

# Legislative Journal

THURSDAY, JUNE 16, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 46

## HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (LESTER K. FRYER)  
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:

Most Holy and Glorious Lord God, Thou art the great architect of heaven and earth, and hast made man in Thine own image, and placed him in the world which Thou hast made to enjoy all the blessings thereof. It is with grateful hearts and lives that we come before Thee at the beginning of this day's work. We ask Thy blessing upon these stewards of Thine as they undertake the tasks which face them. We pray that Thou wilt grant them Thy power and guidance in life that they may show forth Thy truth in the deeds they bring to maturity. We beseech Thee to fill them with the knowledge of Thee and Thy compassionate love that they may experience the peace which passeth man's understanding. Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal for Wednesday, June 15, 1977, will be postponed until printed.

### LEAVES OF ABSENCE GRANTED

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

Mr. GREENFIELD. Mr. Speaker, I request leaves of absence for Mrs. WISE for this morning's session only, and for Mr. RAPPAPORT for today's session.

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

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

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

### MASTER ROLL CALL RECORDED

The SPEAKER pro tempore. We will now have the master roll call. The members will proceed to vote.

The following roll call was recorded:

#### YEAS—196

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

NAYS—0

NOT VOTING—4

Rappaport  
Shelton

Wise

Irvis,  
Speaker

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

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

**No. 1329** By Mr. DOYLE

An Act prohibiting residency as a condition of employment for public employees of political subdivisions.

Referred to Committee on Finance.

**No. 1340** By Messrs. GAMBLE, ABRAHAM, TRELLO, MISCEVICH, DUFFY, SWEET, POTT, PRATT, D. M. FISHER, GEISLER, LOGUE, RAVENSTAHL, COWELL, Mrs. KERNICK, Mrs. GILLETTE, Messrs. HALVERSON and HOPKINS

An Act providing for the distribution of lists of taxpayers to school districts, and for the use of such lists.

Referred to Committee on Education.

**No. 1341** By Messrs. DiCARLO and LINCOLN

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for subsidies to adoptive families.

Referred to Committee on Health and Welfare.

**No. 1342** By Messrs. KOWALYSHYN, RUGGIERO, WARGO, MUSTO, REED, W. W. FOSTER, SCHEAFFER, MOWERY, DeMEDIO, NOVAK, McLANE, D. M. O'BRIEN and JONES

An Act amending "The Controlled Substance Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), further providing for the prescription, administration and dispensing of narcotic drugs to certain disabled veterans.

Referred to Committee on Health and Welfare.

**No. 1343** By Messrs. KNEPPER, KOWALYSHYN, DiCARLO, TADDONIO, FLAHERTY, PARKER, POTT, HASKELL, HALVERSON, WILT, REED, HOPKINS, R. R. FISCHER, SCHEAFFER, ZORD, NOYE, D. S. HAYES, SPITZ, A. C. FOSTER, GRIECO, WAGNER, D. M. FISHER, J. L. WRIGHT, MEBUS, FREIND, W. D. HUTCHINSON and MOWERY

An Act creating the Bureau of Actuary Review; describing its powers and duties, providing for the preparation of actuarial notes and prescribing penalties.

Referred to Committee on State Government.

**No. 1344** By Messrs. PITTS, A. K. HUTCHINSON, WILSON, WILT, HASKELL, MORRIS and PETRARCA

An Act amending the "Volunteer Fire Company, Ambulance

Service and Rescue Squad Assistance Act," approved July 15, 1976 (P. L. 1036, No. 208), extending the period for certain loans.

Referred to Committee on State Government.

**No. 1345** By Messrs. PITTS, DININNI, WILSON, WILT, MORRIS and PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, establishing the sufficiency of certain evidence.

Referred to Committee on Transportation.

**No. 1346** By Messrs. PITTS, DININNI, VROON, WILSON, E. H. SMITH, KLINGAMAN, MORRIS, YAHNER, WILT and PETRARCA

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), prohibiting zoning ordinances that prohibit the storage of farm equipment on agricultural land.

Referred to Committee on Local Government.

**No. 1347** By Messrs. PITTS, VROON and E. H. SMITH

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

Referred to Committee on Finance.

### SENATE MESSAGE

#### SENATE BILLS FOR CONCURRENCE

The clerk of the Senate presented the following bills for concurrence:

#### SENATE BILL No. 413

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949" eliminating the requirement of publishing and further providing for distribution of annual audit by fourth class school districts.

Referred to Committee on Education.

#### SENATE BILL No. 730

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code" changing provisions relating to certain moneys paid to county historical societies.

Referred to Committee on Local Government.

#### SENATE BILL No. 871

An Act regulating the titling 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.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. MISCEVICH and ABRAHAM

#### HOUSE RESOLUTION No. 117

The House of Representatives of the Commonwealth of Penn-

sylvania memorialize the President and Congress of the United States that the members of this House oppose the inland waterways user fee as proposed in Senate Bill No. 790.

Referred to Committee on Federal-State Relations.

By Messrs. MISCEVICH and ABRAHAM

**HOUSE RESOLUTION No. 118**  
(Concurrent)

The General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to divide the specific project authorization from the waterways user fee proposal currently joined in Senate Bill 790, and to let each issue be divided separately as its own merits.

Referred to Committee on Federal-State Relations.

By Messrs. RITTER and PARKER

**HOUSE RESOLUTION No. 119**  
(Concurrent)

The General Assembly hereby expresses its support for the Arctic Gas Project.

Referred to Committee on Federal-State Relations.

By Messrs. PITTS, KLINGAMAN, SCHEAFFER, LEVI, WEIDNER, E. H. SMITH, VROON, BRANDT and YAHNER

**HOUSE RESOLUTION No. 120**

The members of the House of Representatives recommend to the Governor that he encourage the agencies and departments involved in the various plans to give top priority to preserving and encouraging agricultural production.

Referred to Committee on Rules.

**COMMUNICATION FROM GOVERNOR**

The Secretary to the Governor presented the following communication from the Governor:

APPROVAL OF HOUSE BILLS Nos. 102, 329, 371 and 540.

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

June 15, 1977.

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

I have the honor to inform you that I have this day approved and signed House bill No. 102, printer's No. 995, entitled "An Act authorizing and directing the Department of General Services and The General State Authority, with the approval of the Governor AND THE DEPARTMENT OF PUBLIC WELFARE, to convey to the Redevelopment Authority of the County of Armstrong a certain tract of land."

MILTON J. SHAPP  
Governor

June 15, 1977.

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

I have the honor to inform you that I have this day approved and signed House bill No. 329, printer's No. 358, entitled "An Act amending the act of February 1, 1966 (1965, P. L. 1656,

No. 581), entitled 'An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs,' further providing for the suspension of policemen by the mayor."

MILTON J. SHAPP  
Governor

June 15, 1977.

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

I have the honor to inform you that I have this day approved and signed House bill No. 371, printer's No. 405, entitled "An Act amending the act of May 5, 1933 (P. L. 364, No. 106), entitled, as amended, 'Business Corporation Law,' prohibiting the use of blasphemous or obscene words in the corporate name."

MILTON J. SHAPP  
Governor

June 15, 1977.

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

I have the honor to inform you that I have this day approved and signed House bill No. 540, printer's No. 584, entitled "An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled 'Liquor Code' requiring deposits on all returnable original containers."

MILTON J. SHAPP  
Governor

**BILL REPORTED FROM COMMITTEE**

**HB 1197, PN 1598 (Amended)**

By Mr. SHUMAN

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 including soil conditioners and plant growth substances within the scope of regulation by the act and changing penalties.

Agriculture and Rural Affairs.

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. Mr. Speaker, in this morning's Patriot there is an article concerning a meeting of the State Horse Racing Commission.

Mr. Speaker, at a meeting of the State Horse Racing Commission yesterday, some discussion was made about the use of some medication at the tracks, et cetera. Someone had said that there was a feeling that some legislators failed to comprehend the subject.

The chairman of the Commission, Andrew R. Johnson, said that unfortunately some legislators would not know if a horse had two or four legs.

Mr. Speaker, that may have been very funny to Mr. Johnson, but I resent it very strongly. I tell you and I tell Mr. Johnson, that I do know a horse has four legs. I know also that a horse has a front end and a back end. I consider Mr. Johnson to be the back end.

The SPEAKER pro tempore. Are there any other comments in regard to the sections of a horse?

CALENDAR

LABOR RELATIONS BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of Senate bill No. 271, printer's No. 477, entitled:

An Act amending the act of July 14, 1961 (P. L. 637, No. 329), entitled "Wage Payment and Collection Law" amending and adding definitions; providing for the payment and collection of fringe benefits and wage supplements; requiring employers to notify their employes of the amount of fringe benefits and wage supplements due to their employes; permitting persons separated from their employment to have their final wage payments mailed to them; reaffirming the right of private individuals to institute criminal prosecutions under the act and permitting such prosecutions to be instituted by labor organizations and by the persons to whom any type of wages is due; permitting the assignment of claims for unpaid wages to and imposing the duty to prosecute such assigned claims on the Secretary of Labor and Industry; exempting the secretary from payment of filing fees and posting of bonds; providing for increase in liquidated damages; and providing for criminal penalties.

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

Ordered, to be transcribed for third consideration.

TRANSPORTATION BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of Senate bill No. 145, printer's No. 1083, entitled:

An Act amending the act of January 22, 1968 (P. L. 27, No. 7), entitled "The Pennsylvania Transportation Assistance Authority Act of 1967" authorizing designees for certain members of the authority and further providing for staff of the governing body.

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

The question is, Shall the bill pass finally?

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

YEAS—160

Table listing names of members who voted 'YEAS' for the Transportation Bill. Names include Abraham, Fryer, Logue, Rieger, Anderson, Gallagher, Lynch, Ritter, Arthurs, Gallen, Mackowski, Ruggiero, Bellomini, Gamble, Madigan, Ryan, Beloff, Garzia, Manderino, Salvatore, Bennett, Gatski, Manmiller, Scanlon, Berlin, Geesey, McCall, Scheaffer, Berson, Geisler, McClatchy, Schmitt, Bittinger, George, M., McGinnis, Schweder, Bittle, Giammarco, McIntyre, Scirica, Borski, Gleeson, McLane, Seltzer, Burd, Goebel, Mebus, Shupnik, Burns, Goodman, Milanovich, Smith, E., Butera, Gray, Miller, Smith, L., Caltagirone, Greenfield, Milliron, Spencer, Caputo, Greenleaf, Miscevich, Spitz, Cassidy, Grieco, Moehlmann, Stairs, Cessar, Hamilton, Morris, Stapleton, Cianciulli, Harper, Mowery, Stuban.

Table listing names of members who voted 'NAYS' for the Transportation Bill. Names include Cimini, Hasay, Mrkonic, Sweet, Cohen, Hayes, S. E., Mullen, M. P., Taylor, F., Cole, Helfrick, Mullen, M. M., Tenaglio, Davies, Hoeffel, Musto, Thomas, DeMedio, Honaman, Novak, Trelo, DeVertter, Hopkins, O'Brien, B., Valicenti, DeWeese, Hutchinson, A., O'Brien, D., Wansacz, DiCarlo, Hutchinson, W., O'Connell, Wargo, Dietz, Itkin, O'Keefe, Wass, Dininni, Johnson, Oliver, Wenger, Donatucci, Jones, Pancoast, White, Dorr, Katz, Parker, Wiggins, Doyle, Kelly, Petrarca, Williams, Duffy, Knepper, Pievsky, Wilson, Englehart, Kolter, Polite, Wright, D., Fee, Kowalyszyn, Pratt, Wright, J. L., Fisher, D. M., Laughlin, Prendergast, Yohn, Flaherty, Lehr, Pyles, Zearfoss, Foster, A., Letterman, Ravenstahl, Zitterman, Foster, W., Levi, Reed, Zord, Freind, Lincoln, Richardson, Zwinkl.

NAYS—31

Table listing names of members who voted 'NAYS' for the Transportation Bill. Names include Armstrong, Halverson, Piccola, Taylor, E., Brown, Haskell, Pitts, Vroon, Cowell, Hayes, D. S., Pott, Wagner, Dombrowski, Kernick, Renwick, Weidner, Dumas, Klingaman, Shuman, Wilt, Fischer, R. R., Livengood, Sirianni, Yahner, George, C., Meluskey, Stewart, Zeller, Gillette, Noye, Taddonio.

NOT VOTING—9

Table listing names of members who did not vote for the Transportation Bill. Names include Barber, O'Donnell, Shelton, Irvis, Brandt, Rappaport, Wise, Speaker, Brunner, Rhodes.

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

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

APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 249, printer's No. 251, entitled:

An Act amending the act of July 9, 1976 (No. 154), entitled "Capital Budget Act of 1976-1977 Fiscal Year" increasing the amount of funds for highway and public improvement projects.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—183

Table listing names of members who voted 'YEAS' for the Appropriation Bill. Names include Abraham, Gallagher, Mackowski, Ryan, Anderson, Gallen, Madigan, Salvatore, Armstrong, Gamble, Manderino, Scanlon.

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

NAYS—6

Dombrowski	Halverson	Zord
Fischer, R. R.	Zeller	Zwikl

NOT VOTING—11

Barber	O'Donnell	Rhodes	Irvis,
Englehart	Pott	Shelton	Speaker
Gleeson	Rappaport	Wise	
Lynch			

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. POTT. My switch was locked out on that vote. I would like to be recorded in the affirmative on SB 249.

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

SWITCH LOCKED

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

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Rappaport, is on leave for today and his switch is locked in a voting position, so his votes should not be counted, whichever way they are recorded.

The SPEAKER pro tempore. Was it locked in the affirmative?

The remarks will be spread upon the record.

SB 250 PASSED OVER TEMPORARILY

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

Mr. BITTINGER. Mr. Speaker, I have an amendment coming to this bill. May I ask that it be at least temporarily passed over?

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

CONSERVATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 462, printer's No. 501**, entitled:

An Act amending "The Land Water Conservation and Reclamation Act" approved January 19, 1968 (1967, P. L. 996, No. 443), further providing for State grants-in-aid.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO RECOMMIT

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

Mr. LETTERMAN. Mr. Speaker, I would like to make a motion to recommit HB 462 to the Conservation Committee.

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

Mr. D. M. FISHER. Mr. Speaker, I rise in opposition to the motion of Mr. Letterman to recommit this bill.

This is a bill that has not only been on the calendar this year for approximately 10 days, but it has been an issue that I think the General Assembly should have addressed itself to a number of years ago.

I see no reason why the bill should be recommitted to committee. All the available information on the bill and the subject matter of the bill was provided to the Conservation Committee not only this year but last session when the bill was reported out. I would respectfully request that all the members vote against the motion to recommit.

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

Mrs. GILLETTE. Mr. Speaker, I wish to support the motion to recommit this bill to the Conservation Committee.

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

Mr. MANDERINO. Mr. Speaker, the subject matter of this bill is presently before the courts in Pennsylvania. The matter of whether or not funds can be withheld from communities which practice exclusionary zoning is before the courts of the Commonwealth in a specific case involving Mr. Fisher's district, as I understand it. I do not think that this legislature ought to be trying to influence or in any manner affect the results of that court case. I would support recommitment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Fisher, and reminds him that this is his second time for speaking on the issue.

The gentleman may proceed.

Mr. D. M. FISHER. Thank you, Mr. Speaker.

I will try to confine myself initially to the limited argument of recommitment.

I would like to just state a couple of facts in reply to the statement of the majority leader. There is a case that is pending before the Pennsylvania Supreme Court. It has been pending for approximately 2½ years. That is not the sole reason why this bill is before the General Assembly and why I am opposing the motion to recommit. Regardless of what the General Assembly would do on this legislation, it is not going to have any effect on that particular court case, at least in my opinion.

However, I do believe that there is another overriding issue. In the Project 500 bond funds, there are very few, if any, dollars left in the Project 500 funds—

#### PARLIAMENTARY INQUIRY

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

Mr. ARTHURS. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARTHURS. Is a recommitment motion debatable?

The SPEAKER pro tempore. It is.

Mr. ARTHURS. Is it debatable—

The SPEAKER pro tempore. It is limited, however, to the purpose of the recommitment.

Mr. ARTHURS. That is right.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. D. M. FISHER. There are, however, under the act in question, which this legislation seeks to amend, provisions that any Federal funds that are available shall be distributed in compliance with the provisions of that act. There are available at this time, Mr. Speaker, funds which are Federal funds that will be subject to distribution, I believe, this summer under the United States Bureau of Outdoor Recreation Act.

I believe that since the Department of Community Affairs has taken a position in interpreting legislative intent that I think is different from the intent of this General Assembly when Act 500 was passed, I think it is paramount that the General Assembly address itself to what its intent was on how these funds, not only state funds which were bond funds paid

by all the taxpayers, but also how Federal funds should be distributed throughout the Commonwealth. So it is not an issue that is solely tied up in a court case because that court case is going to be decided on its own merits, at least we hope so, some day.

However, it is an issue that all of your districts, anybody who may want the outdoor recreation funds, may be faced with. I think it is important that the legislature decide what its intent is, not the Department of Community Affairs. That is what has happened with this act. I respectfully request to have the opportunity for this act to be voted on "yes" or "no" by the members of the General Assembly.

Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to speak against the recommitment motion. The suggestion has been made that this should be re-committed so that we do not interfere with the pending court decision. I would suggest that we are, as Representative Fisher has suggested, talking about two different things. The court decision will attempt to interpret existing law and the court is basically being asked: Does the Department of Community Affairs have the power to make a decision under present law based on certain zoning considerations?

Representative Fisher's bill would seek to more clearly address the question of policy. His bill would have this legislature say that it shall not be the policy of the Department of Community Affairs to make decisions based on these considerations of zoning.

So I do not think that there is danger in our interfering with that court case. I think it is prudent for us to proceed with the consideration of this bill. I think it is wise for this legislature to make some consideration as to this policy question. So I would hope that we would proceed with consideration of Representative Fisher's bill today.

Thank you.

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

Mr. S. E. HAYES. I yield to the gentleman, Mr. Fee.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. I also rise to ask that this bill be re-committed to the Conservation Committee.

I have been informed by Secretary Wilcox that the \$75 million that was appropriated 10 years ago has dwindled to a few thousand and there is certainly not enough money to fund this bill. I urge everybody to vote to recommit to the Conservation Committee.

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

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

It is not a question of whether or not there are any funds left in this particular program. If the General Assembly re-commits this bill, it will shut the door on its ability to exert oversight responsibility. We hear a great deal about this today. A vote to

recommit will once again shut the door on our oversight rule.  
I think we should face this issue and vote favorably on the bill.

Thank you, Mr. Speaker.

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

Mr. J. L. WRIGHT. Thank you, Mr. Speaker.

I would like to take issue with the distinguished majority leader's decision that we do not suggest to the courts or try to influence their decisions.

I would suggest to Mr. Manderino and to all members of this House of Representatives that the general public in Pennsylvania is getting fed up to their ears with court decisions and bureaucratic decisions that are contrary to the wishes of the electorate and to the wishes of the General Assembly. Let us go on record today with suggestions for the court and with suggestions for the Department of Community Affairs and move this bill for a final vote.

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

Mr. MORRIS. Mr. Speaker, thank you.

I have had a little experience in this area, and I am sure everybody here must have had at least one local municipality which has attempted to get funds under this bill in the past. The frustrating experience is having some lowdown—and I mean lowdown in every sense of the word—bureaucrat at the bottom of the totem pole of the Department of Community Affairs tell them that they have a bad zoning ordinance that is exclusionary.

The question of whether a zoning ordinance is or is not exclusionary is a very complicated constitutional question. It is one that should be decided by the courts and not by some fellow who frustrates giving out the money to a worthy cause for a public park, a kid's swimming pool, or whatever it may be. We ought to act on this bill and act now. It should not be re-committed.

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

The following roll call was recorded:

YEAS—90

Arthurs	Gallagher	Livengood	Rhodes
Barber	Garzia	Logue	Rieger
Bellomini	Gatski	Manderino	Ritter
Beloff	Geisler	McCall	Ruggiero
Bennett	George, C.	McIntyre	Scanlon
Berlin	George, M.	McLane	Schweder
Berson	Giammarco	Meluskey	Shuman
Bittinger	Gillette	Milanovich	Shupnik
Borski	Goodman	Milliron	Stapleton
Caputo	Gray	Mrkonic	Stewart
Cianciulli	Greenfield	Mullen, M. P.	Stuban
Cohen	Harper	Musto	Sweet
Cole	Hoeffel	Novak	Tenaglio
DeMedio	Hutchinson, A.	O'Brien, B.	Trello
DeWeese	Itkin	O'Keefe	Valicenti
DiCarlo	Johnson	Oliver	Wansacz
Dombrowski	Jones	Pievsky	Wargo
Donatucci	Kelly	Pratt	Wiggins
Doyle	Kolter	Prendergast	Yahner

Englehart	Kowalyshyn	Ravenstahl	Zeller
Fee	Laughlin	Reed	Zitterman
Flaherty	Letterman	Renwick	Zwilk
Fryer	Lincoln		

NAYS—102

Abraham	Freind	Manmiller	Seltzer
Anderson	Gallen	McClatchy	Sirianni
Armstrong	Gamble	McGinnis	Smith, E.
Bittle	Geesey	Mebus	Smith, L.
Brandt	Goebel	Miller	Spencer
Brown	Greenleaf	Miscevich	Spitz
Brunner	Grieco	Moehlmann	Stairs
Burd	Halverson	Morris	Taddonio
Burns	Hamilton	Mowery	Taylor, E.
Butera	Hasay	Mullen, M. M.	Taylor, F.
Caltagirone	Haskell	Noye	Thomas
Cassidy	Hayes, D. S.	O'Brien, D.	Vroon
Cessar	Hayes, S. E.	O'Connell	Wagner
Cimini	Helfrick	Pancoast	Wass
Cowell	Honaman	Parker	Weidner
Davies	Hopkins	Piccola	Wenger
DeVerter	Hutchinson, W.	Pitts	White
Dietz	Katz	Polite	Williams
Dininni	Kernick	Pott	Wilson
Dorr	Klingaman	Pyles	Wilt
Duffy	Knepper	Richardson	Wright, D.
Dumas	Lehr	Ryan	Wright, J. L.
Fischer, R. R.	Levi	Salvatore	Yohn
Fisher, D. M.	Lynch	Scheaffer	Zearfoss
Foster, A.	Mackowski	Scirica	Zord
Foster, W.	Madigan		

NOT VOTING—8

Gleeson	Rappaport	Shelton	Irvis,
O'Donnell	Schmitt	Wise	Speaker
Petrarca			

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?  
Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mrs. GILLETTE. Mr. Speaker, I would like to speak in opposition to the passage of this bill. I think the secretary of Community Affairs should have some discretion as to where these funds are being spent. There really is not very much money left in the fund at the present time, and at anytime there was never enough money to supply the sums for all of the applications involved.

During the time this program has been in effect, Secretary Wilcox has tried to see that the needy areas, where low-income families live, receive more of this recreational money, because the need there is far greater. He has disapproved applications in some of the more wealthy neighborhoods because the need there is not as great. I think that we ought to consider this. There are many poor neighborhoods throughout this state. The secretary should have the discretion as to where to give these grants. I would urge all members to oppose the bill.

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

Mr. D. M. FISHER. Thank you, Mr. Speaker.

I rise in support of this legislation. I would just like to give a brief background about what this legislation involves.

We are seeking to amend here an act that was enacted by the General Assembly in 1967, the Land and Water Conservation and Reclamation Act. It was basically known as Project 500 or Project 500 funds, which have been distributed. These are bond moneys, the interest to which has been paid by all the taxpayers of the Commonwealth over the period of the last 10 years. These moneys were basically used for recreational purposes. They were distributed by the Department of Community Affairs through a 50-50 matching grant system.

Now, back in 1971 or 1972, after probably half of these funds had been distributed, maybe more, the Secretary of Community Affairs, one of the bureaucrats in that department, decided that they were going to make a decision that the moneys could not go to communities which had so-called exclusionary zoning ordinances.

Now, one of the communities which they picked to say that the application, although the money was available, could not be granted to was the community from which I come. But there were other communities involved, other communities whose grant applications were withheld as a result of that bureaucratic and departmental decision.

That decision went before a hearing examiner at the departmental level. The hearing examiner sustained the decision of the secretary. However, that decision was then appealed to the Commonwealth Court.

The Commonwealth Court, I believe, by a unanimous decision overturned the decision of the secretary. They said there is nothing in that law that the General Assembly says that you should go in and look at zoning ordinances to determine who gets the money. The money is to be distributed based on the application and the completeness of the application and the ability of the community to come up with the balance of the funds and the availability of funds in the department. This is what the Commonwealth Court said.

Now the Commonwealth of Pennsylvania was not satisfied. The department was not satisfied with that decision. They went and spent more taxpayers' money by appealing the decision to the Pennsylvania Supreme Court.

The Supreme Court has sat on that case now for well over 2½ years. As other gentlemen and other colleagues have stated, the amount of money that is available through that fund right now is very small.

There is the overriding issue of who is going to determine who gets funds the taxpayers have paid for. I think it should be this General Assembly and we should clearly say, as this legislation specifies, that zoning and planning and other considerations are not to be considered by a bureaucrat.

But there is another facet to this case which I think is important and might be important to any of your communities. I might say that it is not essentially important to my community because we have no applications pending. But in section 5119 of the act, it also says that money through Federal programs

will be administered through this act.

Now, just recently in the last report from the Department of Community Affairs, there was a little clip that I happened to see on page 2 or 3 and it says that \$7 million is now available for local recreation grants. It says: "Some \$7 million in federal funds are now available for local park and recreation projects." It will be distributed based on applications filed no later than September 1.

Now, it is clear from this article—and I do not want to read the whole article. I will submit the contents of the article for the record, however—that the secretary intends to use that same action that he took in 1971 with state funds in going out and deciding which communities should get the moneys.

Now this is not what the legislation says. This is not what the act says. All communities are to share equally. We should not have bureaucrats from Harrisburg going out and saying, we do not like the zoning ordinance in this community. We do not like the zoning ordinance in that community. If we let that happen, if we let that proceed, it is just, I submit, one foot in the door of statewide zoning. I do not think we want this type of action to continue in this state. Now, it is coincidental that the court found, everybody found—and there was never even a finding at the departmental level—that there was exclusionary zoning.

So, we are not talking about exclusionary zoning ordinances. Most communities and my community have amended their zoning ordinance twice in the early seventies to comply to open the community to any individual to build any type of home. So this is not what we are talking about.

But it is basically, who has the right to say how money is spent—this General Assembly, we, the elected Representatives of the people, or some bureaucrat over there in the department? I submit it should be we, not the bureaucrats, not the courts, and I urge you to vote in favor of this bill.

Thank you.

#### ARTICLE PRESENTED FOR THE RECORD

Mr. D. M. FISHER presented the following article for the Legislative Journal:

\$7 million now available  
for local recreation grants

Some \$7 million in federal funds are now available for local park and recreation projects.

Grant applications must be submitted to the Department of Community Affairs by local governments no later than September 1, 1977. Grant awards will be announced in December.

The source of the money is the U.S. Land and Water Conservation fund, administered by DCA's Bureau of Recreation and Conservation. The grants will pay 50% of the costs of land acquisition and development of local recreation projects. Local governments will be required to pay the remaining 50%.

The department will give priority, but not limit its consideration to the following projects:

- Urban land acquisition, such as flood plains, neighborhood and subneighborhood parks;
- Facilities within easy walking distance of area residents;
- Bikeways.



The department will base grant awards on factors including: the financial and social needs of the community; the relationship of the project to other community development programs in the area; the park management capability of the community; and, overall community recreation efforts.

Local officials interested in further information should contact the recreation specialist in the DCA regional office in their area.

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

Mr. MANDERINO. Mr. Speaker, since we are trying to establish a principle here today, because it is admitted that there are little or no funds available for distribution in the category of funds that the bill is aimed at, let us talk about principle for just a minute.

What has the Department of Community Affairs through the exercise of the discretion of the secretary of that department actually done? What it has done is to say that there is some zoning ordinance—and we are not aiming at, in the secretary's discretion, all zoning ordinances or all planning that has been done—that because of the terms of that zoning ordinance, you are actually taking a very substantial portion of the population and saying, you will not live here. You will not live here because you do not have the means to erect the structure, to buy the property, to inhabit in this community.

The Secretary of Community Affairs has said that when the zoning ordinance in a community is written in such a manner that it substantially eliminates from that community a very significant portion of our population in Pennsylvania, that we will not aid that community in the distribution of these kinds of funds, the recreational funds.

We are talking about poor people. We are talking about people who cannot afford to provide their own recreation. We are talking about people and spending of state moneys and we are trying to set some sort of standard at the state level whereby these funds would be directed toward all of the population of Pennsylvania.

When a zoning ordinance has become so exclusive, so exclusionary that a significant portion of the population is being eliminated from living in that community, then I think it is a sound exercise of discretion on the Department of Community Affairs and its secretary to say that we will not put, at least, recreational funds into that community.

That is the principle that we are talking about today. I think the secretary is entirely right. I think that it is a sound decision. I think that decision is being tested in the courts. I think that that decision ought to rest with the courts.

If we do decide that we are going to make that decision here, then, on principle, the decision should be to reject HB 462.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would rise to urge support for this legislation and I would like to address a couple of the comments that have been made by those who have opposed it.

First of all, some people have interjected the argument of

money and the availability of money into this question. That is really not a relevant argument. This legislation is not talking about how we are going to spend the money. It is not talking about how much money we are going to spend. It is basically saying or it is addressing the question of what the ground rules shall be in terms of communities' eligibility to apply for funds and to be considered for those funds. That is all. And I think that we should make those ground rules fair regardless of how many dollars there are available, \$1 or \$100 million.

Secondly, some people have argued that the secretary has really tried to take into consideration questions of wealth versus poor communities. Well, in fact, the standards that he is establishing or the ground rules that the secretary has established do not really address the question of wealth versus poor. They are based on questions of zoning, and that does not necessarily directly relate to the wealth or lack of wealth in a particular community. That is not the basis on which he has made his decision.

Thirdly, so frequently we talk about the distribution of state and Federal funds and we talk about trying to get those funds to poor people, and in the process of trying to get them to poor people, we assume that we must exclude so-called wealthy communities. I think that is some kind of faulty thinking also, because in that process what we inevitably do is ignore those poor people, those less wealthy people who happen to live in a community where maybe a lot of their neighbors are better off than they are.

I represent a lot of different types of communities, including the city of Pittsburgh and an old urban-suburban-type community, and I also happen to represent one of the communities in Allegheny County that is labeled wealthy. Inevitably people go around saying that wealthy community does not need all types of aid, but, in fact, that thinking ignores the fact that there are many senior citizens in that community living on fixed incomes, very limited incomes, and their situation is not made better by the fact that one of their neighbors might own a couple of Cadillacs and live in a big house. They are still poor. They are still on a fixed limited income.

When we talk about trying to get recreation moneys, in this case, to people who are not able to provide their own recreation funds, their own recreation programs, there are a lot of those people in these so-called wealthy communities, and we should not make them suffer because of a situation that their neighbors happen to find themselves in.

Finally, if we really want to address this question of exclusionary zoning—and I think that we should and I certainly think that we should address it in a way where we indicate to communities that we do not favor it—I think we ought to address it head-on, not through this back door where we, one, let the decision really be made by a bureaucrat rather than this legislature; and not by a process where, in fact, we punish a lot of people in that community who might in fact need and benefit from this service and might in fact find that some of their local officials are not responsive to their particular request.

We should address the question head-on, not through this back-door approach, and I would therefore urge that this legis-

lature speak clearly on the issue and adopt the Fisher legisla-  
tion.

Thank you very much.

**HB 462 TABLED**

The SPEAKER pro tempore. The Chair recognizes the gentle-  
man from Butler, Mr. Arthurs.

Mr. ARTHURS. Mr. Speaker, I think that there was a move  
made here this morning to recommit this bill that many were  
not aware of, and I think there are many problems that some of  
us would like to investigate before we do make a final vote on  
this particular bill. I would like to move at this time that we  
table the bill until at least next week so that we would be able  
to do some investigation and just see exactly where the courts  
stand, exactly the feeling of different people on this. So I would  
move that we do table the bill at this time.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—99**

Arthurs	Fryer	Livengood	Rieger
Barber	Gallagher	Logue	Ritter
Bellomini	Garzia	Manderino	Ruggiero
Beloff	Gatski	McCall	Scanlon
Bennett	Geisler	McIntyre	Schmitt
Berlin	George, C.	McLane	Schweder
Berson	George, M.	Meluskey	Shupnik
Bittinger	Giammarco	Milanovich	Stapleton
Borski	Gillette	Milliron	Stewart
Brown	Gleeson	Mrkonic	Stuban
Brunner	Goodman	Mullen, M. P.	Sweet
Caputo	Gray	Mullen, M. M.	Taylor, F.
Cianciulli	Greenfield	Musto	Tenaglio
Cohen	Harper	O'Brien, B.	Trello
Cole	Hoefel	O'Keefe	Wansacz
DeMedio	Hutchinson, A.	Oliver	Wargo
DeWeese	Itkin	Petrarca	White
DiCarlo	Johnson	Pievsky	Wiggins
Dombrowski	Jones	Pratt	Williams
Donatucci	Kelly	Prendergast	Wright, D.
Doyle	Kolter	Ravenstahl	Yahner
Dumas	Kowalshyn	Reed	Zeller
Englehart	Laughlin	Renwick	Zitterman
Fee	Letterman	Rhodes	Zwinkl
Flaherty	Lincoln	Richardson	

**NAYS—96**

Abraham	Gallen	Madigan	Scirica
Anderson	Gamble	Manmiller	Seltzer
Armstrong	Geesey	McClatchy	Shuman
Bittle	Goebel	McGinnis	Sirianni
Brandt	Greenleaf	Mebus	Smith, E.
Burd	Grieco	Miller	Smith, L.
Burns	Halverson	Miscevich	Spencer
Butera	Hamilton	Moehlmann	Spitz
Caltagirone	Hasay	Morris	Stairs
Cassidy	Haskell	Mowery	Taddonio
Cessar	Hayes, D. S.	Novak	Taylor, E.
Cimini	Hayes, S. E.	Noye	Thomas
Cowell	Helfrick	O'Brien, D.	Valicenti
Davies	Honaman	O'Connell	Vroon
DeVerter	Hopkins	Pancoast	Wagner
Dietz	Hutchinson, W.	Parker	Wass
Dininni	Katz	Piccola	Weidner
Dorr	Kernick	Pitts	Wenger

Duffy	Klingaman	Polite	Wilson
Fischer, R. R.	Knepper	Pott	Wilt
Fisher, D. M.	Lehr	Pyles	Wright, J. L.
Foster, A.	Levi	Ryan	Yohn
Foster, W.	Lynch	Salvatore	Zearfoss
Freind	Mackowski	Scheaffer	Zord

**NOT VOTING—5**

O'Donnell	Shelton	Irvis,
Rappaport	Wise	Speaker

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

The SPEAKER pro tempore. The bill is so tabled.

**FILMING PERMISSION GRANTED**

The SPEAKER pro tempore. The Chair at this time would  
like to announce that Betsy Amig, WIIC-TV, Pittsburgh, has  
requested permission of the House to take film on the House  
floor today. The Chair hereby grants that request.

**STATE GOVERNMENT BILLS ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill  
No. 404, printer's No. 998**, entitled:

An Act amending the "Pennsylvania Election Code" ap-  
proved June 3, 1937 (P. L. 1333, No. 320), further providing  
for times for filing expense accounts.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The Chair recognizes the gentle-  
man from Blair, Mr. Hayes.

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

The gentleman from York, Mr. Foster, has an amendment to  
offer to HB 404.

The SPEAKER pro tempore. The Chair recognizes the gentle-  
man from Crawford, Mr. Haskell. For what purpose does the  
gentleman rise?

Mr. HASKELL. Mr. Speaker, I respectfully ask that the  
gentleman, Mr. Foster, yield for just a moment.

Mr. Speaker, I have also prepared amendments for this bill. I  
requested them yesterday and I have not received them. I re-  
spectfully ask that this bill go over in order until next week.

The SPEAKER pro tempore. Without objection, the bill will  
be passed over.

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, prior to passing this bill over, I  
would like to interrogate the prime sponsor of the bill with the  
purpose in mind of trying to determine whether or not some  
further amendment should be prepared while the bill is being  
held over. Would that be permitted?

The SPEAKER pro tempore. The Chair recognizes the gentle-  
man for that purpose.

Will the gentleman, Mr. Stapleton, stand for interrogation?

Mr. STAPLETON. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentlemen may proceed.

Mr. RYAN. Mr. Speaker, initially, I have discussed with Mr. Stapleton certain amendments that I will offer to bring the bill closer to the Federal code. However, one other problem comes to mind, and I would like to interrogate the prime sponsor to see if I am wrong or if it does need amendments.

On page 3 there is a new section that states: "A new account shall be filed in accordance with the provisions of subsection (a) within thirty days of the receipts of any contributions received after the last account was filed."

Now I would pose to Mr. Stapleton the following hypothetical and ask him if it is taken care of under his bill: After an election, debt is owed by a candidate or a committee in any imaginary amount—let us call it \$20,000—and we will call that committee, committee A, which is the prime committee that ran the election of a given candidate, and committee A is \$20,000 in debt. After the election a report is filed in accordance with your bill and with the existing laws of the Commonwealth, and a new committee B is then formed in, let us say, January. On January 1 committee B is formed. Committee B raises \$20,000 and makes a contribution to committee A to the extent of the debt that was left over from the election by committee A. Do you understand the hypothetical? Is there any requirement that committee B file a report?

Mr. STAPLETON. Mr. Speaker, it would be my interpretation of the bill that committee B would have to file a report as well as committee A.

Mr. RYAN. Mr. Speaker, would you pick up the bill, Hb 404? Do you have it? All right.

As I read section 2 on page 3, it states—and I have read it before—"A new account"—and I am putting emphasis on the word "new"—"shall be filed in accordance with the provisions of subsection (a) . . ."

Now going back to page 1, subsection (a) provides: "Every candidate for nomination or election, and every treasurer of a political committee, or person acting as such treasurer, shall, NO EARLIER THAN . . ."

My question is this: If one looks at the provisions of (a.1) on page 3, it says, "A new account shall be filed in accordance with the provisions of subsection (a) . . ." Yet subsection (a) refers to candidates for nomination or election. Under my hypothetical, committee B was never required to file because it was not a candidate nor was it a campaign committee for a candidate. So my question is: Committee B not being required to file under the provisions of subsection (a) on page 1, I can find no reason why B would have to file its new committee report. Committee A, which receives this contribution from committee B, would be required, as I read the law, to only file the contribution of \$10,000 or \$20,000 and refer to the contributor as committee B. But there is no requirement that committee B set forth the people who made the contributions to it.

Do you agree with that or is this something that maybe should be looked at while this bill is held over?

Mr. STAPLETON. No, Mr. Speaker, I do not agree with that.

Perhaps the speaker is confused by the use of the word "new" in section 2 (a.1). Perhaps if I explained why the word "new" was used, it might resolve the gentleman's problem.

The word "new" was used as opposed to supplemental or addi-

tional account so that under those provisions of the Election Code dealing with the audit of an account, when the candidate or the committee filed this new account required under this new section, if someone filed or, say, petitioned the 10 electors or whatever for an audit of the account, it would not open up the entire account that had been filed previously.

Mr. RYAN. Mr. Speaker, I agree with what you are saying except for one thing. If you look at section (a.1) again, you will notice that this new account that you are referring to sets up a time schedule of within 30 days of the receipt of any contribution received after the last account was filed. Now in the hypothetical I posed to you there was no prior account because committee B is a brand new committee. They have never filed a prior account.

Mr. STAPLETON. To get back to subsection (a), Mr. Speaker, it would be my interpretation of this bill, in relation to the entire Election Code which presently exists, with the term "acting as such treasurer," that that committee B, your hypothetical committee B, would in fact be acting on behalf of committee A, and as such committee B would have to file an account 30 days after they raised the money and contributed that money to committee A.

Mr. RYAN. Where do you see that, Mr. Speaker?

Mr. STAPLETON. On page 1 of the bill, line 20.

Mr. RYAN. Yes, but as I read section (a) and your line 20, it is making reference to a committee "at which such candidate was voted for or with which such political committee was concerned", and I am going over to page 2. I am not so sure that that covers again my situation of committee B, but rather I think a loophole has inadvertently been included or allowed to continue to exist, such as the one that was found in the case of general election expenses of Milton J. Shapp in the General Election of November 5, 1974, No. 1124 C.D. 1976.

The amendments that I think probably are needed would correct the problems brought up in the Shapp expense account case, and I am wondering if, while this bill is held over, you would have some of your staff people review the questions I have raised, and perhaps our staff people could do the same thing and get together with some amendments that will cure this problem or at least clarify it.

#### POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAPLETON. Has the Speaker made a decision with regard to holding over this bill?

The SPEAKER pro tempore. Yes. The bill will be held over.

Mr. STAPLETON. Perhaps if you would recognize Mr. Haskell.

#### REQUEST TO PASS OVER HB 404 WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Crawford, Mr. Haskell.

Mr. HASKELL. Mr. Speaker, I just received the amendments

that I requested from the Legislative Reference Bureau. I withdraw my request to hold the bill over.

The SPEAKER pro tempore. The gentleman withdraws the request that the bill be held over.

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

Mr. STAPLETON. Mr. Speaker, if I might continue to reply to the minority whip?

The SPEAKER pro tempore. The gentleman will proceed.

Mr. STAPLETON. Mr. Speaker, my bill, HB 404, was drafted in order to accomplish the problem that you alluded to, and that was the Commonwealth Court decision with regard to the Shapp Campaign Committee. I believe that the way the bill is drafted at the present time sufficiently covers that problem.

I do not have the problem that you have with your committee A and committee B. I believe that the provisions of the bill adequately cover that and I believe that the bill should be voted on today. If we hold the bill over, the problem that we are going to have next week with subsidy and the budget, et cetera, I cannot believe that the House will have the time to address this. I believe this bill is in order and I will support the Ryan amendment which also covers an oversight with regard to another provision of the bill. But I would oppose having the bill held over and I would like to have it voted on today.

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

Mr. RYAN. Mr. Speaker, I suppose Mr. Stapleton was of an opinion that I had asked that the bill be held over. I did not. I simply took the microphone to make inquiry of the gentleman, thinking that there was going to be time to prepare further amendments, if in fact amendments were needed to cure what I believe is at best an inconsistency and at worst a built-in loophole. I will have more to say about it as I digest further the problem in light of your answers. And I do have amendments to offer, Mr. Speaker, which Mr. Stapleton referred to.

The SPEAKER pro tempore. The gentleman from Crawford, Mr. Haskell, offers amendments. The amendments will be read by the clerk.

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

Mr. CAPUTO. I do not think that those amendments have been distributed yet.

The SPEAKER pro tempore. Have copies of the amendments been distributed, Mr. Haskell?

Mr. HASKELL. Mr. Speaker, to my knowledge, they have not. I have just received them, and they are in the process of being distributed.

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

Mr. STAPLETON. Mr. Speaker, perhaps we could deal with the Ryan amendment and the Foster amendment first and wait for the Haskell amendment to be distributed. There are other amendments to be offered to the bill.

The SPEAKER pro tempore. Is that agreeable to the gentleman?

Mr. HASKELL. Certainly, Mr. Speaker.

#### HB 404 PASSED OVER TEMPORARILY

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

Mr. CAPUTO. Mr. Speaker, so that we can get on with the business of the day, I move that the bill be passed over until everything is in readiness.

The SPEAKER pro tempore. HB 404 will be temporarily passed over until the amendments are produced for the members of the House. The Chair will then return to this bill.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 656, printer's No. 1000**, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333, No. 320), requiring additional information to be included on expense accounts.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. ZELLER. Mr. Speaker, would the author of this bill consent to a brief interrogation?

The SPEAKER pro tempore. Would Mr. Hoeffel stand for interrogation?

Mr. HOFFFEL. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. Zeller, may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

Due to the problems at hand in regard to budget, subsidies and all matters, I fail to understand exactly what this involves. Would you please explain to the House what this bill would do?

Mr. HOFFFEL. I would be glad to, Mr. Speaker.

My bill is designed to require a more complete identification of the contributors to political campaigns. Current law, as you know, only requires that the last name of contributors be listed on our campaign expense reports. I find that inadequate. I believe we ought to more clearly identify the people who are contributing to political campaigns in this Commonwealth. Therefore, my bill would ask for the first and last name of contributors to be listed, their home address and, if applicable, their occupation and employer. My bill would not require this more complete identification for contributions of \$50 or under.

Mr. ZELLER. Mr. Speaker, I have no problem with that.

Thank you very much.

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

Mr. ZEARFOSS. Mr. Speaker, I would like to interrogate Mr. Hoeffel, too, if he would consent to further interrogation.

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

Mr. HOFFFEL. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. Zearfoss, will proceed.

Mr. ZEARFOSS. Mr. Speaker, under the law as it exists and

as it would be amended, whose responsibility is it to get this information?

Mr. HOEFFEL. Mr. Speaker, it would be up to the candidate and his treasurer, as under current law, to receive this information and list it on the campaign report.

Mr. ZEARFOSS. To your knowledge, is there any penalty in the law imposed on the candidate for failure to file an expense account where the money is raised and spent by a committee that has a treasurer?

Mr. HOEFFEL. My bill does not increase or deal with the penalties; the Stapleton bill did.

Mr. ZEARFOSS. The point I am making is that the present law does not put any responsibility on the candidate with respect to reporting moneys collected by a campaign committee where there is a treasurer appointed. Is that your understanding of the law as well?

Mr. HOEFFEL. I believe the treasurers of political committees have the responsibility.

Mr. ZEARFOSS. That is the answer I was seeking.

In other words, this bill would require, presumably would require, the treasurer, in preparing the report and in accepting funds from a donor, to ascertain the address, if that were not included with the contribution, and to ascertain his employment, if that is not known to the treasurer. Is that correct?

Mr. HOEFFEL. That is correct.

Mr. ZEARFOSS. On that point, just one sort of side question: What does the term "if applicable" mean with respect to employment?

Mr. HOEFFEL. If they are employed.

Mr. ZEARFOSS. So an unemployed housewife, for instance, would not come in?

Mr. HOEFFEL. She would not have to fill out that section of the report because it does not apply to her.

Mr. ZEARFOSS. Would it be the responsibility of the treasurer to ascertain if the donor is employed or not?

Mr. HOEFFEL. Yes; it would.

Mr. ZEARFOSS. Do you have a treasurer for your campaign committee, or did you do it yourself?

Mr. HOEFFEL. No. Law requires that we have a treasurer, Mr. Speaker; I do have a treasurer.

Mr. ZEARFOSS. If you have a campaign committee raising funds for you?

Mr. HOEFFEL. That is correct.

Mr. ZEARFOSS. You had a treasurer?

Mr. HOEFFEL. That is correct.

Mr. ZEARFOSS. Do you think you are going to have a treasurer if this bill passes?

Mr. HOEFFEL. I certainly hope so. The woman who was kind enough to be my treasurer in the last campaign enjoys winning elections in Montgomery County, and I assume that I can have her services again.

Mr. ZEARFOSS. Do you see any difficulty with the portion of the bill that would require the treasurer to ascertain and report employment of the donor?

Mr. HOEFFEL. It would add to the paperwork. That is undeniable, Mr. Speaker, and I agree that it is an added burden for the treasurer of a campaign committee to have to go

through this formality. But I feel that the benefits of such information far outweigh whatever inconvenience it might cause.

Mr. ZEARFOSS. Thank you, Mr. Speaker. I appreciate that.

You have answered all the questions candidly and frankly, and I think it points up the problem that I see with the bill, however. I think the requirement of employment of the donors is put in there to satisfy the press, the media. I think they are just too lazy to check out the names and find out where these people are employed who make contributions, and they have been pushing for this kind of information so that it makes it easier for them to write up their stories. All they would have to do would be to check the report and ascertain if the candidate is in fact getting a majority or the bulk of the contributions from one general source, one area, that might influence his votes after election.

I, frankly, would say that the problems that are going to be put on the treasurers of campaign committees by requiring them to get this information far outweigh the benefits to the public in general, not the benefits to the press, and I think that is the only real benefit of having this information there — to make the job of the press a little easier in writing up a story.

I am planning to oppose the bill, not because it requires more complete identification of the donor but because I consider the information with respect to employment to be an unnecessary burden on the operation of a campaign finance committee and a burden put on the treasurer of that committee.

Thank you.

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

Mr. HOEFFEL. Mr. Speaker, may I reply to the comments that the gentleman, Mr. Zearfoss, made?

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

Mr. HOEFFEL. I believe that it is important for us to know the employment and the occupation of the people who are contributing to campaigns. I feel that if individuals employed in one particular line of work are contributing heavily to an individual's campaign, I think the public has some right to know that. I think that is useful information. I do not think that such a provision in the law is put there and I do not propose to put it in simply to mollify the press. I think it is important for the public in general to know where their candidates are receiving the money. And while it would add to the burden and it would add to the paperwork, I feel that it is necessary information.

Thank you.

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

Mr. VROON. Mr. Speaker, may I interrogate the author of the bill?

The SPEAKER pro tempore. Will the gentleman stand for interrogation?

Mr. HOEFFEL. Yes, Mr. Speaker.

The SPEAKER pro tempore. He indicates he will, and the gentleman, Mr. Vroon, will proceed.

Mr. VROON. Mr. Speaker, does this mean that every donor must be accounted for or only those over \$50 each?

Mr. HOEFFEL. Mr. Speaker, only those over \$50.

Mr. VROON. All right. So we are trying to encourage participation broadly on the part of citizens throughout the Commonwealth rather than having to depend on special interests for the financing of campaigns. Can you just imagine the amount of detail and the amount of paperwork and discouragement which would occur if everybody who gives between \$50 and \$100 or anybody who gives anywhere over \$50 would have to tell you what his name, address, occupation and employer is? I am inclined to think that we are hurting the cause here. We are trying to encourage broad participation, and in the next breath we are trying to say, well, now if you want to contribute to my campaign, you are going to have to tell me who your employer is, too.

I think this is defeating the whole spirit of election reform in the Commonwealth. Would you say this is true? Would this have a deterring effect on the giving of gifts?

Mr. HOEFFEL. No, Mr. Speaker, I do not believe it would. I think the experience at the Federal level, with the tough new Federal restrictions on those elections, has not resulted in a lower amount of contributions being received by candidates for Federal election. In fact, in 1976 those individuals running for Federal office, congressional races and senatorial races, and so on received far more contributions than they ever had before. So the new Federal regulations, which are similar to the ones that I propose, did not deter at all the amount of contributions given at the Federal level.

Mr. VROON. Would tell me, please, Mr. Speaker, how would you proceed if you were to embark on a campaign right now? How would you proceed to handle the requirements of your amendment to this bill, the mechanics of it? How would you set it up?

Mr. HOEFFEL. I think that when a candidate receives contributions, he or a member of his staff would have to contact the individual who contributed, and if the proper identification was not forthcoming with the contribution, we would have to call them and find out the necessary information.

Mr. VROON. Are you aware of the amount of work, time and money that is involved in such a procedure?

Mr. HOEFFEL. I do not believe that it is such an amount of work as to make it impractical.

Mr. VROON. Very good, Mr. Speaker.

I have finished the interrogation and I only want to make a couple of comments.

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

Mr. VROON. I am certainly very much in accord with election reform in general and very much in accord with any kind of law which tightens up the requirements for disclosure, but I believe that we can go a little bit too far, and I think this bill does go a little bit too far. It is placing an undue burden on candidates who do not have, generally, the wherewithal to enforce this act. I consequently strongly urge a "no" vote on this bill.

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

Mr. LAUGHLIN. Mr. Speaker, could I have a brief interrogation of the prime sponsor?

The SPEAKER pro tempore. Will the prime sponsor stand for interrogation?

Mr. HOEFFEL. Yes, Mr. Speaker.

The SPEAKER pro tempore. He indicates he will, and the gentleman, Mr. Laughlin, will proceed.

Mr. LAUGHLIN. Mr. Speaker, your bill specifically qualifies employment, and you state that a housewife would have no employment and thus it would not be necessary for her to respond to that particular section of the bill.

I would like to ask you a hypothetical question. Suppose that corporation X has 50 or 60 major officeholders within its complex and makes a request of them to make a \$50 or \$100 contribution to a candidate—and I believe that is what you are trying to find out, who is making those contributions—and he takes the opportunity to go home and say, listen, dear, I would like to have you make a contribution in your name to Mr. Hoeffel, because he is seeking office and our company feels very strongly that he is a person who believes in our views. We would like to have you make that contribution to him.

Your bill, sir, does not do what you would like to have it do, because any housewife or any person other than that employe making that contribution does not have to make any definitive statement as to what her employment is, no recognition factor as to where the husband is employed, no recognition factor as to where that money came from.

So, Mr. Speaker, I would say to you that although your bill is well intended, it certainly leaves the loopholes that you are trying to close.

Mr. HOEFFEL. Mr. Speaker, I agree that there are loopholes in the election law and there always will be. There is nothing we can do to have an airtight election law. But the law we have now is more loophole and more air than anything else, and I think we have to take some steps to try to tighten it up.

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

Mr. RITTER. Mr. Speaker, I rise to oppose the bill. I do so for several reasons, and Mr. Laughlin mentioned one of them and Mr. Zearfoss mentioned some of the others.

I am concerned about all of the extra work that we are going to put on for—I really do not know for—what purpose, frankly. I do not know about anyone else, but I do not have any paid people on my campaign committee. They are all volunteers; they are all people who work for a living themselves, and they frankly do not have the time to go around to find the person's occupation and his employer.

I am thinking, for instance, of when you receive a check in the mail with a little note, dear so and so, here is a contribution for Jim Ritter's campaign, and it is signed "Dick." The treasurer of my campaign committee may not know that individual. There may very well be an address on the check, and then she picks up the telephone book and decides to call Dick Jones to find out what his occupation is and who his employer is and finds out that it is an unlisted telephone number. Then she has to get in her automobile, when her husband comes home from work, and go over and see Mr. Jones and hope that he is home

to find out his occupation and his employer.

I think that is an extra burden that is not going to serve any good purpose. So I think the law which requires the reporting of the names and the contributions, et cetera, is sufficient. I think we are just doing something for which maybe we will get some good PR in some areas, but I frankly do not think it is going to do a doggoned thing to improve the campaign reporting laws in Pennsylvania.

I am concerned about, if you have a fundraising dinner and you sell tickets to that fundraising dinner and you have a record of who bought the tickets and you sell 100 tickets or 50 tickets or 200 tickets, you start to take the time to find out the home address of that individual, his occupation and his employer, I just think by the time you get done with all of that, you are going to find that an awful lot of people are not going to want to run for public office. You are going to go back to the old days where the wealthy people ran because they could contribute their own money and did not have to fool around trying to get contributions from other people.

I do not think this is good legislation at all. I think it will hinder the process. It will be a detriment to many well-meaning people who want to contribute. It will have other people who say, listen, my boss is supporting your opponent, and if you put in that I work for him, I am going to be in trouble; so, therefore, I cannot give you any money. Now I do not think we intend to do that, but I am afraid that is what you are going to do if you accept this HB 656.

For those reasons, Mr. Speaker, I intend to vote against this bill because I do not believe that it will do the job it is intended to do. I think the present law is sufficient and I would ask others to vote against the bill also.

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

Mr. GEORGE. Mr. Speaker, I would like to interrogate the chief sponsor, if I may.

The SPEAKER pro tempore. Will the gentleman from Montgomery, Mr. Hoeffel, stand for interrogation?

Mr. HOEFFEL. Yes, Mr. Speaker.

The SPEAKER pro tempore. He indicates he will, and the gentleman, Mr. George, will proceed.

Mr. GEORGE. Mr. Speaker, on page 2, line 13, it is either that I am confused or I misinterpreted that line, but I see where there has been a major portion of that line that has been stricken. If I read it rightly, it says, "Where the . . . CONTRIBUTION IS FROM A PERSON other than an individual," and that to me is somewhat confusing. Further, where I believe that we need this type of legislation very badly, I am sure that there are many of us who feel that anyone who wishes to contribute, this is his lawful duty.

There are many organizations that are laboring under fictitious titles primarily to induce the public into believing that their only reason for this is for the effect of better government when basically many of us know that it is more partisan than rather for the best of the public and all of the people whom we represent.

And, secondly, I believe that with a bill like this we could have gone further and not place a limitation so that anyone in

Pennsylvania who has the ambition, the intellect and the desire should be able to run for any office.

So, therefore, I ask you why we used this language. In fact, it keeps those with thousands of dollars who contributed to their favorite politicians from putting their name, their address and their purpose down the same as we did for the average citizen who believes in better government and we must list his employer. I ask you why you did this.

Mr. HOEFFEL. Mr. Speaker, the language that the gentleman refers to is designed to cover any contributor to an election campaign who is not an individual; in other words, a political action committee or another campaign committee or political committee of another kind. The term "person" in law is commonly accepted to mean an individual person or an organization.

This language in my bill simply says that for organizations who give money, all that they need to report is the name of the organization and their address. You obviously cannot list the occupation or an employer of an organization because that does not exist.

This language is not designed to let anybody out of reporting. It simply refers to organizations and political action committees.

Mr. GEORGE. Mr. Speaker, but you have, and I do not believe with intent, left out the main purpose and thrust of legal contributions and, with this phrasing, you have eliminated the fact that there are groups in Pennsylvania who contribute under the guise that all they are concerned about is better government and yet you are not telling the public or who would want to go over that expense sheet that this, in fact, is a political action committee. All you make them do, according to the phrasing of your bill, is list their names and their addresses.

Mr. HOEFFEL. Well, that is correct in terms of, if an organization contributes to a candidate, all that would be required on the candidate's report would be for the name and address of the organization to be listed and the amount they gave. On the organization's report, though, they would have to list the full name, address and occupation of the people who gave to the organization.

My bill covers not only the campaign committees of individual candidates but also the political committees of organizations and businesses so that those contributors would be covered in their own filings.

Mr. GEORGE. Again, Mr. Speaker, is there anything in the composition of this bill that would prevent some organization of influence and affluence from doing something that would be beneficial to an individual's campaign and that they could do it in a manner no one would know about it?

Mr. HOEFFEL. No, Mr. Speaker.

Mr. GEORGE. Is that your answer, sir? I have every intention of supporting your bill and the fact remains that I believe it is long due in this state, but I think as time passes you will find that there are many things that can be done in behalf of or against a candidate that can be done in a manner in which your bill will not force them to put their name on record.

Mr. HOEFFEL. May I point out to the gentleman that the names of those organizations will be on the record. You cannot

ask for an organization to list more than its name and address.

Mr. GEORGE. Mr. Speaker, you are going to make every decent individual in this country who believes in the system that we operate in, if in fact he applies more than \$50 to your campaign, to place his name, his address and his employer, but, by the same token, those organizations with thousands of dollars available to support a candidate of their persuasions will not be mandated to do the same thing as the decent citizens in Pennsylvania have to do.

Mr. HOEFFEL. On the contrary, Mr. Speaker, those organizations will have to be listed by name and address. There is no other information that you can require of an organization. They do not have an occupation or an employer to list.

Mr. GEORGE. But they do not have to list their purpose of the reason that they are in function or format?

Mr. HOEFFEL. That is correct.

Mr. GEORGE. Thank you, Mr. Speaker.

#### MOTION TO RECOMMIT

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

Mr. LAUGHLIN. Mr. Speaker, in view of the obvious difficulty the membership is having today with this particular piece of legislation and although I agree basically with Mr. Hoeffel's intent and have indicated so in the past with many votes in that direction, I would ask at this time to recommit this bill to the State Government Committee from which it came. Thank you.

The SPEAKER pro tempore. The question is, shall HB 656, PN 1000, be recommitted to the Committee on State Government?

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

Mr. HOEFFEL. Mr. Speaker, I am opposed to the recommittal motion. The State Government Committee, on which I serve, has considered this legislation fully. I believe it is ready to move, and I would ask the membership to vote "no" on recommittal.

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

Mr. MILLER. Mr. Speaker, on the motion, I would oppose the motion to recommit for one very concise point. Issues that deal with election reforms, whether it be the gentleman from Montgomery's bill or any others that come before us, can no longer be addressed by this General Assembly by a parliamentary move of recommittal.

The public is demanding that we stand up and that they can read a head count on that roll call vote board of how its home legislator feels on these issues.

I would encourage the General Assembly to vote "no." Do not recommit this bill, so that we may get a final roll call vote and the people of the Commonwealth may view how their legislators are recorded on issues that they feel are vitally important.

Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, thank you.

I, too, oppose the recommittal move for the simple reason that Mr. Hoeffel mentioned. It came out of that committee, and they knew what they were doing in bringing it out. Any move to vote for recommittal would be a move to be afraid to face up to issues. Let us not go along with recommittal.

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

Mr. COWELL. Mr. Speaker, I, too, would urge that we do not recommit this bill. Mr. Hoeffel has not suggested that he intends to perfect the Election Code with his piece of legislation. His legislation addresses a very narrow point, specifically what one is going to be required to put down in black and white on his election report.

The SPEAKER pro tempore. The Chair cautions the gentleman that the merits of the bill are not to be discussed; merely the recommittal motion. The gentleman will proceed, under the guidelines.

Mr. COWELL. Thank you, Mr. Speaker.

It is my intention to suggest that for those people who have suggested a problem with this piece of legislation, it is such a narrow issue that there might be a more appropriate way of dealing with that problem, if you will, than recommitting it.

The Committee on State Government has had this bill, held it over a couple of times to allow for amendments and, after full deliberation, did release it for consideration by this full House.

The particular point that some members of this House have suggested as either troublesome or bothersome in one way or another has been that question of whether or not one's employment is going to be required to be stated on the report. I would suggest that rather than send this back to committee and further delay action on this important piece of legislation, those who are concerned about that particular point might more appropriately simply offer an amendment dealing with that particular concern. But if that amendment is not to be offered on this floor, then I would urge us not to recommit it to the State Government Committee but instead to proceed with full consideration here.

Thank you.

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

Mr. A. C. FOSTER. Mr. Speaker, I likewise oppose recommittal. I think we should face the issue and face it squarely today, and I do not see anything in this bill that would give rise to all of the nitpicking that I have heard thus far.

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

Mr. GEISLER. Mr. Speaker, I too oppose the recommittal motion. The State Government Committee did consider this bill and we had a lengthy debate on it in committee. If I recall correctly, it came out by unanimous vote of the committee; so I oppose recommittal.

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

Mr. ZEARFOSS. Mr. Speaker, I would like to ask the mem-



bers not to vote for recommittal on this bill also at this time on the condition that I would like to have the bill held long enough for me to prepare an amendment to take out the requirement of listing the occupation. I do not know whether that will pass or not, but I would like to have the opportunity to try it and see if we could do it. We could probably do it later today if we do not recommit the bill.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—4

Caltagirone	Laughlin	Miscevich	O'Brien, B.
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NAYS—188

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

NOT VOTING—8

Gleeson	Prendergast	Shelton	Irvis,
Goodman	Rappaport	Wise	Speaker
O'Donnell			

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

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

Mr. ZEARFOSS. Mr. Speaker, I would like to request and, if necessary, move that the bill now be temporarily held over until I can prepare an amendment as I mentioned before.

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

Mr. HOEFFEL. Mr. Speaker, I would like us to vote on the bill now. I see no reason for further delay.

HB 656 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Is the gentleman, Mr. Zearfoss, making a motion?

Mr. ZEARFOSS. I move that the bill be temporarily held over so an amendment can be prepared.

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

Mr. RYAN. Mr. Speaker, Mr. Zearfoss made a request. It is a reasonable request, one that we have accorded members all of this week and have accorded them today. He has not asked that it be held over until tomorrow; he has asked that it be held over temporarily to prepare a short amendment. It is my intention to vote for this bill, but if Mr. Zearfoss is not accorded this courtesy, I, for one, will vote against it just to indicate my disapproval of that lack of courtesy.

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

Mr. MANDERINO. Mr. Speaker, I join in the request that it be passed over temporarily, to remain on the calendar for today's action.

The SPEAKER pro tempore. Without objection, the prime sponsor indicates his satisfaction, and the bill will be temporarily passed over.

FILMING PERMISSION GRANTED

The SPEAKER pro tempore. Jim Wiggins, a reporter from WPVI and WCAU television stations, would like permission to take film footage on the House floor. The Chair is granting that request.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 752, printer's No. 1018,**

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

On the question,

Will the House agree to the bill on third consideration?

HB 752 TABLED

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

Mr. MANDERINO. Mr. Speaker, HB 752 is a companion bill to the bill being held over, previously mentioned by the

Speaker pro tempore. I ask that this bill be laid on the table because it is on its 15th day. We will bring it off the table when HB 751 is considered.

The SPEAKER pro tempore. Without objection, this bill will be laid upon the table.

APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 250, printer's No. 673, entitled:

An Act providing for adoption of capital projects to be financed from current revenues of the General Fund and making appropriations.

On the question,

Will the House agree to the bill on third consideration?

Mr. BITTINGER offered the following amendments:

Amend Sec. 1, page 2, by inserting between lines 13 and 14 VI. Department of Transportation

(1) Replace collapsed bridge over Sam's Run, Valley Street, Lorain Borough, Cambria County . . . . . 80,000

Amend Sec. 1, page 2, line 14, by striking out "VI." and inserting VII.

Amend Sec. 2, page 3, by inserting between lines 9 and 10

(6) The sum of \$80,000 to the Department of Transportation.

Amend Sec. 2, page 3, line 10, by striking out "(6)" and inserting (7).

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Bittinger, for purposes of an explanation of the amendment.

Mr. BITTINGER. Thank you, Mr. Speaker.

What this amendment would do would be to include the replacement of a collapsed bridge in Lorain Borough, Cambria County, at a cost of approximately \$80,000.

A bit of explanation: The annual budget of the borough of Lorain is, if you are generous, about \$30,000. The approximate replacement cost is \$80,000 for this bridge, and that makes it a little tough. The borough has been literally brick-walled at every turn to try to get this bridge replaced. It takes time to build a bridge, even one spanning only 12 or 15 feet such as we need here. Lorain Borough needs help now, not in 3 years.

Let me explain that Lorain Borough is in kind of an unusual situation. It is, in effect, in large portion an island with a hill-side blocking it on one portion and a stream called Sam's Run blocking it on the other side. There are two accesses to this portion of Lorain Borough — the street, which passes over the collapsed bridge, and a single-lane alley.

There was a combined state and Federal flood-control project on that stream. The project is very slow moving and flood waters this spring washed out the old constructed stream wall under the bridge and the bridge collapsed. The only route of access left is a one-lane alley with a bridge that is of questionable strength.

Let me also point out that isolated on that island, in addition to the borough residents who live there, is the borough's fire, police and ambulance equipment. There is also a light industrial

plant with a number of trucks traveling in and out each day which must now use that alley. There is a school facility which will be needed this fall and there is an active park and recreational facility.

The borough has been unable to get help anywhere else, so I am urging the members of the General Assembly to please vote favorably on this amendment.

Thank you.

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

Mr. SELTZER. Mr. Speaker, I would like to call to the attention of the members of the House and to the sponsor of the amendment that what he is attempting to do is a major change in what has been done in this House for many, many years in that he is now suggesting that the General Assembly, this government, build a highway project with general fund moneys. I have no feeling on whether or not the money is needed. I have no knowledge on whether or not the money is needed or what state of disrepair the bridge is in. I can only suggest that my reason for voting "no" on this amendment is that the amendment should be offered to a motor license fund capital budget rather than to a general fund capital budget.

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

Mr. MEBUS. I would like to interrogate the chairman of the Appropriations Committee for a moment if he would permit me.

The SPEAKER pro tempore. Will the gentleman stand for interrogation?

Mr. PIEVSKY. Yes.

The SPEAKER pro tempore. He indicates he will, and the gentleman, Mr. Mebus, will proceed.

Mr. MEBUS. Mr. Speaker I would like an expression of opinion, that is all, from you regarding this particular item. I personally react not unlike Mr. Seltzer in saying that I am sure the bridge is needed and so forth, but it is my opinion we are creating a horrible precedent here, and I wonder if that is your view as well. I would like you to address that.

Mr. PIEVSKY. That is true, Mr. Speaker. I concur with Mr. Seltzer's thinking.

Mr. MEBUS. That is all I wanted to get into the record.

I thank you, Mr. Speaker.

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

Mr. BITTINGER. Mr. Speaker, I am new as a member of this legislature, and my primary concern is that Lorain Borough does need help. If it would be better to offer this amendment to a soon upcoming bill that is a little more appropriate, I will be glad to withdraw it at this time and offer it to a more appropriate bill. I have no objection to that. This just happened to be a measure that was available and I wanted to give it a try. Would it be best if I did it that way?

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

Mr. PIEVSKY. There will be a highway bill forthcoming that

the gentleman could put his amendment into if he would be willing to withdraw.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. Does the gentleman wish to withdraw his amendment?

Mr. BITTINGER. Yes, sir, and I will offer it at a more appropriate time.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. DAVIES. Mr. Speaker, would the chairman of the Appropriations Committee stand for interrogation on a few of the items that appear herein?

The SPEAKER pro tempore. Will the gentleman, Mr. Pievsky, stand for interrogation?

Mr. PIEVSKY. Yes, I will.

The SPEAKER pro tempore. The gentleman from Berks, Mr. Davis, will proceed.

Mr. DAVIES. Mr. Speaker, I hate to belabor the point, but just 2 weeks ago—and the Speaker can attest to this himself—we had an invitation to come to the state hospital in Berks County relative to the demolition of some of the buildings, some 10 buildings that were going to be considered by the department for demolition. We found out in going over it that some of these buildings are so well constructed and still in such a good state of basic maintenance that there may be some other uses for them. We are investigating that end right now in Berks County at that state hospital.

Can you tell me, sir, whether or not the state legislators in whose districts many of these buildings are slated for demolition have gone through that same process and whether this process has been exhausted, that all possible other utilizations of these buildings or buildings herein listed for demolition has been considered, and not only just by the department or other departments, because we found out that sometimes the left hand does not really know what the right hand is doing as far as the magnitude of the state government is concerned, and we are looking into it? We have a hold on four of those right now, and I am not sure whether or not that process would be best looked at as far as some of these buildings are concerned. Can you assure me that it has been looked into rather thoroughly and you are satisfied to that end?

Mr. PIEVSKY. As far as I know, Mr. Speaker, most of these projects have been recommended by the Governor. The Philadelphia State Hospital, I know, has been gutted by fire, and Pennhurst and Western State definitely need these projects.

Mr. DAVIES. So that you are satisfied that all possible utilization of any of these other existing buildings has been investigated, not only by the department that made the recommendation but the legislators of the district have more or less also taken an overview of it?

Mr. PIEVSKY. Yes, I am, Mr. Speaker.

Mr. DAVIES. Thank you very much, sir.

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

Mr. RHODES. I rise to offer amendments to SB 250, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. RHODES offered the following amendments:

Amend Sec. 1, page 2, line 10, by striking out all of said line and inserting Dallas. In no event shall any of such funds be used for the installation of a barred corridor or for the construction of any additional security cells. . . . . 68,000

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Rhodes, for the purpose of explanation of the amendment.

MR. RHODES. Mr. Speaker, my amendment speaks to the capital budget item on page 2, line 10, which is an adjustment to a capital improvement at the Dallas State Correctional Institution for the behavior adjustment unit. My amendment does not change the amount appropriated to the Dallas State Correctional Institution; it narrows the use for which the capital improvement funds can be used.

The Subcommittee on Crime and Corrections in the last session conducted an extensive investigation of the behavioral adjustment units around the state. For those members of the House who are not familiar with the behavioral adjustment units, these are the maximum security sections of the prison. We did an extensive investigation of the Dallas facility, and we agree with the purposes outlined in the capital budget; namely, one, that there should be improvement in the storage cells in the interview area in the BAU at Dallas; and, two, there is also a need for the special exercise yard at the Dallas facility. However, we cannot agree that there is a need for a barred corridor in the BAU at Dallas.

Dallas is one of the newest facilities in our system. The State Correctional Institution in Graterford is the only institution which has such a barred corridor and the guards at Graterford have indicated to us that it is not a helpful device in that BAU and the guards in other institutions have indicated that that is not a necessary security device in the BAU. It further isolates the inmates and creates tensions in the BAU, and the members of the subcommittee who were involved in that investigation very strongly feel that that is not a necessary capital improvement.

Furthermore, there is no need for an additional security cell at the Dallas BAU because the Dallas BAU actually has a lower corridor barred BAU unit beneath the BAU which is traditionally used. Furthermore, there is no need for additional cells because the BAU at Dallas has 52 cells in it and there is an average usage annually of about 28 inmates at any given time in the BAU at Dallas.

What our amendment does is it excludes the use of the \$68,000 of capital improvement funds for the barred corridor or for additional security cells, Mr. Speaker.

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

Mr. ZELLER. To comment on the bill.

The SPEAKER pro tempore. We are on the amendments, Mr. Zeller.

Mr. ZELLER. You are on amendments, but are we going to get a chance to talk on the bill?

The SPEAKER pro tempore. You certainly will at the proper time. Presently the House has before it the consideration of the amendment offered by Mr. Rhodes of Allegheny County.

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

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

I rise in support of the amendment of Representative Rhodes and I also would like to echo the fact that the Subcommittee on Crime and Corrections in the last session did, in fact, have an opportunity to visit a number of the behavioral adjustment units across the entire state.

One of the things that I think is needed to be brought to the members' attention is the fact that many of us recognize the need for supporting the improving of BAUs across this state. We have been to a number of them even this year, and they are certainly in a terrible and horrid condition, but I cannot support the move to try and put a corridor inside the BAUs at this particular time because of the fact, as many of you might remember, of the recent death of a guard at the State Correctional Institution at Pittsburgh. The guard who was killed was killed on one of those corridors, and it was not because of security reasons that he was protected.

So I would think that the barred corridors and the kinds of exclusions that they have set up in these institutions only bring about more horrid conditions and, in fact, does not endanger the institution. Another supporting fact is the fact that the Dallas Correctional Institution does not have a severe problem as it relates to those persons inside of their BAU. You will find that only about 6 percent of the population use that BUA, so I would think that if we are going to be honest about putting our moneys out for rehabilitation and also construction that perhaps we could save the taxpayers some money by not building a barred corridor. It would seem to me that these kinds of things only bring about what I feel are more hardened types of criminal actions by those individuals who are confined in those area. Perhaps there can be a better way.

I just want to finalize this. The institutions across this state—and we have visited a number of them—have some very severe problems, and I do not feel that places like a glass cage, such as used at Huntingdon, and other confined areas that are so excluded that it is very, very difficult for there to be the correct type of supervision and care given to those inmates in any way helps toward rehabilitation. So perhaps those individuals who are looking at this particular amendment can understand that we should not included a barred corridor at this time.

Representative Rhodes' amendment indicates: "In no event shall any of such funds be used for the installation of a barred corridor or for the construction of any additional security cells." I think that the supporting facts are in front of us and

that we should move to eradicate the words "barred corridor" from this particular bill, and I ask the rest of the members to do so.

Thank you very much.

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

Mr. O'CONNELL. To oppose the amendment, Mr. Speaker.

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

Mr. O'CONNELL. Thank you.

I rise in opposition to the amendment. Chase Institution happens to be in my immediate neighborhood and for some period of time was in my legislative district. I support the work that Mr. Rhodes and others have done in the area of considering the population in these institutions and I commend them for their activities and their encouragement in the rehabilitation of prisoners. However, there are certain other things that have to be taken into consideration.

Chase is an unusually designed prison. It is a prison that causes the guards and the security people a great deal of concern because of that particular design, and from time to time they have had persons in their population who have given the security people and the administration considerable concern, not to be allowed to provide these kinds of measures in a maximum security institution, in my judgment, is wrong. It not only protects the guards and the security people, it protects the rest of the population in the prison as well as the population in the public around it. We have had enough trouble in that particular area trying to keep Chase the kind of an institution it is and to keep it acceptable in the eyes of the general public, and I think any deterrent such as this would subtract and detract substantially from that. I therefore oppose the amendment and ask for a negative vote.

The SPEAKER pro tempore. Does the gentleman from Philadelphia, Mr. Salvatore, desire recognition at this time?

Mr. SALVATORE. Mr. Speaker, the Appropriations Committee Chairman answered my question.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman from Allegheny, Mr. Itkin, desire recognition at this time.

Mr. ITKIN. Mr. Speaker, I wonder whether Mr. Rhodes would consent to interrogation?

The SPEAKER pro tempore. Would the gentleman from Allegheny, Mr. Rhodes, consent to interrogation?

Mr. RHODES. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. Itkin, will proceed.

Mr. ITKIN. Mr. Speaker, you previously mentioned that the purpose of your amendment is to delete one project relating to this appropriation to Dallas. You further indicated that this does not change the amount of money indicated in the total appropriation to be given to Dallas for a variety of projects. How can that be? If you want to exclude one project and the total

project cost remains the same, how do you justify that?

Mr. RHODES. Well, Mr. Speaker, the barred corridor is the smallest part of the project. There is really a need for extensive renovation of the facility beyond this barred corridor question, and I thought that rather than to amend the amount downward, I would retain the same amount since the money is needed in that institution.

I recognize the point raised by Representative O'Connell about the need to maintain a secure unit and to make the whole unit secure or more secure. This amendment does not, as Representative O'Connell pointed out, reduce the security of the overall BAU; in fact, it increases the security of the overall BAU. What it does is it does not allow having just one barred corridor down the middle of the BAU which is of questionable security value. Guards, generally speaking, do not support that notion. It isolates the inmates from the traffic down the corridor and creates tension inside the facility. But the whole BAU itself is enclosed. The whole BAU itself is more secure through this amendment, so I would not want to take money away from that, Mr. Speaker. I think we really ought to leave that money in for that improvement.

Mr. ITKIN. Are you saying, Mr. Speaker, then, if this particular project is deleted, whatever the cost of this project will be consumed or used for the other project you identified?

Mr. RHODES. Yes, Mr. Speaker.

Mr. ITKIN. If that is required, why was not the appropriation raised to cover that amount? In other words, is the \$68,000 provided sufficient to accomplish the job? It seems to me that this barred corridor is going to—

Mr. RHODES. The answer is a bit peculiar, my distinguished colleague from Allegheny County, but I will try to make it as clear as I can. I have been told by the Appropriations Committee staff that the situation we have here is that the bureau did not intend to build this barred corridor, but the \$68,000 is necessary for these other improvements which I have left in the item in the capital budget and that it was never their intention to use the money for the barred corridor. My amendment merely makes it formal that they will not use it for that barred corridor and for an additional security cell.

I suppose, on the world of the Bureau of Corrections, we could go ahead without the amendment, but I would feel a little bit more comfortable and I think the members would feel more comfortable here if we did make it explicit in the capital budget. So for safety's sake, I would rather support the amendment at this time.

Thank you, Mr. Speaker.

Mr. ITKIN. Mr. Speaker, I will accept what Representative Rhodes states. However, in the Governor's capital budget recommendations he indicates that \$68,000 is required for all these purposes including the barred corridor, so I am somewhat confused at this point as to whether the money has been included or has not been included. But I will forgo that and I will support Mr. Rhodes' amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman from Philadelphia, Mr. White, desire recognition at this time?

Mr. WHITE. Yes, Mr. Speaker.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. WHITE. I rise to support the amendment offered by Representative Rhodes.

The SPEAKER pro tempore. The gentleman is in order and will proceed.

Mr. WHITE. For 18 months, Mr. Speaker, I worked as a counselor directly with the State Correctional Institution at Graterford. And in many of the discussions that we had with guards and inmates there, it was agreed that the barred-corridor situation at Graterford, particularly, did not represent or set the positive type of example or positive living environment for persons presently incarcerated at that institution.

I think we would be wise to consider the situation at Graterford and the reasoning behind why the guards and inmates at Graterford have opposed or been negative to a barred corridor. I think that this House would exercise great wisdom in supporting this amendment and making it explicit, as Representative Rhodes has indicated, in the capital budget that no barred corridor be constructed at the Dallas State Correctional Institution.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell, for the second time on the amendment.

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

Just one comment: I appreciate that the gentleman has worked in Chase. There is a distinct and definite problem. If he were present at the time that we interrogated the department in regards to the understaffing and to the problems of security in Chase Institution, he would probably then understand just a little bit better some of the concerns of both the security people and the general public.

I think from time to time it is absolutely necessary to isolate certain portions of the population, not only for the guards' security but for the inmates' security from the rest of the prison population. In Chase they have a good record. They have had a fair and reasonable administration; but they do need this kind of a situation for security purposes. I again would ask defeat of the amendment.

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

Mr. RHODES. Mr. Speaker, I recognize that I am rising twice on the amendment. I will be very brief.

Representative O'Connell's concerns are well taken. Dallas is one of our better institutions. It is run very well, and I have no objection on that point. Members of the House, remember this: The BAU is isolation. That is what it is inside of an institution. That is what it is for. We are not talking about in any way reducing or, in fact, improving that isolation within the BAU. We are merely talking about whether we need this corridor down the middle of the aisle which really further complicates and frustrates activities within the BAU and does not increase added security, so I ask a "yes" vote on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentle-

man from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, thank you.

On the amendment, I would like to point out to the members that in regard to this so-called \$68,000 to be redistributed as Mr. Rhodes has mentioned, as a matter of fact, I am very concerned about any expenditures whatsoever at the present time in that area and many other areas. I just want to remind the members that along with that, in regard to the state prisons and the Federal prisons, I wonder if the members are aware of the fact—it was just passed by Congress 2 weeks ago—that all prisoners released will receive unemployment compensation, and on Federal work projects they will receive the jobs.

This constant coddling and programming, in other words, for those irresponsible individuals, I think, has got to come to an end. As far as I am concerned, this whole area has got to be looked into. And for this reason, with the bite-the-bullet attitude we have to have today on finances, I think we have to turn this down, and let us take a good hard look at the prison system.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—65

Abraham	Doyle	Johnson	Pratt
Arthurs	Duffy	Jones	Rhodes
Barber	Dumas	Kelly	Richardson
Bennett	Fee	Knepper	Scanlon
Berlin	Gallagher	Lincoln	Schmitt
Berson	Gamble	Manderino	Scirica
Borski	Garzia	Milliron	Stewart
Brown	Gillette	Miscevich	Sweet
Brunner	Greenfield	Moehlmann	Taddonio
Caltagirone	Greenleaf	Mullen, M. P.	Taylor, F.
Caputo	Harper	Mullen, M. M.	Trello
Cassidy	Haskell	Novak	Valicenti
Cowell	Hayes, D. S.	Oliver	White
DeMedio	Hoefel	Parker	Wiggins
DeWeese	Hutchinson, A.	Petrarca	Williams
DiCarlo	Itkin	Pievsky	Yohn
Donatucci			

NAYS—127

Anderson	George, C.	McGinnis	Seltzer
Armstrong	George, M.	McIntyre	Shuman
Bellomini	Giammarco	McLane	Shupnik
Bittinger	Goebel	Mebus	Sirianni
Bittle	Goodman	Meluskey	Smith, E.
Brandt	Gray	Milanovich	Smith, L.
Burd	Grieco	Miller	Spencer
Burns	Halverson	Morris	Spitz
Butera	Hamilton	Mowery	Stairs
Cessar	Hasay	Mrkonic	Stapleton
Cianciulli	Hayes, S. E.	Musto	Stuban
Cimini	Helfrick	Noye	Taylor, E.
Cohen	Honaman	O'Brien, B.	Tenaglio
Cole	Hopkins	O'Brien, D.	Thomas
Davies	Hutchinson, W.	O'Connell	Vroon
DeVerter	Katz	O'Keefe	Wagner
Dietz	Kernick	Pancoast	Wansacz
Dininni	Klingaman	Piccola	Wargo
Dombrowski	Kolter	Pitts	Wass
Dorr	Kowalshyn	Polite	Weidner
Englehart	Laughlin	Pott	Wenger
Fischer, R. R.	Lehr	Prendergast	Wilson
Fisher, D. M.	Letterman	Pyles	Wilt

Flaherty	Levi	Ravenstahl	Wright, D.
Foster, A.	Livengood	Reed	Wright, J. L.
Foster, W.	Logue	Renwick	Yahner
Freynd	Lynch	Rieger	Zearfoss
Fryer	Mackowski	Ritter	Zeller
Gallen	Madigan	Ruggiero	Zitterman
Gatski	Manmiller	Ryan	Zord
Geesey	McCall	Scheaffer	Zwikl
Geisler	McClatchy	Schweder	

NOT VOTING—8

Beloff	Rappaport	Shelton	Irvis,
Gleeson	Salvatore	Wise	Speaker
O'Donnell			

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

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. DOYLE. Mr. Speaker, I will not belabor the point, but if the members read the fiscal note which is attached to the bill or which goes as a companion to the bill, this bill provides from current revenues in the general fund for specific public improvements.

The reason why this is different from HB 249 is that these projects are less than the amount necessary to go into the bonding projects funded by bonds. We are spending in this bill \$850,000 of this year's current revenues which already have produced a short-fall of, I think, \$160 million. We are spending money here which we simply do not have. It adds confusion and that much more pain to the fiscal plight that we are now in.

The august other legislative body, which I am not permitted to mention, sent over to us an austere budget, SB 770. That same body sent over this SB 250, and it just does not make sense. They cannot spend money for capital projects out of money which we do not have in this fiscal year, meaning more taxes, and then send us over a total budget which calls for no new taxes.

SB 250 RECOMMITTED

Mr. DOYLE. I move to recommit this bill to the Appropriations Committee.

The SPEAKER pro tempore. The gentleman, Mr. Doyle, has moved that SB 250, PN 673, be recommitted to the Committee on Appropriations.

For what purpose does the gentleman, Mr. Zeller rise?

Mr. ZELLER. Mr. Speaker, to add to what Mr. Doyle said. I would like to make a remark in regard to the motion.

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

Mr. ZELLER. The reason why I support his move is the fact that this could, in effect, be called a Christmas tree gift bill. I

would like to see it take the route of Mr. Doyle's suggestion. Let us vote with him.

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

Mr. MANDERINO. Mr. Speaker, in this particular bill, SB 250, are capital projects that money was reserved for when we passed the last budget. The bill never came through when it should have come through several months ago. It is true that some of the areas where we intended to spend money and actually did, by the appropriation bill are running deficits, but I do not know that we should rob Peter to pay Paul necessarily here. These are projects, in many cases, which are direly needed. They are minimal in their effect. We are talking about 800-and-some-thousand dollars in projects. This was set aside last year.

There is going to be a new list of projects in the new fiscal year that are equally needed by the Commonwealth and its agencies, and I think that all we do is forestall, delay by recommitment. We are going to have to face the music sooner or later on these projects, and I would suggest that we pass this bill and not recommit it.

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

Mr. COWELL. Would the chairman of the Appropriations Committee answer a question?

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. Cowell, will proceed.

Mr. COWELL. Mr. Speaker, it is my understanding that, by the constitutional requirement, the Governor must sign a balanced budget. Is that correct?

Mr. PIEVSKY. That is correct, Mr. Speaker.

#### POINT OF ORDER

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

Mr. RICHARDSON, Mr. Speaker, is there a motion on the floor to recommit?

The SPEAKER pro tempore. There is.

Mr. RICHARDSON. Is that motion debatable?

The SPEAKER pro tempore. It is, but only on the recommitment motion; not on the merits of the bill.

Mr. RICHARDSON. Can we ask that the discussions then be limited to those discussions centered around the recommitment motion?

The SPEAKER pro tempore. I think the members have been warned.

The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Mr. Speaker I am seeking information so that I can determine whether there is merit in the suggestion that this be recommitted.

Mr. Speaker, I believe I got an affirmative answer to my inquiry as to whether the Governor is required by the constitution to sign a balanced budget. Is that correct?

Mr. PIEVSKY. That is correct.

Mr. COWELL. I understand, also, that projections from the Governor's Office or from the Budget Office at this point indicate rather clearly this late in the fiscal year that there will be a deficit in this fiscal year. Is that correct?

Mr. PIEVSKY. That is correct.

Mr. COWELL. Then unconstitutionally, would the Governor be able to sign another appropriation bill for which there, apparently by his own information, are insufficient funds to pay for it?

Mr. PIEVSKY. The information that I received said that the money is already set aside for these specific projects. It is lapsed money. I am sure the Governor would not send a bill over here like this if he knew it was not going to be paid for.

Mr. COWELL. Mr. Speaker, I do not quite understand and perhaps you can clarify it. You speak of lapsed moneys, and the previous speaker spoke of money being set aside, but again the information that we seem to be receiving is that this state does not have sufficient moneys to pay for legislation that has already been enacted.

Mr. PIEVSKY. Again, I am informed that the money is still set aside. The Governor will sign this bill for these projects.

Mr. COWELL. And constitutionally he is able to do that?

Mr. PIEVSKY. Yes, indeed.

Mr. COWELL. So you really think the deficit is not quite as big as it would seem to be because some moneys have been set aside for at least this particular piece of legislation?

Mr. PIEVSKY. That is my information.

Mr. COWELL. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin, Mr. Shuman.

Mr. SHUMAN. I would like to ask the chairman of the Appropriations Committee a question.

The SPEAKER pro tempore. Will the gentleman consent to interrogation? He indicates that he will, and the gentleman, Mr. Shuman, may proceed.

Mr. SHUMAN. Mr. Speaker, you heard the majority leader indicate that last year there were certain items included in the legislation which was not passed. Did that legislation have the \$68,000 for a greenhouse at the Soldiers' and Sailors' Home?

Mr. PIEVSKY. It is one of the projects in this bill.

Mr. SHUMAN. And they call that an emergency, to repair that greenhouse?

The SPEAKER pro tempore. I would caution the gentleman to speak on the recommitment motion. He will have an opportunity to talk on the merits of the bill later.

Mr. SHUMAN. Mr. Speaker, Mr. Manderino brought up the emergency part of it and that it was in last year's legislation. I wanted to make sure it was really in there for the greenhouse. I question that. And, secondly, I wanted to ask him, was it an emergency to repair a greenhouse so that someone may plant flowers?

The SPEAKER pro tempore. I think the gentleman, in his usual competent way, has gotten the greenhouse point across to the members of the House. I was just merely trying to cut him off from going into other areas of the bill.

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

Mr. DOMBROWSKI. Can I answer Mr. Shuman please?

The SPEAKER pro tempore. Will the gentleman, Mr. Shuman, consent to irrogation?

Mr. SHUMAN. Yes.

The SPEAKER pro tempore. He indicates that he will, and the gentleman, Mr. Dombrowski, will proceed.

Mr. DOMBROWSKI. Mr. Speaker did you not indicate on the floor of this House yesterday how deplorable the conditions are at the Soldiers' and Sailors' Home?

Mr. SHUMAN. Yes. The repair of a greenhouse really has no priority reference to the care of a sick patient. The priority to put plaster or putty in a greenhouse window has no relationship to whether or not they have toilet paper in the toilets to do their job.

Mr. DOMBROWSKI. Did you indicate, Mr. Speaker, also that these residents there had nothing to do?

Mr. SHUMAN. No, I did not.

Mr. DOMBROWSKI. Did you not say that they had to sit in a room with no entertainment, that they do not have any facilities for any recreation?

Mr. SHUMAN. I made no reference, no statement as such.

The SPEAKER pro tempore. The Chair has tried to point out that only the recommittal motion may be considered; not the merits of the bill.

Mr. DOMBROWSKI. Mr. Speaker, I think you allowed him—

The SPEAKER pro tempore. Just a moment. You will be recognized in due course.

We are trying to follow a rule of this House which states that a recommittal motion is debatable, but you may not debate the merits of the bill. Now I would request that the members try to adhere to that guideline.

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

Mr. SHUMAN. Mr. Speaker, is Mr. Dombrowski through interrogating me?

Mr. DOMBROWSKI. No, Mr. Speaker, I really am not, because you indicated on this floor many reasons why you could not favor putting the control of the Soldier's and Sailors' Home back with the board of trustees. You also indicated the poor condition of the home, and today when you have an opportunity to build something there so these men can have some therapy—and that is all that greenhouse is being built for—so that they do not have to sit and look at four blank walls, so that they can get out in that greenhouse and do a little bit of work, you want to deprive them of that.

Mr. SHUMAN. Well, it sounds like there must be a bull in the flower shop.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. DeMedio, on the recommittal motion.

Mr. DeMEDIO. Mr. Speaker, I was going to address myself to the greenhouse issue. I just wanted to say, Mr. Speaker—

The SPEAKER pro tempore. I would say that the members of the House have been most liberal, and I think they have had

quite an education in regard to greenhouses. I think the subject has been exhausted and I would suggest that we move on or we are going to be here until December.

Mr. DeMEDIO. I agree with Mr. Dombrowski, I merely want that on the record.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

It has been moved by the gentleman from Delaware, Mr. Doyle, that SB 250, PN 673, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—119

Abraham	George, C.	Mebus	Scirica
Anderson	George, M.	Meluskey	Seltzer
Armstrong	Gleeson	Miller	Sirianni
Arthurs	Goebel	Milliron	Smith, E.
Bellomini	Greenleaf	Moehmann	Smith, L.
Bennett	Grieco	Morris	Spencer
Brandt	Hamilton	Mowery	Spitz
Brown	Haskell	Mrkonic	Stairs
Burd	Hayes, D. S.	Novak	Stapleton
Caltagirone	Hayes, S. E.	Noye	Stewart
Cassidy	Helfrick	O'Brien, D.	Taddonio
Cessar	Hoeffel	O'Connell	Taylor, E.
Cimini	Honaman	O'Keefe	Taylor, F.
Cowell	Hopkins	Pancoast	Tenaglio
Davies	Katz	Parker	Thomas
DeVerter	Kernick	Piccola	Trello
Dietz	Kolter	Pitts	Valicenti
Dininni	Kowalshyn	Polite	Vroon
Dorr	Laughlin	Pott	Wagner
Doyle	Lehr	Prendergast	Wass
Fischer, R. R.	Letterman	Pyles	Weidner
Fisher, D. M.	Levi	Reed	Wenger
Flaherty	Livengood	Renwick	Wilt
Foster, A.	Lynch	Rhodes	Wright, D.
Foster, W.	Mackowski	Ritter	Yohn
Freind	Madigan	Ruggiero	Zearfoss
Gallen	Manmiller	Ryan	Zeller
Garzia	McCall	Salvatore	Zord
Gatski	McClatchy	Scheaffer	Zwilk
Geesey	McGinnis	Schmitt	

NAYS—73

Barber	Englehart	Jones	Ravenstahl
Berlin	Fee	Kelly	Richardson
Berson	Fryer	Klingaman	Rieger
Bittinger	Gallagher	Knepper	Scanlon
Borski	Gamble	Lincoln	Schweder
Brunner	Geisler	Logue	Shuman
Burns	Giammarco	Manderino	Shupnik
Butera	Gillette	McIntyre	Stuban
Caputo	Goodman	McLane	Sweet
Cianciulli	Gray	Milanovich	Wansacz
Cohen	Greenfield	Miscevich	Wargo
Cole	Halverson	Mullen, M. P.	White
DeMedio	Harper	Mullen, M. M.	Wiggins
DeWeese	Hasay	O'Brien, B.	Williams
DiCarlo	Hutchinson, A.	Oliver	Wilson
Dombrowski	Hutchinson, W.	Petrarca	Wright, J. L.
Donatucci	Itkin	Pievsyky	Yahner
Duffy	Johnson	Pratt	Zitterman
Dumas			



NOT VOTING—8

Beloff	O'Donnell	Shelton	Irvis,
Bittle	Rappaport	Wise	Speaker
Musto			

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

The SPEAKER pro tempore. The bill is so recommitted.

**FILMING PERMISSION GRANTED**

The SPEAKER pro tempore. The Chair has received a request from WGAL for permission to shoot film from the gallery. The Chair grants that permission.

**STATEMENT BY MAJORITY LEADER**

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Manderino.

Mr. MANDERINO. Mr. Speaker, prior to the consideration of HB 920, might I just remind the members that we have been here since 9:30 this morning and it is now noon. We have moved very little legislation.

There are members of this House who seem to be constrained to speak on every issue before the assembly, whether it is an amendment, whether it is something they have a particular interest in, whether it is something that is of minor importance or just because somebody else speaks on it. Let me remind the members that they ought to have some courtesy for the 203 members who sit here. If everyone were constrained to speak on every issue, we would get through about seven bills a session. I really want to ask the members, so that we are not here for the balance of the afternoon, to please speak on those issues that you must, and please keep in mind that there are 203 members of this House who must sit through the debate on every bill.

**STATE GOVERNMENT BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 920, printer's No. 1062**, entitled:

An Act amending the act of May 20, 1937 (P. L. 728, No. 193), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; \* \* \*," providing for the disposition of written complaints and providing for appeals to go to the Commonwealth Court.

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

Mr. ZEARFOSS offered the following amendments:

Amend Sec. 4 (sec. 4), page 5, line 6, by inserting after "have" exclusive

Amend Sec. 4 (Sec. 4), page 5, line 9, by inserting after "have" exclusive

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Zearfoss, for the purpose of explanation of the amendment.

Mr. ZEARFOSS. Mr. Speaker, I think the amendment is agreed to, but for explanation, all it does is add the word "exclusive" in the description of the jurisdiction of the Court of Claims so that it is clear that the Court of Claims will be the only court to have initial jurisdiction in any case involving contracts with the Commonwealth.

There have been court cases that have questioned whether the Courts of Common Pleas have the concurrent jurisdiction in these matters, and I think this is the time to make it clear that the Court of Claims will have the only jurisdiction to hear these cases.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Goodman.

Mr. GOODMAN. I agree to the amendment, Mr. Speaker.

The SPEAKER pro tempore. Are there any objections to the amendment?

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

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

Mr. HASKELL offered the following amendments:

Amend Sec. 2 (Sec. 1), page 3, line 14, by inserting a bracket after "\$11,000" and inserting immediately thereafter thirty thousand dollars (\$30,000)

Amend Sec. 2 (Sec. 1), page 3, line 15, by inserting a bracket before "thirteen"

Amend Sec. 2 (Sec. 1), page 3, line 16, by inserting a bracket after "\$13,500" and inserting immediately thereafter thirty-two thousand five hundred dollars (\$32,500)

Amend Sec. 2 (Sec. 1), page 3, line 16 to 18, by striking out "as may be fixed by the Executive Board" in line 16, all of line 17, and "court" in line 18

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Crawford, Mr. Haskell.

Mr. HASKELL. Mr. Speaker, I have no quarrel with the intent of this legislation as written. I do have a quarrel with a certain aspect of it and that evolves around the question of establishing salaries for the three board members.

As the bill is presently written, the executive board of the Governor's Office would establish the salaries of these three judges, administrative judges, in the court of claims.

I am offering an amendment to set the salaries of these three members. The chairman would receive \$32,500 a year; the other two members \$30,000 a year. It would take the salary-fixing feature of this bill out of the hands of the executive board and leave it with the legislature where it should be.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Goodman.

Mr. GOODMAN. Mr. Speaker, I would oppose this amendment.

I certainly think the salaries in the Haskell amendment are

adequate, but I would think that the fact we are setting up a board of claims to replace what was previously known as an arbitration board, a board of arbitration and claims, that the executive board should, after considerable thought and investigation into the matter as to what the backlog of this board is, what its duties really are and what its functions and responsibilities are going to be, can best determine what an adequate salary would be for the board. For these reasons, I would oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Crawford, Mr. Haskell.

Mr. HASKELL. Mr. Speaker, I should like to add one more point and that is on the intent of my amendment. I should like to point out that the purpose of the amendment is to establish some independence for this court of claims from the Governor's Office, and in so doing, if we, the legislature, establish the salaries, that would create some independence.

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

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILSON. Mr. Speaker, my button is firmly locked in the negative position. I realize on most of the votes that is a pretty good place to be. On this one, I want to be—

The SPEAKER pro tempore. Just one moment, sir, and we will get back as soon as we complete the call.

Mr. WILSON. No, no, it is relating to this vote on Mr. Haskell's amendment to HB 920. I would like to be recorded in the affirmative.

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

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

The following roll call was recorded:

**YEAS—91**

Abraham	George, C.	Manmiller	Sirianni
Anderson	Greenleaf	McClatchy	Smith, E.
Armstrong	Grieco	McGinnis	Smith, L.
Bittle	Halverson	Mebus	Spencer
Brandt	Hamilton	Milanovich	Spitz
Burd	Haskell	Miller	Stairs
Burns	Hayes, D. S.	Milliron	Taddonio
Butera	Hayes, S. E.	Moehlmann	Taylor, E.
Cassidy	Helfrick	Mowery	Tenaglio
Cessar	Honaman	Noye	Thomas
Cimini	Hopkins	O'Brien, D.	Vroon
Davies	Hutchinson, W.	O'Connell	Wagner
DeVerter	Itkin	Pancoast	Wass
DeWeese	Katz	Piccola	Weidner
Dietz	Kernick	Polite	Wenger
Dininni	Klingaman	Pott	Wilson
Dorr	Knepper	Pyles	Wilt
Fisher, D. M.	Laughlin	Rhodes	Wright, D.
Foster, A.	Lehr	Ryan	Wright, J. L.

Foster, W.	Levi	Salvatore	Yohn
Freind	Lynch	Scheaffer	Zearfoss
Gallen	Mackowski	Scirica	Zord
Geesey	Madigan	Seltzer	

**NAYS—97**

Arthurs	Fryer	Logue	Richardson
Bellomini	Gallagher	Manderino	Rieger
Bennett	Gamble	McCall	Ritter
Berlin	Garzia	McIntyre	Ruggiero
Berson	Gatski	McLane	Scanlon
Bittinger	Geisler	Meluskey	Schmitt
Borski	George, M.	Miscevich	Schweder
Brown	Giammarco	Morris	Shuman
Brunner	Gillette	Mrkonic	Shupnik
Caltagirone	Gleeson	Mullen, M. P.	Stapleton
Caputo	Goebel	Mullen, M. M.	Stewart
Cianciulli	Goodman	Novak	Stuban
Cohen	Gray	O'Brien, B.	Sweet
Cole	Greenfield	O'Keefe	Taylor, F.
Cowell	Hasay	Oliver	Trello
DeMedio	Hoeffel	Parker	Valicenti
DiCarlo	Hutchinson, A.	Petrarca	Wansacz
Dombrowski	Johnson	Pievsky	Wargo
Donatucci	Jones	Pitts	White
Doyle	Kelly	Pratt	Williams
Duffy	Kolter	Prendergast	Yahner
Englehart	Kowalyszyn	Ravenstahl	Zeller
Fee	Letterman	Reed	Zitterman
Fischer, R. R.	Lincoln	Renwick	Zwilk
Flaherty			

**NOT VOTING—12**

Barber	Livengood	Shelton	Irvis,
Beloff	Musto	Wiggins	Speaker
Dumas	O'Donnell	Wise	
Harper	Rappaport		

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

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAUGHLIN. Mr. Speaker, on the Haskell amendment to HB 920, would you please have me recorded in the negative? My switch was locked in the affirmative.

Thank you.

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—163

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

NAYS—23

Abraham	Fischer, R. R.	Klingaman	Shuman
Bittle	Geesey	Lincoln	Trello
Brown	Goebel	Miscevich	Wagner
Cowell	Halverson	Mrkonic	Wilt
DeWeese	Haskell	Pott	Zord
Dorr	Kernick	Rhodes	

NOT VOTING—14

Barber	Harper	Rappaport	Wise
Beloff	Johnson	Scheaffer	
Donatucci	Lehr	Shelton	Irvis,
Dumas	O'Donnell	Wiggins	Speaker

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

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

TRANSPORTATION BILL ON THIRD CONSIDERATION

Agreeable to order.

The House proceeded to third consideration of **Senate bill No. 518, printer's No. 536**, entitled:

An Act amending the act of December 30, 1974 (P. L. 1160, No. 369), entitled "Capital Budget Act of Fiscal Year 1973-1974 Highway Project Itemization Supplement" providing for

the payment of certain costs allocated to the Department of Transportation for a bridge project in Allegheny County.

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

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

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

Mr. ZELLER. Mr. Speaker, I realize what Mr. Manderino said in regard to people speaking, but there are some things that bother certain people. This bothers me in regard to the fact that I would like to question someone here. I know Mr. Romanelli is not in here, but someone from Allegheny County.

Is this bridge under construction now?

The SPEAKER pro tempore. The gentleman is in order. And if he has a problem, he is recognized for that purpose.

Mr. ZELLER. Thank you, Mr. Speaker.

If someone wants to answer that, I would like to—

The SPEAKER pro tempore. The gentleman, Mr. Caputo, indicates that he will be available for interrogation.

The gentleman, Mr. Zeller, may proceed.

Mr. ZELLER. Mr. Speaker, could you advise us here if this project is under construction presently?

Mr. CAPUTO. This project was just recently completed, Mr. Speaker.

Mr. ZELLER. It is a completed project?

Mr. CAPUTO. Yes, Mr. Speaker.

Mr. ZELLER. In other words, these are moneys that were spent in regard to addendums that were overspent on the project or were they all part of the original contract?

Mr. CAPUTO. This money was already allocated to the Department of Transportation. This is merely the authority to pay the bill for construction, which is completed.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, may I comment then?

Being involved in construction, these types of projects take many years, and most 7 years, before they even become a reality.

I would like to state that that money had been appropriated. This, evidently, is "over-tures," I would say, in expenditures that have come about through addendums, and so forth, to the original contract, because that money had already been appropriated for that project.

Now do what you would like to do on it, but as far as I am concerned, I would say, let us give them a message and vote "no."

On the question recurring,  
Shall the bill pass finally?

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

YEAS—182

Abraham	Freind	Lynch	Rieger
Anderson	Fryer	Mackowski	Ritter

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

NAYS—6

Halverson	Noye	Wagner
Klingaman	Shuman	Zeller

NOT VOTING—12

Barber	O'Donnell	Wiggins	Irvis,
Dumas	Rappaport	Wise	Speaker
Harper	Shelton	Yohn	
Johnson	Taylor, E.		

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

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

INSURANCE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third 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.

On the question,

Will the House agree to the bill on third consideration?

HB 950 RECOMMITTED

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

Mr. MANDERINO. HB 950 has fiscal implications and somehow it got to third reading without going to the Appropriations Committee.

The prime sponsor of the bill has indicated that we should send it there. I would like to ask that that bill be sent to the Appropriations Committee by a motion to recommit.

The SPEAKER pro tempore. Is the gentleman making a motion to return the bill to the Appropriations Committee for a fiscal note?

Mr. MANDERINO. Yes, Mr. Speaker.

URBAN AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 282, printer's No. 1297**, entitled:

An Act amending "The Third Class City Code" approved June 23, 1931 (P. L. 932, No. 317), providing for certain exemptions from taxation.

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—190

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

DiCarlo	Johnson	Petrarca	Wass
Dietz	Jones	Piccola	Weidner
Dininni	Katz	Pievsky	Wenger
Dombrowski	Kelly	Pitts	White
Donatucci	Kernick	Polite	Williams
Dorr	Klingaman	Pott	Wilson
Doyle	Knepper	Pratt	Wilt
Duffy	Kolter	Prendergast	Wright, D.
Englehart	Kowalyshyn	Pyles	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.	Lincoln	Richardson	Zitterman
Foster, W.	Livengood	Rieger	Zord
Freind	Logue	Ritter	Zwicl
Fryer	Lynch		

NAYS—0

NOT VOTING—10

Barber	O'Donnell	Taylor, E.	Irvis,
Dumas	Rappaport	Wiggins	Speaker
Harper	Shelton	Wise	

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The lady will state it.

Mrs. TAYLOR. Mr. Speaker, I was locked out on the last vote. I would appreciate being recorded in the affirmative on HB 282.

The SPEAKER pro tempore. The lady's remarks will be noted for the record.

HB 968 AND HB 969 PASSED OVER

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

Mr. D. M. FISHER. Will you pass over HB 968 and HB 969 until next week?

The SPEAKER pro tempore. Is the House in agreement with the hold?

The bill is passed over.

BUSINESS AND COMMERCE BILLS

ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third 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.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Rappaport, is on leave this morning.

This is a bill dealing with mergers and consolidations requiring that two-thirds of the shareholders approve mergers and consolidations. The Rappaport amendment which I am offering on his behalf exempts those corporations having less than 25 shareholders.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments:

Amend Title, page 1, line 21, by removing the period after "consolidation" and inserting for certain domestic corporations.

Amend Sec. 1 (Sec. 902), page 2, line 2, by inserting after "consolidation" for domestic corporations having twenty-five or less shareholders

Amend Sec. 1 (Sec. 902), page 2, line 4, by striking out the bracket before "a"

Amend Sec. 1 (Sec. 902), page 2, line 4, by striking out "7 sixty-six and two-thirds per cent"

Amend Sec. 1 (Sec. 902), page 2, line 9, by striking out the bracket before "a"

Amend Sec. 1 (Sec. 902), page 2, lines 9 and 10, by striking out "7 sixty-six and two-thirds per cent"

Amend Sec. 1 (Sec. 902), page 2, line 11, by inserting after "class."

The plan of merger or consolidation for domestic corporations having twenty-five or more shareholders shall be approved upon receiving the affirmative vote of shareholders entitled to cast at least sixty-six and two-thirds per cent of the votes which all shareholders are entitled to cast thereon of each of the merging or consolidating domestic corporations, and if any class of shares of any such corporations is entitled to vote thereon as a class, the affirmative vote of the holders of at least sixty-six and two-thirds per cent of the outstanding shares of each class of shares entitled to vote thereon as a class.

On the question,

Will the House agree to the amendments?

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

Mr. RYAN. Mr. Speaker, I rise in support of the amendment, not necessarily the bill, however.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Abraham	Gallagher	Mackowski	Ruggiero
Anderson	Gallen	Madigan	Ryan
Armstrong	Gamble	Manderino	Scanlon
Arthurs	Garzia	Manmiller	Scheaffer
Bellomini	Gatski	McCall	Schmitt
Beloff	Geesey	McClatchy	Schweder
Bennett	Geisler	McGinnis	Scirica
Berlin	George, C.	McIntyre	Seltzer

Berson	George, M.	McLane	Shuman
Bittinger	Giammarco	Mebus	Shupnik
Bittle	Gillette	Meluskey	Sirianni
Borski	Gleeson	Milanovich	Smith, E.
Brandt	Goodman	Miller	Smith, L.
Brown	Gray	Milliron	Spencer
Brunner	Greenfield	Miscevich	Spitz
Burd	Greenleaf	Moehlmann	Stairs
Burns	Grieco	Morris	Stapleton
Butera	Halverson	Mowery	Stewart
Caltagirone	Hamilton	Mrkonic	Stuban
Caputo	Harper	Mullen, M. P.	Sweet
Cassidy	Hasay	Mullen, M. M.	Taddonio
Cessar	Haskell	Musto	Taylor, E.
Cianciulli	Hayes, D. S.	Novak	Taylor, F.
Cimini	Hayes, S. E.	Noye	Tenaglio
Cohen	Helfrick	O'Brien, B.	Thomas
Cole	Hoeffel	O'Brien, D.	Trello
Cowell	Honaman	O'Connell	Valicenti
Davies	Hopkins	O'Keefe	Vroon
DeMedio	Hutchinson, A.	Oliver	Wagner
DeVerter	Hutchinson, W.	Pancoast	Wansacz
DeWeese	Itkin	Parker	Wargo
DiCarlo	Johnson	Petrarca	Wass
Dietz	Jones	Piccola	Weidner
Dininni	Katz	Pievsky	Wenger
Dombrowski	Kelly	Pitts	White
Donatucci	Kernick	Polite	Williams
Dorr	Klingaman	Pott	Wilson
Doyle	Knepper	Pratt	Wilt
Duffy	Kolter	Prendergast	Wright, D.
Englehart	Kowalyshyn	Pyles	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.	Lincoln	Richardson	Zitterman
Foster, W.	Livengood	Rieger	Zord
Freind	Logue	Ritter	Zwinkl
Fryer	Lynch		

NAYS—0

NOT VOTING—10

Barber	O'Donnell	Shelton	Irvis,
Dumas	Rappaport	Wiggins	Speaker
Goebel	Salvatore	Wise	

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

HB 949 PASSED OVER

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

Mr. POTT. Will the prime sponsor submit to interrogation, Mr. Speaker?

The SPEAKER pro tempore. Is the gentleman, Representative Bennett, present in the hall of the House?

Is there any other sponsor who would care to stand for interrogation?

Mr. POTT. Mr. Speaker, could we pass over the bill then until the prime sponsor comes back?

The SPEAKER pro tempore. Are there any objections to passing over the bill?

Without objection, the bill is passed over.

Mr. POTT. Thank you, Mr. Speaker.

Agreeable to order,

The House proceeded to third 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.

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—191

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

NAYS—0

NOT VOTING—9

Barber	O'Donnell	Wiggins	Irvis,
Dumas	Rappaport	Wise	Speaker
Mowery	Shelton		

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

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

LABOR RELATIONS BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 209, printer's No. 1296**, entitled:

An Act amending the "Unemployment Compensation Law" approved December 5, 1936 (2nd Sp Sess 1937, P. L. 2897, No. 1), further providing for the definition of week.

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—171

Abraham	Garzia	Manderino	Scanlon
Arthurs	Gatski	Manmiller	Scheaffer
Bellomini	Geesey	McCall	Schmitt
Bennett	Geisler	McClatchy	Schweder
Berlin	George, C.	McGinnis	Scirica
Berson	George, M.	McIntyre	Seltzer
Bittinger	Giammarco	McLane	Shuman
Bittle	Gillette	Meluskey	Shupnik
Borski	Gleeson	Milanovich	Sirianni
Brown	Goebel	Milliron	Smith, E.
Brunner	Goodman	Miscevich	Smith, L.
Burns	Gray	Moehlmann	Spencer
Butera	Greenfield	Morris	Spitz
Caltagirone	Greenleaf	Mowery	Stairs
Caputo	Grieco	Mrkonic	Stapleton
Cassidy	Halverson	Mullen, M. P.	Stewart
Cessar	Hamilton	Mullen, M. M.	Stuban
Cianciulli	Harper	Musto	Sweet
Cimini	Haskell	Novak	Taddonio
Cohen	Hayes, D. S.	Noye	Taylor, E.
Cole	Helfrick	O'Brien, B.	Taylor, F.
Cowell	Hoeffel	O'Brien, D.	Tenaglio
DeMedio	Honaman	O'Connell	Trello
DeVerter	Hopkins	O'Keefe	Valicenti
DeWeese	Hutchinson, A.	Oliver	Vroon
DiCarlo	Hutchinson, W.	Parker	Wansacz
Dininni	Itkin	Petrarca	Wargo
Dombrowski	Jones	Piccola	Wenger
Donatucci	Katz	Pievsky	White
Doyle	Kelly	Polite	Wiggins
Duffy	Kernick	Pott	Williams
Englehart	Klingaman	Pratt	Wilson
Fee	Knepper	Prendergast	Wilt
Fischer, R. R.	Kolter	Ravenstahl	Wright, D.
Fisher, D. M.	Kowalshyn	Reed	Wright, J. L.

Flaherty	Laughlin	Renwick	Yahner
Foster, A.	Lehr	Rhodes	Yohn
Foster, W.	Letterman	Richardson	Zearfoss
Freind	Levi	Rieger	Zeller
Fryer	Lincoln	Ritter	Zitterman
Gallagher	Livengood	Ruggiero	Zord
Gallen	Logue	Ryan	Zwikl
Gamble	Lynch	Salvatore	

NAYS—18

Anderson	Dietz	Mebus	Pyles
Armstrong	Dorr	Miller	Thomas
Brandt	Hayes, S. E.	Pancoast	Wass
Burd	Mackowski	Pitts	Weidner
Davies	Madigan		

NOT VOTING—11

Barber	Johnson	Shelton	Irvis,
Beloff	O'Donnell	Wagner	Speaker
Dumas	Rappaport	Wise	
Hasay			

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

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

Mr. HASAY. Mr. Speaker, when HB 209, PN 1296, vote was taken, I was in the rear conference room with an important phone call from a constituent.

I would like to be recorded in the affirmative on that particular bill.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the remarks will be spread upon the record.

Mr. HASAY. Thank you.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 711, printer's No. 791**, entitled:

An Act amending "The Pennsylvania Workmen's Compensation Act" further providing for certain provisions relating to the employe's choice of practitioner of the healing arts.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. DiCARLO. Mr. Speaker, I am sorry. I was called off the floor of the House.

In caucus yesterday when we went over this legislation, we had some questions for the prime sponsor but the prime sponsor was not there. We wanted them cleared up so either we would have to amend the bill or get some clarification.

I wonder if there is anybody here who could speak on the bill.

The SPEAKER pro tempore. The gentleman from Cambria,

Mr. Englehart, indicates he will stand for interrogation.

The gentleman from Erie, Mr. DiCarlo, will continue.

Mr. DiCARLO. Mr. Speaker, my understanding of the concept of the bill is that it would allow an individual, if he is hurt on the job, to go and receive assistance or a checkup from his own physician. You are eliminating the five-physician rule in present law, is that so?

Mr. ENGLEHART. That is correct, Mr. Speaker.

Mr. DiCARLO. Mr. Speaker, can you tell me what would happen in the case of a company that has their own infirmary on the grounds?

Mr. ENGLEHART. If HB 711 becomes law, their own infirmary will not be used unless the employe wants to use it.

Mr. DiCARLO. Mr. Speaker, secondly, there are a lot of labor contracts that have been negotiated. There are also a lot of individual insurance plans negotiated with companies that have set up HMO's - health maintenance organizations — where a medical insurance is paid on a per capita basis. The family and the employe maintains a constant care relationship with a physician. One cost is paid at the beginning of the contract no matter how sick the patient is or no matter how great or extensive the injury. What would happen to those types of contracts and negotiations?

Mr. ENGLEHART. As I understand those contracts, Mr. Speaker, they provide medical care for employes at the HMO's that the gentleman referred to.

That health care would still be provided but there is nothing to prevent the employe from saying he does not want it. If he gets hurt on the job and he does not want that particular group of doctors to take care of him, he chooses his own.

Mr. DiCARLO. Mr. Speaker, I think that this legislation is going to cause some grave problems. I am presently waiting for Mr. Uhelin from the Steelworkers and a couple of other labor organizations to draft corrective amendments. Would you have any objections to holding the bill over for today because of these concerns?

Mr. ENGLEHART. I have no objections, Mr. Speaker.

The SPEAKER pro tempore. Are there any objections to holding the bill?

Mr. DiCARLO. Thank you, Mr. Speaker.

HB 762 PASSED OVER

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

Mr. MANDERINO. Mr. Speaker, there was an agreement to pass over this bill for today.

The SPEAKER pro tempore. Without objection, the bill is passed over.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 780, printer's No. 871**, entitled:

An Act amending the "Child Labor Law" approved May 13, 1915 (P. L. 286, No. 177), authorizing the employment of minors as entertainers in certain licensed establishments.

On the question,

Will the House agree to the bill on third consideration?

Mr. RENWICK offered the following amendments:

Amend Sec. 1 (Sec. 5), page 2, line 12, by inserting after "as" musicians and

Amend Sec. 1 (Sec. 5), page 2, lines 12 and 13, by striking out "and" in line 12 and "musicians" in line 13, and inserting who are an integral part of the musical group

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk, Mr. Renwick.

Mr. RENWICK. Mr. Speaker, under present law, minors, 16 years of age and older, may be employed in a liquor establishment that serves alcoholic beverages, to serve food, to clear tables, et cetera. Really what this bill does is add that they can also act as entertainers and musicians. Now, in order to clarify a musician and entertainment, the amendment says "who are an integral part of the musical group."

The purpose of this amendment, of course, is to outlaw what we consider—someone brought up this thought—a go-go girl who would be 16 years of age and operating in one of these establishments. This would eliminate that feature.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—166

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



NAYS—22

Bittle	Laughlin	Rhodes	Wilson
Brown	Lincoln	Ritter	Wright, D.
Ciacciulli	Logue	Shuman	Zeller
Duffy	Miscevich	Smith, E.	Zord
Fischer, R.R.	Noye	Weidner	Zwilk
Gillette	O'Keefe		

NOT VOTING—12

Barber	Milliron	Williams	Irvis,
Beloff	O'Donnell	Wise	Speaker
Dumas	Shelton	Yohn	
Johnson			

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

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER. The gentleman will state it.

Mr. LAUGHLIN. Mr. Speaker, I voted in error on the Renwick amendment to HB 780. I would like to be recorded in the affirmative.

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

On the question,

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

Mr. MILLER offered the following amendments:

Amend Title, page 1, line 23, by removing the period after "establishments" and inserting and reviewing the provisions relating to the employment of minors age sixteen and over by licensed establishments whose sales of food and nonalcoholic beverages are equal to forty per cent or more of the combined gross sales of both food and alcoholic beverages.

Amend Sec. 1, page 1, line 28, by inserting after "is" reenacted and

On the question,

Will the House agree to the amendments?

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

Mr. MILLER. Thank you, Mr. Speaker.

As many of the members are now aware, there exists an inconsistency in the statute with regard to the question of whether or not entertainment shall take place in a licensed premise where the premise is licensed under the 40-percent provision sales argument or whether the entertainment may take place in a premise that is not licensed under the 40-percent sales question.

For those of you who want the brief background on it, Act 83 of 1975 cleared up the language that dealt with entertainers age 18 or over. However, it still failed to address the 40-percent question.

It is the intent of this particular amendment I am offering to insert the requirement for a 40-percent sales provision where citizens of the Commonwealth, 16 years to 18 years, are per-

forming. It is the hope that by having the 40-percent sales requirement in the statute for performers 16 to 18 that we will have an indirect control on the quality of environment in which they are performing.

It is generally considered that under the 40-percent sales requirement, it will be an eating establishment where people will be having dinner and there will be some relative measure of decorum obtained, rather than merely having them perform in any run-of-the-mill beer joint where the quality of environment could be questionable.

I would earnestly appreciate your support for the qualification of the 40-percent sales question as outlined in the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk, Mr. Renwick.

Mr. RENWICK. Mr. Speaker, will the gentleman, Mr. Miller, consent to interrogation?

The SPEAKER pro tempore. Will the gentleman from Lancaster, Mr. Miller, consent to interrogation?

Mr. MILLER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RENWICK. Mr. Speaker, are you saying that you would limit this then to only those people who serve food?

Mr. MILLER. To only those establishments, Mr. Speaker, that meet the 40-percent requirement. That is correct, Mr. Speaker.

Mr. RENWICK. That there must be?

Mr. MILLER. Yes, Mr. Speaker.

Mr. RENWICK. In other words, a beer establishment or a liquor establishment that does not serve food could not employ minors as entertainers as the bill requires?

Mr. MILLER. That is correct, Mr. Speaker.

Mr. RENWICK. Mr. Speaker, I object to this amendment because I feel that there are a lot of establishments that really this is their source of income. Of course, they pay these entertainers. It is a source of income to them.

I cannot see any rhyme or reason if a person is allowed to go in there and clear a table, if he is allowed to work in there, why he cannot entertain if he is part of a musical group or if he is part of a rock group, if he is a part of a family, a father, mother, who entertains?

Of course, this is what they want to do. And they are not allowed to pay a person of this age. I think this is ridiculous. Therefore, I oppose this amendment.

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

Mr. CAPUTO. Mr. Speaker, I rise in opposition to the amendment, but for a different reason.

I might comment at this time that there are no restaurants, no bars or liquor licensees which presently, legally, do not serve food. You cannot get a restaurant liquor license in the Commonwealth unless you serve food.

Number two, I know there is going to be an amendment offered, which I am going to support, which would limit the type of entertainment to be performed in the licensed establishments.

However, I would like to point out the reasons for my objections and there are several. Number one, the only relation to 40-percent food sales in the Commonwealth today for a restaurant liquor license is intended to qualify certain restaurants for Sunday sales licenses. That is the rule today. You have to have 40-percent food sales to qualify for a Sunday sales license.

In order to do that, the licensee must prepare and submit an affidavit made out by an accountant or a certified public accountant indicating 3 months minimum of operation showing the percentage of food sales. That is one of the qualifications necessary; in fact, that is the major qualification necessary to get a Sunday liquor license. That is one of the reasons I am opposed to it, because of the work that would have to be done and the necessary auditing that would have to continuously go on to perpetuate entertainment in licensed establishments.

I might point out that those licensed establishments that do serve food, not necessarily 40 percent or in excess of 40 percent, often times will have to book entertainments months or even years in advance. After they have made a contract for an act to come in, for example on December 1, 1978, if their food sales fall below 40 percent and they are then disqualified from having a Sunday sales license, their Sunday sales license would be eliminated. If under the proposed amendment their food sales fall below 40 percent between the time this act became effective and December 1, they would have to in some way get out of a contract that had been made and for which they would have to pay penalties.

There is one other reason, perhaps the major reason, why I oppose the amendment. That is this: The legislature in its graciousness has extended the privilege of selling liquor and beer to certain areas, certain opera houses, certain entertainment centers. And I would point out, for example, in Pittsburgh, Heinz Hall, where they employ summer stock and where they have regular entertainment, where they have ballets, many of the ballets are comprised of persons in the company who are less than 18 years of age. The effect of this amendment would bar that type of entertainment from Heinz Hall in Pittsburgh or the arena or any other place that is open for that type of entertainment and which has a liquor license.

For these reasons, and because I know that there are other municipalities throughout the state that are seeking to have municipality owned facilities used for entertainment purposes and will be seeking the privilege of providing refreshments in the form of alcoholic beverages, I think that this amendment should be defeated.

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

Mr. MILLER. Thank you, Mr. Speaker.

Briefly, to recap the amendment, the amendment would seek to provide that minors who are currently juveniles under the Pennsylvania Juvenile Justice Act, ages 16 to 18, only be permitted to entertain in establishments that meet the 40-percent rule and only in those establishments that meet the 40-percent rule which are also licensed under the Sunday-sales provision. I would again encourage support for the amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—108

Abraham	Garzia	Madigan	Scirica
Anderson	Geesey	Manmiller	Seltzer
Armstrong	George, C.	McClatchy	Sirianni
Arthurs	George, M.	McGinnis	Smith, E.
Bellomini	Goebel	Mebus	Spencer
Bittle	Greenleaf	Meluskey	Spitz
Brandt	Grieco	Miller	Stairs
Burd	Halverson	Moehlmann	Stapleton
Burns	Hamilton	Mowery	Stewart
Butera	Haskell	Noye	Taddonio
Cassidy	Hayes, D. S.	O'Brien, D.	Taylor, E.
Cessar	Hayes, S. E.	O'Keefe	Taylor, F.
Cimini	Helfrick	Pancoast	Thomas
Davies	Hoefel	Parker	Vroon
DeVerter	Honaman	Piccola	Wagner
DeWeese	Hopkins	Pitts	Wass
Dietz	Hutchinson, W.	Polite	Weidner
Diminni	Itkin	Pott	Wenger
Donatucci	Katz	Pratt	Wilson
Dorr	Kelly	Pyles	Wilt
Fischer, R. R.	Kernick	Reed	Wright, D.
Fisher, D. M.	Klingaman	Ritter	Wright, J. L.
Flaherty	Knepper	Ryan	Yohn
Foster, A.	Lehr	Scanlon	Zearfoss
Foster, W.	Levi	Scheaffer	Zeller
Freind	Lynch	Schmitt	Zord
Gallen	Mackowski	Schweder	Zwikl

NAYS—81

Bennett	Gallagher	Livengood	Ravenstahl
Berlin	Gamble	Logue	Renwick
Berson	Gatski	Manderino	Rhodes
Bittinger	Geisler	McCall	Richardson
Borski	Giammarco	McLane	Rieger
Brown	Gillette	Milanoovich	Ruggiero
Brunner	Gleeson	Milliron	Salvatore
Caltagirone	Goodman	Miscevich	Shuman
Caputo	Gray	Morris	Shupnik
Cianciulli	Greenfield	Mrkonic	Stuban
Cohen	Harper	Mullen, M. P.	Sweet
Cole	Hasay	Mullen, M. M.	Tenaglio
Cowell	Hutchinson, A.	Musto	Trello
DeMedio	Johnson	Novak	Valicenti
DiCarlo	Jones	O'Brien, B.	Wargo
Dombrowski	Kolter	O'Connell	White
Doyle	Kowalshyn	Oliver	Wiggins
Duffy	Laughlin	Petrarca	Williams
Englehart	Letterman	Pievsky	Yahner
Fee	Lincoln	Prendergast	Zitterman
Fryer			

NOT VOTING—11

Barber	O'Donnell	Wansacz	Irvis.
Beloff	Rappaport	Wise	Speaker
Dumas	Shelton		
McIntyre	Smith, L.		

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

AMENDMENT WITHDRAWN

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

Mr. MILLER. Mr. Speaker, with the adoption of that amend-

ment by the House, I wish to withdraw the second amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. DAVIES offered the following amendment:

Amend Sec. 1 (Sec. 5), page 2, line 17, by removing the period after "beverages" and inserting : And, provided further, That minors shall be prohibited from acting as entertainers and musicians in only such establishment which regularly includes as part of its program entertainment which is deemed by the Department of Labor and Industry to be lewd or injurious to the welfare of the minor.

On the question,

Will the House agree to the amendment?

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

Mr. DAVIES. Thank you, Mr. Speaker.

This amendment would, again, prohibit those as specified, between the ages of 16 to 18 and below that, minors, from acting as entertainers and musicians in only those establishments with part of their program entertainment which is deemed by the Department of Labor and Industry to be lewd or injurious to the welfare of the minor.

We have historically in the Commonwealth, ever since we passed our child labor laws and placed them under the control of the Department, given that discretion to the department to make those particular determinations. That is why this particular amendment would again make that determination discretionary upon the department as to whether or not the particular entertainment in any institution or any such establishment in which a youngster would actually be performing as a musician or any other part of an act. They would make that determination and, of course, control whether or not the youngster could entertain under those circumstances. This would pertain to all such establishments in which they would be granted that original permission.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk, Mr. Renwick.

Mr. RENWICK. I have no objections to the amendment.

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

Mr. COWELL. Mr. Speaker, I have an inquiry for the chairman of the Appropriations Committee, please.

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

Mr. PIEVSKY. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. COWELL. Mr. Speaker. I understand from reading this amendment, if I understand it correctly, that we would be assigning a new function to the Department of Labor and Industry. Is that correct, Mr. Speaker?

Mr. PIEVSKY. Yes, it is.

Mr. COWELL. As chairman of the Appropriations Committee, is it your opinion then that a fiscal note is required for this amendment? And if one is required, is one available?

Mr. PIEVSKY. It is a possibility that one is needed, but we have not been approached for one as yet.

Mr. COWELL. Okay, thank you.

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

Mr. DAVIES. As it currently exists, the department is authorized and does, as far as child labor laws, now make the matter of enforcement. Again, they do, in the determination of when working papers are issued, make those particular determinations. They now make inspections. They do check these things out now, so that this would be a continuation of current functions of the department.

So that actually it would come under their current authorization as a department and which is something they are actually carrying out now in many other areas. They make these determinations. They make inspections now relative to danger and working hours. This is a continuing function of the department.

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

Mr. MILLIRON. Thank you, Mr. Speaker.

Mr. Speaker, I will just make this short. We have difficulties as it is now, everyone of us here, in agreeing with these field inspectors on various safety regulations. Can you envision arguing with the lewd inspector of the bureau of lewdness and Mr. Dwyer over as to what is lewd and what is injurious? I am sure Mr. Dwyer and I do not agree on our definitions of perhaps morality or lewdness.

I realize the intent that Mr. Davies is attempting to do. I think it is a nice thought, but I think that it is just going to be absolutely impossible to describe what is lewd. However, I will offer my services to these inspectors.

The SPEAKER pro tempore. I would suggest that the gentleman is on thin ice.

The Chair at this time recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, from one lewd person to another, I have the same concerns that Representative Milliron does. I can understand perhaps the intent of the sponsor, but certainly with the Supreme Court of the United States even trying to define such things as obscenity and trying to be as specific as they can, I do not understand how the Department of Labor and Industry is going to be able to determine what activity is lewd and what is not lewd.

There are no provisions in this amendment for any due process in case a fine or something is set up. There is no mechanism at all there to make any kind of determination. I would ask the members in their wisdom to vote this amendment down.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—105

Anderson	Gray	McGinnis	Schmitt
Armstrong	Greenfield	Mebus	Scirica
Bittle	Greenleaf	Meluskey	Seltzer
Borski	Grieco	Miller	Shupnik
Brandt	Halverson	Moehlmann	Sirianni
Brown	Hamilton	Morris	Smith, E.
Burd	Haskell	Mowery	Spitz
Burns	Hayes, D. S.	Mullen, M. P.	Stairs
Butera	Hayes, S. E.	Musto	Taddonio
Caltagirone	Helfrick	Noye	Taylor, E.
Cassidy	Honaman	O'Brien, B.	Taylor, F.
Cessar	Hopkins	O'Brien, D.	Tenaglio
Cimini	Hutchinson, W.	O'Connell	Thomas
Davies	Katz	Pancoast	Vroon
DeVerter	Kernick	Parker	Wagner
Dietz	Klingaman	Piccola	Wansacz
Dininni	Knepper	Pitts	Wargo
Dorr	Kowalshyn	Polite	Wass
Fischer, R. R.	Lehr	Pott	Weidner
Fisher, D. M.	Levi	Pratt	Wenger
Foster, A.	Lincoln	Pyles	Wilson
Foster, W.	Lynch	Reed	Wilt
Freind	Mackowski	Renwick	Wright, J. L.
Gallen	Madigan	Ryan	Yohn
Geesey	Manmiller	Salvatore	Zearfoss
George, C.	McClatchy	Scheaffer	Zord
Goebel			

NAYS—85

Abraham	Fryer	Livengood	Ruggiero
Arthurs	Gallagher	Logue	Scanlon
Bellomini	Gamble	Manderino	Schweder
Bennett	Garzia	McCaill	Shuman
Berlin	Gatski	McIntyre	Smith, L.
Berson	Geisler	McLane	Spencer
Bittinger	George, M.	Milanovich	Stapleton
Brunner	Giammarco	Milliron	Stewart
Caputo	Gillette	Miscevich	Stuban
Cianciulli	Goodman	Mrkonic	Sweet
Cohen	Harper	Mullen, M. M.	Trello
Cole	Hasay	Novak	Valicenti
Cowell	Hoeffel	Oliver	White
DeMedio	Hutchinson, A.	Petrarca	Wiggins
DeWeese	Itkin	Pievsy	Williams
DiCarlo	Johnson	Prendergast	Wright, D.
Dombrowski	Jones	Ravenstahl	Yahner
Donatucci	Kelly	Rhodes	Zeller
Doyle	Kolter	Richardson	Zitterman
Duffy	Laughlin	Rieger	Zwilk
Engelhart	Letterman	Ritter	
Fee			
Flaherty			

NOT VOTING—10

Barber	Gleeson	Rappaport	Irvis,
Beloff	O'Donnell	Shelton	Speaker
Dumas	O'Keefe	Wise	

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

**QUESTION OF PERSONAL PRIVILEGE**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'KEEFE. Mr. Speaker, on HB 780, PN 871, on the

Davies amendment, I was out of my seat. I would like to be recorded in the affirmative.

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

On the question recurring,

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

Bill as amended was agreed to.

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

Mr. GOEBEL. Mr. Speaker, I originally had some difficulties with the bill. But I think with the amendments specifying exactly who we are talking about with the entertainers, I do not have any problems with the bill. I can support it 100 percent.

Just as an indication of what we are talking about, you know a lot of us have sons and daughters to whom we give music lessons at 8 and 9 years old. When they reach 17 and 18 years old, they are pretty darn good musicians. I think what we are doing here is giving them the opportunity to earn some extra money. I think with the different amendments that went in, there are enough safeguards provided here now that we are not going to have the go-go girl problem that we thought we may originally have. So I urge everyone to vote for the bill.

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

Mr. SELTZER. Mr. Speaker, I rise now, not on the bill and the amendments, but on the principle of whether or not this House should pass legislation which has just inserted three amendments thereto.

If you recall, last week we discussed this very same problem with one of the other pieces of legislation. The Speaker ruled that if we laid the bill and the amendments on the table, the bill would be reprinted and be called up when we came back next week, and the members could read it with the three amendments inserted therein. At that time we would know there would be no conflict with the three amendments as they were inserted in the bill. So, Mr. Speaker, I move that the bill and the amendments be laid on the table so that it can be reprinted and be before the members next week when we return.

The SPEAKER pro tempore. Is the gentleman postponing or laying the bill upon the table?

Mr. SELTZER. Mr. Speaker, I have no objections to postponing it or laying it on the table or whatever device that the Speaker or Parliamentarian would suggest would be the easiest to make it available to the members with the new printer's number.

The SPEAKER pro tempore. The Chair refers to the majority leader.

Mr. MANDERINO. Mr. Speaker, if it is the wish of the House that the bill be prepared for final passage, it can be prepared for final passage, without objection, without laying it on the table.

Mr. SELTZER. I am very happy to do that, Mr. Speaker.

The SPEAKER pro tempore. The motion is to place the bill —

Mr. SELTZER. No, Mr. Speaker, I would suggest that we just follow normal procedure. The bill and the amendments will be

prepared for final passage, which means when we come back next Monday, it will be on the calendar for final passage.

Ordered, that the bill as amended be prepared for final passage.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 959, printer's No. 1108**, entitled:

An Act amending the "Child Labor Law" approved May 13, 1915 (P. L. 286, No. 177), eliminating the requirement of a physical examination to obtain an employment certificate.

On the question,

Will the House agree to the bill on third consideration?

Mr. MILLER offered the following amendments:

Amend Bill, page 1, lines 26 through 28; page 2, lines 1 through 4, by striking out all of said lines and inserting

Section 1. Section 17, act of May 13, 1915 (P. L. 286, No. 177), known as the "Child Labor Law," amended August 23, 1961 (P. L. 1107, No. 494), is amended to read:

Amend Sec. 4, page 2, line 25, by striking out "4." and inserting 2.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Miller, for the purpose of explaining the amendment.

Mr. MILLER. Thank you, Mr. Speaker.

I have had the general language of the amendment agreed to by the bill's prime sponsor, the gentleman, Mr. Dombrowski.

In the drafting of HB 959, the intent of the bill was to eliminate the re-physical that a young person must have if he moves from one place of employment to another. I agree with that intent and support that intent. However, in the drafting of the legislation, erroneously the preliminary section on physicals, that section which would require a student to get an initial physical for a work permit is also listed for repeal.

My amendment would restore the bill to the prime sponsor's original intent of only eliminating the re-physical when a young person moves from working at a McDonald's, for example, to a Red Barn. To get his new work permit, he would have to get a second physical.

We are still keeping the initial physical when he enters the work force under his work permit, but eliminating the re-physical when he moves from job to job, or reexamination, excuse me.

Thank you.

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

Mr. DOMBROWSKI. Yes, Mr. Speaker, I agree with the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Abraham Fryer Lynch Ryan

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

NAYS—0

NOT VOTING—12

Barber	Manderino	Shelton	Irvis,
Dumas	O'Donnell	Spitz	Speaker
Gleeson	Prendergast	Wise	
Greenfield	Rappaport		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. ZELLER. Mr. Speaker, in caucus yesterday I asked a

question. I do not believe I have an answer to it yet. I wonder if the sponsor would consent to interrogation?

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

Mr. DOMBROWSKI. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

In regards to physical requirements, if they have taken an examination and they do not have to take the second examination, what would happen to an individual—and we had this happen in our area—a young person who wound up with a colostomy? They had a problem, a rectal problem, and they wound up with a colostomy.

As mayor of the community, I had to request under a health officer that the person be removed from the employment in the restaurant working in washing dishes, making salads, and things like that. We have a serious problem here, and I was wondering whether or not this would cover this area, because if you had one examination and show the certificate, anything else could happen and he is free.

Mr. DOMBROWSKI. Well, Mr. Speaker, what if that person never changed jobs?

Mr. ZELLER. I am not concerned right now about the changing of jobs.

Mr. DOMBROWSKI. All right. Let me answer it this way. I think by laws of the public school system now that these children are given a physical every 2 years and this is done by law, so I do not think that any physical would last in excess of 2 years.

Mr. ZELLER. Well, I just asked the question because of the fact that I am afraid of what can happen in regard to the handling of food. In the other areas of employment and a health certificate, I do not think we have much of a problem. When you are handling food, this is a very serious area. You could be affected, and everybody in this room and your loved ones could be affected.

Mr. DOMBROWSKI. I agree with you, Mr. Speaker, and that is why I say that because of the laws that are noneffective, these children must take a physical even in high school. I think they take one in 7th, 9th and 11th grades. I think that would pretty well take care of anything in excess of 2 years.

Mr. ZELLER. Thank you;

That may be. The only thing that I want to remind the members here is that they understand what a colostomy is—they have to constantly change this bag and they have to handle it, and unless somebody washes under the fingernails and so forth, it can be a very serious area. That is the only reason why I asked the question. Vote your own conscience.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—185

Abraham	Gallagher	Mackowski	Ritter
Anderson	Gallen	Madigan	Ruggiero
Armstrong	Gamble	Manderino	Ryan

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

NAYS—5

Arthurs	Knepper	Shuman	Zeller
Giammarco			

NOT VOTING—10

Barber	O'Donnell	Wass	Irvis,
Dumas	Rappaport	Wiggins	Speaker
Gleeson	Shelton	Wise	

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.

PROFESSIONAL LICENSURE BILL  
ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 156, printer's No. 156**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929" further providing for the State Board of Examiners of Nursing Home Administrators and requiring certain members to have no financial interest.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I am very pleased, as a freshman legislator, to be able to offer this amendment, not only for the people whom I represent but for the many citizens in the State of Pennsylvania. And my amendment, and I have it—

The SPEAKER pro tempore. The lady will present the amendment to the desk, and the clerk will read the amendment.

Mrs. TAYLOR. I believe, Mr. Speaker, that the amendment was distributed yesterday.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question, recurring,

Will the House agree to the bill on third consideration?

Mrs. TAYLOR offered the following amendments:

Amend Bill, page 2, by inserting after line 30

Section 2. Section 513 of the act, amended April 2, 1963 (P. L. 11, No. 9), is amended to read:

Section 513. Acceptance of Gifts or Donations.—Every administrative department, every independent administrative board and commission, and, with the approval of the department with which it is connected, every departmental administrative board or commission, may accept gifts or donations of money, securities, or other personal property, which, or the income of which, shall be used in conducting the work of such department, board, or commission, or for the benefit of the inmates or patients of any State institution administered by such department, board, or commission.

[The Department of Property and Supplies, with the approval of the Governor, may accept for educational purposes on behalf of the Commonwealth real estate, or any interest in real estate, by deed, gift or devise, upon investigation and approval of the title thereto by the Department of Justice, and except ] Except as otherwise in this act expressly provided, a department, board, or commission, shall not accept any gift of real estate, or of any interest in real estate, without specific authority from the General Assembly so to do.

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

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the lady from Chester, Mrs. Taylor, for purposes of explaining the amendment.

Mrs. TAYLOR. Thank you very much, Mr. Speaker.

Very simply what this does is to amend the Administrative Code of 1929 back to its original form, which says that no gift of real estate may be accepted without the specific authority from the General Assembly so to do.

With your indulgence and the indulgence of my colleagues for a moment, I would like to read to you just a paragraph from the Pennsylvania Economy League's news release, Citizens' Business:

A puzzling and potentially embarrassing situation arises when a well-meaning citizen offers the government a valuable gift of property: puzzling because the gift may turn out to be more of a liability than an asset; embarrassing because it might appear ungrateful to refuse the offer. The acceptance or rejection may result in misunderstanding of motives and controversy

in the community. Also, it may bring about lack of confidence in the government and parties involved if the gift turns out to be a costly liability rather than an asset.

In developing home rule charters in Pennsylvania, some government study commissions have anticipated this problem by banning the acceptance of gifts of real property, or interest therein, unless such action is formally approved by the governing body. The home rule charters of Philadelphia, Haverford, and Radnor Townships illustrate such a restriction. The various municipal codes give specific approval for the acceptance of gifts under certain conditions.

I suppose the whole thing narrows down to the question, when to look a gift horse in the mouth. We have been called upon, in the General Assembly, to take a look at this Administrative Code and to see if we cannot put a restriction on the acceptance of these gifts that are really becoming a liability rather than an asset.

The purpose of my amendment would be to involve the members of this General Assembly in the process of accepting gifts of this nature, so that we do not have to be embarrassed in the eyes of the people whom we represent by accepting, for them, what appears to be a gift and ends up being a liability.

I thank you, Mr. Speaker.

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

Mr. MORRIS. I would like to ask the lady, Mrs. Taylor, a question, because I did not get the opportunity before.

The SPEAKER pro tempore. Will the lady stand for interrogation?

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

The SPEAKER pro tempore. The lady indicates that she will. The gentleman, Mr. Morris, will continue.

Mr. MORRIS. Mr. Speaker, is it the intent of this amendment to affect any gifts made and effective previous to the date when this bill, as amended, will finally pass both Houses and be signed by the Governor?

Mrs. TAYLOR. No, Mr. Speaker. That is not my intent.

Mr. MORRIS. I thank the lady.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

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

Caputo	Harper	Mullen, M. P.	Stuban
Cassidy	Hasay	Mullen, M. M.	Sweet
Cessar	Haskell	Musto	Taddonio
Cianciulli	Hayes, D. S.	Novak	Taylor, E.
Cimini	Hayes, S. E.	Noye	Taylor, F.
Cohen	Helfrick	O'Brien, B.	Tenaglio
Cole	Hoefel	O'Brien, D.	Thomas
Cowell	Honaman	O'Connell	Trello
Davies	Hopkins	O'Keefe	Valicenti
DeMedio	Hutchinson, A.	Oliver	Vroon
DeVerter	Hutchinson, W.	Pancoast	Wagner
DeWeese	Itkin	Parker	Wansacz
DiCarlo	Johnson	Petrarca	Wargo
Dietz	Jones	Piccola	Wass
Dininni	Katz	Pievsy	Weidner
Dombrowski	Kelly	Pitts	Wenger
Donatucci	Kernick	Polite	White
Dorr	Klingaman	Pott	Williams
Doyle	Knepper	Pratt	Wilson
Duffy	Kolter	Prendergast	Wilt
Englehart	Kowalyshyn	Pyles	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.	Lincoln	Richardson	Zitterman
Foster, W.	Livengood	Rieger	Zord
Freind	Logue	Ritter	Zwinkl
Fryer	Lynch		

NAYS—1

Wright, D.

NOT VOTING—9

Barber	O'Donnell	Wiggins	Irvis,
Dumas	Rappaport	Wise	Speaker
Gleeson	Shelton		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—189

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

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

NAYS—1

Wagner

NOT VOTING—10

Dumas	O'Donnell	Spitz	Irvis,
Fisher, D. M.	Rappaport	Wiggins	Speaker
Gleeson	Shelton	Wise	

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. WAGNER. Mr. Speaker, I wish to be recorded in the affirmative on the vote on final passage of SB 156.

The SPEAKER pro tempore. The gentleman's remarks will be noted for the record. The Chair thanks the gentleman.

CONSUMER AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 513, printer's No. 996**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929" granting the power to the Public Utility Commission to levy limited assess-



ments against public utilities for funding the Consumer Advocate.

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

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

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

It is my understanding that the gentleman from Montgomery, Mr. Polite, has withdrawn his amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

The question is, Shall the bill pass finally?

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

YEAS—167

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

NAYS—24

Anderson	Hasay	Milliron	Smith, E.
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Burd	Knepper	Mowery	Taylor, E.
Fisher, D. M.	Levi	Noye	Thomas
Foster, A.	Mackowski	Pitts	Vroon
Gallen	Madigan	Salvatore	Weidner
Hamilton	Miller	Scheaffer	Wenger

NOT VOTING—9

Dumas	Rappaport	Wiggins	Irvis,
Gleeson	Shelton	Wise	Speaker
O'Donnell	Spitz		

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. DUMAS. Mr. Speaker, I would like to be recorded in the affirmative on SB 513, PN 996.

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

HB 389 PASSED OVER

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

Mr. MANDERINO. Mr. Speaker, HB 389 is to be passed over.

The SPEAKER pro tempore. The Chair thanks the gentleman. Without objection, the bill is passed over.

HEALTH AND WELFARE BILL

ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 470, printer's No. 485**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code" excluding any increase in certain benefits in determining income eligibility for amount of State blind pensions.

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—192

Abraham	Freind	Logue	Ruggiero
Anderson	Fryer	Lynch	Ryan
Armstrong	Gallagher	Madigan	Salvatore
Arthurs	Gallen	Manderino	Scanlon
Barber	Gamble	Manmiller	Scheaffer

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

NAYS—0

NOT VOTING—8

Gleeson	Rappaport	Wiggins	Irvis,
Mackowski	Shelton	Wise	Speaker
O'Donnell			

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. MACKOWSKI. My switch was inadvertently held. On SB 470, I would like to be recorded in the affirmative.

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

Mr. MACKOWSKI. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RESOLUTION ADOPTED

Mr. McLANE called up HOUSE RESOLUTION NO. 105.

Committee on Health and Welfare conduct a study on merger of Scranton State General Hospital with another facility.

On the question,

Will the House adopt the resolution?

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

YEAS—191

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

NAYS—0

NOT VOTING—9

Beloff	O'Donnell	Wiggins	Irvis,
Fisher, D. M.	Rappaport	Wise	Speaker
Gleeson	Shelton		

The question was determined in the affirmative and the resolution was adopted.

**RESOLUTION ADOPTED**

Mr. WARGO called up **HOUSE RESOLUTION NO. 106.**

House urge Department Public Welfare refrain from merge or lease of Scranton State General Hospital without approval of General Assembly.

On the question,  
Will the House adopt the resolution?

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

Mr. THOMAS. Thank you, Mr. Speaker.

I have an amendment that was not caucused on. I would just as soon we pass over this resolution and have my amendment caucused on.

On the question recurring,  
Will the House adopt the resolution?

Mr. THOMAS offered the following amendment:

Amend Resolution, page 1, by inserting between lines 12 and 13

RESOLVED, That the House of Representatives urge the Department of Public Welfare to refrain from entering into any agreement to sell, lease or demolish any real property having a value of \$2,500 or more except upon compliance with the following conditions:

- (1) Each building shall be considered separately.
- (2) The property is of no use for any department, agency or commission of the Commonwealth.
- (3) The cost of repairs would exceed the value of the building or the building is a safety hazard.
- (4) A public hearing on disposal of the building or property is held in the legislative district in which it is located; and be it further

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Snyder, Mr. Thomas, for purposes of explaining the amendment.

Mr. THOMAS. Mr. Speaker, just give me a minute to confer with the chief sponsor of the resolution.

The SPEAKER pro tempore. The House will be at ease.

**AMENDMENT WITHDRAWN**

The SPEAKER pro tempore. Is the gentleman, Mr. Thomas, ready to proceed?

Mr. THOMAS. No, I found another avenue to travel for my amendment and I will withdraw it at this particular time in favor of the passage of this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman's amendment is withdrawn.

On the question recurring,  
Will the House adopt the resolution?

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. MILLER. Mr. Speaker, Representative Moehlmann and I throughout this session have had increasing difficulty explaining our votes on issues when we have cast them one way and they have been recorded differently.

We have finally, after paying close attention to it today, discovered the error in the electronic roll call board. It is no problem when we both vote "yes" or "no". We are recorded accordingly. But when we vote against each other, our votes are reversed.

I would like to state for the record and ask the permission of the Chair for us to switch seats until it can be resolved.

The board lights are exactly correct. When Miller votes "yes," that is my vote up there. However, on your roll call sheet, our names are reversed and so the printout appears opposite as we voted. I would like to bring that to the attention of the Chair so, number one, the roll call sheet could be corrected and, number two, we ask permission of the Chair that until it is corrected, could we switch seats so that our votes are recorded accurately?

The SPEAKER pro tempore. Is there any objection to this proposal?

Mr. MILLER. Either that, or could you just change our names on the board? That would solve it as well, but we would have to switch seats at the same time.

The SPEAKER pro tempore. Are there any objections to the proposal?

Mr. MILLER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. I have found in past campaigns that I would have loved to have had that excuse.

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

Mr. MOEHLMANN. Mr. Speaker, I might point out that since Mr. Miller represents an urban constituency and I represent largely dairy cows, it is a real problem.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Hasay.

Mr. HASAY. Mr. Speaker, I also have amendments to HR 106 that I am withdrawing as of this present time because of the prime sponsor and his intent so that his legislation can get passed as soon as possible and have introduced a resolution in the same form as the amendment.

I would certainly appreciate your cooperation next week so that this resolution would be released from the House Rules Committee which deals with Retreat State Hospital. I, indeed, thank you and would appreciate your support next week.

The SPEAKER pro tempore. The Chair thanks the gentleman for his remarks.

On the question recurring,  
Will the House adopt the resolution?

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

YEAS—191

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

STATE GOVERNMENT BILL ON THIRD CONSIDERATION  
CONSIDERATION OF HOUSE BILL NO. 656 RESUMED

Agreeable to order,  
The House resumed consideration of **House bill No. 656, printer's No. 1000**, entitled:

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333, No. 320), requiring additional information to be included on expense accounts.

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

Mr. COHEN offered the following amendments:

Amend Sec. 1 (Sec. 1607), page 2, line 13 by removing the period after "EMPLOYER" and inserting furnished to such political committee by the written statement of the contributor, who shall be responsible for its accuracy.

Amend Sec. 1 (Sec. 1607), page 2, line 16 by inserting after "forth." No employer shall reward or punish any employe for contributing, or failing to contribute, to the campaign of any candidate.

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

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

Mr. COHEN. Mr. Speaker, my amendment deals with two objections that were raised during the debate on this bill earlier in the day.

It deals with the question of who is responsible for the accuracy of information as to address and occupation. It places the responsibility clearly on the contributor, thus freeing the candidate from any blame. It also deals with the question of how the candidate is to get this information it provides to the candidate if he gets this information through some sort of written statement. What a candidate could do very simply is hand out cards to anybody who is going to contribute to his campaign in order to fill them out.

It further deals with the problem of what are we going to do if we know the employer. Are we not subjecting some employes to great dangers from employers who might not like their choice of candidates, who might wish that they contribute to opposite candidates or to no candidate at all?

What this amendment does finally is it says that no employer shall punish or reward any employe for his choice of candidates or for his contributing to a candidate or for his not contributing to a candidate.

So this gives the rights that are necessary to implement this bill, and it provides for answers to the technical objections that were raised earlier. I think it enormously strengthens Mr. Hoeffel's bill and I urge the adoption of my amendment to this bill.

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

Mr. HOEFFEL. Thank you.

I support the Cohen amendment. I believe that it would strengthen the bill as written. This amendment brings my bill more into conformity with the Federal regulations. It worked

NAYS—0

NOT VOTING—9

Beloff	Pott	Wiggins	Irvis,
Gleeson	Rappaport	Wise	Speaker
O'Donnell	Shelton		

The question was determined in the affirmative and the resolution was adopted.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. POTT. On the last vote on HR 106, my switch was inoperable. I would like to be recorded in the affirmative.

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

successfully in Federal elections in the last year, and I urge the adoption of the Cohen amendment.

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

Mr. ZEARFOSS. Mr. Speaker, I would support the amendments too. I think what it does is very good. I intend to offer my amendments nonetheless and I do not think they are necessarily inconsistent if this amendment goes in.

I do have a little bit of concern with what happens if no statement is furnished by the contributor. We say in the amendment that the contributor is responsible for the accuracy but it does not say who is responsible if the information is not furnished and what happens if there is no information furnished at all. I would assume that the contribution would have to be returned to the contributor if you cannot get the information. I think that would be a horrible situation. However, I intend to support this amendment but offer mine in addition.

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

Mr. COWELL. Mr. Speaker, would Mr. Cohen submit to a question please?

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

Mr. COHEN. I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates that he will consent to interrogation. The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Mr. Speaker, the first part of your amendment reads, "furnished to such political committee by the written statement . . ." et cetera, et cetera.

The particular section of the bill that you are amending, if you go back to the beginning of it on page 1, starts out, "Every candidate for nomination or election, and every treasurer of a political committee, . . ."

Now I assume and would just like your statement that it is your intention that the statement shall be furnished to such political committee or the individual candidate.

Mr. COHEN. That is my intention, Mr. Speaker.

Mr. COWELL. Thank you.

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

Mrs. KERNICK. I would like to interrogate Mr. Cohen.

The SPEAKER pro tempore. Will the gentleman, Mr. Cohen, agree to interrogation?

Mr. COHEN. I agree to accept this interrogation, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates that he will consent to interrogation. The lady will proceed.

Mrs. KERNICK. What recourse do you have if a contributor does not want to give you a written statement?

Mr. COHEN. If the contributor does not want to give you a written statement, then I guess you do not accept the contribution.

REQUEST TO DIVIDE QUESTION

Mrs. KERNICK. Thank you. Mr. Speaker, is this question divisible?

The SPEAKER pro tempore. It calls for a meeting of the staff. The House will be at ease. The Speaker does not have a copy of the bill. What was the lady proposing?

Mrs. KERNICK. Mr. Speaker, my problem with this amendment is that if a contributor refuses to give you a written statement, what position does that place you in; as he said you would return the contribution? I do not think this is quite fair if you know the facts in back of the contribution and you can put it on your report. I wondered if we could divide the amendment, voting on the 2 sections separately?

The SPEAKER pro tempore. Does the gentleman, Mr. Cohen, have a copy of the bill?

Mr. COHEN. Yes. Mr. Speaker, to respond narrowly to the lady's inquiry as to whether it is divisible or not: I think it is divisible. To respond more broadly to the thrust of her complaint, I think if you know for a fact the answer to the question, then you do not have any problem. It is only if you do not know it and you have no written statement that a problem would occur.

Mrs. KERNICK. Are you saying then if you know the facts behind the contribution, you do not have to get a written statement? Is that your intent?

Mr. COHEN. That is the intent, yes. The only thing that came up is, suppose you do not know. We were presented the hypothetical case of everybody getting all their money from people they know nothing about, and this amendment deals with that circumstance.

REQUEST TO DIVIDE QUESTION WITHDRAWN

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

Mrs. KERNICK. Well, I have never had that problem of not knowing who contributed to me and I just cannot see getting a written statement, but I will let it go then.

Thank you.

The SPEAKER pro tempore. The Chair has been advised that the question is divisible.

Mr. COHEN. The lady has withdrawn her request to divide, Mr. Speaker.

The SPEAKER pro tempore. The proposed provision is in the first portion.

Mr. COHEN. Mr. Speaker, Mrs. Kernick has withdrawn her objection and no longer seeks to divide the question.

The SPEAKER pro tempore. She does not?

Mr. COHEN. That is correct, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and the lady.

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

The following roll call was recorded:

YEAS—168

Abraham	Flaherty	Lincoln	Ryan
Armstrong	Foster, A.	Livengood	Salvatore
Arthurs	Freind	Logue	Scanlon
Bellomini	Fryer	Lynch	Schmitt
Bennett	Gallagher	Madigan	Schweder
Berlin	Gallen	Manderino	Scirica
Berson	Gamble	Manmiller	Shuman

Bittinger	Garzia	McClatchy	Shupnik
Bittle	Gatski	McGinnis	Sirianni
Borski	Geesey	McIntyre	Smith, E.
Brandt	Geisler	McLane	Smith, L.
Brown	George, C.	Mebus	Spencer
Brunner	George, M.	Meluskey	Spitz
Burd	Giammarco	Milanovich	Stairs
Burns	Gillette	Miller	Stapleton
Butera	Goodman	Milliron	Stewart
Caltagirone	Gray	Morris	Stuban
Caputo	Greenfield	Mrkonic	Sweet
Cassidy	Greenleaf	Mullen, M. P.	Taddonio
Cessar	Grieco	Mullen, M. M.	Taylor, E.
Cianciulli	Halverson	Musto	Taylor, F.
Cimini	Hamilton	Novak	Tenaglio
Cohen	Harper	Noye	Trello
Cole	Haskell	O'Brien, B.	Valicenti
Cowell	Hayes, D. S.	O'Brien, D.	Wagner
Davies	Hayes, S. E.	O'Keefe	Wansacz
DeMedio	Hoeffel	Oliver	Wargo
DeVerter	Honaman	Parker	Wass
DeWeese	Hopkins	Petrarca	Weidner
DiCarlo	Hutchinson, A.	Piccola	Wenger
Dietz	Hutchinson, W.	Pievsky	White
Dininni	Itkin	Pitts	Wilson
Dombrowski	Johnson	Pratt	Wilt
Donatucci	Jones	Prendergast	Wright, D.
Dorr	Katz	Pyles	Wright, J. L.
Doyle	Kelly	Ravenstahl	Yahner
Duffy	Kernick	Reed	Yohn
Dumas	Klingaman	Renwick	Zearfoss
Engelhart	Knepper	Richardson	Zeller
Fee	Kowalyshyn	Rieger	Zitterman
Fischer, R. R.	Laughlin	Ritter	Zord
Fisher, D. M.	Levi	Ruggiero	Zwikl

NAYS—19

Anderson	Lehr	Moehlmann	Scheaffer
Foster, W.	Letterman	Mowery	Seltzer
Goebel	Mackowski	O'Connell	Thomas
Hasay	McCall	Pancoast	Vroon
Helfrick	Miscevich	Polite	

NOT VOTING—13

Barber	O'Donnell	Shelton	Irvis.
Beloff	Pott	Wiggins	Speaker
Gleeson	Rappaport	Williams	
Kolter	Rhodes	Wise	

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

On the question,

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

Mr. ZEARFOSS offered the following amendments:

Amend Sec. 1 (Sec. 1607), page 2, line 12, by inserting a period after "ADDRESS"

Amend Sec. 1 (Sec. 1607), page 2, lines 12 and 13, by striking out "AND, IF APPLICABLE, OCCUPATION AND" in line 12 and "EMPLOYER." in line 13

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Zearfoss, who will explain the amendment.

Mr. ZEARFOSS. Mr. Speaker, this amendment removes the requirement that the contributor's occupation and employer be

included in the report of a committee or a candidate when listing the contributors to his campaign. It will leave in the bill the requirement that the full name and address of the contributor be listed. I am very much in favor of disclosure and I think that by giving the full name and address of the contributor, you have the disclosure that is necessary.

In most cases I would suggest that the person who would be looking at the report and be concerned about who is contributing to a campaign would be persons from your district and they would have the information. If they see the name and address they would probably know the employment of the person or know what special connections that person has.

If, in fact, somebody from outside the district is interested in your report and wants to make a big deal about it — a newspaper story or some other kind of survey — then I suggest that they should be put to the task of finding out where the person is employed if that is what they are concerned about.

I think that, in a sense, to require the occupation and employer of a contributor is an invasion of privacy and it is going too far in our desire to have disclosure of political contributions, and I would suggest that we all support this amendment. We have the disclosure necessary by retaining the portion of the bill that requires the full name and address.

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

Mr. HOEFFEL. I am opposed to the Zearfoss amendment. I believe that the information concerning the employment and employer of contributors is important to have available to the public. We should know if many people of one particular occupation are contributing to a candidate and we should know if many employes of the same company are contributing to a candidate, and I urge the defeat of the Zearfoss amendment.

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

Mr. ZELLER. To discuss the amendment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, we have examples of organizations that can channel funds to public officials who are friendly and who may do their bidding in many ways. They can get these funds to certain people who will channel it to them. I can cite the signboard operation. We can cite where signboards have been placed for many public officials as a contribution and no one knows where they even came from. In other words, that is the thing that Mr. Hoeffel is getting at. That is one of the examples, and there are many, many more examples where powerful interest groups can take care of their friends by escaping the need for stating any area of employment or connection with any certain company.

I think that this is what we are getting at and this is what we have to know if we are going to straighten out the things that we, as officials, are always crying about, having everything public. I would like to say, vote against the Zearfoss amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—116

Anderson	Goebel	McGinnis	Scheaffer
Armstrong	Goodman	McLane	Schweder
Bittle	Greenleaf	Mebus	Scirica
Brandt	Grieco	Meluskey	Seltzer
Brunner	Halverson	Milanovich	Shupnik
Burd	Hamilton	Miller	Sirianni
Burns	Hasay	Moehlmann	Smith, E.
Caltagirone	Hayes, D. S.	Mowery	Smith, L.
Cessar	Hayes, S. E.	Mrkonic	Spencer
Cianciulli	Helfrick	Musto	Spitz
Cimini	Honaman	Noye	Stairs
Cole	Hopkins	O'Brien, B.	Stuban
Davies	Hutchinson, A.	O'Brien, D.	Sweet
DeMedio	Hutchinson, W.	O'Connell	Taddonio
DeVerter	Johnson	Oliver	Taylor, E.
Dietz	Jones	Pancoast	Thomas
Dininni	Katz	Parker	Vroon
Donatucci	Klingaman	Petrarca	Wagner
Dorr	Knepper	Piccola	Wansacz
Englehart	Kolter	Pitts	Wass
Fisher, D. M.	Lehr	Polite	Weidner
Flaherty	Letterman	Pott	Wenger
Foster, A.	Levi	Prendergast	Wilson
Foster, W.	Livengood	Pyles	Wright, J. L.
Fryer	Mackowski	Rhodes	Yahner
Gallen	Madigan	Ritter	Yohn
Garzia	Manmiller	Ryan	Zearfoss
Gatski	McCaill	Salvatore	Zitterman
George, M.	McClatchy	Scanlon	Zwikl

NAYS—75

Abraham	Duffy	Kernick	Richardson
Arthurs	Dumas	Kowalshyn	Ruggiero
Barber	Fee	Laughlin	Schmitt
Bellomini	Fischer, R. R.	Lincoln	Shuman
Beloff	Freind	Logue	Stapleton
Bennett	Gallagher	Lynch	Stewart
Berlin	Gamble	Manderino	Taylor, F.
Berson	Geesey	Milliron	Tenaglio
Bittinger	Geisler	Miscevich	Trello
Borski	George, C.	Morris	Valicenti
Brown	Giammarco	Mullen, M. P.	Wargo
Butera	Gillette	Mullen, M. M.	White
Caputo	Gray	Novak	Wiggins
Cassidy	Greenfield	O'Keefe	Williams
Cohen	Harper	Pievsky	Wilt
Cowell	Haskell	Pratt	Wright, D.
DiCarlo	Hoeffel	Ravenstahl	Zeller
Dombrowski	Itkin	Reed	Zord
Doyle	Kelly	Renwick	

NOT VOTING—9

DeWeese	O'Donnell	Shelton	Irvis,
Gleeson	Rappaport	Wise	Speaker
McIntyre	Rieger		

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

On the question recurring,

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

Mr. LAUGHLIN offered the following amendment:

Amend Sec. 1 (Sec. 1607), page 2, line 16, by inserting after "forth."

Where the contribution is made by a person who does not

have an occupation as defined by this act, the source of the contribution shall be identified, to include the first and last name of the person who provided the funds for the contribution, his home address and his occupation.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, for the purpose of explanation of the amendment.

Mr. LAUGHLIN. Mr. Speaker, earlier this morning I had suggested to the members of the House that we recommit this bill for the purpose of getting it corrected in line with what the membership was after. Unfortunately, that request was not granted, so I had to take the opportunity of getting the amendment drafted in rather a hurry.

Mr. Speaker, what this amendment does is to provide a section which states: "Where the contribution is made by a person who does not have an occupation as defined by this act, the source of the contribution shall be identified, to include the first and last name of the person who provided the funds for the contribution, his home address and occupation."

I believe Mr. Hoefel might have something to say in agreement with that.

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

Mr. HOEFFEL. Mr. Speaker, I am confused now. Since the Zearfoss amendment was adopted, I am not sure how that will affect Mr. Laughlin's amendment.

Mr. LAUGHLIN. Well, that is the trouble with getting an amendment drafted to the printer's number presently, prior to Mr. Zearfoss's amendment.

Mr. Speaker, I would ask then that I be given an opportunity to have the amendment redrafted so that it does suit Mr. Zearfoss' portion which leaves out the occupation. I believe, Mr. Speaker, that the amendment does tighten up the bill considerably in that it takes out the opportunity for those who wish to make contributions through their wives or others and it enables us to have an accurate computation as to where the money came from.

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

Mr. ZEARFOSS. I think I understand what Mr. Laughlin is trying to do, but the evil he is trying to get at is already prohibited by the Election Code: You are not permitted to make a contribution for someone else. If, in fact, he is saying that the source of the funds is from someone other than the person whose name is being used in the contribution, that would be illegal and is prohibited by the code presently. If he is saying that just because a person who has no occupation could have no assets with which to make a contribution and you have to put your husband's name down if you are an unemployed wife, that is not proper either, because the wife may have her own assets albeit not from employment or current employment. So I would think that the amendment would be unnecessary because what you are trying to fight against in this amendment is already prohibited in the code. The disclosure you are asking for is al-

ready a prohibition in the Election Code.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Zearfoss has made a statement to the extent that it is prohibited under law to make a contribution and to deceive the election bureau as to where that contribution came from. I agree with him. However, when he indicates that a wife could have, or a spouse could have separate funds, that is quite true, but we are talking about a contribution that is made where there is no occupation indicated, where there is no job indicated for that person. I want to know where that money came from from its source.

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

Mr. ZEARFOSS. Mr. Speaker, for the second time on the amendment: What this is saying is that a person without an occupation—I guess an occupation that is compensated, because I do not think that the housewife is lacking an occupation; she is just lacking any remuneration for the occupation. But it is saying that a person who does not have an occupation—must show the source of the contribution, and it assumes that the source of the contribution could not be by the person who made the contribution. In other words, just because there is no occupation, there is an underlying assumption in the amendment, that you do not have any funds with which to make a contribution. That is obviously an erroneous assumption. There are people who do have funds who do not have occupations.

Secondly, I would suggest that if a husband makes a gift of money to the wife and the wife uses the money to make a contribution, the source of the funds is the wife and not the husband because the gift, once made, then becomes the property of the wife and she can do what she wants with it. And if she gives it as a campaign contribution, I do not think that she would have to show her husband's name as being the source of the contribution. I would suggest that we vote the amendment down.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, what Mr. Zearfoss just described has been described on this floor often enough as laundering funds, but I admit that the amendment as it is presently drafted does not exactly go to the point that I wanted it to address because of Mr. Zearfoss' previous amendment. So I would ask that we at least hold the bill over until I can have it corrected to fit the bill. I had no prior knowledge of Mr. Zearfoss' amendment.

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

Mr. COWELL. Mr. Speaker, I, too, would like to ask a question of Mr. Laughlin.

The SPEAKER pro tempore. Will the gentleman stand for interrogation?

Mr. LAUGHLIN. Certainly, sir.

The SPEAKER pro tempore. The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Mr. Speaker, I know that the speaker antici-

pates offering another amendment and I am still trying to get, more specifically, at the intent. I think I appreciate that, but there are a couple of specific circumstances that arise in my mind and I wondered how the speaker would intend to handle them. The example of one person giving to their spouse "X" number of dollars who, in turn, contributes it to a candidate has already been discussed.

I think back to my own campaign and I think I got at least one contribution from a retired senior citizen who has no occupation, and, frankly, I do not know whether he got it out of Social Security or took it out of the bank or something like that. How would that person be reported? How would that contribution be handled under the terms of the amendment that you would have redrafted?

Mr. LAUGHLIN. Mr. Hoeffel had explained earlier that any person who made a contribution who was retired could merely state on that that he was retired.

Mr. COWELL. How would we draw the line? What if that person was not retired? Let us assume that one of us, at least, has a very wealthy constituent who became a multimillionaire by the time they were 35 and is not employed in any formal sense now but is living off the wealth they accumulated in their youth, and they make a \$10 contribution to you. How would they handle that?

Mr. LAUGHLIN. Mr. Speaker, I do not think that this bill speaks to a \$10 contribution.

Mr. COWELL. Let us say a \$50 contribution? That is what we are speaking of.

Mr. LAUGHLIN. Then it would be required to be reported.

Mr. COWELL. And how would the source of that contribution be reported under the terms of your amendment?

Mr. LAUGHLIN. I would imagine it would be "self-employed."

Mr. COWELL. Mr. Speaker, may I make a comment?

The SPEAKER pro tempore. The gentleman is in order and may continue.

Mr. COWELL. Thank you, Mr. Speaker.

I very much appreciate the intent of the Laughlin amendment. My concern is that I think we can have perhaps too much of a good thing and what we would effectively be going would be creating another layer of reporting requirements. We have to keep in mind that ultimately this responsibility will rest with the individual candidate or the respective campaign committee. And we should at least consider the possibility that we might create such a long reporting process in our attempts to close some of these loopholes that the ultimate source of the contribution might be so removed from the candidate or from that campaign committee and at the same time we are going to say that that candidate or that campaign committee shall be responsible for it, shall be liable for it, because we do talk about criminal penalties in the other amendments that will be offered a little bit after this. I am just wondering if, again, we are having too much of a good thing or we are just creating a too burdensome process.

Secondly, I would caution my colleagues who do support election reform and who do support efforts to make more meaningful the reporting process, let us not burden this bill so much



that it will be doomed inevitably to death over in the Senate, and we may well be going in that direction.

Thank you, Mr. Speaker.

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

Mr. HOEFFEL. I yield to Mr. Bittinger.

The SPEAKER pro tempore. The gentleman yields to Mr. Bittinger. Mr. Bittinger will proceed.

Mr. BITTINGER. Mr. Speaker, a bit of an inquiry, if I may. I may have missed something. If I recall, the Zearfoss amendment did pass, did it not?

The SPEAKER pro tempore. It did.

Mr. BITTINGER. And if I am reading that correctly, that means that the proposed bill, HB 656, no longer requires the listing of an occupation or an employer. Am I right?

The SPEAKER pro tempore. I believe that to be correct.

Mr. BITTINGER. Then I am not sure if I am understanding—and I do not have a copy of Mr. Laughlin's amendment—

The SPEAKER pro tempore. Will the gentleman yield?

Mr. BITTINGER. Yes.

The SPEAKER pro tempore. The Zearfoss amendment amended section 1 "... by striking out 'AND, IF APPLICABLE, OCCUPATION AND' in line 12 and 'EMPLOYER' in line 13."

Mr. BITTINGER. Right. And if I understand Mr. Laughlin's proposed amendment correctly—and I do not have a copy of it in front of me—where the contribution is made by a person who does not have an occupation as defined by this act, we are no longer requiring the listing of an occupation. So I am questioning what the amendment is now addressing.

#### POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAUGHLIN. I had previously asked you to hold over the bill until such time as I could get that amendment drafted to suit the situation since Mr. Zearfoss has amended the bill. I have not been granted that opportunity one way or the other yet. I do not think there is any need to discuss the amendment any further if you will give me that permission.

The SPEAKER pro tempore. The point before the House is your amendment. You would first have to remove that amendment from consideration by the House.

#### AMENDMENT WITHDRAWN

Mr. LAUGHLIN. All right, Mr. Speaker, I will remove it under the consideration that I will have time to redraft it.

The SPEAKER pro tempore. You will withdraw the amendment at this time? Are you making a motion?

Mr. LAUGHLIN. I believe Mr. Hoeffel has a motion to make, Mr. Speaker.

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

Mr. HOEFFEL. I would be willing to temporarily pass over

HB 656 until such time as Mr. Laughlin can draft his amendment.

The SPEAKER pro tempore. It really should be held and prepared for final passage.

The Chair recognizes the majority leader, Mr. Manderino.

Mr. MANDERINO. Mr. Speaker, there are only two matters yet to be considered by the House today: this bill, HB 656, and HB 404, which is also an Election Code reform bill. I know that the House spoke earlier to the question of holding these two bills over. I do not know whether the House is now of a different mind, but I would suggest that these bills be held over, otherwise we are just going to have to be here waiting until the amendments are drafted.

My suggestion would be, and I will so urge the prime sponsors of the bills, to pass these bills over for the day. If they disagree, then it will take the will of the House to pass them over because I will respect their wishes if they want to run them today. But they are the only two matters that have to be taken up.

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

Mr. HOEFFEL. I agree with the majority leader and would be willing to hold the bills over.

#### HB 656 PASSED OVER

The SPEAKER pro tempore. Are there any objections to holding over HB 656?

Hearing none, HB 656 is passed over.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the other matter is HB 404. I think maybe we ought to do the same with HB 404. Was that included as part of the holding over? Would the Chair announce that?

The SPEAKER pro tempore. Yes.

#### HB 404 PASSED OVER

The SPEAKER pro tempore. The Chair returns to page 9, HB 404, PN 998. This bill is also held over. Are there any objections?

Hearing none, HB 404 is passed over.

#### BILLS PASSED OVER

The SPEAKER pro tempore. The remainder of the bills on today's calendar are carried over.

#### ANNOUNCEMENTS

##### HOUSE SCHEDULE

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

Mr. MANDERINO. Mr. Speaker, has the balance of today's calendar been passed over?

The SPEAKER pro tempore. Yes.

Mr. MANDERINO. Mr. Speaker, there is no further business to come before the House.

The Appropriations Committee wishes to report, I think, one

item to the calendar. I am asking that you announce from the Chair, pursuant to the Sunshine law, that there will be an Appropriations Committee meeting immediately in the Appropriations Committee room. Would you do that?

The SPEAKER pro tempore. I will.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. There will be a meeting immediately of the Appropriations Committee.

### MOTION TO ADJOURN

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

Mr. MANDERINO. Mr. Speaker, I would like, since the business is over, unless the minority side has further business, to move that this House adjourn at 2:30 this afternoon, which will allow the reporting of that bill. I would like, if it is necessary, to take the vote on the adjournment at this time. I tell the members that the only thing that will occur between now and 2:30 will be the reception of committee reports, and I understand that there is one member who wants to address the House.

So I move that this House adjourn at 2:30 this afternoon until Monday, June 20, 1977, at 1 p.m.

The SPEAKER pro tempore. The motion before the House is to adjourn until Monday, June, 20, at 1 p.m.

The motion is not debatable.

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

Mr. RICHARDSON. I knew this was going to happen. I tried very hard to be recognized before the majority leader spoke, because yesterday when I addressed this House I indicated that I had a motion and I would like at this time to know what the course of action is in relationship to which supersedes which?

The SPEAKER pro tempore. What is the gentleman's query?

Mr. RICHARDSON. My query is, Mr. Speaker, the fact that if there is going to be an announcement made to ask that this House adjourn until Monday, the 20th, then I ask that it be by a roll-call vote and I ask that we come back in tomorrow so that we can finish up the business at hand and deal with what has to be done for next week.

It would seem to me that we are in a very serious crisis right now and I would ask that the members also recognize that and vote against the motion to adjourn so that we may be able to get on with what has to be taken care of.

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

Mrs. KERNICK. Mr. Speaker, I thought the motion to adjourn was not debatable?

The SPEAKER pro tempore. It is not debatable.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I think the matter should be put to a vote.

The SPEAKER pro tempore. The motion, I would caution all members of the House, is not debatable.

### PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. Williams, rise?

Mr. WILLIAMS. Mr. Speaker, I do not want to debate; I wish to ask a question on procedure.

The SPEAKER pro tempore. What is the question, Mr. Williams?

Mr. WILLIAMS. I want to ask the majority leader if he would withdraw his motion so that Mr. Richardson could make a motion which would specifically address the question of staying in session. It would solve the problem one way or the other. At the same time it would give Mr. Richardson the opportunity to put his idea on the floor in a proper way rather than to fight about it.

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

Mr. MANDERINO. Mr. Speaker, not too long ago the members of this side of the aisle elected me as the majority leader. I have made a motion to adjourn this House at 2:30 until Monday and I would ask that the vote be taken.

### QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, I do not want to follow any hard-and-fast rules and I do not think it has to be a big fight. I wanted the opportunity to make an announcement and I would like to make that very briefly before this motion is taken. May I do that?

The SPEAKER pro tempore. The motion before the House is the adjournment motion.

Mr. WILLIAMS. May I do that as a question of personal privilege or may I not?

The SPEAKER pro tempore. Not at this time but immediately following the adjournment motion.

Mr. WILLIAMS. Thank you.

### QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. STUBAN. I am a young freshman and I would like to talk on this adjournment motion.

I come to this House of Representatives to do business. I am a Democratic member of the Democratic caucus. I have sat in caucuses wanting to discuss the business that these people now want to take care of here. If they would have spent the time in the caucus with me, a little rural boy, to listen to their problems, there would be no concern today.

I am speaking on behalf of Mr. Manderino. There is a motion on the floor and I am in favor of that motion. I will be here Monday morning to spend as much time as they want to spend

on this floor or in Democratic caucuses to solve this problem.

#### POINT OF ORDER

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

Mr. RICHARDSON. The only point of order that I have, Mr. Speaker, is whether or not the motion that was made is amendable?

The SPEAKER pro tempore. It is not, sir.

Mr. RICHARDSON. I think it is, Mr. Speaker.

On what rule are you referring to?

The SPEAKER pro tempore. Will the gentleman yield?

Rule 56 states, and I read: "A motion to adjourn or recess is not debatable, cannot be amended and is always in order, except: (a) when another member has the floor; (b) when the House is voting.

"When a motion to adjourn is made it shall be in order for the Speaker, before putting the question, to permit the Majority and the Minority Leaders and/or one member designated by each of them to state to the House any fact relating to the condition of the business of the House which would seem to render it inadvisable to adjourn. These statements shall be limited to two minutes and shall not be debatable."

Mr. RICHARDSON. Mr. Speaker, that which you just read, Mr. Speaker—

The SPEAKER pro tempore. Will the gentleman desist?

I would remind the gentleman that he is not the majority leader and he has not been designated as the rules call for and the motion remains before this House.

The motion has been made by the majority leader, Mr. Manderino, that this House shall adjourn until Monday, June 20, at 1 o'clock. The members shall proceed to vote.

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, as I understand the rule, I am permitted to speak or designate someone to speak?

The SPEAKER pro tempore. That is the rule, yes, sir.

Mr. RYAN. I designate Mr. Richardson.

The SPEAKER pro tempore. In accordance with the request of the minority leader, and I find nothing in fine print here that would permit the Chair to disregard that request—

Mr. MANDERINO. The only thing that I would find, Mr. Speaker, is that he is not the minority leader and he called me once when I was the minority whip and I would not permit him to speak.

The SPEAKER pro tempore. The gentleman's point is well taken.

Is the minority leader on the floor of the House?

Mr. RYAN. The majority leader is on the floor of the House and I am here as the representative of the minority party and their leadership.

The SPEAKER pro tempore. I would beg the gentleman, I do not see anything in fine print that would designate—being an unlaywer, possibly there is something here that—

Mr. RYAN. I suggest, Mr. Speaker, we be careful of precedent at this point.

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

Mr. DeMEDIO. Mr. Speaker, I submit that the power that the minority whip is trying to exercise is not delegable and therefore he cannot designate anybody to speak on behalf of the minority leader.

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

Mr. WILLIAMS. Mr. Speaker, with all this foolishness, Mr. Richardson could have made his point by now.

I just want to know, for common sense, why he cannot talk?

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

Mr. MANDERINO. Mr. Speaker, as I understand the rule, a 2-minute speech by each side is permitted on the advisability or nonadvisability of adopting the motion to adjourn. I will allow Mr. Ryan to designate Mr. Richardson to tell us in 2 minutes or less why we should not adjourn.

The SPEAKER pro tempore. The Chair would like to point out and read: "These statements shall be limited to two minutes and shall not be debatable."

The Chair at this time recognizes the gentleman from Philadelphia, Mr. Richardson, for 2 minutes.

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

Ladies and gentlemen of the House, just for your indulgence, yesterday I grabbed the floor to speak on the question of not adjourning today but for us to come back tomorrow morning at 9:30

I think that there are several bills that are left on the calendar at this present time that should be cleared up in order for us to begin to deal with the school-subsidy question next week as well as the budget. It would seem to me that it is not hurting anyone to stay in session and deal with the matters that are at hand.

Philadelphia is in a very serious situation right now and we certainly need the wisdom of all the members here in the House. We certainly cannot get it done if we wait until next week and procrastinate when we now only have in front of us 14 days to get a budget passed.

I am just asking that the members remember that since January 4 we have not been in session in terms of dealing with a number of issues that are at hand. It would seem to me that the request is not beyond the sort of minds of those who are listening that we have a lot of work that has to be done.

Therefore, Mr. Speaker, I ask that this House, instead of adjourning today at 2:30, just adjourn and I ask that we come back into session tomorrow morning at 9:30 a.m.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—112

Abraham

Gallagher

Lincoln

Scheaffer

Anderson	Gamble	Livengood	Schmitt
Arthurs	Garzia	Logue	Schweder
Bellomini	Gatski	Madigan	Scirica
Bennett	Geesey	Manderino	Seltzer
Berlin	Geisler	McCall	Shuman
Berson	George, M.	McIntyre	Shupnik
Bittinger	Giammarco	McLane	Stairs
Brandt	Gillette	Mebus	Stewart
Brunner	Goodman	Meluskey	Stuban
Caltagirone	Greenfield	Milliron	Taylor, F.
Caputo	Hamilton	Miscevich	Thomas
Cassidy	Haskell	Morris	Trello
Cessar	Hayes, S. E.	Mowery	Valicenti
Cianciulli	Helfrick	Mrkoncic	Vroon
Cohen	Hopkins	Mullen, M. P.	Wansacz
Cole	Hutchinson, A.	Mullen, M. M.	Wargo
DeMedio	Itkin	Musto	Wass
DiCarlo	Jones	Novak	Weidner
Dietz	Katz	O'Brien, B.	Wenger
Dombrowski	Kelly	Pievsky	Wilson
Doyle	Kernick	Prendergast	Wilt
Duffy	Kolter	Ravenstahl	Yahner
Englehart	Kowalshyn	Renwick	Yohn
Fee	Laughlin	Rieger	Zeller
Flaherty	Lehr	Ritter	Zitterman
Foster, W.	Letterman	Ruggiero	Zord
Fryer	Levi	Scanlon	Zwicl

NAYS—69

Armstrong	George, C.	Miller	Ryan
Bittle	Goebel	Moehlmann	Salvatore
Borski	Gray	Noye	Sirianni
Brown	Greenleaf	O'Brien, D.	Smith, E.
Burd	Halverson	O'Connell	Smith, L.
Burns	Hasay	O'Keefe	Spencer
Cimini	Hayes, D. S.	Pancoast	Spitz
Cowell	Hoeffel	Parker	Stapleton
Davies	Honaman	Petrarca	Taddonio
DeVerter	Hutchinson, W.	Piccola	Taylor, E.
DeWeese	Klingaman	Pitts	Tenaglio
Dininni	Knepper	Polite	Wagner
Dorr	Lynch	Pott	White
Fischer, R. R.	Mackowski	Pyles	Williams
Fisher, D. M.	Manmiller	Reed	Wright, D.
Foster, A.	McClatchy	Rhodes	Wright, J. L.
Freind	McGinnis	Richardson	Zearfoss
Gallen			

NOT VOTING—19

Barber	Grieco	Oliver	Wiggins
Beloff	Harper	Pratt	Wise
Butera	Johnson	Rappaport	
Donatucci	Milanovich	Shelton	Irvis,
Dumas	O'Donnell	Sweet	Speaker
Gleeson			

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

**HOUSE BILL INTRODUCED AND REFERRED TO COMMITTEE**

**No. 1349** By Mr. PIEVSKY

An Act amending the "General Appropriation Act of 1976," approved June 4, 1976 (No. 7-A), increasing the appropriation to the Department of Public Welfare for medical assistance.

Referred to Committee on Appropriations.

**QUESTION OF PERSONAL PRIVILEGE**

The SPEAKER pro tempore. The Chair recognizes the

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, I have some information here that I would like to have entered into the record and I would like to read it. It deals with a very serious problem in our area of Lehigh County. For Edward D. Miller, owner and publisher of the Call-Chronicle Newspaper in Allentown, Pennsylvania, to indicate through a ghost editorial, Thursday, June 16, 1977, that Congressman Fred B. Rooney, a former member of this House and now in Congress in Washington, has in effect "lost all around" is just irresponsible and dictatorial news reporting.

I would like to read the editorial which relates to the subject matter as it appeared today in the morning Call-Chronical daily newspaper. It is entitled "Rooney a Winner? Not this Time."

(Reading:)

When does a winner become a loser? When he reneges as a leader and decides to become a follower. That's what Democratic Rep. Fred B. Rooney of Bethlehem did this week on the controversial issue of the Trexler Dam Project. And he dragged Republican Sen. Richard Schweiker down with him.

Rooney has served Lehigh Valley area constituents for nearly 14 years in the House of Representatives. Generally, he has served them very well.

★ ★ ★

For years Rooney championed the Trexler Dam Project in Congress. He did so with good reason. He read and listened to what experts in the field wrote and said. He succeeded in obtaining \$1.3 million in allocations for planning the project.

Then this year, under emotionally political pressure, he folded and suddenly took a "neutral" stance. When the Lehigh County commissioners shunned their responsibility as elected officials and proposed a county referendum on the matter, Rooney quickly climbed on the bandwagon and said he'd be bound by the results.

The Army Corps of Engineers, with President Carter's approval, proposed a \$1.5-million allocation this year to begin land acquisition and construction. Rooney tried desperately in committee to attach a questionable amendment to legislation implementing the proposal. He failed because the committee recognized that linking a federal water project to a referendum in a single county would be unreasonable and would set a dangerous precedent.

When it became apparent to Rooney that he couldn't have his way, he claimed he won when he succeeded in having the House delete the allocation altogether. He didn't win. He lost. So did Sen. Schweiker. So did the people of the Delaware River Basin.

The legality of a binding referendum is questionable on several counts. Twice since 1970 Pennsylvania's Commonwealth Court has considered requests for binding referendums and twice it has rejected them. In one case it said in part:

"One of the prices paid for the creation of a representative government is the vesting by the electorate of trust and responsibility in its elected representatives."

The proposed referendum isn't binding on the Lehigh County

commissioners, although they've made it clear it will weigh heavily on any decision they make to support or oppose the project. It isn't clear whether the Rooney amendment's final form would have been binding, but it was in its initial form and Rooney made it clear it was for him.

Besides, federal legislation provides for Corps of Engineers spending "as authorized by law," not as authorized by county referendums.

★ ★ ★

If the legality is questionable, so is the common sense. The Trexler Dam Project is extremely complex. The experts have studied all its facets and recommend it. As one member of the Allentown medical community put it, a referendum on the Trexler Dam Project is as foolish as a referendum on the controversial drug Laetrile.

Out of this, I would like to say, if you only knew who that medical individual was, you would really be surprised. We do not hold much respect for his comments.

Fred Rooney knows that. He also knows he lost this week, no matter what he says. Among other things he lost is respect as an elected decision-maker.

That is the end of the editorial, and I would like to comment.

It is the height of irresponsibility and blatant disregard for public opinion to have newspapers talking out of both sides of their mouths when the issue at hand is favorable to them and the few friends they represent or it is not favorable.

Mr. Miller's newspapers established a public-opinion section. Why? Just to allow the public to release their feelings without a meaning or message to be sent to those who can either correct or make available their concern? Mr. Miller's papers even saw fit to make a survey on the Trexler Dam issue and other controversial issues. Why? Were these without meaning?

I commend Congressman Fred B. Rooney and Senator Richard C. Schweiker for taking the stand they did in responding to the wishes of their constituents. This is being responsible to those who elected them. They are not bowing to the terrible pressures of the press and their few friends in the Allentown and Lehigh County Chamber of Commerce who have a special interest in the Trexler Dam Project becoming a reality. Congressman Rooney and Senator Schweiker desire to be guided as to the funding of this project through the results of an advisory referendum which is absolutely legal. Since these two gentlemen along with their colleagues in both chambers of the Congress can request funds to be eliminated or added with or without the referendum, this move is a very much needed guide and most important.

I am certain that the Call-Chronicle Newspapers and their few friends of special interest will no doubt pursue the legality of the referendum as they indicated in the editorial.

Mr. Miller, in parroting for his few friends through the dic-

tatorial editorial appears to be more interested in the desires of a few than the wishes and the desires of the majority, by stating that elected Representatives must take action as responsible officials. Yes, responsible to whom I ask? The press and the Chamber of Commerce or to the public who elected them? The latter I would feel is the proper attitude of all public officials.

When this attitude of newspapers and other media, along with their friends who advertise with them, can change the entire meaning of our Constitution, then government of the people, for the people and by the people will be in jeopardy.

The newspapers and the other media always cry "free press." However, the free press moves in the direction too often of a dictator and becomes a judge, jury and verdict of everyone in the community.

Again, I compliment Congressman Rooney and Senator Schweiker for being responsible to the people. This is rare today and evidently has irritated Mr. Miller and his few powerful friends who are in the habit of controlling the officials and the issues. Let us all say hurrah, and may the public continue to speak out and have more positive action by public officials, such as Congressman Rooney and Senator Schweiker.

Thank you for allowing me this privilege.

### WELCOMES

The SPEAKER pro tempore. At this time the Chair would like to introduce two young men, Mr. Jim Creedon and Mr. Don Carraghan, both of whom are students at Liberty High School in Bethlehem and guests of the Representative from Lehigh, Representative Frank Meluskey. The House welcomes the two young men.

The Chair is particularly pleased to welcome the wife, Beverly, and five of eight children of a dedicated House employe, the family of Roy Brungard — Becky, Sue, David, Mark, and Paul. Roy, as we all know, is the messenger clerk of the House of Representatives and has worked for the House since 1945. The Chair welcomes the family. We are particularly pleased to see them here to see the family head at his work of dedication.

### BILL REPORTED FROM COMMITTEE

**HB 1349, PN 1605**

By Mr. PIEVSKY

An Act amending the "General Appropriation Act of 1976," approved June 4, 1976 (No. 7-A), increasing the appropriation to the Department of Public Welfare for medical assistance.

Appropriations.

### ADJOURNMENT

The SPEAKER pro tempore. The hour of 2:30 having arrived, this House is now adjourned until Monday, June 20, 1977, at 1 o'clock, e.d.t.