passed over temporarily, for the information of the members, and we may not, but this bill is passed over temporarily.

SPECIAL ORDER OF BUSINESS

The SPEAKER. The Chair recognizes the majority leader for the purpose of placing a motion on a special order of business.

Mr. MANDERINO. Mr. Speaker, I move that we take up now, as a special order of business on today's calendar, HB 84, PN 94, on page 12.

On the question,

Will the House agree to the motion?

Motion was agreed to.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 84, printer's No. 94**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania providing for the election of the Attorney General and providing for his qualifications.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. DOYLE. Mr. Speaker, this is the second session of the legislature that will consider this bill. It is a constitutional amendment which must pass two sessions before it can go out to the voters on referendum. An identical bill was passed in 1974 in the House by a vote of 183 — 7 and in the Senate by a vote of 41 — 8, and many of those members who voted for and in favor of the legislation in 1974 are here today to, I hope, again vote for this needed change in our constitution.

Let me say first, as I have explained several times, that there is nothing in this legislation nor in its purpose directed towards any public official in Pennsylvania, past, present or future. It passed in 1974 before our present Attorney General was the Attorney General, and when it is implemented in 1980 and 1981, the present Attorney General will not be the Attorney General of Pennsylvania.

Many of you heard from our present Attorney General, Bob Kane, yesterday in caucus, and he argued that why should we change 200 years of history in Pennsylvania. Our answer is that it is time that we needed a change in Pennsylvania and join our other states, 42 states of the 50, which elect their attorney general. The basic reason is that the attorney general's office is no longer conceived of as a legal adviser to the governor—

The SPEAKER. The Chair apologizes for interrupting the gentleman, Mr. Doyle, who is discussing an extremely important bill, a possible amendment to the constitution of this Commonwealth.

The Chair thanks the gentleman for his patience. The gentleman may proceed.

Mr. DOYLE. Thank you, Mr. Speaker.

The office of the attorney general is no longer conceived of as

a civil law adviser to the governor but rather the chief legal officer of the state. In the manual "THE OFFICE OF ATTORNEY GENERAL," Published by the Association of Attorneys General in conjunction with the Committee on the Office of Attorney General, it was cogently put that "The primary argument for an elective Attorney General is that he is an attorney for all of the people, and should be chosen by them. He is the Governor's advisor, but not exclusively; the Governor is merely one among many clients. By making the Attorney General directly responsible to the electorate, he remains subject to the ultimate source of power and will be more responsive to public needs."

In addition, we conceive of the office as taking a stronger role as a prosecutor. We recently in the Judiciary Committee heard evidence of the need for an organization in Pennsylvania, regardless of how it is structured or what it is called, a strong committee or central organization to combat organized crime. We conceive of the office of attorney general as heading up such an office and taking a stronger role as a prosecutor.

We did in the legislature give the attorney general that mandate several years ago when we passed Act 327. We have also passed other legislation in Pennsylvania in the past several years strengthening the attorney general's hand in dealing with the criminal aspects of our law rather than the civil.

Finally, we need to pass this bill now because it needs to go out on referendum in the fall. It was held up in the spring so that it could not make the primary, simply because there was not sufficient time to get it through both houses. But it is needed now so that the bill can go out and go to the voters of Pennsylvania for their approval in the fall election of 1977.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, will the prime sponsor of the bill yield to interrogation?

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

Mr. DOYLE. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, there are many members of the House, I am sure, who favor HB 84 on its merits. I have a particular problem which, although may seem technical in nature, does give me some concern should we pass this bill in the form in which it is today. My concern is directed to the section of the bill, section 2, on page 4 of the bill. It says, "Upon approval of this amendment by the electors, there shall be a vacancy in the office of Attorney General which shall be filled as provided herein."

I have read the bill backward and forward, and I can find no provision for the filling of a vacancy. Can the sponsor of the bill speak to that point?

Mr. DOYLE. Yes, Mr. Speaker. The bill in the previous section, section 1 of the bill, on page 3, line 15, says, "The Governor shall in a similar manner fill vacancies in the offices of Auditor General, State Treasurer, justice, judge, justice of the peace and in any other elective office he is authorized to fill."

Now, the interaction of the present constitution, paragraph 2 of the bill, and our Statutory Construction Act is as follows:

The Statutory Construction Act says, "That in case of a vacancy happening by death, resignation or otherwise, in any office created by the constitution or laws of this Commonwealth, and where provision is not already made by said constitution and laws to fill said vacancy, it shall be the duty of the governor to appoint a suitable person to fill such office, who shall be confirmed by the senate, if in session, and who shall continue therein and discharge the duties thereof till the first Monday of January next succeeding the first general election which shall occur three months after the happening of such vacancy."

So by the interaction of this bill with the Statutory Construction Act—and, incidentally, we had confirmation of this by the Legislative Reference Bureau; I am reading from their letter to me in the early part of this year—the Governor would appoint the attorney general when the vacancy is created until the end of his term and then there would be another appointment until the attorney general is elected, which would be in 1980.

Mr. MANDERINO. Mr. Speaker, you are aware that section 2 indicates that a provision was made in this bill for a manner in which the vacancy would be filled.

Mr. DOYLE. It is referring to what I read to you, line 15 on page 3. That is how it was dealt with. It was done by the Legislative Reference Bureau specifically. It was not overlooked. That is exactly what it means.

Mr. MANDERINO. Are you saying that the Legislative Reference Bureau intended to indicate that there was a manner for filling vacancies and that their reference in section 2 was to line 15 on page 3 of the bill?

Mr. DOYLE. By reference to our present constitution, yes. Any interaction of the Administrative Code that I have indicated.

Mr. MANDERINO. Are you satisfied from the opinion that you received from the Legislative Reference Bureau that there is no gap and that the Governor will in fact have the right of appointment under the Statutory Construction Act and under section 2 and under the constitutional amendment if adopted?

Mr. DOYLE. Yes, Mr. Speaker, I am.

Mr. MANDERINO. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, the distinguished Representative, Mr. Berson.

Mr. BERSON. Wow!

The SPEAKER. The reason the Chair called Mr. Berson distinguished is that in all the comments on the elevation of the majority leader to the speakership, I think the only one who said that the Speaker was intelligent was Mr. Berson. Some of the other articles indicated that the House had elected a rather pleasant and oratorical idiot. Mr. Berson is the minority, but I hope he is right.

You may proceed, Mr. Berson.

Mr. BERSON. I am certainly the minority on this bill, I am afraid, but I do want to take a moment to reiterate the arguments briefly that I made in opposition to this bill on its first passage through this House.

I am opposed to the concept of an elected attorney general. Briefly my reasons are, first, it seems to me that the trend in

government and the trend in Pennsylvania government has been away from elected officials in the executive branch of government. We in fact only have three elected officials in the executive branch — the governor and lieutenant governor, being for all practical purposes one office, the auditor general, and the state treasurer. I think that is wise. I think it is wise because I think it is bad that authority be diffused in the executive branch. I think it is bad for a governor to be able to point to some other elected official and shuffle off responsibilities for executive-branch action or executive-branch policies on some other official. This only confuses the public when in fact what we ought to have is one official elected by all the people of this state responsible for the actions and policies of his or her administration, as the case may be. So I think that this move to further diffuse and confuse the public is a wrong step.

Secondly, I think the attorney general's role as the legal adviser to the Governor and as legal adviser to the government will be totally wiped away by an elected attorney general. What I fear may happen is that we will have a parallel system at great expense to the taxpayers of this Commonwealth. For instance, if the attorney general to be elected were of the opposite political party to the incumbent governor, it is not practical to think that the governor is going to turn to him for his most confidential legal advice, and since one of the major jobs of an attorney general is, in fact, to mediate between competing claims of governmental departments, it is not likely that a hostile attorney general is going to be relied upon for that job.

What, in fact, will probably take place is that the Governor will appoint some person or a number of persons to act as counsel to the governor or whatever title is assigned to them to perform those functions, because he is entitled to confidential advice from his lawyer and his administration is entitled to legal advice from attorneys who are loyal to the principles upon which that administration was elected.

I think it will saddle the taxpayers of this state with a parallel system of attorneys general, counsels or lawyers or whatever you want to call them and will not advance their interest one width.

Therefore, I would suggest for both grounds that this is an expensive move, that we do not know what it is going to cost, that we have gone 200 years in this state without elected attorneys general that the entire legal structure of this state has been based upon appointed attorneys general with their deputies responsible to that attorney general, that we have no idea what the implications of this measure are, and that in the final analysis all it will do, probably, is enable the governor to point the finger at someone else for some bad action or some bad policy. I would strongly suggest that we reject this measure.

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

Mr. DOYLE. Very briefly, Mr. Speaker: The counter-argument to Mr. Berson's statement is that the Governor presently has a solicitor general upon whom he relies for his personal legal advice. The best summary that I can give the members as far as the type of officer we are speaking about is to quote Louis Lefkowitz, who is the attorney general of New York. He was elected first in 1958 and has been reelected 4 times since

that time, both in Republican and Democratic administrations. He submitted, at the time the Law and Justice Committee held hearings, a paper which was used in their New York Constitutional Convention dealing with this very subject. It is a short quote, and I would like to repeat it here: "An elected attorney general is imbued with a deeper sense of direct responsibility to the public from whom he has received a mandate than is the appointed official whose authority springs singularly from one individual. The elected official innately senses this strong personal and direct responsibility to the people and is thereby inspired to a greater degree of creativity, a broadened initiative and an increased desire to innovate in their behalf. The reaction is almost intuitive. As a result, he is free to act without clearing a matter with the executive hierarchy or obtaining the Governor's approval."

It is for that very reason, the reasons that Mr. Berson related, that I would urge a positive vote on this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PANCOAST. Mr. Speaker, I rise to oppose HB 84. I, too, am concerned with respect to the coattail effect that might take place when the attorney general for the Commonwealth is elected at the same time as the President of the United States. I can see no necessary connection between the two offices. I think they should be separately elected if we are going to have an election of an attorney general.

The job of the attorney general, of course, is to serve in two capacities: One, as adviser to the governor on the constitutionality of proposals he may wish to submit to the legislative body. As an attorney, his canons of judicial ethics, I believe, should govern his recommendations to the governor of the Commonwealth. Secondly, he is the chief law-enforcement officer of the Commonwealth, and in that capacity he is basically an administrator of the law, seeing that the law is faithfully carried out.

There is an old adage that says, for representation, elect; for administration, appoint. I believe the attorney general of the Commonwealth of Pennsylvania should be an appointed officer.

The SPEAKER. The Chair thanks the gentleman from Montgomery.

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

Mr. ZELLER. Mr. Speaker, we have heard from the attorneys and we have heard from the educators; now hear from an ordinary peon.

The SPEAKER. The Chair advises the House that the Chair does not consider Mr. Zeller an ordinary peon, but even if he were, he would have a right to your attention.

The Chair will note for the record, Mr. Zeller, that that was said for the amusement of the House and was not said seriously. I am sure the gentleman understands.

But the Chair was serious about attention. We are doing splendidly; let us continue.

Mr. ZELLER. Thank you, Mr. Speaker.

The election of attorney general is most necessary. "The attorney general is," as stated by Dr. Pancoast, and I quote, "the chief law enforcement officer of the Commonwealth of Pennsylvania to see that the laws are properly carried out." This is a very good statement and it gives us strength that the attorney general should be elected, because he does not just represent the administration; he represents all the people.

Rather than going into the merits, and I certainly could not go into the merits of the case because of the fact that I, personally, am not in a legal capacity to do so, but just from plain, ordinary commonsense, the decree just recently handed down by Judge Clifford Green, in regard to the state police, seems to me, and to many people throughout the State of Pennsylvania, to be a fine example of abuse by an attorney general.

This is why I say, just think it over and ask yourself the question whether the attorney general, who is appointed under a political appointment, is going to represent the wishes of the administration or is he going to represent the feelings of your constituency? That is what you have to think about.

In states where they do have an elected attorney general, I realize they do have many political battles, no question about it, but you must remember that is checks and balances. That is what Democracy is all about, checks and balances, especially in the area of the law.

Therefore, if you want to protect the best interest of your people, I would feel that you would want to have an elected attorney general. Thank you.

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

Mr. W. D. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the bill. There is an issue here that I think should be stated explicitly and clearly.

The real issue in this bill is, whose attorney is the attorney general? Is he the governor's attorney, and thus beholden to the governor and the policies and philosophies of the governor, or is he the attorney general for all the people of Pennsylvania?

The functions of that office are such that it is my belief that in theory, in fact and in philosophy he should be the attorney general for the people of this Commonwealth. He should be their attorney general when it comes to his function of law enforcement. He should be their attorney general when it becomes necessary for him to decide difficult and often obscure issues of constitutional law.

He is as I said, or should be, the attorney for all of the people of this Commonwealth when he is called upon to decide difficult, complex and obscure issues of constitutional law. He should, likewise, be the attorney for all of the people when it comes to his law-enforcement capacity.

The gentleman, Mr. Zeller, has touched on one aspect with the court decree in the state police situation. When an attorney general is faced with a problem of defending a long established policy of this Commonwealth, he needs independence. He needs to be in a position where he can litigate hard for that policy and not simply reflect the philosophy of the governor at the moment. Any other type of attorney general will subvert the processes of this General Assembly, which can pass all the legislation it wants on issues and then, because of the failure to

litigate those issues hard in court, can have its statutes and opinions and its rulings in the statute books subverted by a class action brought by a special-interest group in a court. There are many such issues with consent decrees which have come up, and it is a growing area.

For that reason, if for no other, we need an attorney general who represents all of the people in such matters as the state police, in such matters as the case involving gifted children, in such matters as cases of other types which have come before our Federal and state courts where consent decrees were entered which changed the policy of this Commonwealth and, I dare say, changed what a majority of this General Assembly felt was the correct view of the law.

Secondly, he should be the attorney general for all of the people when it comes to law enforcement. No one is talking here in this chamber about the issue of the moment, the particular governor, the particular attorney general or his predecessor. We are talking about a basic problem in the philosophy of government as to whom this person should represent as an attorney general. I think that all of us can simply take a look at a situation and if we do not learn from history, we are fated to repeat the mistakes of the past.

I believe that we can take a look at the situation which developed a few years ago in Washington during the Watergate scandal when we had an Attorney General completely responsive to the electorate. Yes, it is said, the system worked at that time, and we got out of that situation. But we got out of it only because at that particular time we had a divided government with respect to the national legislature and the national administration.

The independence of the attorney general is of the utmost importance if he is to be the attorney for all of the people and not just the legal adviser to the Governor, which I believe is not the correct view. Then he should be elected and you should support this bill.

Thank you very much.

The SPEAKER. The Chair thanks the speaker.

The Chair recognizes the gentleman from Berks, Mr. Brown.

Mr. BROWN. Thank you, Mr. Speaker.

As a freshman, I never expected to be speaking this early from the floor, but this issue means a lot to me. Last year, when I ran for this post, my opponent disagreed. He felt that the Governor should have the right to appoint the attorney general. What I am asking you to do today is just an extension of what happened last November, and that is, to allow the people to decide.

Forty-two other states in the Union elect their attorneys general. The people in this chamber have heard today that the governor needs a loyal attorney general. I think it is about time that the people had a loyal attorney general. All we do today is say, come November, we will allow the people to decide. That is what we are all about. We represent them, not the governor's office. I hope you consider that and support this bill.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DAVIES. Mr. Speaker, I have one question to the sponsor

of the bill, Mr. Doyle.

The SPEAKER. Will the gentleman, Mr. Doyle, stand for interrogation?

Mr. DOYLE. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DAVIES. Mr. Speaker, is the requirement of membership to the Bar of the Supreme Court of Pennsylvania a necessity? I do not mean discrimination necessarily by a profession, but could it not be possible, Mr. Speaker, that there could be someone learned in the law who has not taken the bar examination in Pennsylvania who may practice before the Supreme Court of the United States and reside in Philadelphia or Pittsburgh or in Delaware County and practice in the neighboring state of Delaware and be very efficient or proficient and learned in the law? Yet you are stating in the requirements that he be a member of the Bar of the Supreme Court.

Is not this discriminatory within the profession? I have no quarrel about his being learned in the law, but to be restricted from the Bar of Pennsylvania, is not that carrying it beyond the scope or need of this particular piece of legislation?

Mr. DOYLE. Mr. Speaker, it is a strange quirk that right now in our present constitution the attorney general, who is the chief legal officer in the state, does not have to be either learned in the law or an attorney admitted to the Bar. It is a strange, as I say, quirk. But the reason we put "admitted to the bar" in is that we believe in Pennsylvania in the Supreme Court it is tantamount to being learned in the law as we conceive of it today. And also, there are sanctions and restrictions on the practice of law, the disciplinary board, et cetera, which go with the admission to the Supreme Court of Pennsylvania, which you would not get if you were admitted to the Bar of Delaware or New Jersey or some other state. It is just a modern way of expressing the same criteria, I believe.

Mr. DAVIES. Just one other question: Would it not be, though, if he became an elected official as required under this that discipline would no longer be necessary because then he would fall under the requirements of impeachment of officers of the state and there would be that recourse of the people rather than merely the discipline of the profession?

Mr. DOYLE. I was not referring to postelection discipline. I was referring to preelection discipline.

Mr. DAVIES. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ZEARFOSS. If you accept that the attorney general should be the people's attorney general, as Mr. Hutchinson said, and I personally do, then the crucial word becomes "independence"; independence from the Governor; independence from the pressures of being appointed by a man who can remove you if you do not do what he wants.

To illustrate my point, I would like to relate an antidote or a little experience from my own professional career. When I was a lieutenant junior grade in the Navy, I was serving in Washington and I had collateral duty as legal officer to the station's commanding officer where I was serving. The commanding officer requested that I give him my recommendation in every

case where he was holding a captain's mast on a man under the Uniform Code of Military Justice and where the man was to be disciplined. At one point the captain said, "Ziggenfuss, I want your recommendations on this man, but it had better be the way I want it." I always considered myself to be a man of some integrity and fortitude and guts, and I will tell you this: That opinion came out the way the captain wanted it because I was so willing to do what he wanted. I did not even correct his mispronunciation of my name and tell him that it was Zearfoss and not Ziggenfuss.

I think that is the kind of situation we have with the appointed attorney general serving under any governor. There is just too much control built in to that kind of appointed system to have independence. If you go back to the basic belief that the attorney general is supposed to be the people's attorney general rather than the governor's attorney general, then you must have that independence. The only way to achieve it is through an elected process.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—184

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

Foster, W.	Livengood	Ruggiero	Zwinkl
Freind	Logue	Ryan	
Fryer	Lynch	Salvatore	Irvis,
Gallagher	Mackowski	Scanlon	Speaker
Gallen	Madigan		

NAYS—12

Berson	Hutchinson, A.	Pancoast	Scirica
Cianciulli	Letterman	Rappaport	Seltzer
Halverson	O'Donnell	Ravenstahl	Sirianni

NOT VOTING—6

Barber	Brandt	Rhodes
Beloff	Gleeson	Shelton

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

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

SPECIAL ORDER OF BUSINESS

The SPEAKER. The Chair recognizes the majority leader for the purpose of placing a motion for a special order of business.

Mr. MANDERINO. Mr. Speaker, I move that the House return to page 10 and take up as a special order of business, HB 380, PN 1014.

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

SPECIAL ORDER OF BUSINESS

CONSUMER AFFAIRS BILL ON
THIRD CONSIDERATION

Agreeable to order,
The House proceeded to third 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.

On the question,
Will the House agree to the bill on third consideration?
Mr. RYAN offered the following amendment:
Amend Sec. 1 (Sec. 301), page 3, line 7, by inserting after "structure." Lifeline rates as herein authorized shall be applicable to multi-unit residential structures utilizing a single meter and the rate category for said structures shall be determined by the average usage per unit calculated by dividing the number of dwelling units in the structure into the total kilowatt-hour or total cubic foot usage for the structure. However, the average usage per unit formula herein established shall only be utilized to determine the rate category of a multi-unit residential structure under circumstances where the formula will not increase the rates applicable to said structure.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, may I first interrogate a spokesman for the bill?

The SPEAKER. Will the chief sponsor of the bill, Mrs. Gillette, from Allegheny consent to interrogation?

Mrs. GILLETTE. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. RYAN. Mr. Speaker, would the lady advise me if one of the purposes of this bill is to give the low-power user a break in rates?

Mrs. GILLETTE. Yes, the purpose of the bill is to give all low users a break in rates in order to promote the conservation of energy.

Mr. RYAN. Now, my question more specifically, Mr. Speaker: Is part of what you are trying to accomplish with this bill to give, I am going to say, low-income, but I am not so sure that is correct, a single-family dweller who does not use a great deal of power a break in that if they use a moderate amount of power they will be receiving that at a rate less than what one would normally receive that power for? Is that basically accurate?

Mrs. GILLETTE. Yes, any low user.

POINT OR ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, is it not a fact that the amendment that is presently before us should be withdrawn so that the gentleman can interrogate the lady on the sponsorship of the bill, or is the amendment in front of the House, because I think we are discussing the bill and not discussing the amendment?

The SPEAKER. The question before the House is not the bill. The question before the House is the amendment. The Chair was not following the interrogation, but the Chair assumed that the interrogation being placed was on the amendment and not on the bill.

The Chair would advise the gentleman, Mr. Ryan, to confine his interrogation to the amendment, and the Chair would advise the lady that she is required to answer interrogation at this point only on the amendment and not on the merits of the bill.

The gentleman, Mr. Ryan, may proceed.

Mr. RYAN. Thank you, Mr. Speaker.

For the benefit of Mr. Richardson and others, the reason for that line of interrogation was to set the stage primarily for my amendment; that is, to establish that one of the prime purposes of the sponsor was to provide to those people who are using low power a better financial break on that usage. That ties in, Mr. Richardson, with my amendment.

What my amendment does, Mr. Speaker, is this: I am of an opinion, and I would believe that that opinion is shared by many of the people here in the House, that a goodly number of the people of the Commonwealth who are of a low-income status or moderate-income status are residents of multifamily

dwelling. There people who are living in apartments or perhaps—and I am not so sure about this one—in condominiums, but certainly in apartments or large multifamily dwellings, are receiving their power today really as part of their rent structure. By that I mean this: If one takes a project with a single meter coming into that project they pay rent, be it \$100- or \$150-a-month rent. Included in that \$150-a-month rent is the utility bill. That is divided in some fashion by the owner or the agency who runs the multifamily complex.

The need for this amendment would not be present if each individual unit had a separate meter on it. However, that is not the fact. The facts are that in many, many cases, multidwelling units have a single meter going into that complex and then the number of dwelling units that are in the complex are divided into the power bill and made as a part of the rent. If the power rates go up, the rent goes up to reflect that.

My amendment does this, Mr. Speaker, and it has been circulated, although it was circulated several weeks ago. The amendment provides as follows:

Lifeline rates as herein authorized shall be applicable to multi-unit residential structures utilizing a single meter and the rate category for said structures shall be determined by the average usage per unit calculated by dividing the number of dwelling units in the structure into the total kilowatt-hour or total cubic foot usage for the structure.

By that I mean if the Pennsylvania Public Utility Commission determines that those who use a minimum amount of power shall pay for that power at a reduced rate, then in those cases where there is a single meter, you will determine the average amount of power that each dwelling unit is using by dividing the number of units into the power that goes through the single meter. So these people can take advantage of the reduced rate.

My amendment goes on further to say:

However, the average usage per unit formula herein established shall only be utilized to determine the rate category of a multi-unit residential structure under circumstances where the formula will not increase the rates applicable to said structure.

In short, Mr. Speaker, if there is a project with 100 units in it and one meter, you would divide the 100 units into the total power that goes through that meter to determine the rates for the complex. If, under this formula, it is cheaper on the users to do it that way, then this formula would be kicked into effect.

If, on the other hand, it is cheaper to do it on the single-meter basis, then in that case that would take effect. That is the purpose of the amendment. I would urge support of it.

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

Mrs. GILLETTE. Mr. Speaker, I oppose this amendment although the theory is attractive. Evidently, Mr. Ryan sees the merit of lifeline and he wants to be sure that people living in multiunit dwellings benefit by it.

This would create a great many administrative problems. I do not think we should get into the actual regulation. We have the Public Utility Commission which is an arm of the legislature. They have the rate experts to work out these problems. There are not only multiunit dwellings, there are multiunit business establishments. There are many other problems that will need to be addressed. I think the rate experts can handle these problems. I do not think that we should do it. I would ask members to vote "no" on the amendment.

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

Mr. SCHMITT. Mr. Speaker, I, too, rise to oppose the amendment, or any of the amendments to follow, because I think it is an attempt to try to defeat what we have been trying to achieve through this bill.

First of all, let me make the point that the primary purpose of this bill is to conserve on energy. It is not necessarily to subsidize or to aid those who are on lower incomes, although we hope that that will be the ancillary benefit. But no one knows whether or not this is true until such time as the bill is passed and the Public Utility Commission enters into such a ratemaking structure. At that time they can determine whom it will benefit. The bill that we are introducing simply authorizes the PUC to hold hearings and decide on a rate structure of their own making as long as it is in keeping with the bill as we presented it.

The amendment, in my opinion, would only confuse the issue with the Public Utility Commission and make it untenable and inoperable. I think that the Public Utility Commission should have the right and authority on their own premise to determine how these multiunit dwellings, et cetera, will be rated.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would speak against this particular amendment. I think that the amendment is well intentioned, but in fact it would do a disservice to the purpose of this particular bill. It is important to keep in mind, and, in fact, I think it is important to suggest right now that the title "lifeline" that has been tagged onto this bill is really a misnomer because this bill does a lot more than possibly create or allow the PUC to utilize the concept of lifeline. In fact, this bill deals with a broad range of considerations that ought to come before the PUC during its deliberations, and, in fact, this bill would give the PUC the latitude to consider a number of different concepts in terms of rate structure. So we are not just talking about a lifeline bill. That has been the whipping boy, but that is not accurate.

Secondly, I think it is important to note that the particular amendment that is proposed here deals only with one narrow provision of this bill, and that is the lifeline concept. The amendment does not propose to speak to how multifamily units would be dealt with if the PUC would utilize some of those other rate structures that are proposed in the bill; i.e., time-of-

day pricing or peak usage. So I think the amendment perhaps is deficient there.

Thirdly, I think it would be inappropriate for us to speak to this particular rather narrow case in the bill, and that is the rather narrow case of multifamily units. In fact, the way the bill is written right now, the PUC could apply the lifeline concept, if it chose to use the lifeline concept, for multifamily units. I think that the PUC is well aware that there are a number of specific types of situations that will have to be given special consideration; i.e., multifamily units; certainly our schools and the municipal buildings and hospitals; and certainly the question of all-electric homes.

When this bill was written, the drafters of the legislation deliberately chose not to try to speak to all of those specific cases because we wanted to give to the PUC the latitude to deal with some of those special problems as they saw fit.

I think it is also important to note that it would be inappropriate to speak with specificity in this bill simply in terms of multifamily units because really what we are proposing to set up, as this bill pertains to lifeline, is a test period. If you read the bill carefully, the authority that is given to the PUC to utilize this concept called lifeline is a limited authority, authority that expires 1 year from now. I think it would be prudent for this House and this legislature to give a good bit of room to the PUC as it experiments with this concept and not to tie their hands during this 1-year experimental stage.

Mr. Speaker, in conclusion, I think it is important that we make one note about this whole idea of lifeline, because much of the debate on this bill is going to consider or will dwell on that one narrow issue, one narrow concept, this is, lifeline. Lifeline is not a precise formula. We should not fall into the trap in this legislation of trying to deal with or create a precise formula. Lifeline is a broad concept. It has been utilized in different ways in different states where they have seen fit to utilize the concept of lifeline.

I think the best approach that we can follow today is to give the PUC the broad latitude to experiment and utilize some of these concepts of lifeline and peak-usage and time-of-day pricing and report back to this legislature in the near future. Perhaps at that time, after the experts have utilized this concept, after the experts have studied it more carefully, we will be in a better position to draft legislation and consider legislation that speaks with specificity to many of the specific situations that this particular amendment tries to address today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GARZIA. Mr. Speaker, may I interrogate Mr. Ryan, please?

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

Mr. RYAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. GARZIA. Mr. Speaker, as I understand your amendment, if I own an apartment complex and the tenants are paying their

own bills, there is no problem? They would pay for their own, right? In other words, the owner has nothing to do with it?

Mr. RYAN. An apartment complex—and I would assume this is true of other than apartments—any multifamily complex can be run in one of two ways: Number one, if a complex with 50 units, we will say, has 50 utility meters in it, each person is billed individually for the amount of power that they use.

On the other hand, if I am not mistaken—and I may very well be mistaken, but I know this was true some years ago, and Mr. Stapleton may know the answer to this—Drexelbrook in Delaware County has about 1,500 units in it. At one point, I know, Drexelbrook had a single meter in it, and they, in turn, divided the cost of the power and prorated it over the apartment rents. I am not so sure that that is true today. I know it was true some years ago. Mr. Stapleton nods his head “yes,” I assume meaning that there is a single meter going into it.

Now if you take a complex such as Drexelbrook, which is a large complex in Delaware County which I would classify as a medium-income apartment complex—they are not the very, very costly apartments, nor are they the very, very cheap apartments, but rather median apartments—the rent of the people who live there goes up and down depending on, of course, the amount of electricity and the size of the electricity bill that is received by the apartment owners. Now they are using in Drexelbrook probably as much power in the course of a month as maybe a large plant, because they have the single meter and they have some 1,400 or 1,500 apartments drawing off that meter.

My amendment would say, take those 1,500 units—and I am guessing at these numbers, understand—and divide it into the total power bill that is coming through that single meter so that you have an average of what each apartment dweller is using, and use that to determine whether or not the lower rates apply for a lower user.

Of course, if half of the people in that complex are using more electricity than the other half—and this would be true today—then, of course, the bill would be higher. But it would give them, the apartment dwellers, a common purpose in using the least amount of electricity they possibly could because it would reflect on their rate schedule. I do not know that I have answered your question.

Mr. GARZIA. We will just take Drexelbrook now. If a man and a woman go away for a month's vacation and are away from that place for a whole month, they are not using any electricity at all. But their next-door neighbor is probably running everything night and day, and these people who have been away are paying the electric rate for this person. There is no way to justify that with your amendment as I understand it.

Mr. RYAN. Well, there is no way to justify it under the present circumstances either because—and again, I am on the assumption that they are still working the way they did work some years ago—people are away today and they are still paying in their rent the average of all the electricity power used in the complex. Under my amendment—

The SPEAKER. Will the gentleman yield?

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. It is necessary for the Speaker to report for

the matter of establishing a quorum at a meeting of the Transportation Commission. The Speaker is, therefore, asking an old and dear friend from Berks County, Representative Fryer, to temporarily preside over this House.

I am thankful that the gentleman will do me this courtesy of presiding temporarily. He may wish to stay here a long time, but if he does, he does not show as much sense as I think he has.

I thank the gentleman for yielding.

THE SPEAKER PRO TEMPORE (LESTER K. FRYER) IN THE CHAIR

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

Mr. RYAN. Mr. Speaker, I do not know that I answered your question; I attempted to.

There are two ways of paying in a multifamily dwelling. One is with a single meter, dividing it by the number of units. The other is, if the people and the apartment owners want to go to the expense—and if the apartment complex is wired in such a way that they can even go to that expense—of putting in single meters, that, of course, would be the ideal solution.

Mr. GARZIA. There is no problem when each apartment in the complex has its own meter? There is no problem at all?

Mr. RYAN. None whatsoever.

Mr. GARZIA. All right. Now one other question: In a multifamily apartment where the owner pays for the electric, like a four- or five-unit apartment building that I own or you own or someone owns, if the owner saves, we will say, \$200 a month in electric rates, is there any guarantee or any provision in your amendment or even in the bill to say that the rent is going to go down, or would it be just a little more windfall or profit for the owner of the apartment complex?

Mr. RYAN. No, there is no provision that says the rent will go down. But I assure you that the rent will go up if the rates go up.

Mr. GARZIA. Definitely.

Mr. RYAN. There is no assurance that they will go down, no.

Mr. GARZIA. Okay. That is all I have, Mr. Speaker.

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

Mr. MORRIS. Mr. Speaker, this seems to be a day for role reversals, and I rise to support Mr. Ryan at this point.

I just want to make a couple of statements in regard to some of the observations that have been made. Coming down to the most recent colloquy between Messrs. Garzia and Ryan, it seems to me that obviously there is no guarantee that rents will not go up, but the point is that they can remain the same. The landlord will have no excuse for raising rents on account of a different electric tariff that might be imposed on him. I think this is beneficial to the small-apartment dwellers.

Now I look on this whole discussion so far—and my observations here are in answer to some of the statements of Mr. Cowell—as a matter of showing legislative intent, because I am convinced in my own mind as a lawyer that the PUC has the power now to deal with rates in pretty nearly any way they wish for the benefit and welfare of the public. Therefore, I am concerned that if we vote down this amendment, we will be ex-

hibiting a legislative intent to the effect that the principle espoused by the amendment is not what this legislature wants, and I certainly am opposed to any such idea as that. I hope that the members here will keep that in mind when they come to vote on this amendment.

Thank you, Mr. Speaker.

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

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, we are treading in a very dangerous area. If I can get the kind of range that Representative Morris got, I would appreciate it.

Last year we had the chairman of the PUC, Mr. Johnson, come before our caucus. Relating to what Mr. Morris stated, the PUC can now do their thing. What we are doing here—and that is why I say, vote this down and we will go on with the rest of it during that discussion—we are giving them a blank check to do what they want to do, and if they goof, they will blame it on you. Let us vote this down, and let us get on to voting the rest of it down.

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

Mr. RYAN. I am not so sure what Mr. Zeller said, other than he wants my amendment killed, and it may very well be that the rest of what he said was that he wants the bill killed, and I am not entirely in disagreement with that. But in any event, should this bill pass, I think it is important that it pass with an amendment, such as my amendment, in it.

I will have more to say on the bill at the time of final passage, but I would, in the meantime, urge that this amendment go in in case the bill becomes law. I will have more to say about the bill later.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—92

Anderson	Goebel	McGinnis	Seltzer
Armstrong	Greenleaf	McIntyre	Sirianni
Arthurs	Grieco	Mebus	Smith, E.
Bittle	Halverson	Milanovich	Smith, L.
Burd	Hamilton	Miller	Spencer
Burns	Hasay	Moehlmann	Spitz
Butera	Haskell	Morris	Stairs
Cassidy	Hayes, S. E.	Mowery	Stapleton
Cessar	Helfrick	Noye	Taddonio
Cimini	Honaman	O'Brien, D.	Taylor, E.
Davies	Hopkins	O'Connell	Thomas
DeVerter	Hutchinson, W.	O'Keefe	Vroon
Dietz	Katz	Pancoast	Wagner
Dininni	Klingaman	Parker	Wass
Dorr	Knepper	Pitts	Weidner
Doyle	Kusse	Polite	Wenger
Fischer, R. R.	Lehr	Pott	Wilson
Fisher, D. M.	Levi	Pyles	Wilt
Foster, A.	Lynch	Rappaport	Wright, J. L.
Foster, W.	Mackowski	Ryan	Yahner
Freind	Madigan	Salvatore	Yohn
Gallen	Manmiller	Scheaffer	Zearfoss
Garzia	McClatchy	Scirica	Zord

NAYS—103

Abraham	Gatski	Logue	Ruggiero
Bellomini	Geesey	Manderino	Scanlon
Bennett	Geisler	McCall	Schmitt
Berlin	George, C.	McLane	Schweder
Berson	George, M.	Meluskey	Shupnik
Bittinger	Giammarco	Milliron	Stewart
Borski	Gillette	Miscevich	Stuban
Brown	Gleeson	Mrkonic	Sweet
Brunner	Goodman	Mullen, M. P.	Taylor, F.
Caltagirone	Gray	Mullen, M. M.	Tenaglio
Caputo	Greenfield	Musto	Trello
Cianciulli	Harper	Novak	Valicenti
Cohen	Hayes, D. S.	O'Brien, B.	Wansacz
Cole	Hoefel	O'Donnell	Wargo
Cowell	Hutchinson, A.	Petrarca	White
DeMedio	Itkin	Piccola	Wiggins
DeWeese	Johnson	Pievsky	Williams
DiCarlo	Jones	Pratt	Wise
Dombrowski	Kelly	Prendergast	Wright, D.
Donatucci	Kernick	Ravenstahl	Zeller
Duffy	Kolter	Reed	Zitterman
Englehart	Kowalyshyn	Renwick	Zwilk
Fee	Laudadio	Rhodes	
Flaherty	Laughlin	Richardson	Irvis,
Fryer	Letterman	Rieger	Speaker
Gallagher	Lincoln	Ritter	
Gamble	Livengood		

NOT VOTING—7

Barber	Brandt	Oliver	Shuman
Beloff	Dumas	Shelton	

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?

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

Mr. POTT. Thank you, Mr. Speaker.

Mr. Speaker, I rise for the purpose of offering an amendment to the bill, but first I would like to temporarily relinquish the floor to the gentleman from Butler, Representative Arthurs.

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

Mr. ARTHURS. Thank you, Mr. Speaker.

I rise at this time to object to our lifeline concept of this legislation. I rise in opposition to HB 380 because I do not believe that this bill is truly a lifeline piece of legislation. Lifeline utility rates, in my opinion, should give protection to and assistance to low-income families.

PARLIAMENTARY INQUIRY

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

Mr. COWELL. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COWELL. What is before the House now, the bill or the amendment? What are we debating?

The SPEAKER pro tempore. What is before the House is final passage of the bill.

Does the gentleman, Mr. Cowell, have a point of order?

POINTS OF ORDER

Mr. COWELL. Yes. I believe that there are other amendments to be offered. In fact, I believe Representative Pott indicated his intention to offer an amendment. Are we in order to be debating the merits of the bill then?

The SPEAKER pro tempore. No, in my opinion we should not. Mr. Pott had apparently offered an amendment, but then he, in turn, yielded to Mr. Arthurs.

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

Mr. ARTHURS. Mr. Speaker, I believe the record will show that Mr. Pott said that he intended to offer an amendment but before he did, he would temporarily relinquish the floor to me.

Mr. COWELL. For what purpose, Mr. Speaker, may I inquire?

Mr. ARTHURS. To make a few statements, Mr. Speaker.

The SPEAKER pro tempore. The gentleman's point of order was well taken. Mr. Pott was recognized for the purpose of offering an amendment and for no other purpose. If he does not wish to offer this amendment, he is not recognized.

The Chair recognizes the gentleman from Butler, Mr. Arthurs. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARTHURS. Are you saying that at any time—and this is for the record for future reference—a Representative may not relinquish the floor to another member?

The SPEAKER pro tempore. I am not stating that at all, Mr. Arthurs; I am stating that at this particular point we are considering amendments to the bill. The gentleman, Mr. Pott, was recognized for that purpose and that is the order of the House.

Mr. ARTHURS. Mr. Speaker, I believe that Mr. Pott was recognized, and then he stated that he was going to offer an amendment but prior to that time I would be able to make a statement.

The SPEAKER pro tempore. The Chair has ruled on this issue, and the point is that the gentleman is out of order. What is before this House is amendments to the bill. If Mr. Pott cares to proceed, he may do so.

The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, did I understand the Speaker to say he so ruled?

The SPEAKER pro tempore. The Chair so ruled.

RULING OF THE CHAIR APPEALED

Mr. SELTZER. If so, then I appeal the ruling of the Chair.

Mr. ARTHURS. Mr. Speaker, I will not appeal the ruling of the Chair. I would ask against that because I will make my statement at a later time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. SELTZER. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SELTZER. Mr. Speaker, the Chair ruled and I appealed the ruling. Could the Chair indicate to the members of the House what rule I am appealing? What rule has been violated?

The SPEAKER pro tempore. The House has a rule of orderly procedure. The Chair had indicated that members would be recognized for amendments. There were requests made by various members of this House to speak, and we had set up an orderly procedure on this. By the procedure of Mr. Pott yielding to the other Representative, Mr. Arthurs, this upset that orderly procedure.

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

Mr. ARTHURS. Mr. Speaker, I think the record should state that I was to the Speaker's desk and that my name was the very first name given to the Speaker to speak this morning. I had agreed and I did agree that the main sponsor of the bill should have a right to speak, that the chairman of the committee should have a right to speak, and I was willing to then be recognized after that time. And then, for some reason, my name was put on the bottom of the list. But I just want the record to show that I was at the Speaker's desk prior to any other person this morning to have my name listed to speak on HB 380. And then this list was changed from that point on, after my agreeing that the main sponsor of the bill and the chairman of the Consumer Affairs Committee would have their right to state their points of view. But from that point on, then I think one member is as entitled to as much respect in this House as another.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Arthurs, the Chair is attempting to follow an orderly procedure. Your name was listed for a recommittal motion on the bill. The orderly procedure was that all amendments to the bill would be considered and you, of course, would be recognized by the Chair in the proper order. Now the Chair can only state as to the position that was placed before it when the Speaker pro tempore assumed the Chair.

Mr. ARTHURS. May I then ask, what rule and what procedure do we have set up as to when a recommittal motion should be made? Are you stating that recommittal motions should be made after every person has a chance to put in amendments?

The SPEAKER pro tempore. No. Will the gentleman yield?

Mr. ARTHURS. Yes, Mr. Speaker.

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

Mr. MANDERINO. Mr. Speaker, may I speak to the issue just momentarily?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MANDERINO. When HB 380 was called up, the main

sponsor of the bill and the chairman of the committee asked to be recognized on the bill. Mr. Arthurs consented that they could be recognized prior to his taking the floor and making a motion to recommit. The Speaker of the House, Mr. Irvis, indicated that he would take amendments prior to any speeches on the main bill. So he asked the main sponsors to defer to the taking of amendments. That is the process that is proceeding at this time.

If we are not going to take amendments, I think we ought to return to the procedure and let Mrs. Gillette and Mr. Schmitt speak on the bill. But as long as we are following the orderly procedure of taking amendments first, I do not think Mr. Arthurs should be recognized before the main sponsor and the chairman of the committee, as he had agreed.

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

Mr. ARTHURS. For a statement, Mr. Speaker, under a question of personal privilege.

The SPEAKER pro tempore. The gentleman recognizes that he is not recognized on the basis of a recommittal motion and that a recommittal motion is not debatable?

Mr. ARTHURS. Absolutely. I will not make a motion at this time, Mr. Speaker. I just want the record to show that we are taking all amendments before any kind of a recommittal motion has been made. I hope we follow that same procedure for the rest of this session and that a precedent has been set at this time.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

APPEAL ON RULING WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, I am not arguing the philosophy of the bill or what is going to happen to the bill, but I think that we should not let the record show from here on in that the Chair can rule that a member cannot speak on a bill through a ruling of the Chair.

Apparently the gentleman, Mr. Arthurs, is willing to forgo speaking on the bill or making his motion at this time. I am willing to withdraw my appeal on the ruling of the Chair. I would suggest also that the Speaker withdraw his ruling because this is a very bad precedent to leave in the record of this House.

The SPEAKER pro tempore. I would point out to the gentleman that the Speaker is here on a temporary basis. I would make this observation: I believe that this is much ado about very little. We are trying to establish an orderly procedure on this bill. All members will be heard. We will be fair. There is no attempt to exclude anyone from debate on this bill. I think it is an orderly procedure; we are trying to follow it. I do not think we are violating anyone's rights. In my opinion, we should move forthwith on this subject.

Mr. SELTZER. Mr. Speaker, I agree most heartedly, and

again I ask the Speaker to withdraw his ruling so that the record will be clear.

Mr. POTT. Mr. Speaker, I will withdraw my relinquishing the floor to Representatives Arthurs to clarify this parliamentary situation.

The SPEAKER pro tempore. Does the gentleman wish to be recognized for the purpose of an amendment?

Mr. POTT. Yes, sir. Yes, Mr. Speaker. I have an amendment to offer.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. POTT offered the following amendment:

Amend Sec. 1 (Sec. 301), page 2, line 38 by inserting after "service," the fairness of the return on investment,

On the question,

Will the House agree to the amendment?

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

Mr. POTT. Thank you, Mr. Speaker.

The purpose of the amendment which I am offering to HB 380 is to preserve a concept of case law. It preserves the concept that public utilities are permitted to receive a fair return on their investments.

In the bill as offered, under section (b) of the bill, there are four concepts which this legislation states that the Public Utility Commission should use to determine whether rates are reasonable or not when establishing rates. My amendment, Mr. Speaker, proposes a fifth concept which must be considered by the Public Utility Commission, that of fairness of return on investments. It has long been a precedent of the Public Utility Commission to utilize this concept and it has long been case law. It was decided by the courts that this concept should also be utilized by the Public Utility Commission.

This amendment, in effect, legislates what is presently case law and what is presently used by the Public Utility Commission in this determination of a rate structure. Thank you, Mr. Speaker.

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

Mrs. GILLETTE. Mr. Speaker, I oppose this amendment. This presently is case law. This is the determination for rates at the present time, and there really is no need to have this language in the bill. There is also a section in the public utility law which states that utilities are entitled to a fair return on the fair value of their investment, and I think it is well covered and that there is no need for it in this bill. I would urge the members to oppose it.

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

Mr. POTT. Mr. Speaker, will the prime sponsor consent to interrogation?

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

Mrs. GILLETTE. Yes, I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. POTT. Mr. Speaker, does the prime sponsor believe in the concept of fair return on investments?

Mrs. GILLETTE. Fair return on investments yes. I think fair return on fair value is what the utilities have now, and that often is of great benefit to them, more so than just on investment.

Mr. POTT. I understand you correctly that you believe in the fair-return-on-investment concept?

Mrs. GILLETTE. Absolutely. Since the rates are regulated, they are entitled to a fair return.

Mr. POTT. Mr. Speaker, if you do believe in this concept, how can you oppose this amendment? Are you not being inconsistent by opposing or not statutorily confirming your own beliefs?

Mrs. GILLETTE. No, I do not think so, because, as I say, there is another section that deals with fair return and there is no need for this. This is the rate section — a rate determination to be fair and reasonable — and, as I say, they are certainly entitled to a fair return and they are guaranteed a fair return.

Mr. POTT. I thank the lady for consenting to the interrogation, Mr. Speaker.

I do not understand from the prime sponsor's answers how she can be for a fair-return-on-investment concept and then not want to confirm that concept through statutory legislation, and I certainly hope that the members of this House will confirm what is an existing concept and support this amendment.

Thank you, Mr. Speaker.

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

Mr. WILSON. Mr. Speaker, I have a question for the gentleman, Mr. Pott, if he would.

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

Mr. POTT. I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. WILSON. Your amendment says in its insertion after "service" "the fairness of the return on investment." I listened to your interrogation of the lady, Mrs. Gillette. Could you define how "fairness" would be construed by the PUC or in your mind what you mean by "fair"? Is that 100 percent on return or 50 percent of return or 6 percent, or how would determine "fairness"?

Mr. POTT. The Public Utility Commission presently utilizes this concept in evaluation of return on investment. In some cases they look at 1 to 2 percent as a reasonable return. In other cases they determine that 6 percent is not an unreasonable return. The situation must vary from utility to utility recognizing the community needs for future public utility expansion.

We must recognize that the profits of utility companies are utilized for two purposes: one, to retire debt, existing debt, of utilities; and, two, for capital expansion; to expand pipelines, to expand telephone lines, for drilling, and so on and so forth. So it depends upon the utility, Mr. Speaker, and I do not think we can categorize a broad overall number of 1 percent, 2 percent, 6 percent. This is why we have commissioners on the Public

Utility Commission to utilize their judgment in what is a fair return.

Mr. WILSON. Mr. Speaker, under the current usage or custom as you would define it by the Public Utility Commission, if you insert the word "fairness" here, would you then believe that the Public Utility Commission would have to, must, if you would, guarantee a return of profit on the investment that would be fair, and has the definition of "fair" as used by the PUC been defined in case law?

Mr. POTT. It is my understanding that in case law this concept has been established. The purpose of the amendment is to preserve that concept.

Mr. WILSON. In your opinion, what would be excessive return? Can you give me a percentile figure that would indicate in your mind, just for this record, what you would consider to be excessive?

Mr. POTT. I am not, Mr. Speaker, a member of the Public Utility Commission. I think that the reason why we have public utility commissioners is to review the rate cases which public utilities present to them, to review in each circumstance the needs of the community which the public utility services, and to look at the expansion necessary to provide the citizens of that community with the services of the utility. Therefore, it is not my intent at this time to establish any percentage criteria for return on investments.

Mr. WILSON. It is obvious that you have total confidence in the PUC. I thank the gentleman.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as all the members of this House are going to find out pretty soon this year, the whole Public Utility Code is about 120 pages long, and we are going to be voting on a recodification in a very short period of time here.

Now what Mr. Pott is asking is that we take other sections of the PUC Code that is already in the law and we amend it into this bill. That is utterly ridiculous in terms of draftsmanship. We are not repealing every single part of the 120-page PUC Code; we are just adding a little section which will take less than half a page. There is no reason whatsoever to restate the entire code or any other part of the code in this bill.

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

Mr. COWELL. Thank you Mr. Speaker.

Mr. Speaker, about 5 minutes ago the Speaker stated that we were in a situation where there was much ado about nothing, and I think we are back in that situation.

The sponsor of this amendment has already conceded that this principle is a matter of constitutional law and a matter of case law and to put it into this particular section of HB 380 would simply be redundant.

I do not think that anybody on this floor is arguing against the principle. I think basically what we are saying is that, as early as 1938, the Federal District Court said that any utility which is regulated by the Pennsylvania Public Utility Com-

mission is entitled to a fair return on the fair value of its property devoted to the public service. And that principle has been reiterated by other courts many times since 1938, and there has been no charge whatsoever that the PUC in its deliberations has ignored that principle. So simply on the basis that we do not want to bog down our legislation and our laws with unnecessary language where we restate again and again and again principles which we all agree are quite acceptable and which we are bound by, simply on the basis that we want our laws to be so much streamlined, I would speak against this particular amendment. Thank you.

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

Mr. SCHMITT. Mr. Speaker, I simply want to say that in my opinion this amendment is redundant and absolutely unnecessary. I would appeal to the membership here to vote against the amendment.

Thank you, Mr. Speaker.

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

Mr. MORRIS. Thank you, Mr. Speaker.

Again we turn to the observation I made previously. I think we are dealing here with a matter of legislative intent. The fairness of return has always been one of the standards by which the PUC sets its rates. That certainly is admitted. I think we all agree with that. However, we are dealing with an amendment here, and I would be loath to see this amendment to the PUC Code—I am talking about the bill itself—I would be loath to see HB 380 as an amendment to the PUC code—go in containing what might be an inferential intent on the part of this legislature which would be contradictory or inconsistent with what has always been the, one of the, important criteria of rate-setting. Therefore, I would support Mr. Pott's amendment.

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

Mr. VROON. Mr. Speaker, it has been said frequently that this language is redundant. Yet if you read this bill carefully, you will read as follows in section (b):

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

These are the elements that must be considered by definition in this bill as to whether or not rates are just and reasonable. When you put language like that and say "shall," you are automatically excluding what Mr. Pott is trying to put in here. So whether it is redundant or not, you are in danger of excluding it by this language.

I think, therefore, that this amendment is vital to the well-being of the bill, and I do not see why anybody should object to its being included. It certainly is not going to damage the bill in the least, but it is going to clarify the situation and say that there is one other important element that must be considered. I strongly urge the adoption of this amendment for clarification

purposes. This will surely not damage the bill one iota.

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

The following roll call was recorded:

YEAS—83

Anderson	Greenleaf	McClatchy	Scirica
Armstrong	Grieco	McGinnis	Seltzer
Arthurs	Halverson	Mebus	Sirianni
Bittle	Hamilton	Miller	Smith, E.
Brunner	Hasay	Milliron	Smith, L.
Burd	Haskell	Moehlmann	Spencer
Butera	Hayes, S. E.	Morris	Spitz
Cassidy	Helfrick	Mowery	Stairs
Cessar	Honaman	Noye	Taddonio
Cimini	Hopkins	O'Brien, D.	Taylor, E.
Davies	Hutchinson, W.	O'Connell	Thomas
DeVerter	Katz	Pancoast	Vroon
Dietz	Klingaman	Parker	Wagner
Dininni	Knepper	Piccola	Wass
Dorr	Kusse	Pitts	Weidner
Fischer, R. R.	Lehr	Polite	Wenger
Fisher, D. M.	Levi	Pott	Wilt
Foster, A.	Lynch	Pyles	Yohn
Foster, W.	Mackowski	Ryan	Zearfoss
Freind	Madigan	Salvatore	Zord
Geesey	Manmiller	Scheaffer	

NAYS—115

Abraham	Garzia	Manderino	Scanlon
Bellomini	Gatski	McCall	Schmitt
Bennett	Geisler	McIntyre	Schweder
Berlin	George, C.	McLane	Shuman
Berson	George, M.	Meluskey	Shupnik
Bittinger	Giammarco	Milanovich	Stapleton
Borski	Gillette	Miscevich	Stewart
Brown	Gleeson	Mrkonic	Stuban
Burns	Goebel	Mullen, M. P.	Sweet
Caltagirone	Goodman	Mullen, M. M.	Taylor, F.
Caputo	Gray	Musto	Tenaglio
Cianciulli	Greenfield	Novak	Trello
Cohen	Harper	O'Brien, B.	Valicenti
Cole	Hayes, D. S.	O'Donnell	Wansacz
Cowell	Hoeffel	O'Keefe	Wargo
DeMedio	Hutchinson, A.	Oliver	White
DeWeese	Itkin	Petrarca	Wiggins
DiCarlo	Johnson	Pievsky	Williams
Dombrowski	Jones	Pratt	Wilson
Donatucci	Kelly	Prendergast	Wise
Doyle	Kernick	Rappaport	Wright, D.
Duffy	Kolter	Ravenstahl	Wright, J. L.
Dumas	Kowalshyn	Reed	Yahner
Englehart	Laudadio	Renwick	Zeller
Fee	Laughlin	Rhodes	Zitterman
Flaherty	Letterman	Richardson	Zwilk
Fryer	Lincoln	Rieger	
Gallagher	Livengood	Ritter	Irvis,
Gallen	Logue	Ruggiero	Speaker
Gamble			

NOT VOTING—4

Barber	Beloff	Brandt	Shelton
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The question was determined in the negative and the amendment was not agreed to.

**THE SPEAKER (K. LEROY IRVIS)
IN THE CHAIR**

**SPEAKER THANKS
SPEAKER PRO TEMPORE FRYER**

The SPEAKER. The Chair thanks the gentleman from Berks, Mr. Fryer, for presiding and congratulates him.

That is not the first tough situation that the gentleman from Berks has pulled the Speaker out of, and the Chair is personally very grateful to the gentleman.

ORDER OF BUSINESS

The SPEAKER. The Chair has been advised that there are other amendments to be offered, but there is also a motion to recommit to be presented. Consequently, without objection, the Chair is going to stop the debate on any further amendments, recognize the chief sponsor, Mrs. Gillette, to speak on the bill, recognize Mr. Cowell, who will speak on the bill, and recognize Mr. Arthurs, who will speak on the bill and who will probably make the motion to recommit.

If in fact the bill is recommitted, there, of course, will be no further opportunity to amend. If the bill is not recommitted, the Chair will then return to amendments and we will continue the debate.

POINTS OF ORDER

The SPEAKER. 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. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, if there are two who I assume will be speaking for the bill, I would like to see two speak against it, and I would like to be one of them.

The SPEAKER. The Chair recognizes the fairness of that position. The Chair was not advised that you wished to speak in opposition to the bill. You will follow Mr. Arthurs in his statement.

I would ask that we limit the speaking for or against the bill to those members who have already requested that, so that we can take a perhaps definitive vote on the motion to recommit. If the motion to recommit fails, there will be opportunity offered for further debate on other amendments and the bill.

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

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

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, I think the reason we got into difficulty before with Mr. Arthurs is that he was in the process of making a statement against the bill prior to making his motion to recommit. As soon as the motion to recommit is made, that precludes others from debating the bill in defense of that motion. I think that that is the unfair situation.

My point of order is this: If somebody is going to recommit the bill, why can we not have them make that statement and get that question settled, rather than going into an extensive debate on the bill and then make a motion which in effect cuts off the rest of the debate?

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Arthurs. Will the gentleman reply to the interrogation?

Mr. ARTHURS. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ARTHURS. Mr. Speaker, I will give my remarks to Mr. Ritter. The only reason I would say that I would not want to make my motion to recommit first is so that I could make remarks, just as has been done many, many, many times on the floor of this House before and as I have heard you, Mr. Ritter, do. I think that that is just part of the procedure of this House.

I know that with the rules and regulations now, if I would have made a motion to recommit, we would have had to reconsider it. But everyone knows in here that it is not debatable. I am willing to debate and make my remarks prior to my motion for recommitment, if anyone wants to do that, and I am not trying to cut anything off. I am just saying that I want the opportunity to make any remarks on the floor of this House, just like any other member has had the opportunity, before I make any type of a motion.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of procedure, the Chair would suggest that we limit the debate at this time to two statements, one from Mrs. Gillette and one from Mr. Cowell, who are proponents of this bill and one from Mr. Zeller and one from Mr. Arthurs who are opponents of this bill, with the assumption that when Mr. Arthurs had completed his statement following Mr. Zeller, that Mr. Arthurs will then make the motion to recommit after the statement. Is that acceptable?

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

Mr. GALLEN. Mr. Speaker, I know that the Speaker is eminently fair, but I think that the statement just made with regard to the four people who will speak on this bill is somewhat partisan. I, for one, who am contented with this piece of legislation since early in this session would like to have the opportunity to make some remarks regarding it.

The SPEAKER. The Chair takes cognizance to the gentleman's remarks and will make a statement on the remarks after the Chair recognizes the gentleman. You may now speak.

PARLIAMENTARY INQUIRY

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

Mr. PYLES. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PYLES. Mr. Speaker, the board shows HB 380 amendments. Are we through with amendments or is it still open for amendments before you go into your procedure that you just announced?

The SPEAKER. The question before the House, sir, is, shall the bill pass finally? The clerk will strike amendments from the board. The board, I now assume, is reading correctly.

Mr. PYLES. Mr. Speaker, will the Chair consider amendments after the procedure he announced?

The SPEAKER. Yes.

Mr. PYLES. Thank you, sir.

The SPEAKER. Yes, the Chair will, and because Mr. Gallen has objection, the Chair announces that he has every right to object to a limitation of debate, and we will not then be able to follow the procedure which the Chair announced. We will open the floor to debate on the bill on its merits. We will recognize Mrs. Gillette and Mr. Schmitt. Mr. Schmitt is retired from his debate?

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

Mr. ZELLER. Mr. Speaker, I want to be able to sincerely help you and the House in regard to a suggestion, and that is that, if possible—I know you are trying to be very fair—if we could possibly go back to the procedure that we always have had so that everybody gets a chance, just let the gentleman make his motion to recommit and we will vote on that without debate, except a brief debate on why he wants to recommit but not a wide range of debate.

What I am getting at is, if we are allowed to speak, I feel that there are others who certainly will feel that their so-called rights have been denied, and I would like to see us go back to normal procedure. I think it would be fair to everybody and I think it will get us all off the hook. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman. The gentleman's logic is impeccable. The problem is that the chief sponsor of the bill, Mrs. Gillette, has requested of the Chair that she be given an opportunity to debate the bill.

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

Mrs. GILLETTE. Thank you, Mr. Speaker. I will be very brief; I know it is near lunchtime.

This bill would simply make a few changes in the public utility rate-determination section. It would require the commission to take into consideration not only the cost of service but also the value of service, the conservation of our natural resources, and the health, safety, and well-being of the general public.

It also would give the Public Utility Commission the authority to require or permit utilities to adopt different rate structures — a lifeline rate structure and also peakload and time-of-day pricing. The lifeline rate block would be the lowest price in the rate structure.

I think this is an issue that we must address. We all know the complaints that we received from people during this past winter. Presently all utility companies in Pennsylvania use a declining block-rate structure. This was implemented back in 1937, and at that time it probably was a fair rate structure because gas, oil, and coal were very cheap and plentiful. There was no cost for the use of the water, and there were no pollution standards. Today all of these conditions are reversed, and this is not a fair rate structure. It is very inequitable and it is also wasteful, because those who use the least energy pay the highest price per unit.

This bill would give the public utility commissioners the authority to go into other rate structures, and we at least can give them that authority. We have had letters from the major-

ity of our commissioners saying they do want this bill. Mrs. O'Bannon, in her letter, clearly stated that she hoped this bill as amended with peakload and time-of-day pricing would be passed promptly, so by December when they finish their investigation they can implement some of these various types of rate structures.

I think this is something that would benefit the low users and it would encourage the conservation of energy. We all know there is a shortage of energy. We have been urged to do all we can to conserve, and I think the best way that we can encourage people to conserve is by making it economically attractive to do so. I would urge support for this bill. Thank you.

The SPEAKER. The Chair thanks the lady.

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

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to comment on a few of the remarks of Mrs. Gillette, with all respect to her. The bill will make a few changes in natural resources problems, welfare and health of the general public, PUC's permission to go into rate structures, regulation of peakloads and proper distribution, and she talked about the wasteful use of power. These all sound very good. The problem is that is exactly what we are going to be doing: We are going to be setting up a chance to waste.

I have yet to see a program, any program, where we have a giveaway program in effect that there is not waste. In most cases the recipients, and particularly in this case, can say that if there is a rate set at some 400 kilowatt-hours and I am going to get a break on it, then I can go over the 400 kilowatt-hours and be paying the same price I am paying now. That is waste.

One of the big problems you are going to have is with the group of people out there who are called middle-income people. In effect, they are going to be receiving a tax increase, the already overburdened individuals whom you and I have to face. Just talk to them. They would like to have a break, too, but they know that there is no free ride.

I think the area in which the PUC has to direct itself is in the area in which they have allowed the abuse — in the purchase of fuel, the purchase of the so-called resources that keep some of these plants moving — and to see to it that there is competitive bidding in areas where they can get the right prices and not pass all these heavy permissive actions by many large utilities to pass the load down. What we are doing is putting the wagon before the horse. What we have to do is get out there and address ourselves to where the real problems are.

Last session Mr. Johnson came into our caucus and he admitted that they could go into this program without the bill. He knows it. He said it. One of the problems we are going to have here is we are allowing again an experiment. We are giving the PUC carte blanche to go out and experiment. Experiment with what? Something that they themselves admit they do not know what they are going to do yet, have not come in with a program. And if they goof, do you know whom the blame is on? The legislature. The legislature told them to go do it. You are the one who is going to carry the load, and I have yet to see the so-called bureaucrats or departments that are going to be sharpening their pencils.

For example, last year this House moved on HB 1633 and SB

1542 in regard to the regulating of Law Enforcement Assistance Agency money coming in from the Federal Government. We said we want to know what those departments are doing. We said we want to know where that money is going. Remember the debate on the floor? Now what we are doing is reversing our decision of that time and we are saying to the PUC, you are holier than thou; you can go out and do what you want now; we are going to give you an open check, and you will be able to tell us later what happened. That is what I am afraid of, and that is exactly what is going to happen. We are not going to give anybody a break. What we are going to do is create waste and we are going to allow our already overburdened middle-income taxpayers to pay the bill for this goof, and I urge everyone to come on a recommittal or vote the bill down. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SCHMITT. Mr. Speaker, I would like to make several salient points here that I think might influence the vote in favor of this bill.

First of all, it should be pointed out that this bill is not a mandatory bill. It does not force or require the Public Utility Commission to do this very thing. It simply gives them a power which we think they now already have, but this makes it statutory and augments their position on it. This empowers the PUC to go into an inverted rate structure, with a possible reduction of rates to those on the lower income level and low-consumption level, and to increase the rate on the utilities which up to now have been subsidized more or less by the people of Pennsylvania.

This is only for a 1-year trial period, that if the Public Utility Commission institutes such a rate as a lifeline rate, we have the right at the end of 1 year to either renew the privilege for the Public Utility Commission or abandon it for all time. So it is really only a 1-year trial period, and many newspapers have said, let us give it the trial and see whether or not it does do the kinds of things we want it to do.

The principal objective of the bill is conservation. It is to conserve on energy which we realized in recent months and years has become very scarce. But let us go back in history to the time when we had so much energy we did not know what to do with it, so they decided to burn it fast and the way to do it was to give industry the opportunity to buy it at a low rate so that they did not have to be careful with its usage. If we invert the rate, there are going to be greater conservation efforts on the part of industry, and energy will be saved. The low-volume consumer has for many years been subsidizing industry, in my opinion, and I think it is time now to reverse that procedure.

Let me conclude by saying this: Support has come from all facets of society to pass this bill. We have had letters from the three commissioners — Carter, Johnson, and O'Bannon. We have had a letter of support from the consumer advocate. We have had letters of support from consumer organizations that represent over 250,000 people. I would say that an attempt to recommit this would be, in essence, a slap in the face to the little consumer who, throughout Pennsylvania, has been urging us to pass this bill, and I think each member of this House

should carefully consider the reaction he is going to suffer back home if he votes in favor of recommittal or tabling this bill.

Mr. Speaker, I ask every member of this House to support this bill in toto and without amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GALLEN. Thank you, Mr. Speaker.

Mr. Speaker, public hearings were held on this legislation this year and on similar legislation in the last session, and, really, hundreds of man-hours and thousands of dollars were spent holding hearings on a bill which says that the public utilities may do something that they have already done and something that they do now. In the Philadelphia Electric case they have already promulgated what is known as the lifeline rate.

Under mandate of this legislature the PUC now is undertaking the most extensive study of utility rates that they have ever undertaken, but the fact is that this bill really is somewhat meaningless. Let us look at the situation if the PUC does in fact promulgate lifeline rates.

The utility rates of most residents of this Commonwealth will go up if lifeline rates are promulgated. The utility rates of all people who heat with gas or electricity will go up. The utility rates of all large families will go up. Whose rates are going to come down? Well, for one, the people who have two residences, a summer and a winter residence. Their rates will go down.

Mr. SPEAKER, I oppose recommittal of this bill. I think we should consider this bill and defeat it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, during the last 15 months or so when there has been debate of one sort or another about HB 380 or its counterpart which was considered in the last session, I have probably heard more misstatements about this legislation than about any other piece of legislation that has come before this House since I entered here 2½ years ago.

I think it is important to note to the proponents of the bill, as well as to the opponents of the bill, that it is not necessarily going to do all of those things that we have heard so much about.

To the proponents of the bill, and to all those senior citizens who say, let us support this, I think it is only fair to point out that the utility rates are not necessarily going to go down. In fact, it is probably not very likely that they are going to go down. We should not mislead people to believe that. To all those people who have opposed the bill on the basis that certain rates will go up and sometimes go through the ceiling, that will not necessarily happen either.

I think it is misleading to produce those types of arguments. Many people, for instance, have argued with concern about the impact on individuals who have all-electric homes or the impact on our schools and our hospitals. I think it is quite reasonable to

anticipate that the PUC will give special consideration to those special circumstances. In fact, they have already indicated to us and to our Consumer Affairs Committee that they appreciated those unique circumstances and would have to deal with them appropriately.

I think to those people who have argued that the cost of utilities to industry will go through the ceiling, that, too, is misleading. It would take a great deal of speculation and a great deal of guesswork to really begin to speak with any specificity of actual dollar figures or percentage figures in terms of the impact on utility bills for any particular group. We simply do not know. I think that the only honest thing we can say is that we do not know.

As I mentioned in earlier remarks when commenting about one of the amendments, lifeline in particular—and, again, that is the focus of most of our attention—lifeline is a concept; it is not a precise formula. I do not think there is any person on this floor who is prepared to, or who is at all able to begin to talk about the exact impact of a lifeline bill or a lifeline rate because we are not really sure how it will be implemented by the PUC. In fact, it may well be implemented in different ways in different rate cases. I think we should say that at the outset.

I think it is important to talk about what this bill really does. I think what this bill does is to have this House state that we are not satisfied with our current rate structure. I think it has us state that we realize there are problems in terms of the conservation of energy and that we ought to be considering rate structures that will do a better job of encouraging people to conserve energy. I think it also says that we recognize that there are many, many families across this Commonwealth, not just poor families but an awful lot of middle-income families, too, that today have difficulty paying their utility bills. What it is saying is that we want the PUC to begin to consider other types of ideas. We want the PUC to consider other types of rate structures. It says we will give the PUC specific authority, authority that they already may implicitly have, but we are going to say very specifically, we are going to give you the authority to examine and perhaps begin to utilize some of these other types of rate ideas.

I will go back to the argument that Representative Morris utilized earlier when he said we should have adopted a couple of the amendments that were proposed because, even though in principle it was not necessary to state them, for us to defeat them might imply something.

I am suggesting that even though a lot of people argue that the PUC already has the authority to utilize the lifeline concept or some of these other concepts, some of these other types of rate structures, for us to defeat this bill today might well say that it is the intent of the legislature that the PUC shall not do that.

I do not think that would be proper for us to do. I think that the proper step is for us to give very specific authority to the PUC to begin to utilize these new concepts.

For those people who are concerned about lifeline, I reiterate that this is a very limited authority because we are saying that this authority to utilize the lifeline concept shall expire 1 year after this bill becomes law.

I do not think we are giving a blank check to the PUC. I think

we are giving them a rather narrow authority because we are saying to them, you are going to report back to us 1 year from now and that power may well not be repeated or given to you again. They are going to act rather responsibly.

I think it is also important that we take one final look at what lifeline has meant in other states where it has been utilized. Lifeline in other states where it has been utilized has not meant a sudden reshuffling of rates. It has not meant that certain people have had their rates decrease drastically while others have gone up drastically.

The typical approach to implementing the lifeline concept has been this: Public utility commissions or public service commissions have generally said we are going to begin to utilize the lifeline concept by doing this. We are simply going to freeze the rates on that initial block, be it 400 or 500 kilowatt-hours or whatever is determined to be the lifeline block by the PUC. They simply say we are going to freeze it and, if the utility company wants additional revenues, then those additional revenues will be realized by imposing a higher rate on those who use more energy.

I do not think that is so radical or so unfair, because if we look at our rate bills today, we look at one of the greatest reasons for higher bills. It is the cost of building new plants. The need for new capacity and the need for new plants is generated by those who use a lot of energy. I think it is probably unfair to work with our current system where we tell a couple of senior citizens, who might be doing barely more than heating their home and keeping their refrigerator operating, that we are going to have them pay a higher rate bill so we can build some new plant somewhere else for everybody else who wants air-conditioners, a new industry, new plants and energy-inefficient utensils. I do not think that is fair.

I think that what we can do is give to the PUC through this legislation the broad authority to come up with a system that is more fair and a system that, one, will urge people to conserve energy; and, secondly, will help out a little bit all those families who are having difficulty today paying the high cost of their energy bills.

Mr. Speaker, I would urge that we consider this legislation today because I do not think that there is any further need for study by committee. No committee in this House seeks this legislation for further study. As Mr. Gallen has pointed out, there have been numerous public hearings and testimony taken.

I think that this legislature has exhausted its ability to study this matter and to study the issue of rate structure. I think the appropriate step for us to take today is to consider this legislation and to give the PUC the authority to take the ball from here and complete its study and to begin to utilize some of these concepts on an experimental basis.

Thank you, Mr. Speaker.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. One announcement from the Chair and I think perhaps it is an important announcement: Mrs. Gillette, Mr. Zeller, Mr. Schmitt, Mr. Gallen and Mr. Cowell have all spoken once on the question. Each one of them may now speak, if the question recurs, one more time.

Rule 10 of this House states:

No member, except the Majority and Minority Leaders, may speak more than twice on any question, without the consent of the House.

Note it, please.

REMARKS PRESENTED FOR THE RECORD

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

Mr. O'CONNELL. Thank you, Mr. Speaker.

I rise in opposition to HB 380. I call it a "lifeless" bill rather than a "lifeline" bill. I think it acts contrary to what the intent is. I think it deprives those people in the lower blocks of power use.

I am not going to delay it any further. I am going to submit my reasons for opposing this bill for the record.

The SPEAKER. The gentleman will send his remarks to the desk.

Mr. O'CONNELL presented the following remarks for the Legislative Journal:

Mr. Speaker, I oppose HB 380, the so-called "lifeline" bill. I refer to it as a "lifeless" bill.

This proposal works contrary to its intent. It is more curse than benefit. It is a penalty to those in the lower blocks of power use. It forces further sacrifice. These people deprive themselves of some comforts and pleasures in order to remain eligible. This is accomplished by cutting back on power use. This is cruel.

These people enjoy very little pleasures or comforts as it is. It is not a solution; it does nothing to help those in need.

A fuel-stamp program would, in my opinion, be more desirable. A freeze of the gross receipts tax on the fuel adjustment would do more to reduce cost. The gross receipts tax on a 5-year schedule finally eliminating this onerous tax would be a step in the right direction.

It brings about an economic disadvantage to industrial, commercial and residential users.

PARLIAMENTARY INQUIRY

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

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

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. With respect to the Speaker's last comments, are you implying that those gentlemen may speak only one more time on the lifeline issue or on HB 380 at any other time of the session without the consent of the House?

The SPEAKER. No. The question before the House is on final passage. The rule is strictly limited to two speeches per member on any given question. If the question changes, for example, to amendments or motions, then, of course, the rule does not obtain. This is only on the question.

Mr. ZEARFOSS. I understand that, Mr. Speaker.

Now if the question at some other time in this session is on HB 380 on final passage, they are limited to one time?

The SPEAKER. Those members who have already spoken on

that question once will be limited by the rule to one more statement, unless the House were to waive the rule by unanimous consent.

Mr. ZEARFOSS. It does not matter which day of the session—it could be November 30, 1978—and if the issue is the same, they may only speak one more time on it?

The SPEAKER. It would not matter, in the Chair's opinion, as to what date the question was raised as long as the member had already spoken twice on the question. The rule would preclude the member from speaking a third or fourth or any other time beyond twice.

Mr. ZEARFOSS. Thank you for that clarification, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, because of the length of this debate, I will be very brief.

I want to point out the fact that Mr. Cowell made a serious error in that he said over and over again that we do not know how this works. For your information and for the information of all the members present here today, this rate has already been established for the Philadelphia Electric Company and has been used for over a year now. I should know; I am enjoying the benefit of it.

I should argue in favor of this bill because it is saving me money. I live in a very substantial home in Valley Forge. I happen to have no children at home. My home is an 11-room home. I have all the comforts of life. I am enjoying the lifeline structure because I am using less than 500 kilowatt-hours of electricity each month. So you see, we do know how it is working. I am sure it was not the intent to give Peter Vroon the benefit of lifeline. And I am in a similar boat to many of my neighbors who are likewise enjoying the benefits of lifeline. Is this what we intend to do? I do not believe so.

Now I have a constituent who, very alarmingly, sent me a letter yesterday telling me about his case. This constituent has an all-electric home; he heats his home by electricity. This constituent could have used oil and, if he used oil, he would not be affected by this lifeline rate which is now in effect with the Philadelphia Electric Company. He is already being penalized. Is this fair?

Then I ask you to consider the lot of many of my senior citizens and yours, if you live in an area where fuel oil is being used. My senior citizens are complaining to me, too, about their high cost of living, but they heat their homes with oil. This bill does absolutely nothing for these senior citizens.

So I would say that when you consider all of these things put together, I feel that the motives of this bill are excellent. If we do try to conserve, that is excellent. But in connection with conservation, let me point out that it does not work that way, Mr. Schmitt, in industry. They are not encouraged to waste energy. The fact of the matter is, Mr. Schmitt, if you were in charge of a large company trying to make a profit, you would be very much alarmed by this because this very policeman that is going to conserve energy in industry is the profit motive. This is an element of cost. I cite as an example Lukens Steel in Chester

County. Lukens Steel spends well over \$1½ million each year in electrical energy to fuel its electrical furnaces. These are used in steelmaking; these are vital to the process. They are interested in conserving every penny of cost because they must be competitive. Yet this bill would penalize Lukens Steel tremendously, putting them at a terribly competitive disadvantage and raising the cost of their product. And who do you suppose is going to pay that additional cost? It is the consumer. We are coming around in a circle back to the consumer. There is no discrimination in consumer products for or against the senior citizen. So think about it very carefully.

I want to help senior citizens. I have a heart for our senior citizens. I know their costs are high, but, Mr. Speaker, I think we have other bills in the House which help senior citizens directly, by means of energy stamps and direct help. If we want to use our abilities as legislators to help people in need, let us help them directly via energy stamps and that type of method, rather than confusing the issue and tinkering with the economics of ratemaking in the utilities.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Allegheny, Mr. Cowell, wish to speak for the second time on the question?

Mr. COWELL. No, I do not. I would like to interrogate the previous speaker, however, Mr. Vroon.

The SPEAKER. The Chair would rule that any interrogation is exactly the same as speaking for the second time on the question, and the Chair cautions the gentleman.

Mr. COWELL. Well, if that is your ruling, Mr. Speaker, I will skip the opportunity to interrogate. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ARTHURS. Thank you, Mr. Speaker.

I rise in opposition to HB 380 because I do not believe that this bill is truly a "lifeline" piece of legislation. Lifeline utility rates, in my opinion, should give protection and assistance to the low-income family and to the elderly on a fixed income. HB 380 does not direct itself to this problem because there are no such provisions or guidelines set forth to accomplish this end. HB 380 directs itself to the amount of energy used and/or conserved. Unfortunately, but generally, those persons who need this assistance are not the ones who can usually conserve fuel.

Let me give you a couple of examples: Usually a low-income family lives in a poorly insulated house. Because of this poor insulation, they are going to use more fuel than a person on middle income or higher income because we do have our houses insulated the way they should be.

Secondly, that family who has small children or babies in their house have to keep their houses set at a higher temperature than perhaps you and I do. This is also true with the elderly. Once again, more fuel being used by the families with children or the home with older people are the ones who are being penalized.

Here is something that you and I all went through this winter. We are penalizing our schools. We realize right now, with the legislation that is in front of us, the problems that each of us are having in our school districts, and we know the

problems they encountered last winter with their fuel.

Another area is our hospitals. Which one of you has not had letters from constituents asking about the high cost of hospital rates? Once again, this is one of the institutions that will be penalized.

On the other hand, as has been stated here by several people, some of us and some people who have the financial ability of going to Florida in the wintertime or Arizona or California, while there we are going to get the benefit of lifeline rates back here in Pennsylvania. Still that person who has to stay in Pennsylvania might be paying a higher rate. As Mr. Vroon said, my wife and I happen to live in a house that is well insulated. We like to keep the temperature low, so we, too, would fall under this rate. Perhaps somebody in the other end of town or one of my neighbors, because of the size of their family, is going to pay a higher rate than I do. I really do not believe that this should be the intention of a lifeline utility-rate bill.

If we are to consider and want to really help those on low incomes, a much more equitable and fair approach to the problem would be the use of a fuel stamp. There has been such legislation introduced over in the Senate, SB 532. Now opponents to the fuel-stamp concept claim that this would cost many, many tax dollars to impose such a program. Let us not kid ourselves one little bit. No matter what we do to help anyone out this way, it is going to cost money. Lifeline will also cost tax dollars, yours, mine and every one of our constituents. This is because lifeline legislation will throw an undue burden upon industry which now uses 60 percent of our energy. When the cost is passed on to industry, it is eventually passed on to the purchaser of this industry's product.

Now we have heard here today how industry, because of a low price, wastes energy. But let me tell you this, anyone who has had any connection with industry today realizes, because of the competitive market in which they operate, these industries conserve their fuel just as much as possible and they do not waste fuel. Once again, in most cases, fuel is wasted by people who do not know how to conserve.

If we had a lifeline concept, would we have been able to get Volkswagen into Pennsylvania or would it have gone out to Ohio? I am wondering about the State of Illinois where they have just voted down the lifeline concept, and one of the issues that was considered was the competitiveness of industry in states that do not have lifeline.

If we are to impose lifeline, it is something that should come from a Federal level whereby every state would be affected in the same manner and at the same way.

Now if these costs are to be assumed by industry this could drastically affect the employment in Pennsylvania. When these fuel costs are passed on, it will cause the product price to rise and create an unfavorable competition situation with those states that do not have lifeline.

We are presently losing industry into the Sunshine Belt because of the energy. Let us not force more industry out of Pennsylvania and hurt our labor market. We are hurting bad enough right now.

Now if the additional cost is not assumed by industry through the change in the rate structure, it will then have to be assumed by the middle-class people who are now paying more

than their share, more than our share. Can you imagine how this would affect that family who has an all-electric home? I am afraid there are many cases where we would be forcing people from their present home and perhaps forcing them into our now overloaded welfare program.

The proponents of this bill talk about allowing the PUC to do this and do that. It has been stated here before and it is so important that we realize that we, in the Pennsylvania General Assembly, by concurrent resolution No. 228 of the last session, directed the Pennsylvania Public Utility Commission to investigate alternate rate structures, including those covered by HB 380, and then to report their findings to the General Assembly. Our Pennsylvania Public Utility Commission has been holding, and is continuing to hold, these hearings and will be making a report to us. Before we take any further action here in the House, I believe we should allow our PUC to finish their study and to make their report to us.

Now, after the PUC reports, let us then, but not until then, implement the necessary legislation. I do not think by asking that we do not consider this bill today is a slap in the face, as Representative Schmitt said, to the proponents of the bill. I think it is just a good sensible approach.

It has also been said by the proponents of the bill that it is an energy bill. Since they do say this and since they indicate that this is an energy bill, I believe that it should be considered by the House Mines and Energy Committee. They have not had a chance to do this at all. They have not had a chance to look at the bill and hold hearings to really see how it affects energy.

HB 380 RECOMMITTED

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

Mr. ARTHURS. For these reasons which I have spelled out, Mr. Speaker, I now move that HB 380 be recommitted to the Mines and Energy Management Committee. I ask the members for their support on this recommittal motion.

The SPEAKER. It has been moved by the gentleman from Butler, Mr. Arthurs, that HB 380, PN 1014, be recommitted to the Committee on Mines and Energy Management. The question now is strictly on that motion. The motion is not debatable except as to the reason for or against the motion.

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

Mrs. GILLETTE. Mr. Speaker, I oppose the motion to recommit HB 380 to Mines and Energy Management. I do not think there is a bill in this session or the last session that received more consideration than this particular bill. Our Consumer Affairs Committee has studied it thoroughly; public hearings were held last year and they were held again this year, and I think this has been brought out during the debate today.

I certainly do not see any reason to have it recommitted to the Mines and Energy Management Committee. They have done a lot of work on coal contracts and energy costs, but they have not done anything on rate structures. Our Consumer Affairs Committee and the staff have worked thoroughly on rate structures and they did vote this bill out.

I would hope the members, regardless of what their feelings are on the bill, will not support this particular recommittal motion. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Berks, Mr. Gallen.
Mr. GALLEN. Mr. Speaker, in my previous remarks I said that I would oppose recommittal, but I presupposed that Mr. Arthur's motion would be to recommit to the Consumer Affairs Committee. Since he has moved to recommit to Mines and Energy Management, I support the motion. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would oppose the motion to recommit to Mines and Energy Management. I think it is important to point out that this legislature, this House, has already devoted very substantial energy and resources to the study of this concept for this particular legislation. It would only be redundant for us to pass it off to another committee or to dump it on another committee and ask them to do the same thing. That is simply not smart legislative procedure on our part. We have already undertaken very lengthy study by two sessions of this legislature, and both times it was by the Consumer Affairs Committee.

Secondly, I think it is important to point out that we are really talking about literally dumping it on Mines and Energy Management Committee. They do not seek the bill; they have not generated any past activity in the whole area of rate structure; they have left that to the Consumer Affairs Committee. So at least let us have the courage to address the question on the floor of the House on its own merits and not, as I said, dump it on another committee just to pass it off to somebody else for the time being.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Arthurs, for the second time on the question.

Mr. ARTHURS. Mr. Speaker, I think it has been pointed out here very strongly exactly why this should go back to Mines and Energy Management Committee, and that is because we need to study the energy problem. There has not been one committee in this House more active this session and has done more for the energy problem and the energy crisis than that particular committee that I want this to go into, and that is exactly where I want it. Why I want it there is so that they can take a good close look at this bill and really tell us how it is going to affect our energy and how we can save energy.

I appreciate what the Consumer Affairs Committee has done. They have shown us what can be done about the rate structure, and we are already asking the Public Utility Commission to do this. So now let us see what we can do with it energywise. Let us have it recommitted to Mines and Energy Management Committee.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Gillette, for the second time on the question.

Mrs. GILLETTE. Thank you, Mr. Speaker.

Just one more point: If you listen carefully to Mr. Arthur's

speech, he did not in speaking give any good reason for recommittal. He is firmly opposed to the bill. He gave a very good argument against it, but nothing to say it would receive any further consideration. I would hope that you would oppose the motion.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Schmitt, to speak for the first time on the question.

Mr. SCHMITT. Yes, Mr. Speaker, to point out that if the bill is going to be recommitted, it certainly should not be recommitted to Mines and Energy Management Committee. It should go into the Consumer Affairs Committee, which has a subcommittee known as the Public Utility Committee. This does definitely deal with the Public Utility Commission and definitely does deal with the rates. I think it has no other place except in the Consumer Affairs Committee. But I would like to oppose the recommittal completely.

I will yield to Mr. Arthurs who, I think, wants to respond to me. If he does, I will be very glad to answer.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller, to speak for the first time on the question.

Mr. ZELLER. Thank you, Mr. Speaker.

That was my question, I wanted to find out whether I was on my second round or not?

The SPEAKER. For the clarification of the members so that we know exactly what we are doing, the question is changed. This is not on the final-passage question. This is on the question of the recommittal motion. The gentleman has not yet spoken on that. This is his first opportunity to speak on that question.

Mr. ZELLER. Thank you, Mr. Speaker.

I know you have been listening very attentively and I will make it short.

I would like you to think this one out. The PUC wants this bill. Since we will then have to fund their tremendous army of people, they know that they have to have our approval first. Then they are going to lock us into a tremendous army of people who will have to monitor this program; set it up and monitor it. Think that one over.

Presently, they could not do it without first the funding. Now we are just reversing that situation. Now in effect what we are saying is, go after them tiger; go out there and do a job, and we will back you all the way.

The SPEAKER. Will the gentleman yield?

The Chair does not want to be inordinately stubborn in insisting on the rules, but the gentleman is wavering from the motion into the substance of the bill. Would the gentleman constrain himself to the motion itself?

Mr. ZELLER. I am sorry, Mr. Speaker.

To get on with it, let us vote to recommit it.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—106

Anderson	Goebel	Mebus	Schweder
Armstrong	Goodman	Miller	Seltzer
Arthurs	Grieco	Miscevich	Shuman
Bennett	Halverson	Moehlmann	Sirianni
Bittle	Hamilton	Morris	Smith, E.
Brunner	Hasay	Mowery	Smith, L.
Burd	Haskell	Mullen, M. M.	Spencer
Butera	Hayes, S. E.	Noye	Spitz
Cassidy	Helfrick	O'Brien, B.	Stairs
Cessar	Honaman	O'Brien, D.	Sweet
Cimini	Hopkins	O'Connell	Taylor, E.
Davies	Hutchinson, A.	O'Keefe	Thomas
DeVerter	Hutchinson, W.	Pancoast	Vroon
DeWeese	Kelly	Parker	Wagner
Dietz	Klingaman	Petrarca	Wass
Dininni	Knepper	Piccola	Weidner
Dorr	Kusse	Pitts	Wenger
Fisher, D. M.	Letterman	Polite	Will
Foster, A.	Levi	Pott	Wise
Foster, W.	Livengood	Pratt	Wright, D.
Freind	Lynch	Prendergast	Yahner
Fryer	Madigan	Pyles	Yohn
Gallen	Manmiller	Renwick	Zearfoss
Gamble	McCall	Ryan	Zeller
Gatski	McClatchy	Salvatore	Zord
Geesey	McGinnis	Scheaffer	Zwilk
George, M.	McLane		

NAYS—90

Abraham	Gallagher	Logue	Schmitt
Bellomini	Garzia	Mackowski	Scirica
Berlin	Geisler	Manderino	Shelton
Berson	George, C.	McIntyre	Shupnik
Bittinger	Giammarco	Melusky	Stapleton
Borski	Gillette	Milanovich	Stewart
Brown	Gleeson	Milliron	Stuban
Burns	Gray	Mrkonic	Taddonio
Caltagirone	Greenfield	Mullen, M. P.	Taylor, F.
Caputo	Greenleaf	Musto	Tenaglio
Cianciulli	Harper	Novak	Trello
Cohen	Hayes, D. S.	O'Donnell	Valicenti
Cole	Hoeffel	Oliver	Wansacz
Cowell	Itkin	Pievsky	Wargo
DeMedio	Johnson	Rappaport	White
Dombrowski	Jones	Ravenstahl	Wiggins
Donatucci	Katz	Reed	Williams
Doyle	Kernick	Rhodes	Wilson
Duffy	Kolter	Richardson	Wright, J. L.
Dumas	Kowalshyn	Rieger	Zitterman
Englehart	Laudadio	Ritter	
Fee	Laughlin	Ruggiero	Irvis,
Fischer, R. R.	Lehr	Scanlon	Speaker
Flaherty			

NOT VOTING—6

Barber	Brandt	Lincoln	Shelton
Beloff	DiCarlo		

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

The SPEAKER. The bill is so recommitted.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The lady will state it.

Mrs. KELLY. Mr. Speaker, before the recess we had before us HB 380. I voted in error on the motion to recommit that bill. I would have preferred to have voted in the negative instead of the affirmative.

Thank you.

The SPEAKER. The lady's remarks will be noted for the record and spread upon the record.

ANNOUNCEMENTS RECESS AND DEMOCRATIC CAUCUS

The SPEAKER. We will at this time, for your information now, please, declare a recess until 3 o'clock. We would ask the members to go to the majority caucus room for the luncheon.

As I understand, at the request of the majority leader, there will be a caucus at 2:30. Is that correct, Mr. Majority Leader?

Mr. MANDERINO. Yes, Mr. Speaker.

There are two subject matters which must be dealt with today. There is a Reorganization Plan No. 1 and a Court Report Plan No. 1. There is a dire need to move these pieces of reorganization today. We will caucus on that between 2:30 and 3 o'clock, Mr. Speaker.

The SPEAKER. The Chair thanks the majority leader.

REPUBLICAN CAUCUS

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

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

There will be a Republican caucus at 2:30 for the purpose of discussing the two matters mentioned by the majority leader. The reorganization plans will be taken up at 3 o'clock. I would ask all members to come to our caucus room at 2:30.

SMALL GROUP MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport, for an announcement.

Mr. RAPPAPORT. Mr. Speaker, a small group was scheduled to have a meeting directly after this session. May I suggest that we congregate and have that meeting at 1:15, so that they will have a chance to eat.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

COMMITTEE CHANGES

The SPEAKER. An announcement by the Speaker, which the clerk will read.

The clerk read the following announcement:

The Speaker announces the following Committee change:

Representative DeVerter replaces Representative McGinnis as a member of the Committee on Business and Commerce.

The SPEAKER. I have been advised that some members of the Republican Party have questioned whether or not the luncheon includes the Republican members. Certainly it does. The luncheon is given for all the members of the House, and we would urge all of you to attend. I did not want that to escape notice.

RECESS

The SPEAKER. This House now stands in recess until 3 p.m. today.

AFTER RECESS

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. The Chair intends to take up on page 13, HB 8, PN 934, and the question of Sunday trading in the Commonwealth of Pennsylvania. All members will please report immediately to the floor.

The Chair returns to the third consideration calendar and takes up, out of order, on page 13, HB 131, PN 144.

VETERANS AFFAIRS BILLS ON THIRD CONSIDERATION

Agreeable to order.

The House proceeded to third consideration of **House bill No. 131, printer's No. 144**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes further providing for the Civil Service Commission to make semi-annual reports to the Adjutant General relating to the enforcement of veterans preference provisions

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The House is in the process of voting on final passage on HB 131, PN 144, and under the House Rules, the roll call can be kept open for no more than 10 minutes and will not be.

On the question recurring,

Shall the bill pass finally?

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

Mr. DiCARLO. Mr. Speaker, I was under the impression that Representative Dombrowski had amendments to offer to HB 131. Can the Chair sustain that?

The SPEAKER. The Chair does not have any such notation, but if the gentleman from Erie informs the Chair that that is factual, the Chair will reconsider its consideration that the House agreed to the bill on third reading.

Mr. DeMEDIO. Mr. Speaker, Mr. Dombrowski has amendments to the next bill, HB 884, and he has agreed to hold this bill until next week. There are no amendments to this bill, HB 131.

Mr. DiCARLO. Mr. Speaker, I thank the Chair.

The SPEAKER. The Chair thanks the gentleman for bringing that to the Chair's attention.

On the question recurring,
Shall the bill pass finally?

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

YEAS—194

Abraham	Geesey	McCall	Scheaffer
Anderson	Geisler	McClatchy	Schmitt
Armstrong	George, C.	McGinnis	Schweder
Arthurs	George, M.	McIntyre	Scirica
Bellomini	Giammarco	McLane	Seltzer
Bennett	Gillette	Mebus	Shuman
Berlin	Gleeson	Meluskey	Shupnik
Berson	Goebel	Milanovich	Sirianni
Bittinger	Goodman	Miller	Smith, E.
Bittle	Gray	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
Caputo	Hayes, D. S.	Novak	Taylor, E.
Cassidy	Hayes, S. E.	Noye	Taylor, F.
Cessar	Helfrick	O'Brien, B.	Tenaglio
Cianciulli	Hoeffel	O'Brien, D.	Thomas
Cimini	Honaman	O'Connell	Trello
Cohen	Hopkins	O'Donnell	Valicenti
Cole	Hutchinson, A.	O'Keefe	Vroon
Cowell	Hutchinson, W.	Oliver	Wagner
Davies	Itkin	Pancoast	Wansacz
DeMedio	Johnson	Parker	Wargo
DeVerter	Jones	Petrarca	Wass
DeWeese	Katz	Piccola	Weidner
Dietz	Kelly	Pievsky	Wenger
Dininni	Kernick	Pitts	White
Dombrowski	Klingaman	Polite	Wiggins
Donatucci	Knepper	Pott	Wilson
Dorr	Kolter	Pratt	Wilt
Doyle	Kowalyszyn	Prendergast	Wise
Duffy	Kusse	Pyles	Wright, D.
Englehart	Laudadio	Rappaport	Wright, J. L.
Fee	Laughlin	Ravenstahl	Yahner
Fischer, R. R.	Lehr	Reed	Yohn
Fisher, D. M.	Letterman	Renwick	Zearfoss
Flaherty	Levi	Rhodes	Zeller
Foster, A.	Livengood	Richardson	Zitterman
Foster, W.	Logue	Rieger	Zord
Freind	Lynch	Ritter	Zwinkl
Fryer	Mackowski	Ruggiero	
Gallagher	Madigan	Ryan	Irvis,
Gallen	Manderino	Salvatore	Speaker
Garzia	Manmiller	Scanlon	
Gatski			

NAYS—0

NOT VOTING—8

Barber	DiCarlo	Gamble	Shelton
Beloff	Dumas	Lincoln	Williams

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

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

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from

Erie, Mr. DiCarlo. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. Mr. Speaker, when the vote was taken on HB 131, on page 13 of today's calendar, my switch was locked. I would like to be recorded in the affirmative.

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

BILL CALLED OUT OF ORDER

The SPEAKER. The Chair takes up out of order, on page 14, transportation bills on third consideration. Page 14, HB 187, PN 207. The question before the House is, will the House agree to the bill?

TRANSPORTATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 187, printer's No. 207, entitled:

An Act designating a certain bridge crossing the Ohio River as the Neville Island Bridge

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

MOTION TO RECOMMIT

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

Mr. LAUGHLIN. Mr. Speaker, there have been a number of members come to me requesting that we reconsider this legislation in committee and to vote to recommit the bill. I would ask at this time and make a motion that we recommit this bill to Transportation Committee.

The SPEAKER. The clerk will strike the vote. The Chair reconsiders the vote by which the Chair announced that the House had agreed to the bill.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, for the purpose of making a motion.

Mr. LAUGHLIN. Yes, Mr. Speaker. I had made the motion that we recommit the bill to the Committee on Transportation.

The SPEAKER. The gentleman, Mr. Laughlin, has moved to recommit HB 187, PN 207, to the Committee on Transportation. The question is on the motion.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello. I apologize to the gentleman, Mr. Trello, for the delay. I think certain members of the House will recognize eventually that you are trying to speak to a question.

Mr. TRELLO. Yes sir. Mr. Speaker, in regard to the motion to send this bill back to the Transportation Committee, this bill was already debated in the Transportation Committee and it

was voted out of committee.

I know there are a number, not a number, but there are several, Representatives who had second thoughts about naming that bridge, but that bridge happens to be right in the middle of my district and it represents a lot of my constituents. I would not dare think of naming a bridge in anybody else's district because it belongs to them. That is their corner of the world. Well, this bridge happens to be in my little corner of the world, which is my district, and I urge everybody to vote "no" against this motion to recommit. Thank you very much.

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

Mr. GOEBEL. Mr. Speaker, I would like to speak against the motion to recommit. The bridge also touches one of the communities which I live in, and there was some degree of controversy last year and also this year again. It touches the Glenfield side and it goes over and touches Neville Island and goes over and touches Coraopolis.

There was at one time a move to name it the Glenfield-Coraopolis Bridge or the Coraopolis-Glenfield Bridge, but the people were too hardheaded on both sides that they did not want that, either one of them. Glenfield wants it the Glenfield Bridge.

There were also some people who had called me from Sewickley who wanted it to be called the Bicentennial Bridge, and I think that that has some merit. I also introduced a bill to name it the Captain Steve Muick Bridge because he was the fellow who spotted the crack that saved the bridge from falling into the river.

So I think what we have here is a good compromise and I think Fred has a good thing here and that the Neville Island Bridge probably is a good compromise name for it. I know that there are some people who would like it perhaps to be named after the late Mr. Sherlock, which also has a lot of merit, but I think we should settle this once and for all. I think what Fred has is a good compromise and I would urge the members to vote for this bill and against the recommitment.

The SPEAKER. The question before the House is on the adoption of the motion by Mr. Laughlin that HB 187, PN 207, be recommitted to the Committee on Transportation. Those members desiring to recommit will vote "aye"; those desiring that the bill not be recommitted will vote "no." The members will proceed to vote.

On the question.

Will the House agree to the motion?

The following roll call was recorded:

YEAS—8

Davies	Geesey	Laughlin	Pancoast
Dorr	Kolter	Petrarca	Polite

NAYS—186

Abraham	Gatski	McCall	Scirica
Anderson	Geisler	McClatchy	Seltzer
Armstrong	George, C.	McGinnis	Shuman
Arthurs	George, M.	McIntyre	Shupnik

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

NOT VOTING—8

Barber	Berlin	Hutchinson, W.	Rhodes
Beloff	Dumas	Oliver	Shelton

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—194

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

NAYS—0

NOT VOTING—8

Barber	Berson	Milanovich	Shelton
Beloff	Dumas	Pievsky	Taylor, E.

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The lady will state it.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I do not think my vote was recorded on the last vote, HB 187. I would like to have it recorded as an "aye" vote.

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

Mrs. TAYLOR. Thank you, Mr. Speaker.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. TRELLO. Sir, I just want to take a second to thank each and every member of this House on both sides of the aisle for their consideration and also to thank Mr. Goebel for his support. I can assure the members that if something occurs in their districts and they need some help with it, they can certainly count on my vote. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair would remind the gentleman that such a broad and warm promise may be very well held against him, and because we recognize that in moments of exuberance all of us make promises which we sometimes regret, we will note for the record that the gentleman has an unspoken addendum, that is, if the request is a reasonable one.

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, you might choose to let one of your members off the hook, but we will not.

The SPEAKER. I thought you would rise quickly to that one, Mr. Ryan.

BUSINESS AND COMMERCE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 8, printer's No. 934**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. Does the gentleman, Mr. Letterman, rise for amendments?

Mr. LETTERMAN. Yes, I do, Mr. Speaker.

DECISION OF CHAIR RECONSIDERED

The SPEAKER. The Chair reconsiders its announcement that the House has agreed to the bill on third consideration. Amendments are to be offered by Mr. Letterman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LETTERMAN offered the following amendments:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting Repealing certain provisions of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, relating to prohibitions on Sunday trading and prohibiting certain requirements by employers.

Amend Bill, page 1, by inserting between lines 8 and 9 Section 2. No employer shall require any employee to work on any day which such employee for religious practices observes as his day of rest.

Amend Sec. 2, page 1, line 9, by striking out "2" and inserting 3

On the question,

Will the House agree to the amendments?

The SPEAKER. Would the gentleman reply to the Chair's

query? Are these amendments which have been agreed to?

Mr. LETTERMAN. Yes, Mr. Speaker.

The SPEAKER. Because of the confusion in the House which is caused by the passing of amendments which are agreed to, the Chair believes it is wise to have the gentleman, Mr. Letterman, give a brief explanation of what this amendment is.

Does the gentleman yield to Mr. Bennett?

Mr. LETTERMAN. Yes, Mr. Speaker.

The SPEAKER. Mr. Bennett, would you please give a brief explanation of this agreed-to amendment before the Chair has declared it as agreed to and the House has acted?

Mr. BENNETT. Mr. Speaker, the point that I want to raise is that it was my understanding when I spoke to the Chair that this amendment was agreed to. I understand now, from certain members, that it is not an agreed-to amendment and therefore is subject to debate. I would ask Mr. Letterman to explain the amendment.

The SPEAKER. Mr. Bennett has yielded the floor back to Mr. Letterman. We recognize that there are other members who have risen to their feet and we will reach them eventually.

Mr. Letterman, would you care to explain the amendment which, for the benefit of the members, has not been agreed to? It is not an agreed-to amendment as of this moment.

Mr. LETTERMAN. Mr. Speaker, the entire purpose of my amendment is just to say that no person can be fired from their job for refusing to work on his selected Sabbath Day. In other words, I do not want a person to be forced to work and then be fired if he refuses. This would cover every religion the way it is stated. And the way I understand it, this would also be about the only language left if HB 8 is repealed.

If there are any questions, I will be glad to answer them.

By the way, I used this same amendment at the hearings we held throughout the entire state and it was well received every place we went.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies. Does the gentleman rise to speak to this amendment?

Mr. DAVIES. Mr. Speaker, I rise in support of the amendment and I also wish to withdraw an amendment that I had circulated which was very similar to this amendment. I, of course, want to support Mr. Letterman's amendment.

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Tenaglio. Does the gentleman rise to speak to the amendment?

Mr. TENAGLIO. No, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. TENAGLIO. Mr. Speaker, I intend to offer a motion to have HB 8 reverted to its prior printer's number.

The SPEAKER. I beg your pardon? It is difficult for the Chair to hear the gentleman. The Chair thinks it heard you say that you have an intention to offer a motion to revert it to the prior printer's number. Is that correct?

Mr. TENAGLIO. Yes, Mr. Speaker.

The SPEAKER. You may offer that motion immediately following the action of the House on this amendment. It would be in order.

Mr. TENAGLIO. That is what I wanted to find out.

The SPEAKER. Yes, you would be in order.

Mr. TENAGLIO. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Dombrowski. Does the gentleman rise to speak to the amendment?

Mr. DOMBROWSKI. Mr. Speaker, would the sponsor of the amendment consent to a brief interrogation?

The SPEAKER. Will the gentleman, Mr. Letterman, consent to a brief interrogation?

Mr. LETTERMAN. I will, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Dombrowski, may place the interrogation.

Mr. DOMBROWSKI. Mr. Speaker, if a plant is on a 7-day operation, such as the steel mills in Pittsburgh—and I am sure that there are other plants throughout the Commonwealth in that same condition—if we pass this amendment and pass the bill with the amendment in it, would these people have the ability to go to their foreman and say, "I don't want to come to work on a Sunday. It's my Sabbath. I'm going to stay home."?

Mr. LETTERMAN. Mr. Speaker, this has nothing to do with industry; this is a retail bill. It has nothing to do with the industrial part of manufacturing in Pennsylvania. It would not affect them one iota. There is no way it would affect them.

Mr. DOMBROWSKI. Where does it say that in the bill?

Mr. LETTERMAN. Well, where does it have to say it? There is nothing that even includes it. They are not even included in the first place.

Mr. DOMBROWSKI. But your amendment says that he does not have to work on Sunday if he does not want to.

Mr. LETTERMAN. It does not say he does not work in industry, Mr. Speaker, because it does not have anything to do with industry.

Mr. DOMBROWSKI. Are you saying that, in effect, this would have no effect on industry whatsoever?

Mr. LETTERMAN. Not on the steel mills and the Hammermill Paper Companies and the ones that you are talking about. It would not.

Mr. DOMBROWSKI. Okay. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, I do not know who, if anyone, can answer my question, but my question is this: HB 8 deals with the repeal of certain provisions relating to Sunday—and I use the word "Sunday"—trading, and I am wondering what paragraph (e) in Mr. Letterman's amendment would do for someone who observes Saturday as their Sabbath Day and whether or not that amendment could be properly inserted. Is the amend-

ment germane to HB 8 since HB 8 deals with, as I said, repealing certain provisions relating to Sunday trading while the amendment inserts the language: "No employer shall require any employee to work on any day which such employee for religious practices observes as his day of rest...."? Is that a proper amendment, Mr. Speaker?

The SPEAKER. The Chair will place the question before the House in a moment. The House will be at ease for a minute.

The House will be in order. The gentleman from Lehigh, Mr. Ritter, has risen to a point of germaneness.

PARLIAMENTARY INQUIRY WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter. Does the gentleman wish to amplify his point or raise the issue?

Mr. RITTER. Mr. Speaker, may I withdraw that parliamentary inquiry for the moment?

The SPEAKER. The Chair will permit the withdrawal of the parliamentary inquiry. The gentleman has the floor and may proceed.

Mr. RITTER. Mr. Speaker, I would like to pose a question. If Mr. Letterman can answer it, fine; if not, whoever else can answer it may. I know what Mr. Letterman wants to do, and I support that, but if we adopt his amendment and a Seventh-Day Adventist does not want to work on a Saturday and says to his employer, "I am not going to work on Saturday; that is my religious day," is this amendment going to be effective, since the section of the Crimes Code that we are amending deals only with Sunday trading?

The SPEAKER. The gentleman, Mr. Ritter, has asked whether the gentleman, Mr. Letterman, will submit to interrogation.

Mr. LETTERMAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Letterman, has indicated that he will. Mr. Ritter has placed the question. Will the gentleman, Mr. Letterman, give answer to that question for the benefit of the House?

Mr. LETTERMAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. LETTERMAN. Mr. Speaker, when this question was brought up before and we asked the Reference Bureau what we could do with it, I had it only for Sunday at that time, and then after we had had several hearings where Seventh-Day Adventists did attend the meetings and had requested this part of it, I asked the Reference Bureau about it. They said that it could be handled, and that it could be a proper amendment and drawn this way so that it would handle any religion. And as long as the 40 hours are up and 40 hours are worked, then they cannot be forced to work over.

So what we are trying to do also is to say that a company cannot make a person stay home Monday and Tuesday and then be worked over the weekend, and this is another phase of it that we are trying to work into it as a protection for an employe.

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

Mr. RITTER. Would the gentleman tell me what the penalty would be for an employer who would violate section II?

Mr. LETTERMAN. There is no penalty. It just says that he cannot fire or get rid of an employe who refuses to work that day and that all it is is a protection for the employe. There is no penalty involved, but there is a safeguard.

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

First of all, I believe that there would be a penalty involved since we are amending the Crimes Code, and where no penalty is specified, there is a section in the Crimes Code which sets forth what the penalty should be.

The other thing that I am concerned about is that we are doing something in the Crimes Code which seems to me to be better done somewhere else. Hours and conditions of employment, it seems to me, should not be a matter for the Pennsylvania Crimes Code but ought to be a matter of some labor law perhaps or some other section or some other act. And because of that, I am very concerned that we are going to get into it in terms that the gentleman mentioned, about working more than 40 hours, et cetera, et cetera. I just do not believe that that is the sort of thing that should be in the Crimes Code.

If we are going to put in, as Mr. Letterman suggested, this amendment but not have any penalty, then we are just simply taking up space in the Crimes Code that we could better use for something else. I would believe on that basis, and I support what the gentleman is attempting to do and I will support any legislation that he wants to draw up which will accomplish what this amendment seeks to do, but I do not believe it ought to be in the Crimes Code. For that reason I intend to vote against the amendment.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker. Perhaps I can provide some facts in this debate. I am somewhat familiar with Sabbatarian legislation which primarily affects Seventh-Day Adventists, Seventh-Day Baptists and Orthodox Jews.

To give further answer to the question raised by the gentleman from Erie, Mr. Dombrowski, there are Federal decisions already handed down involving Seventh-Day Baptists and the telephone company where the phone company was required to schedule a Seventh-Day Adventist so he could work his 40 hours on days not involving Saturday.

Those decisions probably do not apply to people in law enforcement or fire fighters, people like that. It is presently law in Pennsylvania and has been for some 10 years that neither state nor local government or any agency thereof, except for law-enforcement, fire or such emergency services, may not require a person to work upon his Sabbath or upon a religious holiday provided that for the religious holiday they take off without pay, but it is not counted against annual leave. That is the law of this Commonwealth today. That is the law as applied by the Federal Human Relations Commission, or whatever it is called, to industry throughout the country, and this amendment merely brings this State into line with what is going on nationally.

I would submit to the House that the number of people who are affected are relatively small, and therefore this amendment is merely going to protect their rights to observe their religion. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—188

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

NAYS—6

Dorr	Manderino	Milanovich	Ritter
Livengood	Mebus		

NOT VOTING—8

Barber	Dumas	Mullen, M. M.	Shelton
Beloff	Garzia	O'Donnell	Stairs

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

QUESTIONS
OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from

Delaware, Mr. Garzia. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. GARZIA. Mr. Speaker, I would like to be recorded in the affirmative on Mr. Letterman's amendment to HB 8. Thank you.

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

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

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

The SPEAKER. The gentleman will state it.

Mr. STAIRS. Mr. Speaker, on the first vote on Mr. Letterman's amendment, I was locked out. I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The gentleman's remarks will be spread upon the record. We thank the gentleman for his patience.

On the question,

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

MOTION TO REVERT TO
PRIOR PRINTER'S NUMBER

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Tenaglio, for the purpose of placing a motion.

Mr. TENAGLIO. Thank you, Mr. Speaker.

Mr. Speaker, this motion that I am going to present now has nothing to do with the amendment that was just passed, though it is an amendment that was passed previously when this bill was considered.

I feel that we should reconcile ourselves to the idea that the Blue Laws should be repealed, and I think they should be repealed totally.

There was an amendment that was passed in the last several weeks when the bill was considered before which would exempt auto dealers from being exempted from working on Sunday.

All I am asking, and I am making a motion, is that HB 8 be reverted to its prior printer's number as of the date when it was amended.

The SPEAKER. The Chair did not hear the gentleman, Mr. Tenaglio, state the prior printer's number. Does the gentleman have a specific printer's number?

Mr. BENNETT. Mr. Speaker, it would be PN 8.

The SPEAKER. PN 8.

Mr. Tenaglio has moved that HB 8, PN 934, as amended, be reverted to HB 8, PN 8.

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I think I may catch the point that Mr. Bennett is raising in the course of my interrogation. Would Mr. Tenaglio consent to a brief interrogation?

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

Mr. TENAGLIO. Yes.

The SPEAKER. The gentleman indicates that he will. The minority whip may place the interrogation.

Mr. RYAN. Mr. Tenaglio, do you realize that the effect of your motion is to do two things: (a), it will rip the amendments that exempt the car dealers association and people in the car dealership business from the repeal of the Blue Laws? You are aware of that part of it?

Mr. TENAGLIO. Right. That was my main intention.

Mr. RYAN. And are you also aware that by reverting to the prior printer's number you have just lifted the amendments out of the bill that were just placed in it by Mr. Letterman?

Mr. TENAGLIO. Yes, I realize that.

Mr. RYAN. And you still insist on reverting it back to a prior printer's number despite the fact that both of these things happen?

All right, I would like to speak against the motion, Mr. Speaker.

The SPEAKER. The gentleman has the floor and he is in order. He may speak to the point.

Mr. RYAN. Mr. Speaker, we had quite a debate here several weeks ago, and I was under the impression that all of the parties interested in the automotive industry were interested in being exempted from that repealer including all of the automobile dealerships in the county of Delaware. Evidently, that opinion is not shared by Mr. Tenaglio. Further, Mr. Speaker, I would oppose the reversion motion for the simple reason that the amendments that just went into this bill, permitting people to observe their holy day or their day of worship as they see fit, are very important, and for two two reasons I would ask that Mr. Tenaglio's motion be defeated.

The SPEAKER. Has the gentleman, Mr. Ryan, completed his statement?

Mr. RYAN. I have.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GALLEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GALLEN. If this motion to revert prevails, can Mr. Letterman, without suspension of the rules, reoffer his amendment?

The SPEAKER. It is the Chair's opinion that he can reoffer his amendment, but it would have to be changed, at least the number would have to be changed, to meet the then printer's number, because he amended PN 934 and he would, in the future, be amending PN 8. I do not conceive that as being of any great difficulty.

Also, the Chair has been informed that what Mr. Tenaglio's desire is—and the Chair apologizes to the young man because I did not hear your complete statement—to offer your motion to revert prior to Mr. Letterman's amendment. Is that so, sir?

Mr. TENAGLIO. Yes, Mr. Speaker.

The SPEAKER. I apologize to you. I did not understand that that was your purpose, otherwise I would have recognized you first to give you an opportunity and not have left you in this particular situation.

Mr. TENAGLIO. Mr. Speaker, I thank you for apologizing,

but possibly I did not explain it fully when I was giving it.

The SPEAKER. Would the gentleman yield until we have finished the interrogation by other members? Then the Chair will return the floor to the gentleman and give him an opportunity to explain his position.

The House will be at ease for a moment.

The Chair has been informed that the problem which has arisen over this bill is due to the fact that there is a conflict on the floor as to whether or not the motor vehicle salesmen shall or shall not be included under the Sunday Blue Law prohibition. It is the desire of the gentleman from Delaware, Mr. Tenaglio, to revert to a prior printer's number but not to strike the amendment inserted by Mr. Letterman.

It is the desire of Mr. Letterman to temporarily withdraw the amendment which was agreed to by the House. The Chair would inform the majority whip that such reconsideration must be in writing—I think you will find the forms in the drawer—and signed by two members, and then the Chair will place the question before the House on reconsideration.

The House will be at ease.

PARLIAMENTARY INQUIRY

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

Mr. SELTZER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SELTZER. Mr. Speaker, last week you and I had a discussion on the subject of reconsideration motions, and I think, Mr. Speaker, the Chair indicated that if a reconsideration motion passed, that before we would vote on that bill finally, the members would be supplied with copies of the bill under that prior printer's number. Is that correct?

The SPEAKER. The gentleman is absolutely correct, and that is the Chair's intention.

Mr. SELTZER. I thank you, Mr. Speaker.

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

Mr. LETTERMAN. I would like to pose a question to someone who might be able to give me the answer.

If we vote to return to the prior printer's number and if the amendment of—I think it was—Mr. Smith, that took the car dealers out of the repeal of the Blue Laws, would be defeated, then because it is in the Vehicle Code that you cannot sell automobiles on Sunday, what would happen then? They would still not be allowed to sell, right, unless that is changed?

The SPEAKER. Does the gentleman direct his inquiry to a particular person?

Mr. LETTERMAN. I would like an answer from anybody who can answer it.

The SPEAKER. Mr. Bennett, would you desire to answer the question?

Mr. BENNETT. No, not really, but I will try.

The SPEAKER. But lacking a desire, you have the fortitude to attempt it. That will be sufficient, sir. You may attempt it.

Mr. BENNETT. Thank you, Mr. Speaker.

The gentleman is in slight error. It is my understanding that it is not in the Vehicle Code. However, the Motor Vehicle Salesmen's License Act, I am told, prohibits a car dealer from engaging in trade on Sunday. The reason that Mr. Wright originally offered the amendment, as I understand it, and my reason for voting for that amendment was to have a consistency within the statutes of the Commonwealth. If one act says that they should not sell, then I think probably another act should be consistent and also say that they should not sell.

The SPEAKER. Is the gentleman, Mr. Letterman, satisfied with that answer?

Mr. LETTERMAN. Yes.

PARLIAMENTARY INQUIRY

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

Mr. COWELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COWELL. Am I correct in understanding, Mr. Speaker, that the Chair has ruled that it is possible and allowable to withdraw an amendment after it has been voted upon by this House?

The SPEAKER. No; the Chair has not ruled that way. It is possible to place a motion before the House on the question of reconsidering the vote by which any act is done, and that is the question we will place. If the House votes to reconsider that act, then the question is whether or not Mr. Letterman will withdraw his amendment, but the question will be whether or not the House agrees to reconsider what it has already done.

**RECONSIDERATION OF VOTE
ON LETTERMAN AMENDMENTS TO HB 8**

Mr. MANDERINO moved that the vote by which the Letterman amendments to HB 8 were agreed to on this day be reconsidered.

Mr. GREENFIELD seconded the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—119

Abraham	Flaherty	Lincoln	Rieger
Arthurs	Freind	Livengood	Ritter
Bennett	Fryer	Logue	Ruggiero
Berlin	Gallagher	Lynch	Schmitt
Berson	Gamble	Manderino	Schweder
Bittinger	Garzia	McCall	Shuman
Borski	Gatski	McIntyre	Shupnik
Brunner	Geisler	McLane	Stapleton
Burns	George, M.	Meluskey	Stewart
Caltagirone	Giammarco	Milanovich	Sweet
Caputo	Gillette	Milliron	Taylor, F.
Cassidy	Gleeson	Miscevich	Tenaglio
Cianciulli	Goebel	Morris	Trello
Cimini	Goodman	Mrkonic	Valicenti
Cohen	Gray	Mullen, M. P.	Wansacz
Cole	Greenfield	Mullen, M. M.	Wargo
Cowell	Grieco	Musto	White
DeMedio	Harper	Novak	Wiggins
DeVerter	Hoeffel	O'Brien, B.	Williams

DeWeese	Hopkins	O'Keefe	Wilson
DiCarlo	Hutchinson, A.	Oliver	Wise
Dombrowski	Itkin	Petrarca	Wright, D.
Donatucci	Johnson	Piccola	Wright, J. L.
Dorr	Jones	Pievsky	Zearfoss
Doyle	Kelly	Pratt	Zeller
Duffy	Kolter	Rappaport	Zitterman
Dumas	Kowalshyn	Ravenstahl	Zwinkl
Englehart	Laudadio	Reed	
Fee	Laughlin	Rhodes	Irvis,
Fischer, R. R.	Letterman	Richardson	Speaker
Fisher, D. M.			

NAYS—77

Anderson	Haskell	Miller	Sirianni
Armstrong	Hayes, D. S.	Moehlmann	Smith, E.
Bittle	Hayes, S. E.	Mowery	Smith, L.
Brandt	Helfrick	Noye	Spencer
Brown	Honaman	O'Brien, D.	Spitz
Burd	Hutchinson, W.	O'Connell	Stairs
Butera	Katz	Pancoast	Stuban
Cessar	Kernick	Parker	Taddonio
Davies	Klingaman	Pitts	Taylor, E.
Dietz	Knepper	Polite	Thomas
Dininni	Kusse	Pott	Vroon
Foster, A.	Lehr	Prendergast	Wagner
Foster, W.	Levi	Pyles	Wass
Gallen	Mackowski	Renwick	Weidner
Geesey	Madigan	Ryan	Wenger
George, C.	Manmiller	Salvatore	Wilt
Greenleaf	McClatchy	Scanlon	Yahner
Halverson	McGinnis	Scheaffer	Yohn
Hamilton	Mebus	Seltzer	Zord
Hasay			

NOT VOTING—6

Barber	Beloff	Scirica	Shelton
Bellomini	O'Donnell		

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

On the question recurring,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

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

Mr. LETTERMAN. Mr. Speaker, I withdraw the amendment.

The SPEAKER. The gentleman, Mr. Letterman, withdraws the amendment he had offered to HB 8, PN 934.

The question now before the House is whether or not the House agrees to HB 8, PN 934.

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, do I understand the ruling of the Chair to be that Mr. Letterman simply withdraws his amendment, or do we have an opportunity to oppose the withdrawal of that amendment? Or do we just miss that one?

The SPEAKER. It is the belief of the Chair, subject always to parliamentary research, that the negative-vote opportunity came on the question of whether or not the House should reconsider its action. The House voted to reconsider its action. That then placed the House in a position of HB 8, PN 934, being before it for amendment. That then placed Mr. Letterman at the

microphone offering the amendment, and Mr. Letterman then took the microphone and said that he would no longer offer the amendment.

Now the Chair recognizes the gentleman from Delaware, Mr. Tenaglio, for the purpose of placing a motion.

Mr. TENAGLIO. Thank you, Mr. Speaker.

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

Mr. TENAGLIO. Yes, sir.

PARLIAMENTARY INQUIRY

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

Mr. E. H. SMITH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. E. H. SMITH. I have been waiting quite a while and I am kind of confused. If we do—

The SPEAKER. Mr. Smith, we assure you, you are not the only one here.

Mr. E. H. SMITH. Thank you. I am glad to hear that. I was wondering.

If we would pass Mr. Tenaglio's motion to revert to the prior printer's number, what happens to the amendments that are yet to be offered? I know there is at least one more to be offered on the present printing.

The SPEAKER. The Chair would advise the gentleman and the members that if Mr. Tenaglio placed a motion to revert HB 8, PN 934, to HB 8, PN 8, and if the House adopts that motion, then the bill before the House would be HB 8, PN 8. Two things would then be required — one, that sufficient copies of HB 8, PN 8, be in print and distributed to the members before any further action could be taken on the floor of this House; two, any amendment which you wish to offer would then have to be offered to HB 8, PN 8.

The Chair would further advise you that it would not require that you send back to the Legislative Reference Bureau to do that. If a simple change in the numbering on your amendment as already printed is sufficient, the Chair would accept that.

Does the gentleman have further questions?

Mr. E. H. SMITH. I have amendments to HB 8, PN 8.

The SPEAKER. Fine. Then the gentleman has no problem, because if the House decides to revert to that printer's number, the gentleman's amendment is obviously in order.

Mr. E. H. SMITH. Thank you, Mr. Speaker.

The SPEAKER. The Chair now returns the floor to Mr. Tenaglio.

Does the gentleman, Mr. Tenaglio, agree to yield further?

Mr. TENAGLIO. Yes.

The SPEAKER. I would point out to the gentleman that this ordeal by fire does not happen too often. If he will bear with us, we will get a chance to hear his motion.

Mr. TENAGLIO. Mr. Speaker, I have confidence that you will lead us in the right direction.

PARLIAMENTARY INQUIRY

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

Mr. DeVERTER. Mr. Speaker, a further point of clarification, if we may, with respect to reverting to the prior printer's number.

The SPEAKER. The gentleman will state the question, and we will intend to answer it.

Mr. DeVERTER. You indicated that if we revert to the prior printer's number, the only thing that would be necessary would be for the member to change the number on his amendment. How, then, will the language of that particular amendment fit into the prior printer's number? Will that not further tend to confuse the legislation if it is not redrafted?

The SPEAKER. The answer to the gentleman's inquiry is thus: It is quite possible that an amendment drawn to PN 934 would not fit PN 8. The Chair was assuming that the only difference between the two numbers would be the matter of the difference between number 8 and number 934. If in fact the gentleman has or anyone has an amendment which does not conform to PN 8, it would then be necessary to have those amendments redrafted.

The Chair would advise the members that we intend to move this bill today or tomorrow, but move it we shall. If necessary, we will delay until such amendments can be redrafted, in all fairness to the members who had their amendments drafted to PN 934.

Mr. DeVERTER. I thank the Speaker. I only brought that up now so that when we got into the numbers, we did not get further confused.

Thank you, sir.

The SPEAKER. The Chair appreciates the gentleman's inquiry.

The Chair returns the floor to Mr. Tenaglio, and the Chair trusts that this time Mr. Tenaglio can hold on to it for a few minutes. The gentleman may proceed.

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Mr. TENAGLIO. Mr. Speaker, I am in support of HB 8, but the reason that I rise now to make a motion to revert back to the prior printer's number is due to the fact that I feel that HB 8, which repeals the Blue Laws, should, in effect, repeal the Blue Laws. It should not have any exemptions in it whatsoever. For that reason, I move that we revert it back to the prior printer's number. Thank you.

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

Mr. D.R. WRIGHT. As a new member, Mr. Speaker, I am beginning to learn something about Noah's despair in Green Pastures when he said that everything not nailed down is coming loose. When we passed the amendment which I offered to HB 8, I thought finally we had nailed this thing down, and now I see it is coming loose again.

I think the House acted wisely when it adopted this amendment. I would like for the House to maintain this amendment in HB 8.

Mr. Bennett has spoken to the need for consistency. I think that argument should prevail, and I would urge this House to vote against the motion now before it.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. E.H. SMITH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. E.H. SMITH. Do I understand that if Mr. Tenaglio's motion carries, then this will eliminate any amendments?

The SPEAKER. The gentleman should restate the inquiry.

It is not that it would eliminate any amendments. Mr. Tenaglio's motion would place before the House, if the House adopts his motion, HB 8, PN 8. If there were amendments added, as the Chair understands there have been, between PN 8 and PN 934, adopting Mr. Tenaglio's motion would wipe out those amendments. The bill would then be in exactly the form in which it was printed as HB 8.

The Chair also advises the gentleman that before the Chair would place the question before the House further, the Chair would insist that printed copies of HB 8, PN 8, be distributed so that the members would know exactly what they are being required to vote on.

Mr. E.H. SMITH. Thank you.

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

Mr. ZELLER. Mr. Speaker, during the discussion with Mr. Letterman and others here earlier, I was led to believe that there is a licensing act and that the auto dealers are exempted there from working on Sundays. If I am wrong, I wish someone could correct me. If that was a true statement, I wonder if Mr. Letterman would want to answer that.

The SPEAKER. The gentleman from Lehigh, Mr. Zeller, desires to interrogate the gentleman, Mr. Letterman. Does the gentleman, Mr. Letterman, agree to interrogation?

Mr. LETTERMAN. Yes, Mr. Speaker.

The SPEAKER. Did the gentleman hear the question?

Mr. LETTERMAN. Yes.

The SPEAKER. Will the gentleman give an answer to the question, please?

Mr. LETTERMAN. I would like to give this to Mr. Bennett. I think he knows where it is. We have done some research on it, but he can tell you definitely.

Mr. ZELLER. Thank you.

The SPEAKER. The gentleman, Mr. Letterman, yields to the gentleman, Mr. Bennett.

Did the gentleman, Mr. Bennett, hear the inquiry?

Mr. BENNETT. Yes, I did, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. The gentleman may proceed.

Mr. BENNETT. Mr. Speaker, I indicated earlier in my comments that it was my understanding that this is in the Motor Vehicle Salesmen's License Act. When Mr. Zeller posed the question, I was in the process of calling my office to get the exact act number and the section and everything else. I will get that if he wants me to get it. If he accepts my word that we did research this and it is in the Motor Vehicle Salesmen's License Act, I would stand on that.

Mr. ZELLER. Thank you, Mr. speaker.

I would say I agree with you. I asked you that for a reason in that Mr. Tenaglio stated that he wants to see it removed. Well, if it is already a law, then what is the difference in keeping it in? If we take it out now by reverting it back to another printer's number, which would be PN 8, we are going to confuse the situation more for all these people who have amendments, and possibly some of you people are going to have a long, long day tomorrow.

If it is already a law, then why bother with this? Leave it in there and let us get on with the business of working on this present printer's number here, and all these people who have amendments will not have to run back upstairs and get other amendments.

Thank you.

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

Mr. MEBUS. Previously, Mr. Speaker, I had researched this matter, and the information I received from the Reference Bureau is, substantially at least, as follows: The automobile dealers' licensing act says that in accordance with subchapter B, title 18, Sunday trading laws, there shall not be sold any automobiles, trailers, et cetera, on Sunday.

So, therefore, if you take it out of here, then you are not referring back to anything. It says that it is a violation of the salemen's act if you sell on Sunday in violation of this. So you are in violation, first of all, of your licensing act and also of the Sunday trade laws.

The conclusion I draw from that is that to prevent the sale of automobiles on Sunday, you must leave section whatever it is, 2 or 3, of the Sunday trade laws in effect.

The SPEAKER. The Chair thanks the gentleman for his explanation.

Does the gentleman, Mr. Tenaglio, desire further recognition?

Mr. TENAGLIO. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman. The gentleman may proceed.

Mr. TENAGLIO. I think, from listening to all the arguments from the other gentlemen, that what I understand and my reason for wanting to revert it back to the prior printer's number is if HB 8 is intended to repeal the Blue Laws, which is a restriction against sales on Sunday, my whole philosophy is that there should not be any exemption for any individual or any individual group of people from the repeal of this law. That is why I want to revert it back to HB 8, PN 8.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MORRIS. I hear mutterings of "roll it." I am in favor of that, but I would just ask the House to vote against this motion.

The SPEAKER. The gentleman has urged the House to vote in the negative on the motion.

The question before the House is the motion to revert, placed

by the gentleman, Mr. Tenaglio. Those members wishing to revert will vote "yea"; those not wishing to revert will vote "nay."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—15

Cohen	Gamble	Mullen, M. P.	Tenaglio
Dorr	Goebel	Petrarca	Wise
Doyle	Itkin	Piccola	Zearfoss
Freind	Kowalyszyn	Rhodes	

NAYS—180

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

NOT VOTING—7

Barber	Berlin	O'Donnell	Vroon
Beloff	Cianciulli	Richardson	

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LETTERMAN offered the following amendments:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting Repealing certain provisions of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, relating to prohibitions on Sunday trading and prohibiting certain requirements by employers.

Amend Bill, page 1, by inserting between lines 8 and 9 Section 2. No employer shall require any employee to work on any day which such employee for religious practices observes as his day of rest.

Amend Sec. 2, page 1, line 9, by striking out "2" and inserting 3

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

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

NAYS—2

Dorr	Ritter
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NOT VOTING—5

Barber O'Donnell Shelton
Beloff

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

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Smith. Does the gentleman have further amendments to offer?

Mr. E.H. SMITH. Yes, I have, Mr. Speaker.

The SPEAKER. The Chair directs an inquiry to the gentleman: Is his amendment drawn to HB 8, PN 934?

Mr. E.H. SMITH. No, it is not. It is drawn to HB 8, PN 8.

This amendment was prepared 2 or 3 weeks ago when we ran this bill before, and then it was recommitted. There was no change. In fact, I did not notice that there was a new printer's number on the bill when it came out this morning.

The SPEAKER. Will the gentleman bring his amendment to the desk so that we may peruse it and see if it will conform to PN 934?

The House will be at ease temporarily.

For the information of the members, Mr. Smith's amendment was drawn several weeks ago to PN 8; it does not conform with PN 934.

The Chair is now making an inquiry to the Legislative Reference Bureau to see how long it will take to redraft the amendment correctly so that it conforms with PN 934.

The House will be at ease for another few minutes, and we will have an answer quickly for you.

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

Mr. DAVIES. Mr. Speaker, in an effort to save time, I would like the same consideration of the Chair. This amendment to HB 8 is drawn to PN 8 and would have to stand the same test by the Speaker.

The SPEAKER. The Chair thanks the gentleman.

If the gentleman will send the amendment to the desk, we will ask that it be redrafted also.

HB 8 TEMPORARILY PASSED OVER

The SPEAKER. The Chair will pass over temporarily HB 8, PN 934, until the necessary corrections to the amendments have been made.

The Chair turns to page 17, reorganization plans.

The Chair recognizes the majority leader and asks his pleasure on the matter of the reorganization plans.

Mr. MANDERINO. Mr. Speaker, I would like to move that reorganization plan No. 1, Resolution A, be adopted by this House. That, incidentally, is the resolution which will approve the plan.

COMMUNICATION FROM GOVERNOR AND REORGANIZATION PLAN NO. 1 PRESENTED

The following communications from His Excellency, the Governor, was read:

March 28, 1977.

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PA:

By the authority vested in me by the Reorganization Act of 1955, Act No. 8 of the General Assembly, approved April 7, 1955, providing for the reorganization of agencies and functions of the State Government subject to the approval or disapproval by the General Assembly, I transmit herewith Reorganization Plan No. 1 of 1977.

By operation of the Act of September 29, 1951, P.L. 1615, the Secretary of Public Assistance of the Commonwealth of Pennsylvania was authorized to receive, deposit, and administer assets formerly held in the Pennsylvania Rural Rehabilitation Corporation, and to enter into agreements with the Secretary of Agriculture of the United States with respect to the future administration of such assets. The responsibility for administration of these funds is currently lodged with the Secretary of Public Welfare as a result of the reorganization of the Departments of Welfare and Public Assistance into the Department of Public Welfare pursuant to the Act of July 13, 1957, P.L. 852.

After investigation I have found that the transfer of the powers and duties with respect to the administration of these assets from the Secretary of Public Welfare to the jurisdiction and control of the Department of Agriculture will increase the efficiency of the operations of government and will consolidate agency functions according to major purposes. Rural rehabilitation purposes as envisioned in the federal enabling legislation, the Act of May 3, 1950, ch. 152, P.L. 499 (81st Congress), focus on the concerns of the farmer. Rural rehabilitation should encompass more than underwriting farm ownership loans to low income farmers which is the only purpose for which the funds may be used under the current agreement with the federal government. Rehabilitation loans, farm operating loans for seed, livestock and equipment, 4-H programs, education and training in farm and home management and other programs designed to have as broad an impact as possible on the various problems facing farmers should be included in rural rehabilitation expenditures. The Secretary of Public Welfare's statutory duties and responsibilities enable him to address rural rehabilitation only in a narrow "welfare" context, but the Department of Agriculture is broadly charged with farm related responsibilities.

This reorganization plan would accomplish the transfer of the custody and administration of approximately \$800,000 of assets consisting of cash and investments in federal Farmers Home Administration Loans. The expense of administering this fund will remain negligible since by law it may not exceed 3% of the book value of these assets.

The current agreement between the Commonwealth's Secretary of Public Welfare and the Secretary of Agriculture of the United States regulating use of rural rehabilitation assets, authorizes the investment in farm ownership loans as the sole purpose of which the Commonwealth's funds may be expended. Inasmuch as these loans are no longer available under the federal program and since under the agreement the funds cannot be expended for any other purposes, now is the time to negotiate a new use agreement comprising more rural rehabilitation uses for such funds. The custodial transfer of this fund to the Department of Agriculture will allow it to negotiate a new agreement. That Department's expertise, resources, and organic ability to deal broadly with farm related problems of rural rehabilitation renders it the more fitting party to negotiate a new agreement, and serves to coordinate agency functions according to the purposes of the program.

In light of these findings, I am submitting to you the attached Reorganization Plan No. 1, dated March 28, 1977.

MILTON J. SHAPP
GOVERNOR

Agreeable to order,

The House proceeded to consideration of the following reorganization plan No. 1, resolution A, which was read:

REORGANIZATION PLAN NO. 1

Section 1. The functions, powers and duties of the Secretary of Public Assistance with regard to the receipt, deposit, administration, expenditure and use of assets held by the United States as trustees in behalf of the former Pennsylvania Rural Rehabilitation Corporation as set forth in the act of September 29, 1951 (P.L. 1615, No. 414), which functions, powers and duties were transferred to the Department of Public Welfare pursuant to the act of July 13, 1957 (P.L. 852, No. 390), are hereby transferred to the Secretary of Agriculture of the Commonwealth of Pennsylvania.

Section 2. There are hereby transferred to the Department of Agriculture to be used, employed and expended in connection with the functions, powers and duties transferred by section 1 of this Reorganization Plan, personnel, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 3. The act of September 29, 1951 (P.L. 1615, No. 414), is suspended insofar as it conflicts with this Reorganization Plan.

On the question,

Will the House adopt reorganization plan No. 1, resolution A?

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

YEAS—194

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

Freind	Lincoln	Ritter	Zwikl
Fryer	Livengood	Ruggiero	
Gallagher	Logue	Ryan	Irvis,
Gallen	Lynch	Salvatore	Speaker

NAYS—0

NOT VOTING—8

Barber	Dumas	Prendergast	Shelton
Beloff	O'Donnell	Rhodes	Williams

A constitutional majority of the duly elected members of the House having voted in favor of Reorganization Plan No. 1, Resolution A, the same is adopted.

Ordered, That the clerk inform the Senate and His Excellency, the Governor, accordingly.

REORGANIZATION PLAN NO. 2 PASSED OVER

The SPEAKER. The Chair recognizes the majority leader. What is the pleasure of the majority leader on resolution A, plan No. 2, on page 17?

Mr. MANDERINO. Mr. Speaker, I ask you to pass over that for today?

The SPEAKER. Over temporarily or over for the day?

Mr. MANDERINO. Over for the day.

The SPEAKER. Reorganization plan No. 2, resolution A, on page 17 is passed over.

As I understand the majority leader's and minority leader's agreement is that the House will pass over court rules reports A and B on page 18, is that correct?

Mr. MANDERINO. That is correct.

The SPEAKER. Resolution A and resolution B are passed over on page 18.

MRS. WISE REQUESTED TO PRESIDE

The SPEAKER. Would the lady, Dr. Helen Wise, come to the desk? The Chair is asking Dr. Helen Wise to preside temporarily in the place of the Speaker. We will be awaiting the amendments to HB 8. I would ask the patience of the House. We are attempting to deal with this controversial matter today rather than tomorrow morning.

The Chair is delighted to turn over the gavel to Dr. Wise.

THE SPEAKER PRO TEMPORE (HELEN D. WISE)

IN THE CHAIR

STATEMENT BY MINORITY WHIP

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

Mr. RYAN. Mr. Speaker, while we are awaiting amendments, I would like permission of the House to make a brief statement.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, earlier today I asked Mr. Manderino just what the Democrats had in mind for tomorrow when they were going to go to caucus and study the budget. I understood Mr. Manderino's response at one point was, "We would hope that you had examined," you, meaning the Republicans, "SB

770 and the Governor's presentation of the budget."

Well, Mr. Speaker, SB 770 has been amply described by Speaker Irvis. He calls it a phony.

We examined the Governor's presentation of the budget and we find it phony. We say that the House majority and the Senate majority ought to issue a missing persons bulletin to locate the missing Governor and bring him back here to give a state-of-the-Commonwealth message, as amended. The Governor willfully deceived voters before the last election with his now-taxes-as-things-stand-now speeches. He compounded his sin when he dumped a partial and evasive budget message in the legislative lap and took a walk.

I urge that you examine the Governor's February 15 budget message and bring him back to finish the job. It is wrong. It is unconscionable for us to permit the Governor of Pennsylvania to hide from the harsh financial problems facing Pennsylvania and to allow him to engineer pressure for taxes on our members and to pretend that he is an innocent bystander.

In his State-of-the-Commonwealth address, as amended, he should include information on the following matters: a report on the state economy, retarded business growths, joblessness, recommend emergency action on the industrial development front and start the repair job on our tarnished national reputation. He should give priority to school funding and specifically address this need and give it first call on existing tax dollars. He has had the school-funding problem, particularly that of Philadelphia, on his desk for one year and he owes it to the people of Pennsylvania to face up to it. He ought to spell out a complete financing program and not be allowed to stand back and pretend that he is just an innocent bystander of budgetary events.

If he has become a convert to the sales-tax system, which he attacked as being regressive in his campaign for Governor, he ought to say just that. He ought to then go out and fight to get his 7-percent tax enacted into law.

If the Governor refuses to come back here and come clean, then this House ought to tell him that he has lost all right to second-guess us. He should not try to force and coerce state employes, teachers, welfare dependents, and others to come here to solve the budgetary problems because he refuses to be identified with them.

Mr. Speaker, I would appreciate a response from the majority on just how it is that we are to make budgetary decisions at this point with an appropriations bill which has been properly labeled a phony and with a Governor's budget message which totally ignored the biggest problem, that of education, and which recommended a tax increase which the Governor himself will not fight for.

Thank you.

The SPEAKER pro tempore. I thank the gentleman.

Before I recognize the majority leader, I would suggest that you better get used to the idea of having a woman in the Chair, and the proper term is Madam Speaker.

Mr. RYAN. Is it the Chair's instruction to "Call Me Madam"?

The SPEAKER pro tempore. You had better. It might be a good thing to get used to.

The Chair recognizes the majority leader.

Mr. MANDERINO. Madam Speaker, very briefly, the Governor fulfilled his constitutional obligation when he presented to this General Assembly his budget message. If you can recall, he indicated in that budget that he proposed \$261 million or thereabout in taxes for the general fund. I am sorry, it showed a deficit of \$261 million.

As I recall the budget message, and I could be wrong, he proposed a 7 percent sales tax; he proposed a tax on withholding companies; and he indicated that school financing would be handled separately. That is as I recall but I could be wrong. I know that the Governor has put forth a plan for school financing. We may not, in the General Assembly, agree with any of what the Governor has given us to work on, but he has fulfilled his obligation by presenting his budget, by presenting a plan to finance that budget, and by presenting his plan to finance additional subsidies to schools in Pennsylvania.

The ball, Mr. Speaker, is in our hands. Calling the Governor names and saying things like he is hiding from his responsibility will not absolve you with the people of Pennsylvania because the ball is in the General Assembly's hands.

The Senate has passed a budget. Leaders in the Assembly have looked at it on this side of the aisle and have come to the conclusion that it is not an adequate budget to finance this Commonwealth.

I am glad to hear that the other side of the aisle equally has termed the Senate budget a phony. I would think that from that statement—and you correct me if I am wrong, Mr. Ryan—you do not think there is adequate financing in the budget proposed by the Senate.

I will be happy to share with you the responsibility of raising additional revenues for this Commonwealth, not only for school subsidies but for the funding of the general fund of this Commonwealth and in funding the special appropriations of nonpreferred items which pass through this legislature every 2 years.

We are, on our side of the aisle, attempting to look at the matter of the Governor's proposal, of SB 770, and we are trying to make an independent determination of what we, as responsible legislators, ought to be doing.

Perhaps we are not moving fast enough and there are some extraneous forces that have played their part in our moving a little slow, but we hope to have a budget by June 30. We hope that we begin the new fiscal year on a sound financial basis.

Our Appropriations Committee staff has been working hard. Those staff people and technicians, are paid by funds appropriated by this General Assembly. Your Appropriations Committee is funded by an equal amount of money. I would assume that you have equal talent, that you have equal staff, and that you ought to equally be looking at the problem that faces the Commonwealth so that we can come together and do what is right by the people of Pennsylvania, by the people who depend on the government of Pennsylvania, before the June 30 deadline.

Thank you, Madam Speaker.

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

Mr. RYAN. Madam Speaker, I would like to comment just

briefly on some of Mr. Manderino's remarks.

Number one, my remarks did not include any indication that I would support, or this caucus would support, increased taxes or an increased budget. You will note—and I am having my remarks reproduced right now, so I cannot read exactly what I said—but I said, from existing funds the priorities should be made.

Secondly, Mr. Speaker, when reference was made to the staff of the House Appropriations Committee and that it is filled with competent people, I am inclined to agree with that. The Senate, however, also has the same amount of money with their Appropriations staff. SB 770 is a result of their effort, and I think we can all agree that that is a phony bill.

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

Mr. MANDERINO. Madam Speaker—just quickly, I speak not for the other body; I speak for what this caucus does on this side of the aisle, what our staff people do, and we are working, Mr. Speaker.

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

Mr. RYAN. The problem that I was raising earlier in the day—Let the record show that Mr. Manderino has turned his back upon me and it is a broad back. The problem that I was trying to point up earlier in the day is that the Democratic Caucus evidently has something to meet about tomorrow. They evidently have some input that is not available to us. If their Appropriations Committee staff has come up with recommendations, I would hope—they are in the majority—that they would share it with us so that we too can spend a productive day reviewing a suggested change, I suppose, to SB 770.

These are the questions that I raised earlier to which the answers were unsatisfactory.

Thank you, Madam.

The SPEAKER pro tempore. You are welcome.

The Chair recognizes the majority whip.

REQUEST FOR RECESS

Mr. GREENFIELD. While we are awaiting the amendment, Madam Speaker, I suggest that we recess until 5:15, and I so move.

RECESS

The SPEAKER pro tempore. All right, we will be in recess until 5:15.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (HELEN D. WISE) IN THE CHAIR

The SPEAKER pro tempore. Will Mr. Smith and Mr. Davies

please report to Mr. Greenfield, in the front, so we can take up the problem?

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip. For what purpose does the gentleman rise?

Mr. RYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. Mr. Speaker, my inquiry concerns rule 10. Would the parliamentarian turn to rule 10, please?

I was reprimanded here earlier today, and as I read rule 10, it says: "When a member desires to address the House, he shall rise and respectfully address himself to 'Mr. Speaker.'" I am wondering, Mr. Speaker, if the Madam Speaker understood that she instructed me to violate the rules of the very House over which she was presiding.

The SPEAKER. The Chair recognizes the dilemma in which the gentleman finds himself, but the Speaker, on numerous occasions, has found that the women in his life are very apt to tell him to change the rules in the middle of anything.

The gentleman, Mr. Ryan, would be well advised that when a lady is in this Chair that he will address her as the Speaker of that time advises him so to do, regardless of the rules.

Mr. RYAN. I will follow your instructions, Mr. Speaker.

The SPEAKER. This is the direction of wisdom.

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, you advised me that we would follow the rules of this House, and I gave you the best publicity that you ever had in nine newspapers. Do not let me down.

The SPEAKER. The Chair advised Miss Sirianni that the Chair is personally very grateful for the publicity, but not matter of rules written will change Helen Wise from a women to a man, and I think we ought to be grateful for that.

The Chair returns to the business of today's calendar.

CONSIDERATION OF HB 8 RESUMED

The SPEAKER. We will now resume consideration of HB 8, PN 934.

On the question,

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

Mr. E. H. SMITH offered the following amendments:

Ament Bill, page 1, lines 1 through 3, by striking out all of said lines and inserting Providing for referenda to determine the will of the electorate in counties with regard to permitting certain Sunday trading.

Ament Bill, page 1, lines 6 through 10, by striking out all of said lines and inserting

Section 1. At the election in the year 1977, there shall be submitted, in the manner provided by the election laws of the Commonwealth, upon resolution of the county commissioners or upon petition to the county commissioners by electors equal to at least 5% of the highest vote cast for any candidate in the

county at the last preceding general election, a question to determine the will of the electors of the county with respect to Sunday trading. Such question shall be in the following form: Do you favor the permitting of Sunday trading now prohibited by sections 7361, 7363 and 7364 of Title 18 of the Pennsylvania Consolidated Statutes on Sunday?

The said question shall be printed on separate official ballots, in bound form, by the county commissioners of each county, and sufficient number of ballots shall be furnished to the election officers in each election district of each municipality so that one ballot may be supplied to each voter at such election. In districts where voting machines are used, such question shall appear on the face of the machine where the machine is properly equipped for such purposes.

Section 2. The votes cast on such question shall be counted by the election officers and returns thereof made by them, and by election officers where voting machines are used, to the prothonotary of the county, who shall lay the same before the return board for computation at the same time and in the same manner as other returns. Such election shall be governed by election laws of the Commonwealth, and all penalties provided by said laws shall apply to such elections. The return board shall compute the said returns by municipalities, and certify the results of the vote cast on the question to the county commissioners.

If at the election in the year 1977, where any such election was held as herein provided, a majority of the electors in the county voting at said election vote in favor of permitting Sunday trading, then upon the certification of such election return to the county commissioners it shall thereafter be lawful to engage such trading on Sunday.

The right to engage in such trading shall be subject only to those rules and regulations which govern it on days of the week other than Sunday.

If the vote of the electors in the county was not in favor of permitting such Sunday trading or if no such election was held, then it shall be unlawful to engage in such trading on Sunday.

Section 3. In any county the will of the electors with respect to permitting Sunday trading may, after the year 1977 but not oftener than once in four years, be ascertained, and the question, as provided in section 1, shall be submitted to the electors of any county at any municipal election upon demand in writing of petitioners equal to at least 20% of the highest vote cast for any candidates in the county at the last preceding general or municipal election. Such petition shall be filed with the county commissioners at least 60 days before the day of any municipal election at which the question is to be submitted, and, if the petition is signed by the requisite number of petitioners, it shall thereupon be certified by the county commissioners, who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year 1977.

If a majority of the voters, in any county in which Sunday trading is permitted, are not in favor of the continuance of such Sunday trading, then upon the certification of such election return to the county commissioners it shall thereafter be unlawful to engage in such trading on Sunday; but if a majority of the electors in any such county which has not heretofore permitted such trading on Sunday, or which has not theretofore voted on such question are in favor of such trading, then upon the certification of such fact, as is provided in section 2, such trading shall thereafter be lawful.

Section 4. If Sunday trading is authorized pursuant to this act, no employer shall require any employee to work on any day which such employee for religious purposes observes as his day of rest.

Section 5. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair would advise the members that the amendment offered by Mr. Smith is the amendment already reproduced with some minor changes to adapt it to HB 8, PN 934, to make it compatible with an earlier amendment

adopted by this House and offered by Mr. Letterman.

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

Mr. E. H. SMITH. Thank you, Mr. Speaker.

This amendment is exactly the same as it was other than that we have made a correction on the first page on the second section that says: "Amend Bill, page 1, lines 6 through . . ." Cross out the "9" and put a "10" in there. This amendment was passed out just a couple of hours ago. This is the same one; we have corrected it.

Over on the second page, on line 10, after the number "7361" cross out "7362", if you are following. That is on page 2, line 10.

On the third page, to make this compatible with Mr. Letterman's amendment, I think it is the last line, "Section 4," make that "Section 5." Section 4 would then read: "If Sunday trading is authorized pursuant to this act, no employer shall require any employee to work on any day which such employee for religious purposes observes as his day of rest." Those are the changes, Mr. Speaker.

The SPEAKER. Would the gentleman briefly explain what his amendment does, for the edification of the members of the House?

This is an extremely important bill and this is an extremely important amendment being offered. We would appreciate it if we could have the attention of the House.

Mr. E. H. SMITH. This is a very simple amendment, as far as I am concerned. This amendment is "Providing for referenda to determine the will of the electorate in counties with regard to permitting certain Sunday trading."

The SPEAKER. The Chair thanks the gentleman.

The House will be at ease for one minute. We have some more apparent difficulty with the amendment as drafted. I think we now finally have the correct amendment.

The Chair repeats, for the edification of the members, this amendment, as redrafted, is essentially the same as the one which was reproduced for you when the gentleman, Mr. Smith, intended to amend PN 8. The difference is that language has been inserted to duplicate the language of the Letterman amendment. So if the House adopts the Smith amendment, the Letterman amendment will remain in the body of the bill. That was the problem that the drafters had.

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

Mr. ZWIKL. To speak against the amendment, Mr. Speaker.

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

Mr. ZWIKL. Mr. Speaker, I oppose this amendment for one particular reason, and the same points were made in the Business and Commerce Committee when we debated this bill and this amendment was presented to us at that time.

Proponents of the repeal of the Sunday sales laws have claimed that those particular counties which border on the ends of our state have been losing revenue to surrounding states which indeed do not have any Sunday prohibition.

I think we are going to run into a real problem if we allow each of the 67 counties to make their own minds up on this particular issue, make their own decisions in terms of deciding

whether or not they want to be open on Sunday. I think, if you are going to go the referendum route, the best issue would be to go statewide, either up or down across the board.

I would point to two particular examples where we will have a real difficulty if we bring this particular amendment into being. The city of Bethlehem, for example, is straddled between Lehigh and Northampton Counties. West Bethlehem is in Lehigh County and the eastern part of Bethlehem is in Northampton County. What do we do with the city of Bethlehem if Lehigh County opts out of this particular provision and Northampton County would decide to maintain or go about adopting this proposal?

Secondly, the town of Telford, where Representative Weidner is a resident, straddles Montgomery and Bucks Counties. I do not know if there are other instances around the state, but perhaps there are, where you are going to find a town in two different counties. So that is a specific problem. I think that we are going to run into numerous difficulties with the 67 counties opting in or out of this particular proposal. Therefore, I would ask you to oppose this amendment and vote against Mr. Smith's amendment.

Thank you.

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

Mr. MEBUS. Mr. Speaker, I would like to interrogate somebody—I guess Mr. Smith—to try to interpret what the situation is if his amendment is put into the bill.

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

Mr. E. H. SMITH. I will, Mr. Speaker.

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

Mr. MEBUS. My question is this, and it is not facetious in any sense: As I read this, it says that if 5 percent of the voters petition for this to be put on the ballot, it goes on the ballot. But what happens if they do not? Do we have a prohibition on Sunday sales in a given county or do we not?

Mr. E. H. SMITH. I believe, Mr. Speaker, that this would remain as it is now. The Blue Laws would still be in effect. This only changes it to open it up. If they do not do anything, it remains as is.

Mr. MEBUS. In other words, unless a petition is made and placed on the ballot and voted affirmatively, the Sunday sales laws remain as they are at the present time?

Mr. E. H. SMITH. That is my understanding, yes.

Mr. MEBUS. That answers my question, and I thank you.

Mr. Speaker, just three words: Please vote "no."

The SPEAKER. The Chair recognizes the gentleman.

PARLIAMENTARY INQUIRE AND MOTION ON GERMANENESS

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, under rule 27 it says: "No bill shall be amended so as to change its original purpose." HB 8 is a bill which amends Title 18, Crimes and Offenses, of the Pennsyl-

vania Consolidated Statutes. Mr. Smith's amendment strikes out all of that and inserts provisions for a referendum. My parliamentary inquiry is, is this amendment germane?

The SPEAKER. If the gentleman wishes to place a motion on germaneness before the House, the gentleman is privileged to so place.

Mr. RITTER. I so move, Mr. Speaker.

The SPEAKER. The gentleman has moved on the question of germaneness. The gentleman, Mr. Ritter's motion, as the Chair understands it, will be on the question: Is the Smith amendment to HB 8, PN 934, as amended, germane under rule 27 of this House?

Under the rules of this House, the question of germaneness is settled by a vote of the House, and that question will be placed before the House.

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

Mr. RITTER. Mr. Speaker, just briefly, as I indicated, HB 8 originally dealt with the Crimes Code, amending the Crimes Code. The amendment that is being inserted would take out all of that and put in a provision calling for a referendum. It is on that basis that I say the amendment is not germane and ask for—what vote am I going to be asking for, Mr. Speaker, an affirmative or a negative vote?

The SPEAKER. A vote in the affirmative would sustain the Smith amendment as germane; a vote in the negative declares that the Smith amendment is not germane.

Mr. RITTER. I would ask, then, Mr. Speaker, for a negative vote.

The SPEAKER. The question is whether or not the Smith amendment, under the rules of the House, to HB 8, PN 934, is germane. Those voting "aye" hold that the Smith amendment is germane; those voting "no" say that the Smith amendment is not germane.

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

The following roll call was recorded:

YEAS—97

Anderson	Grieco	Manmiller	Seltzer
Armstrong	Halverson	McCall	Shuman
Arthurs	Hamilton	McClatchy	Sirianni
Bittle	Hasay	McGinnis	Smith, E.
Brandt	Haskell	Mebus	Smith, I.
Brown	Hayes, D. S.	Miller	Spencer
Burd	Hayes, S. E.	Moehlmann	Spitz
Butera	Helfrick	Mowery	Stairs
Cessar	Hoeffel	O'Brien, B.	Stapleton
Cimini	Honaman	O'Brien, D.	Sweet
Davies	Hopkins	O'Connell	Taddonio
DeVerter	Itkin	O'Keefe	Taylor, E.
Dietz	Johnson	Pancoast	Thomas
Dininni	Katz	Parker	Vroon
Dombrowski	Klingaman	Piccola	Wagner
Doyle	Knepper	Pitts	Wansacz
Fisher, D. M.	Kolter	Polite	Wass
Foster, W.	Kowalshyn	Pott	Weidner
Freind	Kusse	Pyles	Wenger
Gallen	Lehr	Reed	Wilson
Gamble	Levi	Ruggiero	Wilt
Gatski	Lynch	Ryan	Yohn
George, M.	Mackowski	Salvatore	Zearfoss

Goebel	Madigan	Scirica	Zord
Greenleaf			
NAYS—98			
Abraham	Flaherty	Logue	Ritter
Bellomini	Foster, A.	Manderino	Scanlon
Bennett	Fryer	McIntyre	Scheaffer
Berlin	Gallagher	McLane	Schmitt
Berson	Garzia	Meluskey	Schweder
Bittinger	Geesey	Milanovich	Shupnik
Borski	Geisler	Milliron	Stewart
Brunner	George, C.	Miscevich	Stuban
Burns	Giammarco	Morris	Taylor, F.
Caltagirone	Gillette	Mrkonic	Tenaglio
Caputo	Gleeson	Mullen, M. M.	Trello
Cassidy	Goodman	Musto	Valicenti
Cianciulli	Gray	Novak	Wargo
Cohen	Greenfield	Noye	White
Cole	Harper	Oliver	Wiggins
Cowell	Hutchinson, A.	Petrarca	Wise
DeMedio	Hutchinson, W.	Pievsky	Wright, D.
DeWeese	Jones	Pratt	Wright, J. L.
DiCarlo	Kelly	Prendergast	Yahner
Donatucci	Kernick	Rappaport	Zeller
Dorr	Laudadio	Ravenstahl	Zitterman
Duffy	Laughlin	Renwick	Zwikl
Englehart	Letterman	Rhodes	
Fee	Lincoln	Richardson	Irvis,
Fischer, R. R.	Livengood	Rieger	Speaker

NOT VOTING—7

Barber	Dumas	O'Donnell	Williams
Beloff	Mullen, M. P.	Shelton	

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

The SPEAKER. On the question of germaneness, the "ayes" are 97; the "nays" 98. An insufficient number having voted in the affirmative, the motion is defeated. The question is answered in the negative and the Smith amendment is declared by the House to be nongermane.

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

Does the gentleman wish to offer an amendment?

Mr. DAVIES. Mr. Speaker, essentially, I do not know whether this would stand the same test. The only thing is, I think, if I might, that Mr. Ritter will probably offer the same test to the germaneness of this. I only have one statement that essentially would differ from that of Mr. Smith's amendment when he raises that question.

The SPEAKER. Is the gentleman offering the amendment?

Mr. DAVIES. Yes, sir.

On the question recurring,

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

Mr. DAVIES offered the following amendments:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for a binding referendum on certain provisions relating to Sunday trading.

Amend Bill, page 1, lines 6 through 10, by striking out all of said lines and inserting

Section 1. Title 18, act of November 25, 1970 (P.L. 707, No.

230), known as the Pennsylvania Consolidated Statutes is amended by adding a section to read:
 § 7365. Referendum on certain Sunday trading.

(a) General rule.—At the municipal election in November 1977, there shall be submitted by the Secretary of the Commonwealth to all county boards of elections the question set forth in subsection (b). Thereafter, no oftener than every four years, whenever electors equal to at least 10% of the highest vote cast for any office in any municipality or township at the last preceding municipal or general election shall file a petition with the county board of elections of the county for a referendum on the question of the will of the electors with respect to the suspension of all statutes or parts of statutes presently prohibiting Sunday trading except section 7362 (relating to trading in motor vehicles and trailers), the county board of elections shall cause the question to be placed on the ballot or on the voting machine board and submitted at the next municipal primary election more than 60 days after the petition is filed. These proceedings shall be in the same manner and subject to the provisions of the election laws insofar as such provisions are applicable.

(b) Form of referendum question.—The question shall be in the following form: Do you favor the suspension of all statutes or parts of statutes presently prohibiting Sunday trading except those relating to trading in motor vehicles and trailers?

(c) Binding effect of referendum.—If a majority of the voting electors vote "No," then the provisions of all statutes or parts of statutes presently prohibiting Sunday trading in municipalities and townships shall not be suspended in the municipality or township so voting.

(d) Definition.—As used in this section, "municipality" means a city, borough, or incorporated town.

(e) Employee religious preferences protected.—No employer shall require any employee to work on any day which such employee for religious practices observes as his day of rest if the prohibitions on Sunday trading are repealed.

Section 2. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. DAVIES. Mr. Speaker, this differs essentially from the Smith amendment in that it places it into the municipalities, the boroughs, the townships and the cities of Pennsylvania. This would resolve Mr. Zwikl's problem with the city of Bethlehem because this would take, in total, the entire city of Bethlehem. It would not divide it between the portion of Northampton County and the portion in Lehigh County, or any such example of cities in the Commonwealth.

The other reason I state that this is a positive amendment and germane is because essentially this is the problem we are having and have had with the Blue Laws in the Commonwealth of Pennsylvania, and that is, the matter of the ability of enforcement. This is the very issue on the Blue Laws because one district attorney in one county has made a decision to make an arbitrary ruling which was not the intent of this House orig-

inally when it passed this piece of legislation. So, therefore, we essentially have had the lack of enforcement or the sporadic enforcement of these Blue Laws. This speaks to this very thing by putting the issue with the people of the very municipalities who will make the decision as to whether or not we are going to have retail Sunday sales.

Thank you, Mr. Speaker.

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

Mr. ZWIKL. Mr. Speaker, I rise to oppose this amendment likewise. As I said earlier, although this would correct the situation in Bethlehem and Telford, I oppose the concept of a county or a local municipality referendum. I think a statewide referendum should be the alternative to this. However, I am willing to see the bill go through as it is with the previous amendment. I would urge everyone to vote "no" on this amendment to avoid any future confusion.

Thank you.

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

Mr. RITTER. Mr. Speaker, I just got hold of the amendment. Mr. Davies did it a little bit differently from Mr. Smith in that he amends Title 18 of the Crimes Code by adding another section dealing with a referendum. So whether or not it is germane, I guess, is a moot point since he is amending the Crimes Code. The problem that I have with it is, again, that we are putting provisions for a referendum in the Crimes Code for which we have no penalties or anything else, and it has no place in the Crimes Code. For that reason I would think it is not germane, but I do not believe I am going to raise the issue of germaneness since the amendment does deal with amending the Crimes Code. But I would like to ask Mr. Davies some questions, if I may.

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

Mr. DAVIES. Yes, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, in the case of the city of Bethlehem, if the people of the city of Bethlehem petition to have the question put on the ballot, I assume they must petition both in Northampton County and in Lehigh County since it lies within both counties?

Mr. DAVIES. Essentially, yes. That would be correct, sir.

Mr. RITTER. Mr. Speaker, they must then, I assume, get 10 percent of the highest vote cast for any office in that municipality. Do they have to get the 10 percent lying within Lehigh County or is that the 10 percent lying with Northampton County?

Mr. DAVIES. As I understand it, it is a total of 10 percent. It does not matter whether it is in Lehigh or Northampton. It would be a total of 10 percent in the city itself, county notwithstanding.

Mr. RITTER. Mr. Speaker, I think that that is a question which—and I do not believe that is the proper answer—I think would be very confusing. But let me ask you this: You say on the first line of your amendment: "At the municipal election in

November 1977, there shall be submitted by the Secretary of the Commonwealth to all county boards of elections . . ." In other words, you are asking for a referendum in every municipality of every county in 1977. Is that what you are saying?

Mr. DAVIES. Yes. Essentially, that is correct.

Mr. RITTER. So that, in effect, you are having a statewide referendum, but on a local basis?

Mr. DAVIES. Based, again, on what the decision is in the municipality with the standards set herein.

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

Mr. Speaker, I really do not see how we can adopt the referendum question without somewhere in the Crimes Code itself, where the prohibition against Sunday trading now lies, amending that to allow for the suspension of that prohibition in the event of a successful referendum. I do not see how we can pass a referendum to, in effect, negate a state law which applies across the entire Commonwealth.

As I said, the Crimes Code, which deals with the prohibitions on Sunday trading, applies statewide, and I do not see how we can adopt any procedure without amending that section which deals with the prohibition and in there allowing for the suspension of that section of the Crimes Code upon the successful adoption of a referendum. Without doing that, I do not know how we can allow a local municipality to adopt the referendum saying, in effect, you can ignore the state law; it does not apply to you, when we did not amend the state law to allow for that. We are simply providing a mechanism for a referendum and we have not amended the section which still has the prohibition in it. I do not see how we can do it. I think it is very confusing. And I think, for the reasons about the city of Bethlehem and the borough of Telford, that there would be other problems raised. For all of those reasons, I ask for a negative vote on the amendment.

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

Mr. BITTINGER. Thank you, Mr. Speaker.

I would like to oppose this amendment. I think that in the Greater Johnstown area we have some very good reasons for this amendment not going through. When you are having the local municipalities each making a decision—first of all, it is an extremely emotional decision—I suspect that what you are going to find is that any municipality that repeals the Sunday Blue Laws will suddenly find that it has a commercial growth whereas any municipality that upholds and sustains the Sunday Blue Laws is going to find itself losing commercial growth. In the Greater Johnstown area that battle is tough enough as it is. I do not want to see it become any worse, so I would very strongly oppose the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BRANDT. Thank you, Mr. Speaker,

I think the intent of this amendment and the prior Smith amendment is really to bring this to a vote of the people who are closest to this problem.

I would like to include the term "adopting community stand-

ards" in the debate on this amendment. I think that we have to realize that there are parts of this state — counties, boroughs and municipalities — that feel that what they have at home is good. They do not particularly care to adopt the community standards of Philadelphia or Pittsburgh or other parts of the state. They want to allow that local district attorney to rule on what the people feel. That is the intent of this amendment. Whether it is drawn to particulars and to the right language, it can be changed as it goes through the legislative process.

But I support this amendment, and I think I asked all my colleagues in the House to look to us who would like to keep those local community standards close to us, and this is one way we can get that accomplished, through the intent of the Smith amendment and now with Representative Davies' amendment. I ask support of the amendment.

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

Mr. DAVIES. Mr. Speaker, just briefly, in closing, the only other thing that I wanted to say before is the fact that we do this with our liquor laws in the Commonwealth. There are some municipalities that have made that decision. They want to live with that decision. If given the opportunity again, I am sure they would.

I think one of the strongest arguments that was put forth was by Mr. Bittinger by the fact that the local community does not want that growth. If they want to stay as they are, they should have that option. This piece of legislation would give them that option. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendments?
The following roll call was recorded:

YEAS—88

Abraham	Foster, W.	Lehr	Rappaport
Anderson	Freind	Levi	Reed
Arthurs	Fryer	Lynch	Ruggiero
Bittle	Gallen	Mackowski	Salvatore
Brandt	Geesey	Madigan	Scheaffer
Brown	George, M.	Manmiller	Seltzer
Brunner	Goebel	McClatchy	Shuman
Burd	Greenleaf	McGinnis	Smith, E.
Butera	Grieco	Miller	Smith, L.
Caltagirone	Halverson	Moehlmann	Spencer
Cessar	Hamilton	Mowery	Spitz
Cimini	Hasay	Mullen, M. P.	Stapleton
Cowell	Hayes, D. S.	Noye	Sweet
Davies	Hayes, S. E.	O'Brien, B.	Taylor, E.
DeMedio	Helfrick	O'Brien, D.	Thomas
DeVerter	Honaman	O'Keefe	Vroon
Dietz	Hopkins	Pancoast	Wass
Dininni	Itkin	Piccola	Weidner
Dombrowski	Katz	Polite	Wenger
Doyle	Kernick	Pott	Yohn
Fischer, R. R.	Kowalshyn	Pratt	Zearfoss
Fisher, D. M.	Kusse	Pyles	Zeller

NAYS—109

Armstrong	Giammarco	Meluskey	Sirianni
Bellomini	Gillette	Milanovich	Stairs
Bennett	Gleeson	Milliron	Stewart
Berlin	Goodman	Miscevich	Stuban

Berson	Gray	Morris	Taddonio
Bittinger	Greenfield	Mrkonjc	Taylor, F.
Borski	Harper	Mullen, M. M.	Tenaglio
Burns	Haskell	Musto	Trello
Caputo	Hoeffel	Novak	Valicenti
Cassidy	Hutchinson, A.	O'Connell	Wagner
Cianciulli	Hutchinson, W.	Oliver	Wansacz
Cohen	Johnson	Parker	Wargo
Cole	Jones	Petrarca	White
DeWeese	Kelly	Pievsky	Wiggins
DiCarlo	Klingaman	Pitts	Williams
Donatucci	Knepper	Prendergast	Wilson
Dorr	Kolter	Ravenstahl	Wilt
Duffy	Laudadio	Renwick	Wise
Englehart	Laughlin	Rhodes	Wright, D.
Fee	Letterman	Richardson	Wright, J. L.
Flaherty	Lincoln	Rieger	Yahner
Foster, A.	Livengood	Ritter	Zitterman
Gallagher	Logue	Ryan	Zord
Gamble	Manderino	Scanlon	Zwinkl
Garzia	McCall	Schmitt	
Gatski	McIntyre	Schweder	Irvis,
Geisler	McLane	Scirica	Speaker
George, C.	Mebus	Shupnik	

NOT VOTING—5

Barber	Dumas	O'Donnell	Shelton
Beloff			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen, for purposes of debating the bill as amended which is now before the House.

Mr. M. P. MULLEN. Mr. Speaker I oppose this bill for two major reasons. First of all, personally I am a Christian and I believe in Christian principles, and certainly this goes against Christian principles. I think all of us recognize that most Christians and most religious people, whether they are Christians or not, believe that we should honor the Sabbath Day. This bill speaks to the Sabbath Day, so I feel that, basically, those of you who believe in the principle of observing the Sabbath Day certainly ought to vote against this bill.

Now I think we have almost unanimous opinion among the various religious groups in the Commonwealth as to their positions on the bill. The Pennsylvania Catholic Conference, the Council of Churches, and most other organized religious groups have clearly indicated that they oppose this bill, and they oppose this bill because they feel that the majority of the people in their particular congregations oppose this bill, and I feel that this is a very good reason to vote against this bill.

But forgetting about the religious aspects of the bill, when you look at it from the standpoint of what is best for the people of the Commonwealth, you have to look at what might happen

here if the bill does become law. All of us know what the whole purpose of the bill, the major purpose of the bill, is to open up most, if not all, of the retail stores in the state. I belong to a retail store. We have about 10,000 employees. We have had the experience, where we have stores in other states that are open, that what happens, as a practical matter, is that the regular employees do not wish to work on Sunday, so what they do is hire married women, for the most part, who are taken away from their homes on Sunday and who make a little extra money. Certainly it is all right to make that little extra money, but I think it has always been traditional in Pennsylvania, and most other states, that Sunday was a day of rest, not only for the employees who normally work during the week but, what is more important, it was an opportunity for the whole family to be together, to go on a little picnic or to go down to the seashore or up to the mountains. And I think what you are going to do here, if you permit stores to be open, you are going to further encourage the disintegration of a family, and I think that is another major reason why we should not vote for this bill.

I think those two reasons are sufficient justification for you to vote against the bill and I certainly hope that the majority of you do vote against it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LAUGHLIN. Mr. Speaker would the prime sponsor please submit to a question?

The SPEAKER. Would the gentleman, Mr. Mebus, stand for interrogation?

Mr. MEBUS. Yes, I will.

The SPEAKER. The gentleman, Mr. Laughlin, may place the interrogation.

Mr. LAUGHLIN. Mr. Speaker, a month or two ago we voted on the bill and we sent it back to committee for a study on the effect it would have as to our energy situation in the State of Pennsylvania. Do you have any answers to that particular request, Mr. Speaker?

Mr. MEBUS. Yes, some of those answers were supplied. Initially, the first answers were supplied to the members of the Business and Commerce Committee at the time the bill was reconsidered a couple of weeks ago.

I think at that time, if you will recall, there was a paper submitted to you indicating that it was not clear to what extent the energy requirements would be increased or decreased. If anything, they would possibly even be decreased because there would be a possibility that some stores would shut down on other days of the week.

Mr. LAUGHLIN. Mr. Speaker, did it also address the fact that there was electric light that was supposed to be adding additional heat to the building in the place of gas?

Mr. MEBUS. Most of the modern stores at the present time employ the use of fluorescent tubes which is for lighting and also is part of the heating requirements, and they are not to be turned off. Therefore, the stores remain lighted for that reason and security reasons as well, whether they be open or closed.

Mr. LAUGHLIN. Mr. Speaker, you are speaking of large retail outlets. Is that correct?

Mr. MEBUS. I am speaking of the larger retail outlets, that is a matter of fact, because many of the smaller ones are permitted to stay open right now under the terms of certain Sabbatarian clauses that exist within the Sunday trading laws as they exist right now.

Mr. LAUGHLIN. That is, those stores that employ less than 10 employees, is that correct, Mr. Speaker?

Mr. MEBUS. Those are the Sabbatarian provisions that I was referring to, yes.

Mr. LAUGHLIN. Yes, Mr. Speaker.

Would you say then, Mr. Speaker, that that added electric cost and that added electric drain would not be a sufficient energy drain on our present situation?

Mr. MEBUS. What I am suggesting to you is that, in the main, they would be on whether the store be open or whether it be closed.

Mr. LAUGHLIN. Well, Mr. Speaker, I do not believe for one minute that that is a fact due to the information that we received by electric companies that tell us that there would be as much as a 9-percent increase if the stores were permitted to be open.

Mr. MEBUS. Obviously, Mr. Speaker, there is more than one source of information and yours and mine are not identical.

Mr. LAUGHLIN. Well, I believe that is very true, Mr. Speaker. And I believe the reason for that is that the information we received in that one-page information sheet on the use of energy was to the extent of the use of gas. It had no reference to the electrical output. It had no reference to the use of gas in the cars, nor did it refer to any other energy study that was made.

Mr. MEBUS. Mr. Speaker, I would respond to that by saying this, the matter of usage of automobiles is beyond the scope of this thing. I cannot answer that one. If people are going to drive to the store on Sunday, that is one thing. They may go for a ride, for that matter, as a social family, as Mr. Mullen described earlier and they might burn five times as much gasoline as they do going to the store. But insofar as the operation of these retail outlets is concerned, that is a different matter entirely.

In these cases, I do not, from the information that I have received, believe that there is any significant increase in the consumption of gas or certainly not electrical capacity. When you get into electricity, you are into an even more difficult area because you must meet peakloads at all times. More than half of the electrical energy that is generated is dissipated in any case. There are minimum levels in which generators can operate. That electricity is there probably freer and easier on Sunday with less drain on our resources than it is any other day of the week. So, therefore, that is not the problem at all.

Now the use of gas is another matter. An item here I have which quotes from the Federal Energy Administration Research Report released in 1974 concluded that it is impossible to reduce energy consumption significantly by reducing store hours.

Mr. LAUGHLIN. Mr. Speaker, I do not know when the 1974 article was passed around, but I can certainly assure you that the information we have relative to this situation is that there

would be a considerable use of energy involved in all areas, not merely in the area of gas.

But I believe you have answered the questions sufficiently, Mr. Speaker, to your way of answering them. I do not necessarily agree with them, Mr. Speaker. But I think I have finished that interrogation. I would like now to make my remarks, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman. The gentleman is in order and may proceed.

Mr. LAUGHLIN. Mr. Speaker, first of all, Mr. Mullen mentioned the fact that there is a religious issue involved, a moral issue. There is also an economic issue involved.

The people of Pennsylvania are not going to have an extra dollar or two to spend because we open the stores for their convenience 7 days a week. Men or women who are employed have "X" number of dollars to spend in any given week. They are going to spend that money in 5 days or 6 days or 7 days, whatever the case may be. The 7th day is not going to add any additional moneys to the state treasurer in the form of sales tax; it is not going to add any additional employment. They are merely going to shift the employment for suitable handling within those departments. So we are actually doing nothing in the way of helping the State of Pennsylvania by opening stores 7 days a week.

Earlier today, a Representative mentioned the fact that we had great difficulty in the area of schools and in the area of hospitals dealing with energy. He mentioned that specifically on HB 380. I feel that there is a significant drain on the energies of Pennsylvania with this additional day of opening.

I do not believe that there is any need for our people in this State to be submitted to a 7-day shopping week, to have to close our schools in the winter and to have to take other methods to conserve energy, and at the same time to permit, by this legislation, the opening of stores 7 days a week to use additional energy.

I would ask the members of the House to consider what we are doing on HB 8. I am not going to ask for a recommittal, as was proposed to me earlier, to the Mines and Energy Management Committee that has the expertise to handle the question of energy in this situation. I think the members of this House are prepared to vote on this issue and to vote it down. And for that reason, Mr. Speaker, I will conclude my remarks by asking the members of this House to oppose HB 8 and to vote it down once and for all, because during the last go-around on this particular bill, members of this House were singled out as having been selected as having tried to kill the bill and also it was stated in the media that they were dodging the issue; they were not meeting the issue head on. Mr. Speaker, there was good and sufficient reason at that time to give new members an opportunity to know and understand what those Blue Laws were. I believe they have had ample time now and I believe they will vote against this particular bill. I would ask them to do so.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MEBUS. Mr. Speaker, I have to take issue with the observation made by Mr. Laughlin wherein he says there is no significant gain in possible state revenues.

If anyone wants to sit on route 202 as it proceeds south out of Delaware County, Chester County, into the State of Delaware on Sunday, there are literally thousands of dollars that go to the State of Delaware to be spent on Sunday that could very well be spent in Pennsylvania.

Unless my memory fails me, there is some problem with state financing at the present time, and a few additional dollars could well be used here. There are other areas a lot closer than that. You have Phillipsburg immediately across from Easton. You have Camden across from Philadelphia, and on and on it goes. There is a lot of money that New Jersey is picking up at Pennsylvania's expense. It is not just New Jersey. There are other states as well. I think that his presumption there is quite wrong and must be called to the attention of the membership.

In response to Mr. Mullen, I would offer him this fact, and it is a fact: I, too, am a Christian, a practicing Christian, and I have no intention of changing that fact.

The question here goes far beyond the religious considerations. We are talking about something else entirely. I should not say entirely; that is a consideration in the minds of some, but I think that it goes beyond that consideration alone.

The Blue Law controversy is, I believe, quite clear in everyone's mind. However, at this time, it appears that the courts may move to decide the matter if we do not evidence our feelings. This I think is wrong, and this legislature has been criticized for allowing the courts to do things of this nature in the past.

Therefore, I think we should address it and at least let them know what our feelings are. I would hope that your vote would be favorable, but I have no assurance of that at the moment. I hope also that we will be responsible in this and really move to answer it once and for all.

I would offer these few thoughts to you, a few questions on the subject of Blue Laws. What are they, specifically? According to the Pennsylvania Council of Churches, and I am quoting from them:

In Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, SUBCHAPTER B of Chapter 73, titled "Sunday Trading" prohibits:
 Worldly employment or business
 Trading in motor vehicles and trailers
 Selling certain personal property
 Selling or otherwise dealing in fresh meats, produce and groceries

And then the Council of Churches goes on to say "The offenses are defined and then riddled with exceptions."

What was their origin? The first attempt to mandate a day of rest arose out of an edict of the Emperor Constantine about 321 A. D., and it applied to all worldly endeavors, except those involving agricultural pursuits. The difficulty with any Sabbath Day enforcements starts as soon as any exceptions are permitted. Numerous exceptions have grown from this very early start.

Many changes have taken place in the character of our society since the original enactment of Blue Laws in Pennsylvania. And when do you think that took place? Over 100 years after

William Penn founded this colony. They took place in 1791. At that time, the overwhelming number of citizens in this Commonwealth were adherents to Christianity. Today, there are, in addition to those who recognize Sunday as the Sabbath, many other persons in Pennsylvania whose faiths do not so recognize Sunday as the Sabbath.

Who do these various Blue Laws affect? It has been estimated that only 17 percent of those gainfully employed are affected by our Blue Laws. The other 83 percent of us can do jolly well what we choose on Sunday, but the retailers are prohibited.

In the main, the Pennsylvania statute affects virtually all but the very small merchandising operations; in other words, they only hit the medium- and large-sized merchandising operations; all professional activities — lawyers, like Mr. Mullen, and others; C.P.A.'s, and what have you. Entertainment — baseball games. Are we going to deprive ourselves of going to a baseball game because some people are working on Sunday? And I think that those who are employed in that fashion are working. If you do not think they are, then they are certainly overpaid. Restaurant operations — are you going to deny yourselves the opportunity to go to a restaurant because it is going to cause somebody to work on Sunday? I jolly well doubt that you are.

Transportation activities — are you going to stay off the public transit? Are you going to stay off the buses? Are you going to stay off anything of that nature because it is Sunday and you do not want the bus driver to work? You certainly are not. All of these things are not prohibited. The only thing that is prohibited is retailing.

Are they beneficial or are they unduly restrictive?

The following quote is again from the Pennsylvania Council of Churches. I begin here:

Ideas favoring retention of Sunday closings include: Sunday closings are not based on "religious" (sectarian) basis, but can be supported as part of government's responsibility to "promote the general welfare".

Sunday trading would place further strain on family life because it promotes "buying" as a recreation, competing with many other more humanizing forms of recreation.

Sunday trading is a commercial marketing decision thrust on communities. The motive is really for business, not convenience for shopping.

Ideas—

and I am still quoting for the Pennsylvania Council of Churches Bulletin—

favoring the repeal of Sunday closings include:

Enforcement of the law is spotty, not uniform and not worthy of the law enforcement system.

The Federal Civil Rights Act of 1964 and the Pennsylvania Human Relations Act—

both of which Mr. Letterman endeavored to foster through his amendments—

protect the rights of citizens not to work on their day of religious celebration. No person can be forced to work against his or her conscience by a business or a union.

Christians have the right—

probably even the responsibility—

to choose not to shop on Sunday without the protection of the Sunday Trading Law.

That is a decision that is up to them. If they do not choose to patronize, the stores will not be open. That last comment is an editorial comment of mine. I do not wish to indicate that that is part of what they said.

Let me lastly offer you a few arguments that I think are valid in favor of repeal. For proper and effective enforcement of these laws, it is almost mandatory that the populace cooperate in such an endeavor. There is little evidence of such popular support for the Blue Laws, particularly—and maybe I should say exclusively—but this is particularly true in the urban areas.

In most urban centers, it is impossible to provide enough law-enforcement personnel to insure that these provisions are adhered to, and the cost of any significant attempt at enforcement would be extremely high.

In these urban centers, there is little evidence of popular support for the continuation of the ban on Sunday sales. However, in the more rural portions of the Commonwealth where the feeling against Sunday sales is stronger, there is cause to believe that even with the repeal of the Blue Laws, Sunday openings will not increase significantly.

If the Blue Laws are repealed, there is good reason to believe that more retail stores will be open, but in no sense will it be broad scale or universal. For in many areas such would not be in keeping with the feelings of the local populace. They are the customers who must be pleased. Legitimate public pressures will succeed in keeping many areas of our State exactly as they are today. This is proper.

I believe that the Blue Laws should be repealed so that each community may indicate its desires to its local merchants. The Sunday openings would then reflect the feelings of that particular locality. This approach is applied in almost all other areas of interest. This is the situation as we prepare to enter the 20th century, not as we depart the 18th century.

The credibility of this deliberative body is, as I suggested at the beginning, I think, somewhat at stake if we do not really vote this issue today. I was most pleased to see that Mr. Laughlin also feels that it should be voted; voted up, voted down, but voted. Let us put it on the record. Therefore, I would hope that we would do just that in the next few minutes. I would hope that you would vote affirmatively. I thank you.

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

Mr. GARZIA. Mr. Speaker, I rise to support this bill. Last time, I did not have a chance to say what I wanted to say because I was told that you cannot speak against a motion to recommit.

My district borders the State of Delaware. I think I am the biggest offender in this place. I do most of my shopping in Delaware on Sunday.

The SPEAKER. Will the gentleman from Delaware yield to the Chair?

The Chair regrets very much that apparently the high spot of today's session was missed by the Chair. Would the gentleman advise the Chair as to what he said to engage such a tremendous outpouring of approval?

Mr. RYAN. Mr. Speaker, could I have an extra copy of what he says, too?

Mr. GARZIA. Fine, I will even autograph it for you.

Mr. RYAN. That is another commitment I will hold you to.

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

Mr. GARZIA. Well, if you want me to repeat what I said, I will, Mr. Speaker. All I said was that on Sunday I am the greatest offender. I do a lot of shopping in Delaware on Sunday for the simple reason that one of our largest shopping centers in Delaware County, which Mr. Ryan is very familiar with, is Granite Mall and it is closed on Sunday for the simple reason of the Blue Laws.

Now they talk about saving energy. You go there during the day and even the parking lot lights are on. So you are not saving anything. You know, to use the energy crisis I think is ridiculous.

Sundays, if you go into Delaware—I am speaking about Delaware, now, —you will find a lot of families together. They shop. On a Sunday afternoon, if you go into the Concord Mall or the Naaman Mall—I think that is the name of it, it is right over the line—you will find many families together, husbands and wives and kids. They shop and then they go into the restaurant to eat and they go home. They make a day out of it. But they are spending money in the State of Delaware.

Now in our own borough, when I was mayor—once again I will say something that maybe I should not say—I turned my back on the law to let our shopping centers stay open. Sunday sales in a borough that I was mayor of was one of the business's best days. We had a 1-percent mercantile tax. We made a lot of money on Sundays. We made enough in 1 year to hire extra police. So it paid for the shopping center in my borough to be open on Sundays. As of today a lot of them are still open.

Mr. Speaker, I was waiting for the applause. That is why I hesitated to say anything, but I hope—

The SPEAKER. The Chair would observe that apparently the gentleman's performance at the microphone has been exemplary from the type of attention that he has been getting.

Mr. GARZIA. I am learning. You know this is a process of learning here.

But I hope that the membership, in fairness to the State of Pennsylvania, would repeal the Blue Laws. We are talking about balancing the budget. I do not know how much money goes into Delaware on Sunday, but it might be enough to bail out the Philadelphia School District. I have no idea. But I would hope that my colleagues will vote in favor of this bill, because if you do not want to shop on Sunday, you stay home. That is all you have to do.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PIEVSKY. Mr. Speaker, that was a tough act to follow. Just a brief interrogation; just one brief question?

The SPEAKER. Whom does the gentleman wish to interrogate?

Mr. PIEVSKY. The chief sponsor.

The SPEAKER. Will the gentleman, Mr. Mebus, stand for interrogation?

Mr. MEBUS. Yes, Mr. Speaker.

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

Mr. PIEVSKY. Mr. Speaker, should HB 8 become law, would an establishment selling alcoholic beverages be allowed to remain open on Sunday?

Mr. MEBUS. There are many of them that are open right now.

Mr. PIEVSKY. I am talking about without special permits.

Mr. MEBUS. I am not acquainted. This question was raised to me on the floor this afternoon, and I have not had the opportunity to investigate it. You were talking about beer distributors and people like that, and it is my understanding that there is a provision in the Liquor Code relative to that. I do not know whether or not it refers back to the Sunday Trading Laws as does the one for automobile dealers. I know the one for automobile dealers does. I am not so acquainted with the one regarding the Liquor Code. Possibly somebody who serves on the Liquor Control Committee could answer that. I just do not know the answer.

Mr. PIEVSKY. Mr. Speaker, I think that question should be answered before we vote on this bill.

The caption on the bottom of this bill says that all sales on Sunday, with the exception of motor vehicles; all items.

Mr. MEBUS. Had I realized that there was such a provision in the Liquor Code, I would have had it checked out. But that was only raised to me late this afternoon and I have not had an opportunity to check it through.

Who is Chairman of the Liquor Control Committee?

Mr. PIEVSKY. Roland Greenfield.

Mr. MEBUS. Possibly Mr. Greenfield is in a position to respond to that.

The SPEAKER. Will the gentleman, Mr. Greenfield—

Mr. GREENFIELD. Mr. Greenfield is no longer the chairman of the committee, but I am also not in the position to respond to that. We could research it just as you have mentioned. We have not done so. It has not been presented to us. I am not familiar with that situation.

Mr. PIEVSKY. Perhaps Mr. Caputo would have some input.

The SPEAKER. Will the gentleman, Mr. Caputo, stand for interrogation?

Mr. CAPUTO. Yes, Mr. Speaker. I would submit that this would not open licensed establishments under the Liquor Code on Sunday. The licensing provisions of the Liquor Code provide specific days on which sales can be made of certain products and for specific hours.

To follow the logic of the question, sales are permitted of general products 24 hours a day, except Sunday, now. And yet since it is a licensing provision, the police power of the state provides how you may be licensed to sell liquor and malt beverages on Sunday. In my opinion, this would not open sales indiscriminately of liquor and beer on Sunday.

Mr. PIEVSKY. I thank the Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PIEVSKY. I thank the speaker, Mr. Speaker.

I take it to be a good source. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Vroon. Does Mr. Vroon desire to be recognized on the bill?

Mr. VROON. Mr. Speaker, with that kind of a greeting, I think I had better sit down.

I think enough has been said, Mr. Speaker. I just wanted to add one word about all these Delaware sales. There is a very significant factor over there. They do not have a sales tax. I am just wondering if our good friends who go over there and shop also come back and pay the Pennsylvania use tax on their purchases.

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

Mr. POTT. Thank you, Mr. Speaker.

Mr. Speaker, I intend to vote in favor of HB 8. The Blue Laws as they are presently applied are both inconsistent and discriminatory. They are inconsistent in that baseball games, football games, bars, restaurants, bus drivers, amusement parks and on and on and on can remain open on Sunday. Establishments that employ less than a specified number of people can remain open on Sunday.

I have a deep concern about the constitutionality of the Blue Laws as they are presently in statute. I do not think that the court will uphold the Blue Laws. I think that what we are doing by voting in favor of HB 8 is taking on our legislative responsibility, relieving the courts of a matter that will go on and on in the courts and cost the taxpayers of this Commonwealth a lot of money and they are eventually ruled unconstitutional.

I think they are discriminatory in that they discriminate against people whose only opportunity to visit retail establishments is on Saturday or Sunday. By this I mean people who consistently travel or are outside of the Commonwealth of Pennsylvania who only come home on weekends and are now forced to jam a whole week's worth of shopping into one day, on Saturday.

I think that there are people in this Commonwealth who regard shopping as a recreational activity.

Recently, we have passed two other pieces of legislation in this House which have had to do with Sunday sales. One was to open bars on Sunday. Originally, there were no sales of liquor in this Commonwealth on Sunday. Then we opened them only for hotels in large cities. Now we have opened them with a special permit. None of the fears which were espoused by the opponents of opening the bars on Sunday appear to have been realized. We have also now permitted horse racing on Sundays. If we permit these two types of activities to go on on Sunday, it seems to me that it is both inconsistent and discriminatory to disallow other establishments to be closed. Therefore, because I feel that the Blue Laws are unconstitutional, I am going to vote in favor of HB 8.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ZELLER. Mr. Speaker, would Mr. Mebus consent to an interrogation, please?

The SPEAKER. The gentleman, Mr. Zeller, has indicated that he wishes to interrogate Mr. Mebus? Will the gentleman,

Mr. Mebus, consent to interrogation?

Mr. MEBUS. Yes, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, when you earlier had related to some discussion with Mr. Laughlin in regard to energy, would you explain to the members here what you meant by and what you called this system, since you are an engineer who uses fluorescent fixtures to heat a building?

Mr. MEBUS. What I said was simply this: that certain of the lighting fixtures produce heat. That heat is computed when the building is designed. The more modern structures recognize the necessity that those lights not be turned out and that they remain on day and night all the time. If you do not leave them on, you lose the heat balance within the structure.

I have rented office space in buildings that have been of that nature.

Mr. ZELLER. Have you ever designed one of those types of buildings?

Mr. MEBUS. I am not an electrical nor a structural engineer.

Mr. ZELLER. They call this system, Mr. Speaker, the heat-pump system. I have installed many. As a matter of fact, how many would you think there are percentagewise in the city of Harrisburg here alone? How many buildings of this type would you think there are?

Mr. MEBUS. What I am referring to is not a heat pump, not in my understanding of a heat pump. We are talking about two different things. I do not profess to be an expert on heat pumps either. I have certain expertise, but I am not going to suggest to you that it extends beyond that which it actually covers.

Mr. ZELLER. This is called the electrical lighting system heat pump. This is what we have been installing. As a matter of fact, there are less than 5 percent in the city of Harrisburg. There are probably more in Pittsburgh. They probably have up to 20 percent. I just checked this out a few minutes ago with a nationally known electrical contracting association that I was associated with for 15 years as superintendent, and we have installed many of these. As a matter of fact, they tell me that the city of Harrisburg has less than 5 percent. The only city that is—and I say this with all respect to Philadelphia—really gaining ground on it is the city of Pittsburgh, which has probably in the area of some 20 percent. The city of Philadelphia is probably in the area of 15 percent to 18 percent.

The point I am trying to bring out is that the energy part of it that Mr. Laughlin has brought to our attention is very important. We have related to it in HB 380. As a matter of fact—and with all respect to Mrs. Gillette, Mr. Cowell and Mr. Schmitt—it was a selling point. It was a point, and God bless them, they were trying to sell their bill.

It is a natural resource that we are worried about, energy. As a matter of fact, our President and Congress are talking about penalizing the gas guzzlers and the gas-guzzling cars. We are in serious trouble. We are really in serious trouble in this nation energywise. As a matter of fact, if some of us can remember, last winter some of the western counties and some of the ones up north were in very bad shape. As a matter of fact, they were in terribly bad shape.

We are talking about energy now. Sure, when Mr. Mebus mentioned about this business of generators on the line and that they are going to be on the line one way or the other, he failed to tell you that a generator can be on the line but you are not using power coming out. In other words, that generator is going to have its energy source stepped up if more power is placed on the line. The more you use, the more you pay for, because only a certain input in is going to give a certain input out. But when you use power, that input has got to be greater. It is in equal proportion. This you have to know if you are going to, in other words, understand the waste of electrical energy, the waste of any energy.

What I would like to close with is that it is very important we understand that one of these days we are all going to be told to get on the ball in regard to this energy system. Some nations are fortunate because they have this beaucoup amount of energy available, but America just does not at this present time. We are going into various experimental stages of trying to bring it out of shale, and so forth, but we just do not have it right now and we depend upon other nations. We are in serious trouble.

As a matter of fact, unless we relate to it right now and say, look, we are not going to allow stores to be open haphazardly anytime, we are going to be in real trouble. We have got to relate to that situation. We have got to relate to it. And not just say give them carte blanche again; okay, let us all open up and let us just run any business we want.

As a matter of fact, I have come across the bridge here many a night and I have found our Capitol lit up like a Christmas tree. It is unfortunate. We are not practicing what we preach here. I see these buildings lit up like Christmas trees.

The SPEAKER. The gentleman has the right to make a statement in his position on the floor. Do him the courtesy of giving him that attention or silence.

The gentleman may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

I would like to ask of the members who are probably getting tired, one other closing remark. I will say and I will comment in regard to Mr. Mebus' right, in one area when he talks about security. It is true, many companies leave their electric lights on in full blast because we understand, too, that you do have better safety when you have a well-lit area. I will agree on that. That is one of the selling jobs of most of your power companies. But I say, if we are going to start somewhere, let us start. Let us give good practice. Let us vote this bill down.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak in favor of the legislation because I think it is wrong for the state to continue to dictate to the people what they are going to observe as their day of rest or their Sabbath.

Some of the opponents of this legislation would have us believe that great moral issues are in balance. I do not think that is necessarily the case. I think that every one of us, to varying

degrees, represent individuals in our respective districts who do not necessarily observe Sunday as their day of rest or their Sabbath day.

But when we continue to have Blue Laws, what we are effectively doing is telling everybody in Pennsylvania, regardless of their religious beliefs, that they are going to observe Sunday as their day of rest and that is going to be their Sabbath, regardless of their particular religion. I think it is wrong for us to do that.

Many of us, in particular, represent large numbers of people who happen to fall into that category of observing some day other than Sunday as their day of rest.

I also think it is somewhat inconsistent for us to, right now have laws that say you can go out and drink on Sunday, you can buy drinks on Sunday or, if you care to, you can go to the horse races and spend your money betting all day on Sunday, but you cannot go to your local shopping center and buy a shirt for your kids or a pair of shoes for your kids. That is the kind of inconsistent law that we have right now.

I do not see any great immorality in telling individuals that, yes, indeed, you are going to be able to go and buy those shirts and you will not have to necessarily buy them from somebody who has fewer than 10 employees; you will be able to buy them from any store.

Again, I do not think it is any more immoral to buy that shirt or that loaf of bread from a store that has more than 10 employees than to buy it from one that has fewer than 10 employees. That just does not make any sense.

Finally, the comment has been made that to adopt this legislation is going to add further to the erosion of the family and the religious life of the family. I do not buy that either.

It occurs me to look around some of our communities and to try to identify communities where maybe religion and family tradition thrives a little bit more than in other places. You know, in my own area, I do not find religion and family tradition and what-have-you thriving to that huge extent in suburban communities relative to all others. I say suburban communities because, perhaps, it is there where we have people who do not work on Sunday, traditionally. They are businessmen or others.

But I look into our mill towns in the Pittsburgh area. I look into our mill towns where a huge percentage of the men and women, particularly the men in those communities, do work on Sundays as well as every other day in the week and work a variety of shifts. I find that it is in those types of mill towns where family tradition, if it thrives very sacredly and very firmly anywhere, it thrives there. And certainly, I think, in terms of our religious communities, our church communities, perhaps religion thrives a little bit better in some of those towns than it does in some others. So I do not think the fact that men or women work on Sunday necessarily leads to the erosion or the destruction of family life and religion either.

Finally, I think our Blue Laws as they exist right now are just one more example of how we foster disrespect for the law, because this is another example of how we have some law here on the books of Pennsylvania and nobody is paying attention to it.

We have got officials right here in this legislature who point

to their own experience as local officials where they ignored the law. Certainly, we have public officials across this state who are ignoring the law. Certainly, we have citizens who are following that example and ignoring the law and saying it does not mean anything to us.

So why do we pretend to continue in this regard? Why do we continue to foster more and more disrespect for this kind of law, because when we foster disrespect for this kind of law, there is inevitably some carry-over in everything that we try to say is important and, therefore, we put it into law.

Mr. Speaker, I urge us to take a prudent step forward and quit pretending to impose religion or impose a day of rest on every Pennsylvanian, quit trying to impose our day of rest on everyone else. Let us leave it up to the individuals to do as they see fit.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CAPUTO. Mr. Speaker, I think the dye is cast and I am sure my short remarks are not going to change any votes.

I have wrestled with this problem for some time, ever since the bill was introduced, and I have had letters from constituents on both sides. I do not think I was convinced on how I was going to vote until I heard some of the very great statements that were made here today. I refer particularly to the statement made by Mr. Mebus and the statements made by Mr. Cowell, because it seems to me that both of them put a great deal of attention into their preparation.

You know, maybe I am a little envious of those people who can rest on Sunday, because I am a member of this House and I am also a practicing attorney. I attend to my duties in the House and spend a great deal of time here—at least 3½ days a week—without vacation for the last couple of years. When I get back, I do have a law practice and I have to do some work there, but I also have to give attention to the many, many constituents who know where I live. I work like heck on Sunday and I am jealous of those people who do not have to work.

I guess the thing that changed my mind today, though, is the fact that when I consider that when I drive to church or when I drive back from church on a Sunday, if I go to one that is different from the one that is right across the street from my home, or if I travel through my area, my district, in the afternoons and evenings on Sundays, I find that practically every church auditorium, regardless of the denomination, has either a wedding, a christening, a bingo, as somebody just mentioned, or some other social function, because they have the facility for it—

The SPEAKER. The Chair regrets having to interrupt the gentleman from Allegheny County, but when he mentioned bingo, I think you are bringing a particular church into this which might enrage a particular gentleman from Philadelphia, and we do not want him to be enraged.

Mr. CAPUTO. I will withdraw that statement.

The SPEAKER. Will you strike the word “bingo”?

Mr. CAPUTO. I will strike the word “bingo.”

The SPEAKER. The Chair thanks the gentleman.

Mr. CAPUTO. But I notice that when you go to those functions—and I am invited to one almost every Sunday—there are people preparing and serving food and getting paid for it, and the church itself is collecting the rental of the hall. I think I have to vote for this bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Thank you, Mr. Speaker.

Most of this debate is turning my stomach. We are interested in the dollar. We are worried about whether we are going to lose taxes or we are going to make taxes up. We are worried about whether or not we are going to increase the economy or lower the economy. We are worried about whether we are going to save people's souls or send them to hell.

How about the poor guy who has to work? We have regulated everything so far for him. We regulate wages; we regulate hours; we regulate health, infant, child labor. You name it, we regulate it. The worker did not get the 40-hour week—he does not want to work more than 40 hours—until we gave it to him. He wants the day off, so let us give it to him so he can be with his family.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Laughlin, for his second time on this question.

Mr. LAUGHLIN. Mr. Speaker, just very briefly.

I wanted to inform the members that someone had mentioned the chain stores, and so on, in this debate. I checked personally with all of the merchants in three communities that I represent, one numbering over 22,000 people. In every one of those stores, every one of those merchants said that he would prefer to be closed on Sunday and not be open on Sunday. It is only the large interests that are interested in keeping their stores open on Sunday, and I wanted to bring that to the members' attention.

I sympathize with those who live in borderline counties that are concerned with this bill, but I do not think we should lose what we have in the State of Pennsylvania for everyone else.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I agree with my colleague, Mr. Wagner. It does kind of turn your stomach to have to listen to all of this when we have a budget that is not passed and a school subsidy that is needed. I hope that every member in this House who is going to vote “yes” for Sunday sales will stay here 7 days a week until we get a school subsidy passed and a budget passed.

The SPEAKER. The Chair recognizes the minority whip.

Do you want to follow that act, Mr. Ryan?

Mr. RYAN. Mr. Speaker, I am truly impressed with the seriousness of the various arguments, but I think I can make a short statement in support of this bill that will touch all of our

hearts. I want a "yes" vote so that Mr. Garzia can stop his life of crime. [Laughter].

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

Mr. GARZIA. I did not hear what you said, Matt. Would you please repeat it? I was not paying attention.

Mr. RYAN. That is the problem with us, Ralph. I will say it again.

Mr. GARZIA. Say it again. I would like to hear it.

Mr. RYAN. I did go up and check with the Speaker and told him I was going to make a smart remark, and I wanted the record to reflect that there was laughter, even if you had not laughed.

What I said, Ralph, was that my reason for rising in support of this bill is to give you an opportunity to stop your life of crime.

Mr. GARZIA. Well, I thank you.

Now maybe we will get the Granite Mall opened and I will do my shopping at the Granite Mall on Sunday, which happens to be in his district.

On the question recurring,

Shall the bill pass finally?

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

YEAS—57

Bellomini	Geisler	Musto	Spitz
Bennett	George, M.	O'Keefe	Stapleton
Berlin	Gleeson	Pievsky	Sweet
Berson	Greenfield	Polite	Tenaglio
Borski	Greenleaf	Pott	Wass
Burns	Harper	Prendergast	Wilson
Butera	Hoeffel	Pyles	Wise
Caputo	Hopkins	Rappaport	Wright, J. L.
Cohen	Itkin	Renwick	Yohn
Cowell	Lynch	Rhodes	Zearfoss
Doyle	McGinnis	Ritter	Zwikel
Freind	Mebus	Ryan	
Fryer	Meluskey	Scanlon	Irvis,
Gallagher	Moehlmann	Schweder	Speaker
Garzia	Morris	Scirica	

NAYS—140

Abraham	Gallen	Levi	Ruggiero
Anderson	Gamble	Lincoln	Salvatore
Armstrong	Gatski	Livengood	Scheaffer
Arthurs	Geesey	Logue	Schmitt
Bittinger	George, C.	Mackowski	Seltzer
Bittle	Giammarco	Madigan	Shuman
Brandt	Gillette	Manderino	Shupnik
Brown	Goebel	Manmiller	Sirianni
Brunner	Goodman	McCall	Smith, E.
Burd	Gray	McClatchy	Smith, L.
Caltagirone	Grieco	McIntyre	Spencer
Cassidy	Halverson	McLane	Stairs
Cessar	Hamilton	Miller	Stewart
Cianciulli	Hasay	Milliron	Stuban
Cimini	Haskell	Miscevich	Taddonio
Cole	Hayes, D. S.	Mowery	Taylor, E.
Davies	Hayes, S. E.	Mrkonic	Taylor, F.
DeMedio	Helfrick	Mullen, M. P.	Thomas
DeVerter	Honaman	Mullen, M. M.	Trello
DeWeese	Hutchinson, A.	Novak	Valicenti
DiCarlo	Hutchinson, W.	Noye	Vroon
Dietz	Johnson	O'Brien, B.	Wagner
Dininni	Jones	O'Brien, D.	Wansacz

Dombrowski	Katz	O'Connell	Wargo
Donatucci	Kelly	Oliver	Weidner
Dorr	Kernick	Pancoast	Wenger
Duffy	Klingaman	Parker	White
Dumas	Knepper	Petrarca	Wiggins
Englehart	Kolter	Piccola	Williams
Fee	Kowalyshyn	Pitts	Wilt
Fischer, R. R.	Kusse	Pratt	Wright, D.
Fisher, D. M.	Laudadio	Ravenstahl	Yahner
Flaherty	Laughlin	Reed	Zeller
Foster, A.	Lehr	Richardson	Zitterman
Foster, W.	Letterman	Rieger	Zord

NOT VOTING—5

Barber	Milanovich	O'Donnell	Shelton
Beloff			

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

ANNOUNCEMENTS

The SPEAKER. Does the majority leader have any further business?

Mr. MANDERINO. I do not, Mr. Speaker.

The SPEAKER. Does the minority whip have any further business?

Mr. RYAN. I do not, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I think you ought to remind the members of our side that we are in an important caucus tomorrow.

The SPEAKER. I thank the majority leader, and I trust that the Democrats who are within hearing of his voice and mine will take very seriously the announcement that we shall be caucusing at 10 a.m. in the majority caucus room tomorrow. We shall be caucusing on budget materials, and I have been advised by the majority leader and the caucus chairman that we are going to start promptly and go down through a budget suggested and not repeat for those members who absent themselves. So that is 10 o'clock tomorrow morning, a Democratic caucus in the majority caucus room.

BILLS PASSED OVER

The SPEAKER. The remaining bills on today's calendar will be passed over for today.

WELCOMES

The SPEAKER. The Chair recognizes that there is, in the balcony, a group of school children visiting. Although the Chair has not been advised as to who has invited the school children, the Chair, in the name of the House, welcomes those children to the hall of the House.

We thank you very much for being in attendance this morning. We hope you enjoy your visit and that you learn something about how one branch of your government functions, and we trust that you will return. Thank you very much.

The Chair wishes to welcome to the hall of the House, Mrs. George Pott, the wife of George Pott, our Representative from Allegheny County, and their son.

We are delighted to have you here, Mrs. Pott. We hope you will bring the boy back when he is old enough to be a page. But the Speaker does not anticipate that he will be able to be in the position to so appoint him.

The Chair is delighted to welcome to this Commonwealth and to this Country a guest from Czechoslovakia, Mrs. Mildred Rumanova, who is the guest of Mrs. James Campbell of Penn Run, Indiana County.

Both of these ladies are here in the House of Representatives as the guests of Messrs. Smith and Wass.

Would the two ladies rise in place so that the House may welcome them? We thank you both for being here. We especially are grateful to have the visitor, Mrs. Rumanova, here in this Country, and we are honored to have you here in the House of Representatives.

The Chair would like to welcome a group of 54 fifth-grade children who are in the balcony. They are from Pleasant Gap Elementary School in Centre County.

They have come here as the guests of Representative Letterman of the 76th District. They are accompanied by their teachers, Mrs. Debra Miller and Mr. Robert Davy.

Will the teachers and the children please rise to be welcomed by the House of Representatives?

You may be seated.

We thank you very much for being in attendance here today. We welcome your visit. We hope that you will take warm memories back with you and that you will learn something about this branch of your government. We are pleased that you came. We hope you will return.

The Chair is about to recognize a group of school children from the Wilkes-Barre Area School. They are sixth-grade students from the Mackin School, the Bear Creek School and the Maffett Street School.

They are the guests of the gentlemen from Luzerne, Messrs. Musto and B. F. O'Brien.

The House is delighted to welcome you here. We enjoy having you, and we hope that your visit will leave you with learned memories and pleasant memories of how your government functions in one of its branches. We hope also that you will come back as often as possible.

The Chair is delighted to be able to have the privilege of introducing the mother of a member. The member is Frank J. Meluskey, one of our bright new members on the floor of the House from the 133rd District, in Lehigh County. His mother, Mrs. Mary Meluskey, is present in the hall of the House. That is an extraordinary honor for him and an extraordinary honor for us. We welcome her and ask her to stand.

We are delighted, Mrs. Meluskey, that you have come here to be with us. We are very proud that you have sent your son to serve the Commonwealth. He is doing very well.

Thank you.

The Adaire school, Fishtown Section of Philadelphia, sixth-grade class is here today. Their teachers are Ron Soloff, Jan Williams and Beatrice Williams. They are aided by Mrs. Osinski, Mrs. Hipple, and Mrs. Clovena Klenk who is the president of the Home and School Association.

They and the children are the guests of the gentleman from Philadelphia, Representative Cliff Gray, another one of our bright, young, and rising stars.

We ask them to rise so we may welcome them.

We thank you very, very much for coming. We hope that when you go back home and to your school you will take with you a new knowledge about how your government functions. We hope that you will come back and see us frequently.

We also hope that we will serve your interests so that your problems are a little less burdensome than the ones we try to solve, but we do not promise that.

Thank you very much for coming.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair first recognizes a distinguished former member, Mr. Bonetto, who is at the rear of the hall of the House.

Having recognized Mr. Bonetto, the Chair advises him that he is breaking the rules of the House by standing there.

ADJOURNMENT

Mr. BURD moved that this House do now adjourn until Monday, June 6, 1977, at 1 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 6:56 p.m., e.d.t.) the House adjourned.