

Legislative Journal

TUESDAY, JUNE 21, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 48

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

O God, our Father, we know that Thou art the Creator of all there is, and we know that from Eden to the end of the ages Thou dost watch over all of the people of Thy promise. We are aware that Thou dost never fail to help and govern all those whom Thou dost bring up in Thy steadfast fear and love. We pray that Thou wilt grant us to have a perpetual fear and love of Thy name, a repentant spirit to receive Thy forgiveness for our disobedience, and a confidence and trust in the power of Thy grace that we may faithfully serve Thee to the honor and glory of Thy blest name. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, June 20, 1977, will be postponed until printed.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority leader.

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

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

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

The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair now announces for all members within hearing of my voice that the Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

YEAS—198

Abraham	Gallagher	Madigan	Salvatore
Anderson	Gallen	Manderino	Scanlon
Armstrong	Gamble	Manmiller	Scheaffer

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

NOT VOTING—2

Shelton Spencer

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

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1363 By Messrs. CASSIDY, MILLIRON, BROWN, GRAY, GARZIA, SWEET, D. R. WRIGHT, Mrs. WISE and Mr. DICARLO

An Act amending the act of May 20, 1976 (No. 56) entitled, "An act requiring the installation of ramps at crosswalks under certain conditions," making mandatory the installation of ramps at certain locations.

Referred to Committee on Transportation.

No. 1364 By Messrs. CASSIDY, BROWN, GARZIA, D. R. WRIGHT, MILLIRON, Mrs. WISE and Mr. DiCARLO

An Act amending the act of September 1, 1965 (P. L. 459, No. 235), entitled "An act requiring that certain buildings and facilities constructed with Commonwealth funds adhere to certain principles, ***" eliminating an exemption from certain standards.

Referred to Committee on Business and Commerce.

No. 1365 By Messrs. CASSIDY, MILLIRON, LETTERMAN, RENWICK, Mrs. WISE and Mr. DiCARLO

An Act amending "The Fish Law of 1959," approved December 15, 1959 (P. L. 1779, No. 673), providing for free fishing licenses for certain handicapped persons.

Referred to Committee of Game and Fisheries.

No. 1366 By Messrs. CASSIDY, MILLIRON, LETTERMAN, RENWICK, Mrs. WISE and Mr. DiCARLO

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), providing for free hunting licenses for certain handicapped persons.

Referred to Committee on Game and Fisheries.

No. 1367 By Messrs. CASSIDY, YAHNER, BROWN and MILLIRON

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), relieving certain employers of liability for coal related diseases.

Referred to Committee on Labor Relations.

No. 1368 By Messrs. DOYLE, GALLAGHER, STAPLETON, O'KEEFE, Mrs. GEORGE, Messrs. HOEFFEL, GARZIA, MORRIS and BERLIN

An Act amending the act of August 5, 1932 (Sp. Sess., P. L. 45, No. 45), entitled, as amended, "An act empowering cities of the first class to levy, assess and collect, or to provide for the levying, assessment and collection of, certain additional taxes for general revenue purposes; ***," limiting the rate of the tax on wages and net profits as it is levied upon certain persons.

Referred to Committee on Urban Affairs.

No. 1369 By Messrs. DOYLE, GALLAGHER, STAPLETON, HOEFFEL, Mrs. GEORGE, Messrs. O'KEEFE, GARZIA and BERLIN

An Act amending the act of August 5, 1932 (Sp. Sess., P. L. 45, No. 45), entitled, as amended, "An act empowering cities of the first class to levy, assess and collect, *** and permitting penalties to be imposed and enforced," providing for certain tax credits.

Referred to Committee on Urban Affairs.

No. 1370 By Messrs. DOYLE, GALLAGHER, STAPLETON, O'KEEFE, HOEFFEL, Mrs. GEORGE, Messrs. GARZIA, MORRIS and BERLIN

An Act amending the act of August 5, 1932 (Sp. Sess., P. L. 45, No. 45), entitled, as amended, "An act empowering cities of the first class to levy, assess and collect, *** certain additional taxes for general revenue purposes; ***" further providing for the rate of taxation on certain individuals and providing for certain tax credits.

Referred to Committee on Urban Affairs.

No. 1371 By Messrs. DOYLE, STAPLETON, O'KEEFE, HOEFFEL, Mrs. GEORGE, Messrs. GARZIA, MORRIS, BERLIN and NOYE

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

Referred to Committee on Local Government.

No. 1372 By Messrs. BITTLE and SHUMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making self-defense an affirmative defense.

Referred to Committee on Judiciary.

No. 1373 By Messrs. PRATT, TAYLOR, STAPLETON, O'KEEFE, FEE and ARTHURS

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for exclusions from the sales and use tax.

Referred to Committee on Local Government.

No. 1374 By Messrs. HOEFFEL, SHUMAN, COLE, ZELLER, ZWIKL, BROWN, CIMINI, MILANOVICH, STUBAN, Mrs. KERNICK, Messrs. TADDONIO and KNEPPER

An Act amending the act of July 19, 1974 (P. L. 486, No. 175), referred to as the Public Agency Open Meeting Law, adding a short title, purpose clause and definitions, providing for certain executive sessions for the purpose of certain confidential attorney-client communications; removing the element of personal intent from the summary offense and increasing certain penalties.

Referred to Committee on State Government.

No. 1375 By Messrs. BITTLE and SHUMAN

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), providing for the sale of contraband and unclaimed personal property.

Referred to Committee on Local Government.

No. 1376 By Messrs. PITTS, MORRIS, YOHN, FRYER, PANCOAST, WAGNER, CIMINI, WENGER, PICCOLA and BITTINGER

An Act amending the "Juvenile Act," approved December 6, 1972 (P. L. 1464, No. 333), providing for the disclosure of certain records.

Referred to Committee on Judiciary.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair will request that only the members present and in their seats be voted on the master roll.

The master roll informs the Chair and informs the officers of the various caucuses as to who is actually present. It is useless if other people are voting for people not physically present. Please obey the rules.

The Chair advises the members that the Chair has requested that the Speaker's page who stands to his right, beginning tomorrow morning check the members who are voted on the master roll and who are not physically present. The Chair does not wish to embarrass any absent member and the Chair assumes that no present member wishes to embarrass an absent member by having voted for him or her.

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

Mr. POLITE. Mr. Speaker, I am usually here when the master roll is taken; however, this morning we had a meeting and we were a little late getting here. So let us check out the committee meetings that are going to be held tomorrow and hold the board open a little longer, please.

The SPEAKER. The Chair advises the gentleman that the board cannot be held open any longer than 10 minutes for any purpose, and it will not be held open longer than 10 minutes for any purpose.

If there be committee meetings, it would be well advised on the part of the members attending there that they report to the floor. If they cannot do so, they should rise in place, announce the fact that they are reporting, and the Chair will be glad to put their names on the master roll.

BUSINESS AND COMMERCE COMMITTEE**MEETING**

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

Mr. BENNETT. Mr. Speaker, if it is in order, I would like to announce that there will be a committee meeting of the Business and Commerce Committee today when the House breaks for the lunch recess in room 401.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair announces also that a request has been made of the Chair to grant permission, and such permission has been granted, for Ms. Caren Myer to shoot silent newsfilm on the House floor for WPVI-TV, Philadelphia, and WTAE-TV, Pittsburgh. That permission is granted and the lady may now shoot silent film.

BILL REPORTED FROM COMMITTEE

HB 489, PN 1619 (Amended) by Mr. SCHMITT

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, adding provisions relating to public utilities and making repeals.

Consumer Affairs.

CALENDAR**TRANSPORTATION BILL ON SECOND CONSIDERATION**

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1171, printer's No. 1534**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes making omnibus changes.

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

Ordered, to be transcribed for third consideration.

NONPREFERRED APPROPRIATION BILLS**ON SECOND CONSIDERATION**

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1262, printer's No. 1554**, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

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

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1263, printer's No. 1486**, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry Philadelphia Pennsylvania.

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

Ordered, to be transcribed for third consideration.

HB 656 PASSED OVER

The SPEAKER. For the information of the members of the House, HB 656, PN 1000, is now in a position for debate on the Zearfoss amendment. The Zearfoss amendment had passed this House. Then the House, on a motion, reconsidered the vote by which the Zearfoss amendment was adopted. That places HB 656 on the calendar with the Zearfoss amendment ready for debate. The query of the Chair to the majority leader is, what is the pleasure of the majority leader on that question?

Mr. MANDERINO. Mr. Speaker, as stated yesterday and as stated last week, it is the pleasure of the majority leader to handle nothing but HB 1075, HB 593, and SB 770 until those matters have been disposed of.

EDUCATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1075, printer's No. 1308**, entitled:

An Act providing for the creation of the Public School Finance Assistance Authority and providing for its powers and duties; and imposing additional powers and duties on the Department of Education.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the majority leader. Does Mr. Manderino have a second set of amendments to offer to HB 1075 and is he ready to offer those amendments at this time?

Mr. MANDERINO. Mr. Speaker, I have another amendment to HB 1075, a modified version of what was withdrawn yesterday from the amendment placed in the bill. It has not come down from Legislative Reference Bureau, and I would ask that I be given the opportunity to introduce that amendment as soon as it comes down. I do not know if there are other amendments to HB 1075. If there are not, I would ask that we temporarily pass over HB 1075 until my amendment comes down and move on to HB 593.

The SPEAKER. The Chair thanks the gentleman. The Chair will, of course, be pleased to recognize the gentleman when the gentleman indicates that his amendment has been delivered and circulated.

For the information of the members of the House, there is one additional amendment to be offered by the gentleman from Philadelphia, Mr. Richardson.

QUESTION OF INFORMATION

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

Mr. LINCOLN. I rise to a question of information.

The SPEAKER. The gentleman will state it.

Mr. LINCOLN. Do I understand the Chair correctly that whenever Mr. Manderino's amendment comes back down we are going to then discontinue work on HB 593 and go back to HB 1075?

The SPEAKER. I do not think the gentleman, Mr. Manderino, means to indicate that. I think what the gentleman indicates is that if, before we leave, his amendment to HB 1075 is available, that we should immediately call upon him to offer it. I am sure the gentleman would not interrupt the orderly flow of business, if we were in the middle of debate on another bill, to return to HB 1075. But I am equally certain that the gentleman is determined to finish the debate on the amendments to HB 1075.

Mr. LINCOLN. Mr. Speaker, then we do have other amendments right now on HB 1075?

The SPEAKER. The Speaker has been informed that the gentleman from Philadelphia, Mr. Richardson, does have an amendment which was not ready yesterday and the Speaker is about to recognize the gentleman to see if that amendment is available now.

Mr. LINCOLN. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman for his inquiry.

Does the gentleman from Erie, Mr. DiCarlo, have a question?

Mr. DICARLO. Yes, Mr. Speaker.

Mr. Speaker, I too have an amendment to HB 1075 that is not prepared by the Legislative Reference Bureau as of yet.

The SPEAKER. The Chair will put his name on the amendment list.

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

Mr. RICHARDSON. Mr. Speaker, this amendment has not been distributed yet. I would like to give it to the clerk and ask that it be distributed so that all the members may have a copy of it on their desks.

On the question recurring,

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

Mr. RICHARDSON offered the following amendments:

Amend Sec. 202, page 8, by inserting between lines 27 and 28 (12) To conduct a desk audit and a pre-audit by the State Treasurer immediately to determine the fiscal position of the Philadelphia school district, additionally a pre-audit should be conducted annually thereafter to assure fiscal accountability.

Amend Sec. 202, page 8, line 28 by striking out "(12)" and inserting (13)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair advises the members that this amendment has not yet been distributed. If there be objection, the Chair will not entertain debate on this amendment until it is distributed. Does the Chair hear objection?

The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I do object that it be debated until all the members have a copy of the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair will return the floor to the gentleman, Mr. Richardson, for return to debate on HB 1075.

The gentleman, Mr. DiCarlo, has indicated that he has amendments which are not yet prepared.

Before the Chair turns from HB 1075, are there other amendments to be offered, and would you indicate by standing in place who is offering further amendments to HB 1075?

Is the gentleman, Mr. Lincoln, indicating that? Is the gentleman, Mr. Rhodes, indicating that he has amendments to HB 1075? Is the gentleman, Mr. Itkin, indicating that? Is the gentleman, Mr. Hayes, indicating that?

The query that I ask of the floor is that anybody who has additional amendments to HB 1075 would indicate by standing in place.

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

Mr. S. E. HAYES. Mr. Speaker, to the best of my knowledge, there is no one on our side ready to offer an amendment to HB 1075.

The SPEAKER. The Chair thanks the gentleman.

The Chair assumes that the only amendments to be entertained will be Mr. Richardson's, Mr. Manderino's and Mr. DiCarlo's.

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

Mr. LINCOLN. Mr. Speaker, the importance of HB 1075 is such that we should suspend activity in this House until the amendments are ready so that we can continue with the flow of the legislative process as it was ended last night. I think all amendments ought to be offered to this bill and it ought to be

voted on on final passage prior to moving on to anything else, such as HB 593.

The SPEAKER. Will the gentleman yield?

The statement the gentleman made should be heard by the majority leader who is in control of the flow of the business of the floor. Just as soon as the majority leader is available, the Chair will recognize the gentleman, Mr. Lincoln, and you may place your query to the majority leader.

The House will be at ease.

The SPEAKER. The Chair wishes to advise the majority leader that while he was conferring with the minority leader, a position statement was made on the floor of the House by the gentleman, Mr. Lincoln. It is the Chair's opinion that the majority leader should hear that position statement and comment if the majority leader wishes.

Will the gentleman, Mr. Lincoln, restate his position?

The Chair recognizes the gentleman, Mr. Lincoln.

Mr. LINCOLN. Mr. Speaker, I believe the importance of HB 1075 to the process that we are going to be taking the rest of the week, the other fiscal bills on the calendar, is so important that I think we should finish this bill before we move on to anything else. I think we should take the remaining amendments and have a vote on final passage on HB 1075, even if we have to sit and wait for half an hour or 45 minutes or an hour for the amendments to come down. Although I think if the majority leader were to make a call to the Reference Bureau and ask them to give top preference to this bill and the amendments to it, we could have them, probably, in 10 or 15 minutes.

The SPEAKER. The Chair recognizes the majority leader. Does the majority leader care to comment?

Mr. MANDERINO. Mr. Speaker, I do not disagree that HB 1075 is an essential element of our work this week, which consists, in my opinion, of the three bills I have mentioned.

It is my intention to run HB 1075 for the purposes of amendments. It is my further intention to run HB 593 for the purpose of amendments, and it is my intention to run SB 770 for the purpose of amendments and not to vote on final passage on any of the three until they all have been amended and the amendment process has been exhausted. Then we will return to HB 1075 for a final vote when it has been printed in final form, and to HB 593 for a final vote when it is printed in final form, and to SB 770 for a final vote when it is printed in final form.

I think that we lose nothing in that frame of reference by temporarily passing over HB 1075 and begin taking amendments to HB 593. I do not intend to vote final passage on any of the pieces of legislation until all have been amended to the satisfaction of this House.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Lincoln.

Mr. LINCOLN. Mr. Speaker, I understand the intentions of the majority leader. I think it is very important that we find out how many votes we are short for passing this bill, because of the importance of the votes on the other bills on the calendar in reference to whether this bill passes or not.

At the point when this bill is finally amended, when everyone has offered their amendments, I intend to call the bill up for a

vote regardless of what the majority leader wants.

The SPEAKER. The Chair thanks the gentleman.

Does the majority leader desire recognition?

Mr. MANDERINO. Mr. Speaker, I understand what Mr. Lincoln is saying, that there may be votes subsequent to the vote on HB 1075 that depend upon the solution that this House takes to the problems presented by HB 1075. I do intend to run the final vote on HB 1075 prior to the final vote on HB 593 and on the budget. Now that is my intention, and I ask, Mr. Speaker, that we proceed along those lines?

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. O'DONNELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'DONNELL. Mr. Speaker, if HB 1075 is amended, and then HB 593 is considered and amended and SB 770 is considered and amended, and then HB 1075 is brought before the House for a final vote, will not the members have an opportunity even then to amend it further?

The SPEAKER. The gentleman is correct. Any bill on the calendar may be amended on third consideration. However, if the bill passes final passage or final passage postponed, the House will then have to reconsider the vote by which the bill passed third consideration, which the House almost always automatically does. The bill would then again, of course, be available for amendments.

Mr. O'DONNELL. So, even if we consider a number of bills and deal with amendments, when the bill again comes before the House, it can go back through an amendment process?

The SPEAKER. The gentleman is essentially correct. But the Chair would remind the gentleman that the Chair, having served in the capacity of majority leader for years, understands what the majority leader is attempting to do, and that is, to move the House forward to bring the House closer to a solution to the fiscal problem before the end of this week.

I am sure that the majority leader recognizes, as the Chair does, that the method or strategy being used does not foreclose additional amendments being offered.

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

The SPEAKER. Before we pass over temporarily HB 1075, PN 1308, the Chair would inquiry of the chief page whether or not the Richardson amendment has been distributed?

The Chair is informed that the Richardson amendment to HB 1075, PN 1308, is now being distributed. Consequently, the Chair will place the House at ease for a period of 2 minutes to allow the pages to distribute the amendments rapidly, please.

The Chair will then recognize the gentleman from Philadelphia, Mr. Richardson, and the House will then continue to debate amendments to HB 1075

The House will be at ease for 2 minutes.

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

Mr. RICHARDSON. I rise to speak on what I feel is a very im-

portant amendment dealing with the fiscal responsibility and accountability in the Philadelphia School District. I will try to give a brief explanation of this amendment. Presently, in Philadelphia, the auditor general does a postaudit. That postaudit is done after the budget has been submitted. After the year is over they do a postaudit, meaning after the fiscal year is over.

This amendment asks that there be an immediate desk audit and preaudit done by the Treasury Department here in the State of Pennsylvania to determine the fiscal position of the Philadelphia School District. Additionally, a preaudit should be conducted annually thereafter to assure fiscal accountability.

The reason this is being submitted is because there has been much discussion about the fiscal mismanagement that presently exists in Philadelphia and the problems of carrying it on a year-in and year-out basis.

The discussion has come and has been brought to the members' attention that it seems that Philadelphia is being bailed out every year. At this point there does not seem to be any fiscal responsibility as far as knowing what the deficits are prior to the postaudit.

I just think it is most conceivable that our situation in Philadelphia is one that needs to look specifically at the kinds of patronage that exists there in Philadelphia as far as the jobs are concerned, where they are going and what they are going for. A number of members have even come to me indicating that there are a number of jobs that were had this year that were hired by the school board and that the complement of students had decreased somewhat.

Out of 258,000 young people in the City of Philadelphia School District, we feel that this preaudit and desk audit should be done immediately to give us a clear picture as to what the real problems are concerning the Philadelphia school crisis. I think that our children are our No. 1 priority, and in order for us not to fall into the same trap that we have in the past, this would be a remedy to resolve the problems that presently exist. I would ask that all members of the House vote in favor of this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. POTT. Will the sponsor of the amendment, Mr. Richardson, consent to interrogation?

The SPEAKER. Will the sponsor of the amendment, Mr. Richardson, consent to interrogation?

Mr. RICHARDSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. POTT. Thank you, Mr. Speaker.

Mr. Speaker, does the State Treasurer presently employ any auditors?

Mr. RICHARDSON. Does the State Treasurer presently employ any auditors?

Mr. POTT. Yes, Mr. Speaker.

Mr. RICHARDSON. I do not work for that department. I could not answer that question.

Mr. POTT. Mr. Speaker, your amendment calls for a preaudit by the State Treasurer. The purpose of my question, Mr. Speaker, is to determine whether or not the State Treasury

presently has the capacity to audit.

Mr. RICHARDSON. It is my understanding, after checking with the Treasury Department, that you can do a preaudit and that it can be done by the State Treasury Department.

In the past that has been one of the duties and responsibilities that the State Treasury Department did not really move on. In fact, it is a situation where the powers that be in the State Treasury Department are not utilized to their fullest capacity. They have powers that they have never used. This is an opportunity for them to use it in a more reliable and functional way.

Mr. POTT. Thank you.

Mr. Speaker, what do you mean by a "desk audit"?

Mr. RICHARDSON. Yesterday in caucus we discussed the fact that a preaudit could possibly take a considerable amount of time, but that a desk audit could be done in a matter of days and get back to us, in a reasonable amount of time, the exact fiscal responsibility in the audit done by the Treasury Department if it were done immediately.

Mr. POTT. Mr. Speaker, does your amendment call for both a desk audit and a preaudit?

Mr. RICHARDSON. Yes, it does. It indicates that we should move into the immediate area of having the desk audit done and also at the same time move our steps to getting the preaudit moved on while the desk audit is being done.

We are talking about a simultaneous kind of function here so that the members who have raised the question of fiscal mismanagement in Philadelphia really could deal with the problems as they relate to Philadelphia. So we will call for both of them to be done. The desk audit is faster than the overall preaudit. And then we are requesting that it be done on an annual basis, Mr. Speaker.

Mr. POTT. Mr. Speaker, does the state auditor general's department presently audit the City of Philadelphia's School Districts on an annual basis?

Mr. RICHARDSON. It is my understanding, Mr. Speaker, and perhaps this is where the confusion is, the auditor general only does a postaudit, which means it is after the fact. A preaudit means before; it means it is done before the fact.

We are only asking that instead of the auditor general doing it after the year is over, that it be done before to get a better picture as to what the problems are in the Philadelphia School District. In other words, fiscal year 1976-77 should be done now instead of after it is over, which is where the auditor general would come in. Then we would ask for a postaudit.

Mr. POTT. Mr. Speaker, the definition of an audit, I believe, is the examination of detailed transactions and records. How can we examine detailed transactions before they have occurred?

Mr. RICHARDSON. Well, I think that one of the things that perhaps may be missing is that that is an overall audit which gives those. Preaudit means before, what you are expecting to pay out, what your expenditures are. In other words, it does not seem to me that we do that. There is a possibility that books can always be juggled after your fiscal year is over to meet what you have already said you are going to spend.

Mr. POTT. Mr. Speaker, is the purpose of your amendment to

have the state treasury department review the budget, review the projections of the Philadelphia School District? Is that the purpose, to review the projections?

Mr. RICHARDSON. *That is one part of it.*

I think that perhaps you are confusing the issues. What I am saying is that presently we have a situation in Philadelphia, and it has been brought to the attention of the House, that there is constantly fiscal mismanagement year in and year out where members have said for the past 7 years that they are tired of bailing out Philadelphia; there does not seem to be any fiscal accountability. Asking for the desk audit and the preaudit puts into prospective an opportunity for us to deal specifically with the problem of where the moneys are to be spent, where a number of these patronage jobs are and how they come into the system so that we will know exactly where they are. Presently we do not know that. This is only one step of trying to meet that accountability in the city of Philadelphia.

Mr. POTT. Thank you, Mr. Speaker.

Mr. Speaker, may I speak to the amendment?

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

Mr. POTT. Mr. Speaker, I think the amendment is well intended. I think it is wise to have a review of the Philadelphia School District's budget before it is enacted and before HB 1075 would be enacted. However, Mr. Speaker, I certainly question the capacities and the capabilities of the state treasurer's office to effectively conduct a preaudit and a desk audit. For this purpose, Mr. Speaker, I would oppose giving the state treasurer's department this responsibility at this time. I also question, Mr. Speaker, whether or not a fiscal note should be required for this amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman care to interrogate the gentleman, Mr. Pievsky, of the Appropriations Committee?

Mr. POTT. Yes, Mr. Speaker.

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

Mr. PIEVSKY. Yes, Mr. Speaker.

The SPEAKER. *The gentleman may proceed.*

Mr. POTT. Mr. Speaker, on the Richardson amendment, which would, if adopted, authorize a desk audit and a preaudit by the state treasurer, do you know whether or not that amendment requires a fiscal note.

Mr. PIEVSKY. I do not think so, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Pott, have any additional questions?

Mr. POTT. No, I do not, Mr. Speaker.

The SPEAKER. The Chair thanks both gentlemen.

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

Mr. RICHARDSON. Mr. Speaker, I would ask that if the gentleman, Mr. Pievsky, is not sure of the question that was raised by the gentleman that, perhaps, maybe someone who is aware of what the office is—since I have checked it out—perhaps maybe someone else might want to check with the State Treasurer and find out whether or not they can do the preaudit, because it was my understanding that the auditor general, by the Consti-

tion of the State of Pennsylvania, can only do a postaudit and cannot do a preaudit unless we change the Constitution. It would seem to me that perhaps we should look into that inquiry before we make a statement of fact.

The SPEAKER. Does the gentleman, Mr. Pievsky, wish to comment?

Mr. PIEVSKY. I am not sure what Mr. Richardson wants. Does he want a fiscal note for his amendment?

The SPEAKER. The gentleman, Mr. Richardson, has his attention diverted for the moment. Will the gentleman, Mr. Pievsky, desist until his attention is returned?

The floor is occupied now by Mr. Richardson and Mr. Pievsky. *For what purpose does the gentleman, Mr. Letterman, rise?*

Mr. LETTERMAN. I will pass for now.

The SPEAKER. Does the gentleman ask that the Chair return to recognize him at a later time? The Chair will do so.

For what purpose does the lady, Mrs. Harper, rise?

Mrs. HARPER. Mr. Speaker, I rise to support Representative Richardson—

The SPEAKER. The Chair would advise the lady, with all courtesy, that the lady currently is out of order. The floor now belongs to Mr. Richardson, who is interrogating Mr. Pievsky. The Chair will recognize the lady in due course.

Mr. RICHARDSON. Mr. Speaker, I just want to say that I misunderstood the gentleman's response to the gentleman's question. I will withdraw my statement that I just made. I thought you were speaking directly to the treasury department but you spoke to the fiscal note, and I accept your answer.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GOEBEL. Mr. Speaker, I would like to offer some information before we vote on this.

The SPEAKER. Does the gentleman, Mr. Letterman, yield to the gentleman, Mr. Goebel?

Mr. GOEBEL. No; that is okay. I will withdraw. I did not realize Mr. Letterman had the floor.

The SPEAKER. The Chair will recognize the gentleman, Mr. Goebel, following the recognition of the lady from Philadelphia, Mrs. Harper.

Mr. GOEBEL. Thank you.

The SPEAKER. The gentleman, Mr. Letterman, has the floor and may proceed.

Mr. LETTERMAN. Mr. Speaker, I have one question for Mr. Richardson. Will he stand for interrogation, please?

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

Mr. RICHARDSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. LETTERMAN. Mr. Speaker, if you wish the state treasury department to do the audit, are you aware that the state treasury is only authorized to audit state funds?

Mr. RICHARDSON. Yes, Mr. Speaker.

Mr. LETTERMAN. Then would it not be advisable to put the money in if you are recommending the state treasury to do a

special audit. You would have to put the money in the bill for them to do such an audit.

In the next example, they could not do anything with the local taxing money in Philadelphia so they could not give you the answer anyhow.

Mr. RICHARDSON. I do not understand the gentleman's question.

Mr. LETTERMAN. Do you agree that they can only audit state funds?

Mr. RICHARDSON. Yes; I said I did hear that. It is the latter part of your question I did not hear.

Mr. LETTERMAN. Would your amendment be getting out what you want to do?

Mr. RICHARDSON. I think it does. I think it speaks directly to the authority. In the bill on page 8 it specifies that it can ". . . do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts." So I am speaking directly to this bill where, the interjection of this audit can be done in order to give some fiscal accountability to the Philadelphia School District, which presently is not there. That has been raised by you and some other members in this House.

Mr. LETTERMAN. Mr. Speaker, may I make a statement, Mr. Speaker, please?

The SPEAKER. The gentleman has completed his interrogation. A statement is in order and the gentleman may proceed.

POINT OF ORDER

QUESTION OF GERMANENESS OF AMENDMENTS

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

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

Mr. SPEAKER. The gentleman will state it.

Mr. GREENFIELD. Mr. Speaker, this amendment goes to section 202 of the bill which speaks to the general powers of the authority to be created by this bill. Mr. Speaker, the amendment does not speak about the authority. The amendment is speaking to the powers of the state before an authority is even created.

Mr. Speaker, I—

The SPEAKER. Will the gentleman desist?

If the gentleman intends to make a motion, the proper thing is for the gentleman to make that motion and then to support that motion, if he wishes, by debate on that motion. The gentleman will please make the motion so we have a question before the House.

Mr. GREENFIELD. Mr. Speaker, I raise the question of germaneness on this particular amendment to the bill.

The SPEAKER. The gentleman is in order. A point of order has been raised by the gentleman from Philadelphia, the question being: Is the Richardson amendment germane?

The Chair now recognizes the gentleman from Philadelphia, Mr. Greenfield, on the question.

Mr. GREENFIELD. Mr. Speaker, as I stated, the amendment speaks to general powers and general responsibility of the state treasurer with regard to the school district of Philadelphia. HB 1075 is creating an authority, separate and apart from those re-

sponsibilities of the state. Therefore, Mr. Speaker, I think it to be entirely out of order and not germane to the effect and the concerns of this particular bill. It is incongruous and I think it is not germane to this particular section, to this particular bill. I, therefore, ask for a vote in that order.

Thank you, Mr. Speaker.

The SPEAKER. The question has been stated: Is the Richardson amendment germane? That is the sole question now before the House. The Chair recognizes on that question, the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I do not know what proposition would be more germane to this bill and to this effort in HB 1075.

In our caucuses, in the news and on this floor, one of the key questions being raised is the question of fiscal management. We cannot have it 10 different ways. Whether we do it this way or not is one thing, but Mr. Richardson says that pursuant to the basic appropriation or authorization for moneys being used in the school system's institutions that there should be some mechanism of control and/or audit. It is clear that we audit after the fact. He is suggesting that in terms of fiscal management and use of public funds, let us get a handle on this situation before the year starts. Now, maybe some folks do not want the amendment. But to suggest that it is not germane, not relevant and necessary to have some fiscal management in a situation where everybody agrees there very well may be a factor of bad management of public funds, for anyone to responsibly suggest that that is not relevant or germane, to me, is ludicrous. Mr. Speaker, not in terms of evaluating the merits of the amendment, it seems to me that it ought to be absolutely and abundantly clear to everyone here and in Philadelphia that this particular amendment certainly is germane.

The SPEAKER. Is the gentleman from Allegheny, Mr. Goebel, still standing for recognition on the question of germaneness or does the gentleman wish to address the amendment itself?

Mr. GOEBEL. I think I will address the amendment itself.

Mr. SPEAKER. The Chair thanks the gentleman.

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

Mr. DiCARLO. Yes, Mr. Speaker, I will yield to the majority whip.

The SPEAKER. The gentleman, Mr. DiCarlo, yields to the gentleman from Philadelphia, Mr. Greenfield.

Does the gentleman, Mr. DiCarlo, recognize that by so yielding he has used up one of his opportunities to speak on this issue?

Mr. DiCARLO. Yes, I do, Mr. Speaker, which affords me the opportunity of still speaking on the issue of germaneness.

The SPEAKER. The gentleman will have one other opportunity.

The majority whip is recognized by the Chair and he may proceed.

Mr. GREENFIELD. Mr. Speaker, I just want to reassert the feeling I have that this does not pertain to this particular authority and this particular act.

There are built-in guarantees and controls that this act contemplates, and the state treasurer does not have at this present time that kind of authority, as brought out by Mr. Pott and others, to conduct an audit.

In this particular section we are talking about the authority. We are not talking about the school district, but we are talking about the authority, their responsibilities and their powers.

We are not inserting a new, entirely separate concept. I think to do that, in that type of an extraneous manner, flies in the face of this bill and I think that it would be wrong to do so. I think that possibly in other bills it might have appropriate application, but in this particular bill it is out of order and not germane, Mr. Speaker. I do not think it is ludicrous to take that position.

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

Mr. DiCARLO. Yes, Mr. Speaker, on the question of germaneness, I stand to support the germaneness of the Richardson amendment. If the majority whip would read HB 1075, he would notice that section 201 talks about the creation of the authority. It talks about the members who will participate in the authority. If he follows the bill further, on page 6, section 202 talks about the general powers of the authority.

What Mr. Richardson is attempting to do with his amendment is add another section which gives the general authority the right to have the state treasurer conduct a desk audit and preaudit. It is, indeed, germane to this issue. It is granting that authority to the authority set up in this bill.

Now it is very obvious that there are some members from the Philadelphia delegation who feel that there is something wrong in the operation of the Philadelphia school system. I strongly feel that we should support the Richardson proposal.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller, on the question of germaneness.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, yesterday we heard Mr. Greenfield make the following quote as to recommitment, and I do not see any difference in this particular issue he is pursuing of it not being germane. He stated that we must stop our dodging and our hedging on issues and we must face the issues right here on the floor.

I would agree that we must face up to the issue. Since when does not any responsible state body have the power to audit any funds, taxpayers' funds, spent by either elected or appointed officials? As Mr. Williams stated, we must get a handle on this problem. To me, credibility and accountability are always germane. Let us get Mr. Richardson's amendment in there.

POINT OF ORDER

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

Mr. ZITTERMAN. I rise to a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

Mr. Richardson prepared an amendment that says, "To con-

duct a desk audit and a pre-audit by the State Treasurer".

On page 8, section 12, line 28, it says, "To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts.", and Section 408 gives the authority, "The school district may, subject to the approval of the secretary, amend and revise its financial schedule." to do audits.

Mr. Speaker, is it appropriate at this time, due to the circumstances, to ask Mr. Richardson if he would withdraw his amendment to eliminate the debate on germaneness?

The SPEAKER. The gentleman, Mr. Richardson, is being asked if he will stand for interrogation.

Mr. RICHARDSON. I will, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Richardson, indicates that he will stand for interrogation. The gentleman, Mr. Zitterman, will place the interrogation.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, in lieu of the facts as presented, would you, Mr. Richardson, withdraw your amendment?

Mr. RICHARDSON. Mr. Speaker, I thought about that and, after talking with some other members, it seems to me that I would want to stand on the side of germaneness of it. If there is a problem in the wording, then I would be more than happy to change the wording and then offer another amendment.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Richardson, has not indicated that he is willing to withdraw.

The Chair now recognizes, on the question of germaneness, the gentleman, Mr. Johnson, from Philadelphia.

Mr. JOHNSON. I would like to ask Mr. Greenfield a question, Mr. Speaker.

The SPEAKER. Will Mr. Greenfield stand for interrogation?

Mr. GREENFIELD. Yes.

The SPEAKER. The gentleman from Philadelphia, Mr. Greenfield, indicates that he will stand for interrogation. The gentleman from Philadelphia, Mr. Johnson, will place the interrogation.

Mr. JOHNSON. Mr. Speaker, on page 4, line 14 in the bill, we are putting the education department in this bill with the authority to monitor the program as far as selling the building.

What difference would it be to put the treasury department in here to monitor the program if Mr. Richardson's bill passed?

Mr. GREENFIELD. The point is, Mr. Speaker, that this bill is speaking about an authority and is granting certain powers to that authority. In this particular section we are talking about those powers and responsibilities, not the auditing procedure and not the controls. We are talking about the power of negotiation, the power to accept plans, and so forth. In this particular section it would be out of order. It would not be germane to that particular section, and, therefore, that is why I am contesting the wording, the application and the placement of the particular amendment.

Mr. JOHNSON. Mr. Speaker, I would like for Mr. Greenfield to explain to me page 4, line 14, where we are giving authority to the Department of Education, and I am questioning the fact of whether this same power can be given to the treasury department.

Mr. GREENFIELD. That is in the right place. This is in the wrong place.

Mr. JOHNSON. You questioned the germaneness of this bill.

Mr. GREENFIELD. I am questioning the germaneness of the amendment to the particular section of the bill, yes.

Mr. JOHNSON. On what grounds do you question it? On the treasury department, if it is being enacted in the bill, or do you question it because of the auditing procedure?

Mr. GREENFIELD. No. I am questioning it on the basis that we are dealing with the powers of the authority and this does not pertain to the powers of the authority.

Mr. JOHNSON. Thank you, Mr. Speaker.

Mr. Speaker, I cannot see what the difference is between giving the powers of authority to the education department or giving the powers of authority to the treasury department and that is why I would vote in favor of the germaneness. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Bittinger, on the question of germaneness.

Mr. BITTINGER. Thank you, Mr. Speaker.

I may be able to help clear this up just a little bit. I believe that the amendment is germane. I think the problem in the question may be able to be cleared up. As I read it, the amendment would grant to the authority the power to conduct the audits by the state treasurer, and obviously the authority is not the state treasurer so it cannot conduct the audits by the treasurer.

If we were to change the wording to, "have conducted by the state treasurer," I think that might clarify it, and I think that the amendment is extremely germane because this would be another power of the authority and I think it is extremely germane.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Williams, to speak for the second time on the question of germaneness.

Mr. WILLIAMS. Mr. Speaker, I would ask if the majority whip would stand for interrogation on this issue, briefly.

The SPEAKER. Will the majority whip stand for interrogation?

Mr. GREENFIELD. Yes, I will.

The SPEAKER. The gentleman from Philadelphia, Mr. Greenfield, has indicated that he will stand for interrogation. The gentleman from Philadelphia, Mr. Williams, will place the interrogation.

Mr. WILLIAMS. Mr. Speaker, in view of your objection on germaneness, being the fact that Mr. Richardson's amendment does not relate to the authority's power in that particular section, and in view of the fact of that being your objection, if the amendment read that the authority should conduct the desk audit and the preaudit through the treasurer, would you be in favor of the amendment?

Mr. GREENFIELD. I am sorry, would you repeat that?

Mr. WILLIAMS. Yes, I will repeat that. Since your objection is that the Richardson amendment is not germane because it does not tie in with the powers—

The SPEAKER. The gentleman will desist. The debate is strictly limited to the question before the House, which is, Is

the Richardson amendment, as currently worded, germane? It is speculative as to what it may have been worded or should have been worded and whether or not if it were changed that any member would agree with its germaneness. The only question that the gentleman, Mr. Williams, may correctly address himself to at this time is, Is the Richardson amendment germane?

The gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, I understand that and I agree with that and I did not want to violate the rules, except that I was trying to pick up on what the Speaker did entertain with the previous comments to constructively change the amendment if necessary. And I thought that if it would be made agreeable to Mr. Greenfield, and he would be in favor of it, that would solve our problem. I just wanted to know if the wording was made correctly to give the power—

The SPEAKER. The Chair would advise the gentleman that the Chair has studied in law school, also, and the Chair understands how a lawyer may ask a question and not ask it. The Chair advises the gentleman that he is well aware of the gentleman's intentions.

The Chair thanks the gentleman.

Mr. WILLIAMS. Thank you, Mr. Speaker.

The SPEAKER. The Chair now recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, most of the discussion on the amendment and its germaneness seems to circle around whether or not it is germane in HB 1075 that is setting up an authority to allow a detailed investigation into the financial affairs of the school district, and there is no question that that kind of an inquiry would be germane in this bill. In fact in section 409 of the bill, there is a provision for such detailed investigations.

If you would read on page 19 of the bill, there definitely is set up in a different department, not the state treasurer but the department of education, the power, at any time, to make such investigations and audits of financial records that it deems appropriate to assure compliance with the financial schedule. That financial schedule, as defined in the act, is the budgets of the districts. And I think that—

POINT OF ORDER

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

Mr. WILLIAMS. I rise to a point of order, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. WILLIAMS. Mr. Speaker, I understood that the discussion and debate was on the question of germaneness. So far the majority leader is speaking on the merits of the amendment, and I call a point of order.

The SPEAKER. The Chair would advise the gentleman from Philadelphia that his objection is well taken, but the Chair would observe that majority leaders have a tendency to wander a bit. Not the present majority leader but the past majority leaders have done so with the knowledge of the Chair.

Mr. WILLIAMS. So do minority members, Mr. Speaker.

The SPEAKER. The Chair is sure the majority leader has heard the admonition and will constrain himself to the debate on germaneness.

Mr. MANDERINO. I do not agree that I am not discussing germaneness. I am discussing whether or not an amendment that would allow a detailed look at budgets is germane to HB 1075 which is the question. I am pointing out that not only do I think it is germane, but I point to the bill and say that the body of the bill indicates that we intend to do that.

I do agree, however, with Mr. Greenfield that the section of the bill that Mr. Richardson attempts to amend here is a section of the bill that sets up the power of the authority. Authority is the vehicle through which the money is going to be borrowed, the bonds are going to be floated, the money is going to be taken down by the school district, the leases are going to be executed for the payback, and I do not think in that section of the bill that the Richardson amendment is appropriate. It may be appropriate to other sections of the bill, it may be appropriate to the School Code, it may be appropriate to HB 593, but I do not think it is appropriate where it is attempted to be attached, and I would ask that members vote against germaneness of the amendment.

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

The following roll call was recorded:

YEAS—148

Abraham	Garzia	Madigan	Scirica
Anderson	Geesey	Manmiller	Seltzer
Armstrong	George, C.	McCall	Shuman
Barber	Gillette	McClatchy	Shupnik
Bellomini	Goebel	McGinnis	Sirianni
Berson	Gray	McLane	Smith, E.
Bittle	Greenleaf	Mebus	Smith, L.
Brandt	Halverson	Meluskey	Spitz
Brown	Hamilton	Miller	Stairs
Burd	Harper	Milliron	Stapleton
Burns	Hasay	Miscevich	Stewart
Butera	Haskell	Moehlmann	Stuban
Caltagirone	Hayes, D. S.	Morris	Taddonio
Cassidy	Hayes, S. E.	Mowery	Taylor, E.
Cessar	Helfrick	Mrkonic	Taylor, F.
Cohen	Hoeffel	Mullen, M. P.	Thomas
Cole	Honaman	Mullen, M. M.	Trello
Cowell	Hopkins	Musto	Valicenti
Davies	Hutchinson, A.	Novak	Vroon
DeVertter	Itkin	Noye	Wagner
DiCarlo	Johnson	O'Brien, D.	Wansacz
Dietz	Katz	O'Connell	Wass
Dininni	Kelly	O'Keefe	Weidner
Dombrowski	Kernick	Parker	Wenger
Dorr	Klingaman	Petrarca	White
Doyle	Knepper	Piccola	Williams
Duffy	Kolter	Pitts	Wilson
Dumas	Kowalshyn	Polite	Wilt
Fischer, R. R.	Laughlin	Pyles	Wise
Fisher, D. M.	Lehr	Rappaport	Wright, D.
Flaherty	Letterman	Reed	Wright, J. L.
Foster, A.	Levi	Richardson	Yohn
Foster, W.	Lincoln	Ritter	Zearfoss
Freind	Livengood	Ruggiero	Zeller
Fryer	Logue	Ryan	Zitterman
Gallen	Lynch	Scheaffer	Zord
Gamble	Mackowski	Schweder	Zwilk

NAYS—44

Arthurs	Englehart	McIntyre	Salvatore
Beloff	Fee	Milanovich	Scanlon
Bennett	Gallagher	O'Brien, B.	Schmitt
Berlin	Gatski	Oliver	Sweet
Bittinger	Geisler	Pancoast	Tenaglio
Borski	George, M.	Pievsy	Wargo
Brunner	Giammarco	Pott	Wiggins
Caputo	Gleeson	Prendergast	Yahner
Cianciulli	Goodman	Ravenstahl	
DeMedio	Greenfield	Renwick	Irvis,
DeWeese	Jones	Rieger	Speaker
Donatucci	Manderino		

NOT VOTING—8

Cimini	Hutchinson, W.	Pratt	Shelton
Fryer	O'Donnell	Rhodes	Spencer
Grieco			

The question was determined in the affirmative and the amendments were declared germane.

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

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

Mr. GOEBEL. Mr. Speaker, the only thing that I would like to point out is that having served as a school director for around 5 years in the North Hills School District with approximately 9,000 students, every year we had awarded contracts for an auditor, and for a district that size it was approximately \$8,000 for an audit.

The Philadelphia School District has 240,000 students in it. I do not know what it would cost for an audit, but I am sure it would be \$100,000 to \$200,000.

I think that the gentleman, Mr. Richardson, is on the right track. There is something wrong but I am not sure if he is going to get the answers that he is looking for with an audit or a pre-audit.

I think that if you would look at the past audits, you should be able to determine the same thing that you would determine from a preaudit right now: Something is wrong, yes. The figures do not balance, yes, or the figures do balance, yes. That is not going to solve the problem.

I think that the regular audit that the auditor general does every year is going to tell you the same thing, and if there is anything to be gained by an audit, I think that you should be able to get the same information from past audits. I think the problem has to be attacked in a different manner than audits. I think the gentleman, Mr. Richardson, ought to explore other avenues. I think it would be more beneficial for the expenditure of the taxpayer's money.

I think what we are going to have is just a duplication of service with a preaudit and again an audit by the attorney general. This is just to fill it out as information and my thoughts on the matter.

Thank you, Mr. Speaker.

The SPEAKER. The Chair now recognizes the gentleman from Franklin, Mr. Shuman, on the question of the Richardson amendment. The gentleman is in order and may proceed.

Mr. SHUMAN. Mr. Speaker, I support the Richardson amendment. As an added comment to the gentleman who just spoke, we realize that the auditor general does postaudits. A year or two later they have no power to even bring any charges or actions against mistakes.

We also are aware that desk audits are available to take up the slack or to catch, we will say, the wrong figures in the wrong columns that many times purposely have been there to inflate a budget, so that the decisionmakers with the authority or the school board could come up with extra tax money to make the ends meet.

On Wednesday of this week there is going to be a desk audit of a school district in Pennsylvania by the controller's office, a member of the school administration and the auditor general's office, to come up with the right figures in the right place that will prepare for the adoption of a budget in a school district, and it may be called to the attention of the school board, that is busy doing other work, where figures were wrong in the wrong column and that they may not even need the tax increase that is being advocated.

I think his amendment not only is in order but it is just a matter of good economics and it is an item, for example, that when we first asked about the possibility of a desk audit or a preaudit which would be made by the controller's office, by the way, they did not recall ever making one in the last 3 or 4 or 5 years. The treasurer's office also indicated that they do audits or they can audit and they have pledged their cooperation in this so-called desk audit, to later determine whether or not they really do need the preaudit and come up with facts and figures to save the taxpayers' money.

This item has been very near and dear to me for the last year. Wednesday's desk audit is a combination of people getting their heads together and, under the law, they have the right to do it, but no one ever did it. It is very essential if we are going to save the taxpayers additional millage back home, merely because some business administrator put in the wrong subsidies, the wrong amounts did not go to an intermediate unit, and so on, and they could not come up with actual figures whereby a school board could make the right decision the last week of June of what money is really needed in taxation to do the job. This item here is where they are saying that a desk audit, undoubtedly, is going to bring an answer to all the schools, the controller and the auditor general's office — who, by the way, have been pleading for us to give them the authority to bring action against school boards for doing the wrong things at the wrong time, and no action has ever been brought against them.

By the way, there are cases of where, after the fact, as a gentleman said back here, they have found more than mistakes and they have jailed certain school boards for wrongdoing.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper, to speak on the Richardson amendment.

Mrs. HARPER. Mr. Speaker, I rise to support Representative Richardson's amendment. I should like to use an old phrase that my grandmother said, "If you do not have dirty linen, you do not have to worry about hanging it out." Let us go ahead and have an audit of the Philadelphia school system.

There have been a lot of rumors about waste. Let us have the audit and clear the air.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Williams, to speak on the Richardson amendment.

Mr. WILLIAMS. Mr. Speaker, I rise also to support the Richardson amendment. I think that it sort of capitalizes the bottom line of everything we have been talking about. Very frankly, here we are in the middle of June on something that probably could have been seen, projected, dealt with and dug into last year if a procedure like this had been had. I speak specifically of the fact that the Philadelphia school situation reflects some specific things which show that we are in great and dire straights, and the debate about this issue, I think, aside from other things, indicates that Philadelphia and its children do have a very clear need.

It also reflects, however, a lack of planning and capacity on our part, and the figures show that. The figures would have shown that last year, and I would think that having shown that last year to people who had a responsibility, it would have dictated that we move ahead and not be at this critical crisis point where we are trying to pass a budget; we are trying to talk about taxes and we are trying to talk about a heavy thing like Philadelphia education funding. In other words, some of the plans relating to money in our budget and in other budgets were things that we could not do, and I would like you, if you can, to tell me how it is logical or businesslike to proceed on things that you cannot do, only to get to the moment where we are now, where 10,000 people may lose their jobs, where needed basic educational programs are threatened, where an economy of a city, indeed, is threatened, both in terms of money the state would lose, the city would lose, and the jobs that would be lost. Mr. Richardson's amendment says that somebody in this State, beforehand, would have something to say about that, whether or not it is \$96 million for things that we are contracted for and must pay, or what we would decide to do ahead of time on things like that.

Mr. Speaker, I support Mr. Richardson's amendment, not only because it makes good sense but, by hindsight, it clearly tells us that if we had something like this, we would not be where we are now and, hopefully, we would not get there in the future.

Thank you, Mr. Speaker.

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

Mr. MORRIS. Thank you, Mr. Speaker.

I, too, have had considerable experience on a school building authority. In fact we floated the bonds and conducted the financing for two rather large school buildings in my home school district.

I support this amendment and the reason is very simple. Moody's and the people who broker the bonds do so on the credit of the school district, not on the credit of some authority behind which, as specifically in this bill, the faith and credit of the Commonwealth is not pledged.

I do not know what the result of the rating is going to be in this situation, but you simply are not going to get a rating or be able to sell the bonds unless you have the kind of an audit that Mr. Richardson is talking about. I think it is essential to the bill and I ask every member to support Mr. Richardson's amendment and vote for it.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. BITTINGER. Thank you, sir. Two points: First of all, I gather today, even after my comments, I was recorded on the board in the negative on the question of germaneness and I should have been recorded in the affirmative.

The SPEAKER. The Chair recognizes the gentleman to state that his vote was incorrectly recorded on the board. The corrective statement will appear in the record.

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

Mr. BITTINGER. Thank you.

I am not sure really if I want to interrogate Mr. Richardson or Mr. Pievsky. My question would be: Does the state treasurer's office physically have the manpower on hand to conduct the desk audit and the preaudit? This was discussed a bit earlier and I do not really know if it was answered. I guess we will start with Mr. Richardson, if I may.

The SPEAKER. Would the gentleman, Mr. Richardson, stand to be interrogated?

Mr. RICHARDSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Richardson, from Philadelphia indicates that he will. The gentleman from Cambria may proceed with the interrogation.

Mr. BITTINGER. Thank you, Mr. Speaker.

I do support the amendment. My question is: Does the state treasurer's office physically have the manpower capability to do this job?

Mr. RICHARDSON. Mr. Speaker, as the question was asked before, I indicated that I do not know the management of that department and what its capabilities are as far as manpower is concerned, but it is my understanding that they do have the authoritative power to do so. Now whether or not they have to have additional persons, I do not know.

Mr. BITTINGER. Mr. Speaker, I know that there are many departments that have powers that they do not enforce or that they do not use, and, as I said, I do support the amendment. I think we should be aware that the state's treasurer's office may very well come back to us and say, we need more money to put on more manpower to carry out your mandate. I would ask for your support for the amendment, but I think that we should be aware that that may be a very real possibility. Thank you.

The SPEAKER. The gentleman, Mr. Pievsky, recognized that there are two others to be recognized before him and does he ask that Mr. White yield the floor?

Mr. PIEVSKY. I wish that he would. I just wanted to know his answer.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. White. Will the gentleman yield?

Mr. WHITE. I will yield to Mr. Pievsky.

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

Mr. PIEVSKY. In reference to the gentleman's question about cost, Mr. Speaker, a fiscal note is now being prepared for Mr. Richardson's amendment, and I think that I ought to alert the House that it would require a staff of a minimum of 21 people, including auditors, accountants and supporting clerks, and the cost could reach a half-million dollars, which is not presently in the state treasury's budget.

The SPEAKER. The members will be advised to pay attention to the proceedings of the House at this point. It is the recollection of the chair that a query was placed concerning the fiscal-note requirement for this amendment at an earlier time. The Chair directs that query now to the Appropriations Committee Chairman. Is the Chair's recollection correct? Was the question on a fiscal note placed to the Appropriations Committee Chairman at an earlier time?

Mr. PIEVSKY. Yes, it was, Mr. Speaker.

The SPEAKER. It is the Chair's recollection that the Appropriations Committee Chairman's reply at an earlier time was that he did not know whether or not this required a fiscal note. Is the Chair's recollection accurate on that?

Mr. PIEVSKY. Yes, it is, Mr. Speaker.

The SPEAKER. Then the Chair finds itself in the position of stating to the gentleman from Philadelphia that he is now answering a query which was placed at an earlier time. The Chair does not recall who placed the inquiry. Will the member who placed that inquiry, the gentleman from Allegheny, Mr. Pott,—

Mr. SALVATORE. Mr. Speaker, he just stepped out. He will be right back.

The SPEAKER. All right. The Chair wishes that the dignity of its position does not preclude him from saying what the Chair was then trying to say.

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

Mr. DiCARLO. Mr. Speaker, there evidently is a misunderstanding, and perhaps we ought to take time to have the stenographers read the reply of Mr. Pievsky. I reluctantly disagree with the Chair, but I thought the Appropriations Committee Chairman, upon the question, responded that he thought it did not need a fiscal note. That was the response, he did not—

The SPEAKER. The gentleman, Mr. DiCarlo's, recollection is perhaps and probably more accurate than the Chair's. The Parliamentarian advises the Chair that, in his opinion, the Chair misstated the answer of the Appropriations Committee Chairman, and the Chair will not act as the judge and will order the official stenographers to return to the query placed by the gentleman, Mr. Pott, of Allegheny County, as to the necessity for a fiscal note for the Richardson amendment. The Chair desires to have the information as to the reply to that query.

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman, Mr. DiCarlo. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. Mr. Speaker, I would like at this time to ask the House for a suspension of the rules.

The SPEAKER. Will the gentleman withdraw his motion at this time until the Chair can ascertain the answer to this query earlier placed by the gentleman, Mr. Pott. Then the Chair will recognize the gentleman.

Mr. DiCARLO. Yes, Mr. Speaker, I will temporarily yield.

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

Mr. GOEBEL. Mr. Speaker, perhaps I can save the House members and yourself some time. There is some information I have here that says that under section 201 in the creation of the authority under HB 1075, the members of the authority are the governor, the state treasurer and the auditor general, among others, and that the Pennsylvania Constitution, article 8, section 10, states that the members of a governing body cannot audit themselves.

So if the intention of Mr. Richardson is to have the treasurer do the audit, he is going to have to be removed from the authority, and the auditor general is not going to be the one either.

The SPEAKER. The Chair appreciates that the gentleman is trying to be helpful but the gentleman is going on the tangential course at the present moment.

The Chair has placed an official request of the official stenographer to give the Chair the reply to an earlier query. Does the Richardson amendment require a fiscal note? The Chair wishes to curtail any further debate on the Richardson amendment until the Chair has that reply, and the House will now stand at ease.

The House will be in order. The Chair stated earlier for the record that it was the Chair's recollection that on a query by the gentleman, Mr. Pott, as to the necessity for a fiscal note to the Richardson amendment, that the answer of the Appropriations Committee Chairman was, "I do not know." The Chair has been advised that the Chair's recollection is inaccurate and the Chair so believes.

To establish the correct answer so that the House may proceed from this point, the Chair now instructs the official stenographer to read the query of the gentleman, Mr. Pott, as to a fiscal note and to read the reply of the gentleman, Mr. Pievsky, to the query.

STENOGRAPHIC NOTES READ

Miss JANEY SALAY. (Reading:)

The Speaker. The gentleman, Mr. Pievsky, indicates that he will stand for interrogation. The gentleman, Mr. Pott, has asked Mr. Pievsky on the Richardson amendment, which would, if adopted, authorize a desk audit and a preaudit by the state treasury, whether or not that amendment requires a fiscal note.

Mr. Pievsky: I don't think so, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

That shows you who ranks around here, Janey.

The answer, then, from the gentleman from Philadelphia is, "I do not think so." It is not a totally negative answer.

I would suggest to the members that we are establishing a very important precedent in this House and that you pay strict attention to it because we are going to be held to it.

The Chair now recognizes the gentleman, Mr. Pievsky. Does the gentleman wish to correct an error in judgment in answering the prior query?

Mr. PIEVSKY. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order and will now state his considered reply to the query by Mr. Pott. Does the Richardson amendment require a fiscal note?

Mr. PIEVSKY. Mr. Speaker, since I made that statement, it has been brought to my attention that the Richardson amendment does need a fiscal note. I did not rise, Mr. Speaker, to debate the merits of the Richardson amendment. I just thought it was my duty at this time, as the chairman of the Appropriations Committee, to alert the House as to the fiscal impact.

It has been brought to my attention that a fiscal note is now being prepared and will be distributed, and I thought I might say, at this time it will cost close to a half-million dollars for a staff of a minimum of 21 people to be based in the city of Philadelphia to proceed with this preaudit.

The SPEAKER. The Chair announces to the members that the fiscal note is now being distributed. The Chair would ask the indulgence of the members to read a portion of Rule 19(a) of this House. The Chair is reading, if the members are following, from page 16, beginning at line 19: "No amendment to a bill . . ."

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo. For what purpose does the gentleman interrupt the Chair?

Mr. DiCARLO. A point of order, Mr. Speaker.

The SPEAKER. The gentleman may state his point of order.

Mr. DiCARLO. Mr. Speaker, at this time I would like to move that the House suspend the rules.

The SPEAKER. The gentleman will yield until the Chair has read the rules, then the Chair will recognize the gentleman for his motion.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. Mr. Speaker, I do not want to get into a debate with the Chair. The Chair knows that personally I do not want that clash with the Speaker; however, I strongly feel that the members of this House know the issue in front of us. The members of this House debated the rules in extensive sessions prior to the beginning of this term and the members of the House know backwards and forwards the rule of 19(a). I believe that the Chair at this time does not have to take the time to read 19(a) to us, and at this time I would like the Chair to honor my request.

The SPEAKER. The Chair will not recognize the gentleman for that purpose.

Mr. DiCARLO. Thank you, Mr. Speaker.

The SPEAKER. Rule 19(a) says: "No amendment to a bill which may result in an increase in the expenditure of Commonwealth funds or which may entail a loss of revenues in addition to that originally provided for in the bill prior to the proposed amendment shall be voted upon until the day following the distribution of a fiscal note to the members with respect to such amendment showing the fiscal effect . . ." et cetera. That is the rule of the House.

RULES SUSPENDED

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

Mr. DiCARLO. Mr. Speaker, I now move that the rules of the House be suspended.

The SPEAKER. The gentleman is in order with that motion.

On the question,

Will the House agree to the motion?

QUESTION OF INFORMATION

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

Mr. POLITE. I rise to a question of information.

The SPEAKER. The gentleman will state it.

Mr. POLITE. Mr. Speaker, for what purpose are we suspending the rules?

The SPEAKER. Rule 19(a) would preclude this House from further consideration of the Richardson amendment because the Richardson amendment requires a fiscal note, which is currently being distributed. Rule 19(a) says that the House may not vote on the Richardson amendment or any other amendment with a fiscal note attached to it until the day after distribution.

Mr. POLITE. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—152

Table listing names of members who voted 'YEAS' in a roll call. Includes names like Armstrong, Gallagher, Madigan, Schmitt, etc.

Table listing names of members who were present or participated in the proceedings. Includes names like Cassidy, Hayes, D. S., Noye, Thomas, etc.

NAYS—40

Table listing names of members who voted 'NAYS' in a roll call. Includes names like Abraham, Fee, Manderino, Salvatore, etc.

NOT VOTING—8

Table listing names of members who did not vote in a roll call. Includes names like Hutchinson, A., O'Connell, Pratt, Spencer, etc.

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

On the question recurring,

Will the House agree to the amendments?

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

Mr. WHITE. Mr. Speaker, for the last few weeks, and I dare say for the last few months, there has been considerable debate among the members of this House of Representatives and interested parties as to the fiscal accountability and the fiscal responsibility of the school district of Philadelphia.

This is not only a concern for us as elected officials but this is a concern that has been voiced by the citizenry of Philadelphia for years that we, too, in Philadelphia are tired of irresponsibility in the fiscal management in the school district of Philadelphia. We have posed serious questions as to the availability of funds, as to the need for such funds to be expended for the educating of children in the city of Philadelphia.

I have heard over and over from members of this House that year after year Philadelphia comes back for more money for Philadelphia schools. You are tired of it and I daresay that Philadelphia is tired of it as well. The passage of this amendment, Mr. Speaker, will go a long way toward us deciding once and for all whether or not the moneys being allocated to the school district of Philadelphia are being spent to better the edu-

cation of those children who are consumers of that education.

The question of a preaudit was raised with school district officials. They were vehemently opposed to it, Mr. Speaker, with no explanation as to their opposition except to say that they do not want it, that they are already audited enough. It is my understanding that this state has never done a complete audit of the expenditures of the Philadelphia School District.

This amendment not only should pass but this amendment must pass if we are to move toward the gaining of fiscal responsibility and accountability by the leadership of city government in Philadelphia as it relates to the school district of Philadelphia.

I would urge every member present to vote "yes" on the Richardson amendment. Thank you very much.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I initially believed that it would be impossible to amend a bill as illconceived as HB 1075 to improve it in any way whatsoever and I came to this floor with the intention of voting against every amendment thereto. However, if this House is insistent upon throwing away this much money, I, for one, would like to see where we are throwing it and I support the Richardson amendment. Thank you.

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

Mr. SHUMAN. May I ask Mr. Pievsky a question?

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

Mr. PIEVSKY. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SHUMAN. Mr. Speaker, may I ask you how you arrived at the 21 auditors, 16 clerks, or whatever it is, and accountants? Who did you consult with to arrive at the number of people who are necessary, and did you consult with anyone as to how many people may be available there at the Treasurer's Office to assist with this chore presently?

Mr. PIEVSKY. This information was brought to my attention by the technicians of the Appropriations Committee: that the staff would have to be based in the city of Philadelphia due to the enormous budget of the school district of Philadelphia; that it would require a minimum of 21 people including auditors, accountants and supporting clerks.

Mr. SHUMAN. How many people does the treasurer have now who could be part of that?

Mr. PIEVSKY. As far as the treasury department is concerned, they say that they do not have any people available.

Mr. SHUMAN. Who in the treasury department?

Mr. PIEVSKY. Pardon me?

Mr. SHUMAN. Did you talk to the treasurer?

Mr. PIEVSKY. I believe my technicians contacted the treasury department.

Mr. SHUMAN. When? This morning?

Mr. PIEVSKY. Yes.

Mr. SHUMAN. He is away for 2 weeks.

Mr. PIEVSKY. In fact, a fiscal note is being prepared now.

Mr. SHUMAN. I was trying to get him; he is attending the Treasurers' Convention.

The SPEAKER. The gentleman from Franklin is getting mighty shrewd.

Mr. SHUMAN. In fact, I could not find anyone down there in authority. Durbin took off this morning, too.

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

Mr. ZELLER. Mr. Speaker, back in 1972, after the problems we went through in 1971, it was estimated that there was a tremendous problem in the area of welfare in regard to the so-called fraudulent operations by some people.

An investigation went underway and it cost us \$25 million to recover \$20 million, and the project was dumped. I believe that with a bill estimated to run us over \$100 million and possibly, I have been told, it could run in the area of \$600 million within 30 years, I do not think \$482,000 is what you would call a large sum of money to investigate. It is a lot of money, right, but matching what the problem is and going back to 1972 which cost us \$25 million to recover \$20 million, I believe we are on the right track. That is why I say we should vote for the Richardson amendment and get on with it.

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, should this bill pass, HB 1075, we think that there are adequate safeguards and adequate controls built into the bill itself for proper auditing and proper control and supervision over the school district of Philadelphia.

The amendment proposed by my good friend, Representative Richardson of Philadelphia, to me, as brought out very aptly by Representative Pott, is vague and ambiguous. I do not know just what the object or the result or the procedure or the system of this kind of audit would take, but HB 1075 does tell you the procedures and the plan of auditing and control.

Preaudit has many different concepts in the controlling areas of controllers within the State of Pennsylvania. Therefore, that is one point that I think we ought to take into consideration: its vagueness and ambiguity.

The other point is that we are here not to cover up anything, but we are here to get relief and help for the citizens and the children of Pennsylvania's City of Philadelphia. This amendment calls for an immediate audit, preaudit, of a \$600-million system, before, apparently, that kind of help will be forthcoming should this bill be passed.

Therefore, I do object and do rise in opposition to the amendment. It may have good intentions but I think it is a delaying tactic; I think it is an obstructionist tactic; I think it is a harmful tactic.

The Department of Education has controls in this bill and why should we now be trying to find other avenues to audits and preaudits and postaudits at a time when we are out to see that the children of Philadelphia get an education? I think it is the wrong time and I think it is the wrong place. I think we ought to get on with this particular bill and give help, give aid, to the children who need it so desperately in our city. Thank you.

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

Mr. SELTZER. Thank you, Mr. Speaker.

Let me characterize this amendment as saying much to do about nothing.

Mr. Speaker, the gentleman from Philadelphia, Mr. Richardson, has an idea, a good idea, and apparently a good idea that is in the minds of many members of this House. But, unfortunately, the amendment that he has presented to us is deluding the membership into believing that it will do what he intends to have done. The error is not in the idea of Mr. Richardson. The error is in the amendment that was prepared by Mr. Richardson to do a preaudit before this bill, HB 1075, can become an act and become effective.

Mr. Speaker, I stood here and listened for over an hour as we debated the merits and the demerits of this amendment. The eloquent gentleman, Mr. Greenfield, from Philadelphia, just gave his reasons why this amendment should be defeated. This amendment will not do what Mr. Greenfield said it will do and, Mr. Speaker, this amendment will not do what Mr. Richardson said it will do. This amendment does nothing.

I was hoping that somewhere along the line someone would get up and say, well, let us straighten out this amendment; let us prepare an amendment that will do what Mr. Richardson wants done; let us prepare an amendment that will say the authority shall perform this audit or have this audit performed before this bill will become effective, but no one has said that.

Mr. Speaker, I am going to stand here today and vote against this amendment, not because Mr. Richardson's idea is wrong, because it is right, but because this amendment does not do what the general rank-and-file member of this House wants done.

I would hope that if this amendment passes there will be an amendment to the amendment either today or tomorrow to straighten this out so a preaudit will be mandated by this General Assembly and the information provided to the members of this House will be the information that we want.

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

Mr. WILLIAMS. Mr. Speaker, I will yield to the next person you have in order.

The SPEAKER. There is no one following the gentleman, Mr. Williams.

Mr. WILLIAMS. Then I do not desire to speak additionally.

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

The following roll call was recorded:

YEAS—151

Abraham	Freind	Livengood	Salvatore
Anderson	Fryer	Logue	Scheaffer
Armstrong	Gallagher	Madigan	Schmitt
Barber	Gallen	Manmiller	Schweder
Bellomini	Gamble	McCall	Scirica
Bennett	Garzia	McClatchy	Shuman
Berlin	Gatski	McGinnis	Shupnik
Berson	Geesey	McLane	Sirianni
Bittinger	George, C.	Mebus	Spitz

Bittle	Gillette	Meluskey	Stairs
Borski	Goebel	Milanovich	Stapleton
Brandt	Gray	Miller	Stewart
Brown	Greenleaf	Milliron	Stuban
Brunner	Grieco	Miscevich	Sweet
Burd	Halverson	Morris	Taddonio
Burns	Hamilton	Mowery	Taylor, E.
Butera	Harper	Mullen, M. P.	Taylor, F.
Caltagirone	Hasay	Musto	Thomas
Cassidy	Haskell	Novak	Trello
Cessar	Hayes, D. S.	Noye	Valicenti
Cimini	Hayes, S. E.	O'Brien, D.	Wagner
Cohen	Helfrick	O'Connell	Wansacz
Cole	Hoeffel	O'Donnell	Wass
Cowell	Honaman	O'Keefe	Weidner
Davies	Hopkins	Oliver	White
DeWeese	Hutchinson, W.	Parker	Williams
DiCarlo	Itkin	Petrarca	Wilson
Dietz	Johnson	Piccola	Wilt
Dininni	Katz	Pitts	Wise
Dorr	Kernick	Polite	Wright, D.
Doyle	Klingaman	Pyles	Wright, J. L.
Duffy	Knepper	Rappaport	Yohn
Dumas	Kolter	Ravenstahl	Zearfoss
Fischer, R. R.	Kowalyszyn	Reed	Zeller
Fisher, D. M.	Laughlin	Richardson	Zitterman
Flaherty	Lehr	Ritter	Zord
Foster, A.	Levi	Ruggiero	Zwikel
Foster, W.	Lincoln	Ryan	

NAYS—43

Arthurs	Giammarco	Mrkonic	Smith, L.
Beloff	Gleeson	O'Brien, B.	Tenaglio
Caputo	Goodman	Pancoast	Vroon
Cianciulli	Greenfield	Pievsky	Wargo
DeMedio	Jones	Pott	Wenger
DeVerter	Kelly	Prendergast	Wiggins
Dombrowski	Letterman	Renwick	Yahner
Donatucci	Lynch	Rieger	
Englehart	Mackowski	Scanlon	Irvis,
Fee	Manderino	Seltzer	Speaker
Geisler	McIntyre	Smith, E.	
George, M.	Moehlmann		

NOT VOTING—6

Hutchinson, A.	Pratt	Shelton	Spencer
Mullen, M. M.	Rhodes		

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 Mifflin, Mr. DeVerter. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. DeVERTER. Mr. Speaker, on the last vote on the Richardson amendments, I would like to be recorded in the affirmative on those amendments, please.

The SPEAKER. 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?

Mr. MANDERINO offered the following amendment:

Amend Sec. 415, page 26, lines 3 through 8, by striking out all of said lines and inserting

(d) Effect on other funds, subsidies and reimbursements.—No school district shall receive any subsidy, reimbursement or other funds under any provision of the act of March 10, 1949 (P.L. 30, No. 14), known as the "Public School Code of 1949," or under the provisions of any other law now in effect or which may be thereafter enacted, the basis of which shall be the participation by such school district in any program authorized by this act, except that any subsidy, reimbursement or other funds received by a school district or to which a school district was entitled to receive under any law in effect prior to the participation of such school district in any program under this act shall continue to be received by such school district.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, yesterday I withdrew an amendment to section 415 of the act, the effect of which was to insure that the lease-rental arrangement that would occur under HB 1075 would not permit any school district so leasing under HB 1075 to receive reimbursement under the School Code, if their lease rental was solely under HB 1075. There was some concern at that time that the school buildings already under lease under the School Code and the School Building Authority arrangement receiving reimbursements for those leases would not be cut off.

The amendment that I offer today contains the exact same wording of the amendment yesterday with this addition: "... except that any subsidy, reimbursement or other funds received by a school district or to which a school district was entitled to receive under any law in effect prior to the participation of such school district in any program under this act shall continue to be received by such school district." This was the intent of my amendment yesterday. I think the amendment clearly stated it. There has been a difference of opinion on how clearly I stated it yesterday, so we are spelling it out that we do not intend to interrupt payments already being received under the School Code, but we do intend to insure that participation in a lease-rental arrangement under HB 1075 will not, in itself, open up new payments under the reimbursement to school districts leasing buildings under the School Code. I urge the adoption of the amendment, Mr. Speaker.

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

Mr. LINCOLN. Mr. Speaker, on the Manderino amendment, the majority leader, in his remarks a few minutes ago, stated that there was some confusion and that he may have misstated yesterday the intention of his amendment. I am more concerned that he is misstating the intention of his amendment today.

We are dealing with the subsidies received by a school district. Section 416, which follows the section that Mr. Manderino is amending, guarantees that if the school district does renege on their payment, they stress that all subsidies that are due them from the state can be taken over by the authority in lieu of payment. I am concerned that the wording that Mr. Manderino is adding to section 415 may cause some serious problems about confusion over what would happen to those subsidies.

It is my belief that the intent of this amendment is to allow the Philadelphia School District to fail to meet their obligations after they have become involved in this particular bond refinancing, and by doing so the state or the authority will have nothing to pick up. They will not be able to pick up the subsidy moneys that they could take through to the Secretary of Education. And, as we all know, the buildings are worthless so we would have nothing whatsoever as security.

I think that if Mr. Manderino is not able to convince this body that this amendment would not do that, would not take away that little bit of assurance through the subsidies that the state would have something coming back from Philadelphia, then I think we should defeat this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, there is no question that the effect of section 416—and that is not the section that I am amending; I am amending section 415. But the effect of section 416—is that on default we can deduct the rental payments due to the authority from the subsidy that the school district is receiving. I do not touch that section at all. The section that I am amending simply speaks to the proposition that a school district will not be able to get a double dip. They will not be able to get the rent subsidy provided by HB 1075. Because they are now leasing buildings, and the School Code says when you are leasing buildings you can be reimbursed for that lease, I want to make sure that they will not be reimbursed for the lease under the School Code, and that is what I am stating.

The effect of section 416 is that if any default should take place, we can deduct the payments due the Commonwealth or due the authority from the subsidy of the school district. That remains intact and that is not disturbed at all. We will be able to deduct, in the event of default, the obligations from the school subsidy received by any district.

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

Mr. ZEARFOSS. Mr. Speaker, I would like to interrogate the majority leader, if he will consent.

The SPEAKER. Will the majority leader stand for interrogation?

Mr. MANDERINO. Yes, I will.

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

Mr. ZEARFOSS. Mr. Speaker, under your amendment, what is the effect of the language in the amendment that says, "... except that any subsidy, reimbursement or other funds received by a school district or to which a school district was entitled to receive under any law in effect prior to the participation of such school district in any program under this act shall continue to be received by such school district." Let me go a little further before you answer. I assume that the Philadelphia School District is currently receiving rental subsidies for the buildings that they have rented from the School Building Authority. That is a subsidy?

Mr. MANDERINO. Yes, Mr. Speaker.

Mr. ZEARFOSS. Will that subsidy continue if they participate in HB 1075 and, in effect, sell their buildings back to this authority? Does not that language permit them to get the two

subsidies that you are trying to avoid?

Mr. MANDERINO. No. The bases of those subsidies were the School Code and the School Building Authority Law, which every school district in the Commonwealth was able to participate in and receive the same kind of subsidy right. We are not trying to cut that subsidy already in effect at the date of the passage of HB 1075. We are not trying to cut those subsidies off for any school district that might participate in HB 1075.

Mr. ZEARFOSS. Is the situation that you find yourself in then that they cannot sell buildings that are already owned by the school building authority under HB 1075? In other words, will there be two rental subsidies at the same time?

Mr. MANDERINO. There will not.

Mr. ZEARFOSS. Maybe not for the same building?

Mr. MANDERINO. There will not be for the same building.

Mr. ZEARFOSS. But there will be two different subsidy payments into the Philadelphia School District for school building rentals under two different acts, some under the school building authority and some under HB 1075, is that correct?

Mr. MANDERINO. They may be entitled to the interest subsidy under HB 1075.

Mr. ZEARFOSS. Philadelphia cannot sell any buildings under HB 1075 to the authority created by that bill that are not now owned by them because they are owned by the school building authority, is that correct?

Mr. MANDERINO. That would seem to be correct. I would have no reason to doubt that.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

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

Mr. DiCARLO. Mr. Speaker, I am just wondering if perhaps the majority whip might be able to answer a brief interrogation for me.

The SPEAKER. Will the majority whip stand for interrogation?

Mr. GREENFIELD. I will, Mr. Speaker.

The SPEAKER. The gentleman from Erie, Mr. DiCarlo, may proceed.

Mr. DiCARLO. Mr. Speaker, yesterday on the floor of the House you took exception to the Manderino amendment as presented. Could you perhaps explain why you took exception, please.

Mr. GREENFIELD. We are speaking about this particular amendment at this particular time. I think we ought to stay with it. However, I will try to give you an explanation. The reason I took exception was that there was a feeling among our technicians that in some way the wording of the previous Manderino amendment might have caused a loss rather than a gain in certain areas to the city of Philadelphia.

Mr. DiCARLO. Mr. Speaker, could you outline for this General Assembly what programs would take a loss if this new language in the amendment is not added?

Mr. GREENFIELD. I do not have a specific agenda or report on that. It was, as I said in candid language, that we are dealing with technical assistants from the city of Philadelphia. There was a consensus of opinion among those individuals that the bottom line was that there would be some loss. Therefore, as a

good soldier from the city of Philadelphia, I wanted to hold and wait and delete that particular amendment.

Mr. DiCARLO. Mr. Speaker, you cannot tell this General Assembly what programs you are involved with that would have been jeopardized or are being jeopardized if this amendment does not pass?

Mr. GREENFIELD. At this moment if that is utterly necessary to the consideration of this amendment, I will solicit that information. I do not know why it should be that pertinent but I do not have it before me.

Mr. DiCARLO. Mr. Speaker, can you tell me that presently, evidently, the City of Philadelphia School District is involved with the sale, lease or rental of school properties to the Pennsylvania School Authority? Is that right?

Mr. GREENFIELD. That is right.

Mr. DiCARLO. Can the gentleman from Philadelphia tell me the dollar amounts that are involved in that function?

Mr. GREENFIELD. I think I have answered that one about two or three times. I do not have that information before me.

I understand from the back row here it is approximately \$16 million.

Mr. DiCARLO. Can the gentleman tell us how many buildings, if the Manderino amendment passes, will be eligible for this grant in aid?

Mr. GREENFIELD. I do not have that. I can get it for you if you think that is pertinent to the amendment. I will get it for you.

Mr. DiCARLO. Mr. Speaker, by entering into this amendment as the Manderino amendment outlines, is it going to be possible to collect subsidies for rental, lease and use of school buildings under the present authority and also under the new authority? Will the same buildings be eligible for aid?

Mr. GREENFIELD. I do not think so.

Mr. DiCARLO. Do you know, Mr. Speaker?

Mr. GREENFIELD. No, I do not know. I think you would have to ask the drafter of the amendment.

Mr. DiCARLO. Mr. Speaker, in your opinion, could you tell me if the Manderino amendment goes into effect, will the authority have the right to hold back school subsidies if the city of Philadelphia defaults on the loan program?

Mr. GREENFIELD. Sure.

Mr. DiCARLO. The only question I have, Mr. Speaker, the language says, ". . . except that any subsidy, reimbursement or other funds received by a school district or to which a school district was entitled to receive under any law in effect . . ." Now is that not the school subsidy law under the Education Code? Would that not apply to the subsidy appropriation?

Mr. GREENFIELD. That is correct.

Mr. DiCARLO. So then, in essence, this negates that? What is happening here is that they would not be able to hold a subsidy?

Mr. GREENFIELD. The information is that it would not. I do not think it is in conflict, no.

REQUEST FOR DIVISION

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

Mr. DiCARLO. Mr. Speaker, I disagree with the majority whip from Philadelphia and I think that we brought up some real problems. It looks like we cannot get any strong answers on whether a double dip would be available.

I would like to ask the Chair at this time if the Chair can rule on a division of the amendment, please, Mr. Speaker.

The SPEAKER. The Chair certainly can rule on a division of the amendment. Would the gentleman, Mr. DiCarlo, indicate to the Chair where he would wish the amendment divided?

Mr. DiCARLO. Yes, Mr. Speaker. It would be on the seventh line after the word, "act". I would divide it there, and I would like to delete "except that any subsidy, reimbursement . . ." It would be the original Manderino amendment as offered on the floor yesterday.

The SPEAKER. As the Chair understands the query of the gentleman from Erie, the gentleman is proposing that the amendment to be acted upon would read, "(d) Effect on other funds, . . ." et cetera, down to line 7, "district in any program authorized by this act"?

Mr. DiCARLO. That is right, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Manderino, desire recognition before the Chair rules on this question?

Mr. MANDERINO. Mr. Speaker, the effect of what Mr. DiCarlo is asking is to change the amendment. You would have to take commas out and insert periods, and I do not think that that is a divisible issue in that manner.

The SPEAKER. Will the gentleman from Erie and will the majority leader approach the desk to see if we can resolve this problem?

(Conference held at Speaker's podium.)

The SPEAKER. The question placed to the Chair was whether or not the Manderino amendment could be divided. It is the opinion of the Chair that this amendment does not state two or more separate questions, that the proposed line of division would, in effect, be an amendment to an amendment rather than a division, and that the question is not divisible.

REQUEST FOR DIVISION WITHDRAWN

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

Mr. DiCARLO. Mr. Speaker, I will withdraw, and I thank the Chair for its ruling and will abide by that ruling. As far as I am concerned, it makes no difference whether the amendment goes in or not. The only effect that it will have is making a bad bill worse, and when the time comes to debate final passage, I will again reiterate the interrogation that I just had with the majority whip.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I think members of the House may be overly concerned and their concern is leading them to conclusions that I think are unwarranted. If you read the section of 415 that I am amending by deletion, I am amending that section that would guarantee, in my opinion, a double dip. The section that I am amending says: "Payments under this act shall be in addition to all other funds, subsidies and reimbursements made available to school districts under any

law now in effect or as may be henceforth enacted, including sinking fund and lease rental reimbursements to be extent and for the period currently committed."

I am taking that out, because I know that the School Code permits reimbursement to school districts that are leasing and renting buildings. So I am saying they will not be permitted. In addition to the rent subsidy provided in this bill, they will not be entitled, because of their participation in this act, to be reimbursed under the School Code. That is the amendment that I proposed yesterday. The additional language inserted in my amendment today makes it clear that we are not attempting to cut off any reimbursements presently being received under the School Code.

The section of the bill that Mr. DiCarlo has problems with or at least thinks will be anullity, section 416, still states and will state when HB 1075 becomes law that any default in the rental payments can be and will be subtracted from the subsidies received by the district. There is no way, if that language remains in the act, that it will not be effective. To say that I am changing or making anullity of section 416 by the exception that I am making is ludicrous. Section 416 will remain in the act, and on default we will be permitted to deduct any default in rental payments from the school subsidies under the general formula for subsidizing school districts. We will be able to make the deduction from that subsidy for the rental payment obligation.

I think this is a strengthening amendment. I think the amendment that I propose makes it clear that there will not be a double dip and that participation under this act will not bring into play that section of the School Code that allows reimbursement when you are renting buildings. I would ask every member to adopt this amendment.

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

Mr. LINCOLN. Mr. Speaker, will the majority leader submit to brief interrogation?

The SPEAKER. Will the majority leader consent to interrogation?

Mr. MANDERINO. Yes; I will.

The SPEAKER. The majority leader indicates to the Chair that he will stand for interrogation. The gentleman, Mr. Lincoln, may place the interrogation.

Mr. LINCOLN. Mr. Speaker, in your explanation your concern for a double dip is one that I think every member of this House would share with you, and, as to the first part of your amendment, I very easily understand the intent and agree with the purpose and the intent. What I do not understand and what I would like the gentleman to explain to me and the rest of the House is, why the wording in line 7, where Representative DiCarlo attempted to divide, beginning with "except that any subsidy" and finishing up with "shall continue to be received by such school district."? What is the necessity of that particular part of this amendment?

Mr. MANDERINO. Mr. Speaker, the amendment that I offered yesterday, in my opinion—and it was solely my opinion because I drafted that amendment—insured that participation in the programs under HB 1075 would not entitle school districts to reimbursements under the School Code. I was accom-

plishing that by the language in the last line of the amendment of yesterday where I said, “. . . the basis of which shall be the participation by such school district in any program authorized by this act.”

Members from the Philadelphia School District indicated to me that although they agreed with me that participation under this act in the rental-lease program should not entitle them to an additional subsidy under the School Code—they agreed with that—they thought that the amendment, the way I had drafted it, might have the effect of cutting present subsidies that they have once they become a participant under HB 1075.

I have a competent legal staff. I had three attorneys meet with the Representatives from Philadelphia and asked them to protect the integrity and intention of my original amendment. If clarifying language could be put in that would insure the intention of my original amendment, I would not quibble about words. I can only advise you that my staff has advised me that the effect of my amendment yesterday and the effect of the amendment today is exactly the same.

I do, however, by the language in the amendment today, satisfy the members from Philadelphia who want to make it abundantly clear that we did not intend to affect subsidies they presently receive once they participate in the programs under HB 1075. That is the reason I have written the amendment in this manner. I think it prevents the double dip that I was intending to prevent, and I think it satisfies the members who have a legitimate concern from their school district that the amendment be stated so they are convinced that they are not being hurt in the subsidies that they presently receive. That is why the amendment and the additional language was inserted.

The SPEAKER. The Chair recognizes the gentleman, Mr. Lincoln, who is still placing interrogation, I understand, to the majority leader. Is that correct, Mr. Lincoln? Have you completed your interrogation?

Mr. LINCOLN. Yes, Mr. Speaker. I would like to make a brief statement on the amendment.

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

Mr. WILLIAMS. Mr. Speaker, I rise to ask Mr. Lincoln if he would yield while the majority leader is standing on this very issue, if I could ask him one basic question.

The SPEAKER. The question is, will the gentleman, Mr. Lincoln, yield the floor temporarily to the gentleman from Philadelphia, Mr. Williams?

Mr. LINCOLN. Yes, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia, Mr. Williams, has requested that the gentleman, Mr. Manderino, stand for interrogation.

Mr. MANDERINO. I will stand for interrogation, Mr. Speaker.

The SPEAKER. The majority leader indicates that he will so stand. The gentleman from Philadelphia, Mr. Williams, will place the interrogation.

Mr. WILLIAMS. Mr. Speaker, I am impressed that your opinion on your original amendment did not endanger in any

way the Philadelphia existing program. Is that correct?

Mr. MANDERINO. That was my personal opinion, Mr. Speaker.

Mr. WILLIAMS. I was impressed that your opinion was also that the objective of your amendment, in order to prevent the double dip and all that, was sufficiently and satisfactorily covered. Is that correct?

Mr. MANDERINO. Yes, Mr. Speaker.

Mr. WILLIAMS. And you indicated that your staff and your lawyers were also satisfied; therefore, you were satisfied. Is that correct?

Mr. MANDERINO. Yes, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, you did say, however, that because of some concern about vagueness, there was an additional amendment or a change or a separation which is part of what we are dealing with now. Is that right?

Mr. MANDERINO. Yes, Mr. Speaker.

Mr. WILLIAMS. As a matter of fact, specifically, we are dealing with the other idea to preserve the integrity or the safety of the Philadelphia situation in this amendment. Is that right?

Mr. MANDERINO. Yes, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, you indicated that you based your action on the concern of the members from Philadelphia. May I ask the speaker just who or what that means in terms of who has that concern sufficient to put us through this particular dialogue we are going through now?

I say that only because I do not have that concern, based on your representation. I do not have that concern, based on my reading of your original amendment.

I am also additionally concerned about the fact that in the discussion of this issue and the amendments thereon, there seems to be an ongoing, I guess, input or direction from “people from Philadelphia.”

Now I apologize for my desire to participate in this very important question. I am here publicly to say I do not have the concern that you say comes from Philadelphia, and I wonder about the propriety of its being represented that Philadelphia is concerned on issues such as this when, in fact, I and, I guess, a lot of us not only do not have that concern but are disturbed about how there is a continuous flow of what is going to be and what is going to be the issue affecting Philadelphia.

Now, Mr. Speaker, the point of my question is twofold. When you say members from Philadelphia, just whom do you mean? And, secondly, how do I, as an individual member from Philadelphia, say what my concerns are relative to this question and relative to this issue? Where do we have input? Do you understand my questions, Mr. Speaker?

Mr. MANDERINO. Mr. Speaker, I cannot solve the individual member's problem in communicating with his school district, if he has a problem with communications.

Mr. WILLIAMS. My problem is with the majority leader, sir.

Mr. MANDERINO. Mr. Speaker, there is no question that these are extraneous matters. There is no question that I have communicated with members in the Philadelphia delegation.

The Philadelphia delegation enjoys the position of majority whip. The Philadelphia delegation enjoys the position of chairman of the Appropriations Committee. And it is my under-

standing that the Philadelphia delegation also has a chairman of its own among the delegation. I have consulted with each of those people who I think are leaders in the Philadelphia delegation. There may be others with whom I should consult, but I have consulted with them, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, do I understand that the majority whip has offered to the majority leader this amendment? Is that correct?

Mr. MANDERINO. No; he did not offer it to me. He offered to me the concern that he had, as a member and a member of the leadership, with the amendment that I had worded and introduced yesterday.

Mr. WILLIAMS. I am sorry, Mr. Speaker.

Mr. Speaker, I wonder if it would be proper then for me to interrogate the majority whip on this question, the gentleman who enjoys the position of majority whip.

The SPEAKER. Does the gentleman, Mr. Lincoln, continue to yield the floor now for this specific purpose?

Mr. LINCOLN. Yes, sir.

The SPEAKER. The Chair might have anticipated that reply. Will the majority whip consent to interrogation?

Mr. GREENFIELD. Yes, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia, Mr. Williams, may place the interrogation.

Mr. WILLIAMS. Thank you.

Mr. Speaker, I think you do understand that our debate and discussion on this particular amendment is a bit strenuous, or whatever words you would like to add.

I understand that you have offered this concern through the amendment to the majority leader, and I have two questions for you, Mr. Speaker. One question is, if that is a concern of Philadelphia, is there any reason why the rest of us do not understand that to be a concern? I am only speaking for myself at this point.

Mr. GREENFIELD. Mr. Speaker, as you well know, this is a bill concerning the school district of Philadelphia.

Mr. WILLIAMS. I well know that.

Mr. GREENFIELD. Okay. As you well know, there are individuals here working tirelessly day and evening to work out the technicalities and the problems of this bill.

Mr. WILLIAMS. I know that, but I do not know that so well.

Mr. GREENFIELD. Okay, okay, I am trying to answer you.

Now those individuals, whom you well know, are giving advice to myself, as spokesman or leader in some respect, and to other members of the delegation. We are working fast and, unfortunately, we cannot communicate always with each and every one of the members of the delegation, but those individuals have communicated that concern on a quick basis with myself and the leaders of the delegation. We thought that we, in the necessity of haste, would have to then transfer our concern to the majority leader. And that is the simple way that it works.

Mr. WILLIAMS. Mr. Speaker, you are—

The SPEAKER. Will the gentleman yield?

As fascinating as the cross-examination may be to those members on the floor of the House, the gentleman, Mr. Williams, well knows that he is limited to debate on the substance

of the question, Shall the Manderino amendment be adopted? Methods, tactics, strategy not relevant thereto are not to be discussed on the floor, and the gentleman would be well advised to narrow his questions to the question at hand.

The Chair recognizes the gentleman. The gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, to the Chair, you might technically be correct, but if I might just very briefly say this: This is perhaps the most important issue of this session, with the exception of taxes and the budget, and, Mr. Speaker, my experience is that everyone has said, basically, you discuss it on the floor. There has not been a process whereby we and I and the rest of us can get a handle on what is going on.

Now if they say get a handle on it on the floor, all I am trying to do, Mr. Speaker, is understand that if someone makes a representation that that concern is because of Philadelphia,—and I am from Philadelphia—I want to understand whether that representation is accurate or not, and that is all I am trying to do, Mr. Speaker.

We are told to come here; we will fight it out on the floor; we are not going to meet with you and discuss it beforehand. All I am saying, Mr. Speaker, is, I am not trying to be improper, but I am trying to do what I was told to do.

If the majority leader and the majority whip are going to present what I consider a useless, time-consuming, foolish proposition representing Philadelphia, I think, Mr. Speaker, just very briefly, I have a right to know from where that emanated. I am just sick and tired of orders coming from I do not know where, represented to be that which is our joint concern from Philadelphia.

The only reason I wanted to ask the majority whip, Mr. Speaker, is because of this, and that is, Mr. Manderino made it clear that there is no problem. Now when somebody else from Philadelphia who does not know what he is doing is going to say there is, and we have not had an opportunity to appreciate or share that, I just think that that is taking a lot of time from this House just to establish someone else's control on what is going to be. And I do not like it, Mr. Speaker, and that is the nature of my inquiry.

I do not want to cross-examine the whip, but I want to know just why he is putting that forward. Maybe he has a good reason.

I have just one question, Mr. Speaker, if I might, but that is the nature of my concern.

The SPEAKER. The Chair recognizes the gentleman's concern, and the Chair simply directs the gentleman to restrict his questions to the matter before the House.

The Chair recognizes the gentleman to continue with the interrogation of the majority whip, and the gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, my last question to you is merely this: Your position on this amendment, do you really have a concern about its negative implications to Philadelphia in view of Mr. Manderino's position, his advice from his staff and all of that, and if you do not personally have that concern, from where do you get your advice that there is a problem? And

if it is so, can you define it for me?

Mr. GREENFIELD. Well, I think that you must be under some misunderstanding or misconception presently.

The way the amendment is drafted, the information I have is that we have withdrawn any objection, that is, the school district of Philadelphia. That is whom we are trying to speak for. It is obvious that we are speaking for the school district, and their feeling is that the amendment is now in satisfactory order. They were not last night.

Mr. WILLIAMS. You say "they." Who is "they"?

Mr. GREENFIELD. The technicians of the City of Philadelphia School District.

Mr. WILLIAMS. Who are they? I do not know who they are.

Mr. GREENFIELD. I do not think I have to identify them here; technicians as a group.

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

Mr. WILLIAMS. Mr. Speaker, just to comment on this very briefly, I am trying to talk about process; that is, maybe there is a problem, and if there is, I think that we ought to meet it. But it seems to me that we have an amendment being offered with apparently no substance to it but rather a suspicion, presented by someone I do not know. I just think that that takes up the time of this House, and we could be moving on to more substantive issues regarding this particular bill.

I do not object to any member or any leader offering an amendment or an idea. But the way this is being offered is as though those people who represent Philadelphia, i.e., the legislators, have sat down and had some intelligent discussions, and we think that, therefore, certain things should be changed for very objective reasons. I do not think that that has been demonstrated. I think that it has been offered in a rather surface fashion, a rather exclusive fashion, and in a fashion as though some one or two people can be God in terms of interpreting the implications of these amendments. I think that that process should stop, and if it does not stop soon, we never will—

The SPEAKER. Will the gentleman yield?

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. DeMEDIO. Mr. Speaker, will the Chair inform the members as to the schedule for today? Is there any provision going to be made for a recess for lunch or are we are on our own on this matter?

The SPEAKER. The Chair would advise the gentleman, Mr. DeMedio, that he does not in fact rise to a point of personal privilege, even though it may in fact be a personal privilege to eat. But the Chair will excuse the gentleman's misapplication of parliamentary procedure and advise the gentleman that it is the belief of the Chair, subject always to correction by the majority leader and the minority leader, that we shall finish the debate on the Manderino amendment and then break for lunch, and then return after that break to the floor of the House. The

Chair apologizes for the interruption. The gentleman, Mr. Williams, may proceed.

Mr. WILLIAMS. Mr. Speaker, I am basically finished, but I just wanted to observe the fact that the way we are going about this matter seems to me to be fundamentally wrong and leading to a further morass of confusion on a very critical issue. I would plead and hope and entreat those who are in roles of leadership to begin to share the problems and hopefully let us participate in those solutions.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. M.P. MULLEN. To speak on the amendment.

The SPEAKER. The gentleman is not in order at this time. The floor belongs to the gentleman, Mr. Lincoln, who yielded to the gentleman, Mr. Williams, for purposes of interrogation. However, since the gentleman, Mr. Lincoln, is not physically present at this time, the Chair will assume he will return and the Chair will then recognize him.

The Chair now recognizes the gentleman from Philadelphia, Mr. Mullen.

Mr. M.P. MULLEN. Mr. Speaker, I would like to try to clear this matter up for my friend, Hardy Williams, and any other people who may have a question about this amendment.

First of all, I agree with the majority leader, Mr. Manderino, that the way he had the bill yesterday was satisfactory. I think it was clear, and there was nothing wrong with it. However, last night our technician—and our technician from Philadelphia and the school board is Mario Nascati—went over to the subsidy department in the Department of Education and he asked them about it. They raised the question, they were not sure whether we would be entitled to be reimbursed by the Public School Authority for the subsidy that we are now getting under existing law.

Well, it was never our intention and it certainly was not the intention of the majority leader when he offered this amendment yesterday to say that we would not be entitled to the subsidy. We are entitled to the subsidy like every other school district. So the reason this additional sentence or two was added into the proposed amendment of yesterday was to make it clear to the department that for those subsidies that we are now receiving for existing buildings which have been constructed, we would in fact be entitled to the reimbursement that we are entitled to under the existing law.

So that there be no misunderstanding over it—I do not think it is necessary—this is put in to doubly safeguard our particular position on that, and I do not think anybody will disagree with that, because I think we are entitled to be reimbursed for the existing buildings just like every other district. And by the way, in my opinion, we cannot pledge those existing buildings under the Public School Authority for bond money under this authority because they are already pledged to the Public School Authority. So I do not think it would have any effect.

But I think it is necessary to clear up the Department of Education, and our technician—and the technician, as I said, was

Mario Nascati—in the interest of looking after the school district, pointed that out, and that is the reason it was put into the proposed amendment today.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Williams, to speak for the second time on this question.

Mr. WILLIAMS. Mr. Speaker, thank you very much.

I would just like to interrogate Mr. Mullen very briefly.

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

Mr. M.P. MULLEN. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Mullen, indicates to the Chair that he will stand for interrogation. The gentleman, Mr. Williams, may place the interrogation.

Mr. WILLIAMS. Mr. Speaker, I appreciate your comments. I think you have cleared it up and I am satisfied and I think that is good; it is okay. But my question is, I guess somewhere between yesterday and this morning you did find out that that took place, did you not?

Mr. M.P. MULLEN. Yes. I was awfully concerned about it. I just found out this morning. I was awfully concerned about it when Mr. Lincoln and Mr. DiCarlo raised the question of dividing the amendment.

Mr. WILLIAMS. Did you find out by accident or—

Mr. M.P. MULLEN. Well, no. I personally talked to Mr. Nascati, and he is the expert on it. It is his obligation to the School Board of Philadelphia to represent their interest, and I think that he did a very commendable job and I certainly commend him for doing it.

Mr. WILLIAMS. I commend him, too. I think that is good. I just wanted to know how you found out.

Thank you, Mr. Speaker.

The SPEAKER. The Chair returns to the floor to Mr. Lincoln. Does the gentleman, Mr. Lincoln, wish to discuss the merits of the amendment?

Mr. LINCOLN. No, Mr. Speaker.

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

The following roll call was recorded:

YEAS—178

Abraham	Gamble	Madigan	Ryan
Anderson	Garzia	Manderino	Salvatore
Armstrong	Gatski	Manmiller	Scanlon
Arthurs	Geesey	McCall	Scheaffer
Barber	Geisler	McIntyre	Schmitt
Bellomini	George, C.	McLane	Schweder
Beloff	Giammarco	Mebus	Scirica
Bennett	Gillette	Meluskey	Seltzer
Berlin	Gleeson	Milanovich	Shuman
Berson	Goebel	Miller	Shupnik
Bittinger	Goodman	Milliron	Sirianni
Bittle	Gray	Miscevich	Smith, E.
Borski	Greenfield	Moehlmann	Smith, L.
Brandt	Greenleaf	Morris	Spitz
Brown	Grieco	Mowery	Stairs
Brunner	Hamilton	Mrkonic	Stewart
Butera	Harper	Mullen, M. P.	Stuban
Cassidy	Hasay	Mullen, M. M.	Taddonio
Cianciulli	Haskell	Musto	Taylor, E.

Cimini	Hayes, D. S.	Novak	Taylor, F.
Cohen	Hayes, S. E.	Noye	Tenaglio
Cole	Helfrick	O'Brien, B.	Thomas
Cowell	Hoefel	O'Brien, D.	Trelo
Davies	Honaman	O'Connell	Valicenti
DeMedio	Hopkins	O'Donnell	Vroon
DeVerter	Hutchinson, A.	O'Keefe	Wagner
DeWeese	Hutchinson, W.	Oliver	Wansacz
Dietz	Itkin	Pancoast	Wargo
Dininni	Johnson	Parker	Wass
Dombrowski	Jones	Petrarca	Wenger
Donatucci	Katz	Pievsky	White
Dorr	Kelly	Pitts	Wiggins
Doyle	Kernick	Polite	Williams
Duffy	Klingaman	Pott	Wilt
Dumas	Knepper	Prendergast	Wise
Englehart	Kolter	Pyles	Wright, D.
Fee	Kowalshyn	Rappaport	Yahner
Fischer, R. R.	Laughlin	Ravenstahl	Yohn
Flaherty	Lehr	Reed	Zearfoss
Foster, A.	Letterman	Renwick	Zeller
Foster, W.	Levi	Rhodes	Zitterman
Freind	Livengood	Richardson	Zwikl
Fryer	Logue	Rieger	
Gallagher	Lynch	Ritter	Irvis,
Gallen	Mackowski	Ruggiero	Speaker

NAYS—17

Burd	Fisher, D. M.	McClatchy	Weidner
Burns	George, M.	McGinnis	Wilson
Caltagirone	Halverson	Piccola	Wright, J. L.
Cessar	Lincoln	Stapleton	Zord
DiCarlo			

NOT VOTING—5

Caputo	Shelton	Spencer	Sweet
Pratt			

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. Are you hungry, too?

Mr. SWEET. No, I am not hungry, not as hungry as the majority leader.

I was out of my seat chatting with a constituent a moment ago and I missed the vote on the Manderino amendment to HB 1075. I would like to be recorded in the affirmative.

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

The Chair was going to place the question to the House informally as to whether or not the House should continue and take up the DiCarlo amendment or recess for lunch. But the Chair has been advised that there is more than the DiCarlo amendment to be considered yet on this bill. The Legislative Reference Bureau is preparing additional amendments.

The Chair now recognizes, for purposes of announcements, the majority leader.

ANNOUNCEMENTS
REQUEST FOR RECESS

Mr. MANDERINO. Mr. Speaker, I would like to ask for a recess of this House for a period of an hour and 5 minutes. I would like to return here at quarter to 2, 15 minutes to 2. I think that we are proceeding slowly and we are going to have to work as much as we can, and that 15 minutes before 2 may help. I would like to ask for a recess until 1:45.

RULES COMMITTEE MEETING

Mr. MANDERINO. I would like to announce, Mr. Speaker, that there will be a Committee of Rules' meeting immediately upon the call of the recess.

The SPEAKER. The Chair advises the members that there is another announcement.

The gentleman, Mr. Manderino, may continue.

Mr. MANDERINO. I have completed my statement, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BUSINESS AND COMMERCE
COMMITTEE MEETING

The SPEAKER. The clerk will read an announcement.

The following announcement was read:

June 21, 1977.

TO: Honorable K. Leroy Irvis, Speaker
FROM: Honorable Reid L. Bennett, Chairman
Business & Commerce Committee

Please remind the Business and Commerce Committee members that there will be a meeting of the Committee following the recess in Room 401.

RECESS

The SPEAKER. This House now stands in recess until 1:45 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEES

HB 1197, PN 1598 By Mr. WARGO

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.

Rereported from Committee on Rules.

HB 1349, PN 1604 By Mr. WARGO

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.

Rereported from Committee on Rules.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 110, PN 1509 By Mr. WARGO

The Speaker of the House of Representatives appoint a three-member bipartisan committee, two from the majority party and one from the minority party for the purpose of receiving the above mentioned subpoenaed records from the office of the United States Attorney and returning such records to the individual political committees from which they were originally subpoenaed by the select committee.

Rules.

HR 115, PN 1578 By Mr. WARGO

The Joint State Government Commission be directed to study the problems faced by new industries wishing to locate in Pennsylvania, particularly those that are caused by a lack of cooperation between units of local and State government; and that the Joint State Government Commission produce a plan under which a single agency would coordinate the efforts of all Pennsylvanians to attract jobs.

Rules.

CALENDAR

EDUCATION BILLS ON THIRD CONSIDERATION
CONSIDERATION OF HOUSE BILL No. 1075 RESUMED

Agreeable to order,
The House resumed consideration of **House Bill No. 1075, printer's No. 1308**, entitled:

An Act providing for the creation of the Public School Finance Assistance Authority and providing for its powers and duties; and imposing additional powers and duties on the Department of Education.

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

Mr. DiCARLO offered the following amendment:

Amend Sec. 505, page 28, line 2, by removing the period after "immediately" and inserting , upon the appropriation of the sum of \$10,000,000 to a school district of the first class by a city of the first class.

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

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

Mr. DiCARLO. Mr. Speaker, it is basically a simple amendment. During the past week the fathers of city council in the city of Philadelphia have publicly stated that they wanted to show their concern and their interest to the House of Representatives and to the Senate that they were willing to try and help some of the school financial problems. At that time they pledged that they would divert \$10 million into the school system of Philadelphia to help some of the fiscal problems that are existing there.

What this amendment does is to simply mandate that HB 1075 will not go into effect until the appropriation of the sum of \$10 million to a school district of the first class by a city of the first class is made.

The SPEAKER. Is the gentleman, Mr. Greenfield, on the floor of the House?

Did the gentleman, Mr. Greenfield, have an opportunity to hear the statement of explanation of the amendments offered to the House of Representatives by the gentleman, Mr. DiCarlo?

The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I have a copy of the amendment. I did not hear Mr. DiCarlo's statement, but I have an idea or two as to what extent the amendment goes and I would like to comment upon it.

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

Mr. GREENFIELD. Mr. Speaker, as all the legislators here well know, and I do not think it needs any reiteration, you have probably heard from time to time and time in memorial about the overburden of the tax situation in the city Philadelphia. I am speaking about a combined obligation both from the city tax problems and the school district problems.

The city of Philadelphia today has what I am told is the highest tax rate combined for both services, the highest in the entire United States. Incidentally, I have a whole sheet here of the many taxes that are applied to the citizens in Philadelphia. On the conversion to millage of all those taxes — wage tax, amusement tax, bowling alley tax, real estate tax, personal property tax and many others there that I could enumerate — we have the highest millage converted on a market value of real estate than any district in the Commonwealth of Pennsylvania. I say to you that the people and the good citizens of Philadelphia cannot afford and cannot withstand any further tax imposition.

Within our school district and attending our school systems are, what I am told, over 45 percent who come from poverty-level families. That means that over one-half of the city is paying for the other half of the city.

Now we have big problems in the city of Philadelphia. We have a big police force, which is needed. We have a big fire department. We have obligations for enormous garbage and trash collection—

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. Mr. Speaker, I am wondering if the gentleman knows that we are debating my amendment. It sounds like he is really discussing the merits of HB 1075. I know that he was off the floor when—

Mr. GREENFIELD. No, Mr. Speaker, I think if you will give me an opportunity, I will come around to your amendment and I think the remarks that I am making refer to your amendment because you are asking the city of Philadelphia to incur a new obligation, if I am correct.

The SPEAKER. It is the opinion of the Chair, although the Chair did not hear all of the gentleman's remarks, that the tenor of the gentleman's remarks is to explain the difficulty that the city of Philadelphia would have in complying with the amendment of the gentleman, Mr. DiCarlo. Therefore, the gen-

tleman is still within the limits of the question on the debate. The gentleman from Philadelphia may continue.

Mr. GREENFIELD. What I am trying to bring out is that the DiCarlo amendment asks that we insert in this bill a statement that the city of Philadelphia shall appropriate \$10 million—and I assume that that is each year—in order to be eligible for the benefits afforded under this bill. Am I correct in that, Mr. Speaker?

Mr. DiCARLO. No, you are not, Mr. Speaker.

Mr. GREENFIELD. Mr. Speaker, may I interrogate the sponsor?

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

Mr. DiCARLO. Yes, you can, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. GREENFIELD. Mr. Speaker, what would be the implication of your amendment as far as HB 1075?

Mr. DiCARLO. The implication of my amendment is very specifically outlined on this sheet. HB 1075 would not go into effect until the city of Philadelphia appropriated the \$10 million, which they promised, to the school district of Philadelphia. It is that simple.

Mr. GREENFIELD. Am I correct then that this amendment does not say that that \$10 million would have to be appropriated each year?

Mr. DiCARLO. It would not, Mr. Speaker.

Mr. GREENFIELD. Can I have a few minutes to confer with counsel on this?

Mr. DiCARLO. Yes, Mr. Speaker. I have no problems.

The SPEAKER. The House will stand at ease.

Does the gentleman from Philadelphia, Mr. Williams, wish to address the House while the House is at ease or does he want the House called to order?

Mr. WILLIAMS. Mr. Speaker, I guess I want the House called to order.

The SPEAKER. For the information of the gentleman, the floor now belongs to Mr. Greenfield, who has asked for a 1-minute recess. Will the gentleman wait until that 1-minute recess is over? Then we will recognize him in order.

The Chair thanks the gentleman.

Mr. GREENFIELD. All right.

The SPEAKER. The House will return to order.

The Chair recognizes the gentleman, Mr. Greenfield, who appears ready now to discuss the DiCarlo amendment.

The Chair recognizes the gentleman and he may proceed.

Mr. GREENFIELD. I read the insertion now as to be the last part of the bill, stating that "This act shall take effect immediately, upon the appropriation of the sum of \$10,000,000 to a school district of the first class by a city of the first class."

If it is merely the intention that this be a guarantee of the compliance by the president of the city council of Philadelphia, then I withdraw my objections on that basis, because the president of the city council, George X. Schwartz, has in effect stated what the DiCarlo amendment is stating.

I apologize for erroneously interpreting the amendment. The president of city council has stated and has forwarded a letter to the Speaker of the House that the city of Philadelphia will

divert \$10 million to the school district this year. If we are saying that this bill cannot go into effect until that promise and that commitment is fulfilled, I personally have no objection. But I would like the record to stand as that.

Thank you.

The SPEAKER. Will the gentleman, Mr. DiCarlo, approach the Speaker's podium, please?

The House will be at ease temporarily.

ANNOUNCEMENT

BUSINESS AND COMMERCE COMMITTEE RECESSED

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

Mr. BENNETT. Mr. Speaker, just to advise the Chair that the Committee on Business and Commerce has returned to the floor of the House, is prepared for rollcall votes, and to further advise the Chair that the meeting was recessed and will be continued this evening.

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

Mr. M.P. MULLEN. Mr. Speaker, I think that if we read this amendment a little closer, it is really going to throw a real problem into this bill.

What we are doing here with this amendment is, we are saying that not only can the Philadelphia School District not receive the money that they might receive under this bill, but no other district in this State that might wish to participate in this program can receive any money unless Philadelphia puts up the \$10 million.

I certainly agree with Mr. DiCarlo and I certainly agree with our city council president, George Schwartz, that we should put up the \$10 million because, after all, it is our school district, but I do not think that we ought to put this amendment in there because it creates too many problems. It creates a problem for Philadelphia because George Schwartz is only one member of 17 members of city council, and I do not doubt for one minute that George would not make a statement like this unless he was sure that this is what would happen. I am again pointing out to you that if it does not happen and if this bill does become law, no other district in this state that might become a depressed district would be able to take advantage of this bill.

I think that the way this amendment is drafted, it should be defeated, but again I am not disagreeing with the principle that the \$10 million ought to be put up, but it should not be put up this way, with all these strings attached, because it will cause more problems than it will help in the passage of the bill. So I would say to vote against it the way it is now.

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

Mr. BITTINGER. Mr. Speaker, first of all, I do support the amendment. I know of no other school district in the state that is prepared to take advantage or to benefit from this bill, HB 1075. Philadelphia is the only one, to my knowledge.

Mr. Schwartz did make the statement to the media and it was

well reported there, I understand. He also made that \$10-million statement in writing in a letter that was quoted, in part, to the Democratic Caucus, and in light of the figures that were released by Senator Jeanette Reibman and others concerning the per capita participation in the funding of education in the city of Philadelphia and regardless of the overall tax picture, I think that this amendment is most appropriate and I urge its support. Thank you.

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

Mr. WILLIAMS. Mr. Speaker, first of all may I ask the Speaker if the Speaker could produce for our inspection the letter referred to by one of the speakers as to the intention of the city council of Philadelphia through its president, Mr. Schwartz?

The SPEAKER. The Chair would advise the gentleman that the Chair gave instructions to his staff to locate that letter. The staff is now, I hope, busily at work locating that particular letter, and as soon as it is available, the Speaker will send it back to the gentleman from Philadelphia, so that he may read it into the record.

Mr. WILLIAMS. All right. Thank you, Mr. Speaker.

Mr. Speaker, may I ask if the speaker, Mr. DiCarlo, would consent to interrogation?

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

Mr. DiCARLO. Yes, I will.

The SPEAKER. The gentleman, Mr. DiCarlo, indicates that he will consent to interrogation. The gentleman, Mr. Williams, may place the interrogation.

Mr. WILLIAMS. Mr. Speaker, what is the intent of this amendment?

Dr. DiCARLO. Mr. Speaker, during the last couple of weeks that we have been debating the concept of HB 1075, at least in the Democratic caucus, the leadership from Philadelphia has assured us that they will make any attempt that they can to try and reconcile some of the differences or some of the opposition that we have to HB 1075, the Philadelphia bailout. During one of those caucuses the majority whip from Philadelphia stood up and read a section of a 4-page letter which was mailed to him, to the Speaker of the House and to the other Democratic leadership, and in that letter, and I also must tell the gentleman, last weekend the president of city council had a news conference in which he stated publicly that he was willing, and that city council was willing, to show their fairness in helping with the problem by allocating \$10 million out of the city's operating budget to go directly to the school district budget.

What I want to do is maintain the good faith of the city of Philadelphia simply by offering this amendment and seeing that they live up to that commitment.

Mr. WILLIAMS. Mr. Speaker, do I understand then that what was represented by the President of city council, Mr. Schwartz, through Mr. Greenfield, was a promise of some \$10 million, and that the purpose of your amendment is to make sure that Philadelphia, in fact, does appropriate that money?

Mr. DiCARLO. That is absolutely right, Mr. Speaker.

Mr. WILLIAMS. Is it your belief that if that money is appropriated that that would make the bill, HB 1075, reasonable to be passed by this House?

Mr. DiCARLO. Mr. Speaker, I can only tell you, and I have said it in caucus and I have said it on this floor the last 2 days during debate, I think HB 1075 is a horrendous piece of legislation. I feel it should not be passed, but I have also been a member down here long enough to know that during the next few days a lot of circumstances could be changed and a lot of votes could be changed, and if that does occur, I want to make sure that there is some reasonableness within the bill. That is all.

Mr. WILLIAMS. I suppose that your amendment to require the \$10 million is based on the thought that indeed city council may not, in fact, appropriate the \$10 million. Is that correct?

Mr. DiCARLO. Yes. Mr. Speaker, just from a couple of past observations and dealings with commitments made in the past, I find that it might be better to have the commitments put on paper and into law.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, may I have a second to read the letter which was produced by your staff as requested by me?

The SPEAKER. The Chair grants permission for the gentleman to read the part of the letter which was addressed to the Speaker of the House and to the officers of the House and to read it into the record. The Chair would suggest the members interested in the point of this debate pay close attention to the language as read. The gentleman may proceed.

Mr. WILLIAMS. For the record, Mr. Speaker, and for the information of the House as to the letter referred to by, I think, Mr. Greenfield, on page 4 thereof, addressed to the Honorable K. Leroy Irvis, Speaker of the House, by George X. Schwartz, president of city council of Philadelphia, in the relevant portion of the 4-page letter it states as follows:

You are hereby advised that the leadership of the City Council is committing itself to reducing the operating budget of the City of Philadelphia, which has already been enacted and becomes effective July 1, 1977, by at least \$10 million and using such funds as a direct grant subsidy to the School Board of the City of Philadelphia. This will be done just as quickly as possible in accordance with the Home Rule Charter and the Rules of the City Council.

I will appreciate your making the information contained herein available to your colleagues in the House.

The date of this letter is June 17, 1977. I cannot read the postmark. I think it is postmarked June 17, 1977 also. I will return this to the Speaker for the inspection by anybody else, and I would like to make a comment on the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. The gentleman is in order and may make his comment.

Mr. WILLIAMS. Mr. Speaker, I would like to speak against the amendment.

PARLIAMENTARY INQUIRY

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

Mr. ARTHURS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ARTHURS. Before Mr. Williams continues, I wonder if he might submit to a point of interrogation before he relinquishes the letter and along this same line.

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

Mr. WILLIAMS. Yes, I will, sir.

The SPEAKER. The gentleman has indicated that he will stand for interrogation. The gentleman, Mr. Arthurs, may place the interrogation.

Mr. ARTHURS. Mr. Speaker, there seems to be a bit of a conflict here and this is just for a point of clarification. Did you read in that letter that formal action had been taken by the entire city council and that they would give the \$10 million to the school board, or was that a suggestion by one gentleman that action would be taken to do this?

Mr. WILLIAMS. Okay. I do not have the letter but I think I remember that portion. That portion says that the leadership of city council is committing itself to setting aside at least \$10 million. Those were the words as I recollect them.

Mr. ARTHURS. All right. I guess at that point then I do not believe formal action has been taken, so I will wait and make my statement following Mr. Williams or in my turn, please.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Williams. Mr. Williams may proceed.

Mr. WILLIAMS. Thank you, sir.

For further comment on that, it seems obvious to me that that letter implies that no formal action has been taken. I think it is absolutely clear.

Mr. Speaker, I rise to oppose the amendment and I strenuously oppose the position taken by the majority whip. First of all, Mr. Speaker, the amendment seeks to respond to an effort by Mr. Schwartz and the leadership of city council, which I think is totally and absolutely necessary and correct, and not only that local effort; that local effort should have been taken a long, long time ago. It is totally irresponsible for the school board not to insist this year for additional moneys, but that aside, the city council of Philadelphia, through its leadership who has been following our problem in Harrisburg, has tried with political difficulty to respond to that local effort factor. It has done so.

The DiCarlo amendment says, okay, what you said you were going to do, we are going to make sure you do it, baby. I think that is a bit much in terms of just the honorable intentions of us trying to work out a problem affecting children and education.

I do not believe that the leadership of city council, or indeed city council, would not do that if we appropriated it in this bill. But more than that, the \$10-million local effort has nothing at all to do with the moneys and the funding that would take place in HB 1075. In other words, whether city council appropriated \$10 million, \$20 million or \$50 million, that would not change one iota the money that is being spent in HB 1075. It could have some effect on the moneys spent in HB 593 if you would maybe give Philadelphia a lapse for some additional local money.

I, therefore, say that the amendment represents, in my mind, just another little whip at Philadelphia. Maybe our psychic here

has that to it, but I do not think that that is appropriate; I do not think that it is reasonable and I do not think it approaches this problem as honorable people.

The amendment has nothing to do with the money in HB 1075. Further on that, I am sort of dismayed that the majority whip, after consultation with his counsel, did not recognize that this amendment specifically said “. . . upon the appropriation of \$10,000,000 . . .”. First of all Mr. Schwartz and the leadership of city council specifically, privately in that letter and publicly, said, “at least \$10 million.”

In other words, they are implying and suggesting more local money which we, from Philadelphia, and our children badly need, and there are people and forces in Philadelphia ever increasing who want our local effort to be a lot more significant, aside from the state problem.

The amendment says and limits that effort to \$10 million. Why would you lock us in for things that we really need and priorities we need in Philadelphia. There are those of us who want a viable and a reasonably financed, responsible education, just for the sole purpose of thinking once again, Philadelphia.

In addition to that, Mr. Speaker, it calls for the appropriation of \$10 million. That again might lock us in. Mr. Schwartz, in his letter, indicated already that the budget has been passed, and the only mechanism I know is some way to give a bloc grant or a set-aside, which would not be legally or technically an appropriation, which means that if city council gives \$10 million or \$15 million to the school board, it may not have met the requirements of this act and has spent the money. In other words, city council may not be in a legal position to appropriate technically.

Mr. Speaker, the amendment says, “upon the appropriation”, and my concern is that legally city council may very well not be in a position to follow the letter of this amendment and, therefore, not being able to appropriate the money, may, in fact, under the charter be able to shift, set aside or grant a sum of money in the amount of \$10 million or more. It seems to me that this body does not wish to say what they would not want to prevent us from doing what city council wants indeed to do.

Finally, Mr. Speaker, I am suggesting that this amendment, in all due respect to my colleague, Mr. DiCarlo, has little or no substantive purpose to it. You have said, sir, that the bill is horrendous, and it very well may be. But city council, I truly believe everybody understands, has tried to respond as honorable public officials to state the intent of what they are going to do, and I believe it and I would be just as satisfied with that. It seems to me that not to accept that written point of honor is a little bit, well, it is just not nice.

Secondly, very technically, you may limit us from Philadelphia, those of us who are very concerned about what they have not done, from receiving additional moneys, and if we tell them they make it \$10 million and that is the deal, you do not know how hard it would be. They may say, sold, we will give you \$10 million. We might have the opportunity to get \$15 million, and we want that opportunity, and what Mr. Schwartz said and implied, it was just at least \$10 million.

Finally, Mr. Speaker, the legal part of this particular amendment, which I think is a bit misguided, may in fact cause legal

problems that would frustrate the whole purpose of the local effort which we need and we want and which this body says we should provide.

Thank you, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, one of the objections that was raised to the DiCarlo amendment was that it would make the act inoperable for other school districts unless Philadelphia contributed \$10 million to its school system. That is the city of Philadelphia.

Somebody else has already suggested—and I think we just ought to make it very plain—that that is not really a problem. This bill, HB 1075, is intended to help Philadelphia. It is not going to help other school districts. We ought to drop that facade once and for all. We are talking about bailing out Philadelphia with this bill.

Among those of us who oppose HB 1075, there has been the concern that perhaps some of the locally elected officials in Philadelphia are not to this date really taking their own problems seriously. It is easy enough to come up here and ask this legislature and the citizens of the Commonwealth to provide millions and millions of dollars but it is a lot tougher to make some tough decisions at home and perhaps to reorder priorities, and that is what the DiCarlo amendment would begin to have the city of Philadelphia do.

Among those of us who have been critical, we have seen this carrot hung out for the last couple of days, that carrot being this letter saying that the council in Philadelphia is going to divert \$10 million in funds to the school system, and that seems to be, one, a reasonable thing although, at the same time, a small step; nonetheless, a step in the right direction.

If that is a legitimate commitment and a real intent on the part of city council in Philadelphia, there is nothing wrong with the DiCarlo amendment, there is nothing unreasonable about it and it certainly has everything to do with the general nature of HB 1075. I do not think that this legislature ought to pitch in and help anybody until we are certain that those people who we are supposed to be helping take seriously their own problems and make a commitment to make some effort to help themselves out a little bit.

While I was standing here waiting to speak somebody suggested to me that I should not waste my time because the Philadelphia leadership is not going to accept this amendment. Maybe they will not, but that is tough then. If they want to accept our help, and if they want to accept our money, they had better accept some of the ground rules that we are going to establish and the DiCarlo amendment certainly should be one of them.

The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, some of the members may not have been on the floor when I made this statement in reinterpretation of the DiCarlo amendment that for myself and for some of the members of the Philadelphia delegation, we stand behind the commitment made by the president of city council, we stand behind that obligation and I, and I believe some of the

members of the Philadelphia delegation, are in favor and will support this amendment.

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

Mr. CASSIDY. Will the majority whip consent to interrogation?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Greenfield, consent to interrogation?

Mr. GREENFIELD. I will, Mr. Speaker.

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Cassidy, may proceed.

Mr. CASSIDY. Mr. Greenfield, I have heard some talk that the \$10 million referred to by Mr. Schwartz in the city council would be an advance to the school board and not an additional appropriation.

Mr. GREENFIELD. I am not sure what the exact language was, but it is money which is going to be transferred, Mr. Speaker.

Mr. CASSIDY. It seems to me it would make a difference if they are giving a \$10-million advance and then taking it back. I do not think we should take it back.

Mr. GREENFIELD. No, no, no, no, no. We are not intenteive. There is no such implication.

Mr. CASSIDY. And you are saying that that is not the wording in the letter at all.

Mr. GREENFIELD. That is not the implication of Mr. Schwartz's statement. It is not the implication of that letter. It is a commitment to transfer and it is a commitment by the president of city council.

Incidentally, not only was the president of city council at the press conference in which he made this statement, but the leadership of city council and other members of city council were there and there was a firm commitment — nobody is trying any trickery.

We are saying in the city of Philadelphia that we are going to divert \$10 million which may require even some layoffs on the city's side of the ledger, to make the gesture of the local effort that we believe is necessary and which has been asked for by many of the representatives here, in good faith. We are trying to operate on good faith and we do not want to get into the situation of being, implications thrown around and we are not and that is as clear and as firm as I can make it.

Mr. CASSIDY. One more question please. My second concern is that that \$10 million may not be considered over and above what normally might be appropriated to the school district and that the city council will look back at moneys already channeled into the school district and say, well that is part of the \$10 million.

Mr. GREENFIELD. Again my good friend Representative Cassidy, we are not engaged in trickery. We are intending that that \$10 million be an additional \$10 million over and above any that would have been appropriated.

Mr. CASSIDY. Thank you, Mr. Speaker.

It was only my intention to have those comments on the House record.

The SPEAKER. The Chair recognizes the gentleman from

Philadelphia, Mr. Williams, who rises to speak for the second time on this point.

Mr. WILLIAMS. Mr. Speaker, to be a little bit clearer on the last point made by Mr. Cassidy, the school districts get their money through certain authorizations under the city charter and taxes. They have their money already. There is no way city council could take back what the school district has the authority to have through their taxing power, again as granted them by city council.

It is indeed legally separated. There is no way for city council to have control over the school district budget to take it back. It does not work that way. They are separate and distinct legally.

Mr. Speaker, I wanted to ask Mr. Cowell a question if he would consent to interrogation?

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

Mr. COWELL. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, on your comments a few minutes ago it was concerned that you believe that the \$10 million mandate for HB 1075 in some way would compel city council to do something with regard to the Philadelphia education system that would be constructive, is that correct?

Mr. COWELL. That would be the general direction; yes.

Mr. WILLIAMS. What precisely would the \$10 million do as required by HB 1075, in your view?

Mr. COWELL. First of all, the \$10 million would make available to the school district \$10 million that it otherwise would not have.

Mr. WILLIAMS. True.

Mr. COWELL. Secondly, it would contribute to solving some of the problems that you and all of us have really discussed with respect to the Philadelphia school system. In particular the problem of the proposed cutbacks in terms of programs and services.

And thirdly, the problem of the number of dollars that the Philadelphia school system seems to need from the state to solve its problems.

Finally, and perhaps most important in the context of the remarks I made a couple of minutes ago, it would be a little bit of hard evidence that those who are making decisions locally in Philadelphia have sort of changed their priorities just a little bit.

As I look at the expenditure of public funds that combine tax burdens that you speak of that is imposed on the Philadelphia citizen, in my opinion, again, education has not been placed on the same priority level that it perhaps ought to be. And so it would demonstrate a sincere interest in and a commitment to, on the part of the local officials who have a taxing power, to divert some of those funds from other municipal services and programs and what have you and spend it on the school system, if you are telling us that is your biggest problem.

Mr. WILLIAMS. Do you believe that it would decrease the amount of moneys involved in HB 1075 as to what the school district would get and ask for? Would the \$10 million do anything to decrease the moneys that would be involved in HB 1075 as it relates to the Philadelphia School District and if so, in what way?

Mr. COWELL. No, it would have no impact on HB 1075 at all except if the DiCarlo language goes in to make the act operable once the \$10 million grant was given.

I think we also have to consider that \$10 million in the context of the broad problem. The total fiscal problem of the school district and the total fiscal needs that we are told about by Philadelphia school officials. We are dealing with that, not only through HB 1075, but a couple of hours from now or at least a couple days from now we will be dealing with it also in part through consideration of HB 593.

Mr. WILLIAMS. So I take it that you do agree with that. Let us say that the HB 1075 raised \$150 million, which is what we are told, and kick in the other \$10 million. That would mean that the school district would have \$160 million to fool around with instead of \$150 million. Would that not seem to be the result?

Mr. COWELL. Well, when you use the words "fool around," you convince me we should vote against this bill in the end anyway.

Mr. WILLIAMS. I understood you were going to do that anyway.

Mr. COWELL. I do not look at it quite in that sense that they are going to fool around with it. I think it would make an extra \$10 million available toward solving the total problem. As representatives of Philadelphia have explained the problem, it is a problem in the area of \$160 million to \$200 million that would be solved in part through HB 1075 and in part through HB 593.

Mr. WILLIAMS. So you believe then that we need the extra \$10 million to make up our problems, to take care of our problems. Would that be your position?

Mr. COWELL. I think that if the Philadelphia Council adds \$10 million to the funds available to the Philadelphia school system that will contribute toward a solution of the problem. I do not think that any single act of this legislature or single act of council or the school board will solve that problem. What I am suggesting is that we have got to look to a variety of areas for a little bit of help and a little bit of demonstration of real commitment to solving the problem.

Mr. WILLIAMS. Mr. Speaker, when you say that one of the problems is real commitment, I guess I am trying to glean from you whether your concern on this issue is a question of the Philadelphia lack of commitment for public education and lack of priorities for public education as opposed to maybe a bad fiscal management of moneys.

Mr. COWELL. I am sorry, Mr. Speaker, I could not hear that last clause there.

Mr. WILLIAMS. I wonder whether the thrust of your concern is a lack of commitment for public education, specifically, this amendment requiring \$10 million. Is it your view that the main concern would be a commitment to public education in Philadelphia or do you think there is a concern about the use and management, fiscal management of moneys already available to Philadelphia? Is it a combination of both or is it one or the other?

Mr. COWELL. I do not want to cop out but I think the problem is a combination of both. Listening to some of the legislators from Philadelphia and also listening to some of the

citizens who came here from Philadelphia 2 weeks ago who visited with the legislature, I am told that there are serious mismanagement problems in the Philadelphia school system.

They live with the problem on a day-to-day basis, I do not, so I will just take their word for it for the moment. But for the immediate future, again, listening to some of the representatives from Philadelphia I am told that there are fiscal problems. That is, a shortage of hard dollars to be spent to maintain kindergarten programs, counseling programs and so on and so forth. So again I think it is a combination of those problems and I am concerned about both of them.

Mr. WILLIAMS. Mr. Speaker, on the need problem you seem to understand that Philadelphia does, in fact, need the money and HB 1075 allows for the generation of certain sums of money. Is it your view that that sum of money would not be sufficient and therefore there needs to be a kicking in of an additional \$10 million. Is that your position?

Mr. COWELL. I am told by some of the representatives from Philadelphia that Philadelphia needs not only the \$150 million or \$140 million that HB 1075 might provide—and I emphasize the might, because one of the problems with HB 1075 is that it does not speak specifically to how many dollars worth of bonds will be floated or how many dollars can be provided for any school district in the form of loans. That is one of the major deficiencies of the bill. But I am told by Philadelphia representatives that in addition to those dollars they need substantial new dollars in the form of HB 593. Probably \$45 million or \$55 million there too.

Mr. WILLIAMS. Can I ask you about that bill?

Would you not think that—

Mr. COWELL. The Speaker might object to us debating that bill. I do not know.

Mr. WILLIAMS. Let me ask you this: In HB 593, which does ask for certain increases—

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. COHEN. Mr. Speaker, I fail to see any relevance that the interrogation has on HB 593 to the DiCarlo amendment.

Mr. WILLIAMS. Mr. Speaker, may I proceed with my interrogation?

The SPEAKER. The Chair would admonish the gentleman from Philadelphia that he must maintain strict personal controls over the width of his questions. He must narrow and hone those questions to the question at hand and that is whether or not the House will adopt the DiCarlo amendment.

The gentleman may proceed under those guidelines.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Just, maybe, one final question, Mr. Speaker.

Mr. Speaker, with regard to this particular amendment, the DiCarlo amendment—I will withdraw that question, Mr. Speaker.

Thank you.

The SPEAKER. The gentleman, Mr. Williams, said that he

had one last question. We will permit him to ask that question. The gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, very briefly. Once again, I want to observe that with regard to HB 1075 this amendment functionally does absolutely nothing. What I have heard seems to suggest that in some general psychological way we will give the folks in Philadelphia a message. Functionally it asks for the expenditure of more money in the hands of people that we hear the House say, does not manage money correctly anyway. Do not give \$150 million, give \$160 million.

I hear folks talking about priorities and commitments for education. I do not see that this condition does that or proves the quality of education in any way.

On the other hand, Mr. Speaker, if this particular amendment would functionally have something to do with local effort as to what the state could either save or trade off like in HB 593, I might be able to see it. But it has absolutely nothing to do functionally with HB 1075 except to make sure that Philadelphia gets an extra \$10 million over which we have no control and no monitoring.

I think this amendment belongs in HB 593 if it is going to be functional rather than in HB 1075.

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

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, some of the things that Mr. Greenfield mentioned and Mr. Williams mentioned I think are worth repeating to the members so that everybody gets the impact of what they said. All morning we have heard about the business of accountability, and we heard that through Mr. Richardson and Mr. Williams, and the business of having the audit and so forth. I think it is called good faith and responsibility and accountability and all of those adjectives.

As a matter of fact Mr. Greenfield himself mentioned a little while ago about operating in good faith. Is that not really what Mr. DiCarlo is after? I believe what most of the members are asking for is that the city of Philadelphia make these commitments. One gentleman spoke up who has been one of the leading forces within that council and we assumed when he came out and made that public statement that that was the feeling of the city fathers. The leaders in the city of Philadelphia.

To this date we have heard no one refute it. No one has refuted his statement. He said it on the radio, he said it on TV and he said it in the press.

All we are asking here is that they show that so-called good faith. It is not a question of what Mr. Williams said to Mr. Cowell in regard to \$150 million plus \$10 million if that is going to be any kind of an impact. We are not talking about that. We are talking about good faith.

I know for the past 7 years when Philadelphia has come in here with hat in hand in regard to problems I always thought they were coming in in good faith. We hear them talking now about mismanagement and all these things. Evidently the members are concerned, and they want to see accountability and they want to see an action of good faith.

If they would come up with that \$10 million and show good faith, that just might change things. I do not know but it may

change things. I think that is what Mr. DiCarlo is after, to get that good faith in there.

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

The following roll call was recorded:

YEAS—189

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

NAYS—7

Barber	George, M.	Richardson	Williams
Dumas	Mullen, M. P.	White	

NOT VOTING—4

O'Donnell	Rhodes	Shelton	Spencer
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The question was determined in the affirmative and the amendment was agreed to.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from

Westmoreland, Mr. Hutchinson. For what purpose does the gentleman rise?

Mr. A. K. HUTCHINSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. A. K. HUTCHINSON. I have been sitting around here for 2 days watching all these movie stars. Would I be out of order to make a motion that we have no more movies taken in this House until we have the budget and HB 593 passed?

The SPEAKER. The gentleman rose to a point of parliamentary inquiry and that is not a point of parliamentary inquiry and the Chair does not recognize the gentleman at all, for any purpose.

Mr. A. K. HUTCHINSON. How about the movie stars sitting down for a while and let us get the business over with?

The SPEAKER. The Chair would highly recommend that.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the indication is that there are no further amendments. There are a number of amendments that went in yesterday such as the amendments that I put in, the amendments I billed as technical which I believe were technical but amend various sections of the bill.

I think on an important issue such as this the members are entitled to see the final version of the bill in print prior to voting and I would ask that the bill be prepared for final passage.

On the question recurring,

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

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for final passage.

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

Mr. LINCOLN. Mr. Speaker, I would like to have the bill called up for a vote on final passage today.

The SPEAKER. The Chair has already passed the bill to final passage and it is—

Mr. LINCOLN. Mr. Speaker, I do not recall hearing you say that the bill had been passed over.

The SPEAKER. The Chair would advise the gentleman that when the Chair announced that the bill be prepared for final passage, those words indicate that the bill, as amended, will be reprinted and will appear on the calendar under a different printer's number with the amendments printed in place. It will then be available for final passage.

Mr. LINCOLN. Mr. Speaker, I object to the passing over of this bill and would request a roll call vote on that particular issue.

The SPEAKER. The Chair would advise the gentleman that the bill has already been passed over and the bill has been passed over to final passage at the request of the majority leader. Does the gentleman still object to the majority leader's request that the bill be printed as amended and passed to the final passage?

Mr. LINCOLN. I do, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Which majority leader do you want to recognize, Mr. Speaker? I thought I saw six or seven of them around the floor today.

The SPEAKER. Yes, that does happen.

Mr. MANDERINO. Mr. Speaker, a few days ago Mr. Seltzer made the suggestion, when we are talking about another bill, that it was only fair to the members, since I think three amendments had gone into that bill, that the bill be prepared for final passage.

My recollection is that we have passed bills amended on third consideration the same day. We have done that without objection from the members.

When Mr. Seltzer indicated he thought that bill should be prepared for final passage because it had extensive amendments in it, I agreed with him. I think that should be the posture of this House and especially when the majority leader asks that it be prepared for final passage after extensive amendments. I think that that wish should be respected, and I respectfully submit that this bill should go over until tomorrow for final passage and it should be prepared for final passage by printing all of the amendments that have been adopted in the bill so the members can read it, understand it and know exactly what they are voting on.

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

Mr. LINCOLN. Mr. Speaker, there is nowhere in the rules that says that a bill has to be reprinted. In fact one of the reasons that that particular rule, rule 24, was adopted was so that we could move bills that had been amended on third consideration.

I do not know what the proper motion would be on my part but I would like to see a roll call vote on the passing over of this particular bill.

The SPEAKER. The Chair would advise the gentleman that the bill has already been placed on final passage but if the gentleman insists on his posture on the floor, the Chair would entertain a motion that either the bill be placed on the final passage postponed calendar or that the vote by which the bill was agreed to as amended be reconsidered. If the second motion carries, then the bill is back in the position that it was prior to the announcement on the part of the Speaker that the bill would be prepared for final passage. At that point in time the bill could be called up as amended.

The Chair would remind the gentleman, respectfully, that among the many burdens carried by the majority leader is the burden of scheduling the House of Representatives. The Chair would remind the gentleman, from long years of experience, that that is a difficult burden. The Chair would suggest to the gentleman that he permit the majority leader to schedule the movement of bills in this House. In the long run the Chair has found that that is a wise procedure.

Mr. LINCOLN. Mr. Speaker, I will defer to your wishes.

The SPEAKER. The Chair thanks the gentleman.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 593, printer's No. 1322**, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30, No. 14), changing and adding definitions and further providing for subsidies.

On the question,

Will the House agree to the bill on third consideration?

Mr. GALLAGHER offered the following amendments:

Amend Sec. 2 (Sec. 917-A.1), page 1, lines 16 and 17 by striking out all of line 16 and "DAILY MEMBERSHIP (WADM)" in line 17 and inserting maximum base earned for reimbursement

Amend Sec. 4 (Sec. 919-A.1), page 2, line 30, page 3, line 1 by striking out "MEDIAN ACTUAL INSTRUCTION EXPENSE PER WEIGHTED AVERAGE DAILY MEMBERSHIP" and inserting maximum base earned for reimbursement

Amend Sec. 5 (Sec. 2501), page 4, line 29 by inserting brackets before and after "and each school year thereafter"

Amend Sec. 5 (Sec. 2501), page 5, line 2 by inserting after "payable."

For 1977-1978 and each school year thereafter the maximum base earned for reimbursement shall be the lesser of the median actual instruction expense per WADM or the maximum base earned for reimbursement from the previous year increased by the percentage growth of personal income of the residents of the Commonwealth for the previous year as determined under Article III of the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," by the Secretary of Revenue and certified to the Secretary of Education.

Amend Sec. 5 (Sec. 2501), page 5, line 3 by inserting a bracket before "State"

Amend Sec. 5 (Sec. 2501), page 5, line 3 by striking out the brackets before and after "average actual"

Amend Sec. 5 (Sec. 2501), page 5, lines 3 and 4 by striking out "median actual"

Amend Sec. 5 (Sec. 2501), page 5, line 5 by inserting after "membership") "maximum base earned for reimbursement

Amend Sec. 5 (Sec. 2501), page 7, lines 5 and 6 by striking out "median actual instruction expense per weighted average daily membership" and inserting maximum base earned for reimbursement

Amend Sec. 5 (Sec. 2501), page 7, lines 9 and 10 by striking out "median actual instruction expense per weighted average daily membership" and inserting maximum base earned for reimbursement

Amend Sec. 5 (Sec. 2501), page 7, by inserting between lines 12 and 13

(17.1) "Maximum Base Earned for Reimbursement." Shall be for the school year 1976-1977 the median actual instruction expense per WADM in the Commonwealth, for the 1977-1978 school year and each school year thereafter the maximum base earned for reimbursement shall be the lesser of (a) the median actual instruction expense in the Commonwealth or (b) the previous year maximum base earned for reimbursement increased by the percentage growth in personal income determined under Article III of the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," for the residents of the Commonwealth the previous year.

Amend Sec. 5 (Sec. 2501), page 7, line 13 by striking out

"(17.1)" and inserting (17.2)

Amend Sec. 5 (Sec. 2501), page 7, lines 18 through 20 by striking out "median actual instruction expense" in line 18 and all of lines 19 and 20 and inserting maximum base earned for reimbursement.

Amend Sec. 5 (Sec. 2501), page 7, lines 24 and 25 by striking out "median actual instruction" in line 24 and all of line 25 and inserting maximum base earned for reimbursement.

Amend Sec. 5 (Sec. 2501), page 7, lines 29 and 30 by striking out "median instruction expense per" in line 29 and all of line 30 and inserting maximum base earned for reimbursement.

Amend Sec. 5 (Sec. 2501), page 8, lines 4 and 5 by striking out "median actual instruction expense" in line 4 and all of line 5 and inserting maximum base earned for reimbursement.

Amend Sec. 5 (Sec. 2501), page 8, lines 8 and 9 by striking out "median actual" in line 8 and all of line 9 and inserting maximum base earned for reimbursement.

Amend Sec. 6 (Sec. 2502), page 11, line 4 by striking out "median actual instruction per WADM" and inserting maximum base earned for reimbursement.

On the question,

Will the House agree to the amendments?

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

Mr. PANCOAST. Mr. Speaker, when HB 593 was considered in the Education Committee some of the members were concerned that the proposed revision of the school subsidy system was open ended. The more a district taxed itself and the more it spent on each of its students, the greater would be the reimbursement to the local school district by the state.

This amendment that is being offered at the present time would place a cap upon this possibility of open endedness. The reimbursement, should this proposal be enacted as law, would be limited to the lesser of either one, the median statewide instructional expense for the reimbursement year or, two, the maximum base earned for reimbursement plus a percent increase in personal income over the previous year.

It is intended that this amendment place a limit on the total gross of school subsidy payments made by the Commonwealth, thereby insuring the General Assembly and the taxpayers of this state that the state's cost for education will rise no faster than the increases in their income or in their ability to pay for these increases.

It is also hoped that this amendment will limit any tendency on the part of some local school districts to increase costs in the hope that those school districts would enjoy a windfall of increased subsidies. Efficiency in the operation of local school districts must be preserved. It is hoped that this cap would serve to that end.

I urge your support for this amendment.

The SPEAKER. The Chair recognizes the distinguished gentleman from Bucks, Mr. Gallagher. You will notice when I called him "distinguished" he did not recognize himself. He still does not know. The Chair just recognized the distinguished gentleman from Bucks and you did not respond.

Mr. GALLAGHER. Mr. Speaker, I am sorry I was not able to

pay attention to your statement because the majority leader had my other ear.

The SPEAKER. It is wise to listen to the Speaker.

Mr. GALLAGHER. I apologize for not hearing you.

I concur with Representative Pancoast's support of this amendment. He has made it very clear what the amendment is about and it is what our caucus was looking forward to as a cap on the bill itself so that it would not be any more than what basically it is budgeted for.

I would urge the members to adopt this amendment.

Mr. MANDERINO. Is this an amendment we are voting on, Mr. Speaker.

The SPEAKER. Yes, it is.

Mr. MANDERINO. I would like to be recognized on this one.

The SPEAKER. The Speaker apologizes to the majority leader, he did not know the majority leader wished to be recognized.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I would like to interrogate the gentleman, Mr. Gallagher, or the gentleman, Mr. Pancoast, whoever is defending the amendment.

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

Mr. PANCOAST. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, is this the so-called cap amendment?

Mr. PANCOAST. Yes, it is, Mr. Speaker.

Mr. MANDERINO. Did you request a fiscal note from the Appropriations Committee on this amendment?

Mr. PANCOAST. I did not request a fiscal note on this particular amendment because it is placing a maximum limit within the operation of the formula and, of course, we do not know exactly what the formula will be or how it will operate with respect to the total cost of expenditures because it is based on last year's experience for reimbursement for the next year.

Mr. MANDERINO. Do you not remove language in the bill that already has been given a fiscal note by the Appropriations Committee?

Mr. PANCOAST. No, we do not remove language in the bill on which that fiscal note was based because we are changing from the median actual instruction expense to the maximum base earned for reimbursement. Then in the section that has been added we relate again to the median actual instruction expense.

Mr. MANDERINO. You are certainly changing the cost of the bill, are you not?

Mr. PANCOAST. I do not think you really know whether you are changing the actual cost of the bill. We are trying to put a maximum upon the cost. The maximum, as it would operate under the proposal, would have to be less than the present maximum in the bill.

Mr. MANDERINO. It is my understanding that HB 593 has a fiscal note which has been prepared for HB 593 in its present position, is that correct?

Mr. PANCOAST. Yes, sir.

Mr. MANDERINO. Does that house bill estimate what the

bill will spend next year?

Mr. PANCOAST. Yes, sir.

Mr. MANDERINO. And the year after?

Mr. PANCOAST. Well, no, sir.

Mr. MANDERINO. But it does estimate the expenditures next year.

Mr. PANCOAST. It estimates the expenditures next year, yes.

Mr. MANDERINO. And what expenditures, over and above the cost of the bill this year, does the fiscal note indicate?

Mr. PANCOAST. When you say the fiscal note do you mean the fiscal note for the amendment or the fiscal note for the proposed bill?

Mr. MANDERINO. The fiscal note for the proposed bill. Obviously not for the amendment, you told me you do not have one.

Mr. PANCOAST. That is the point I was trying to make. This will be reimbursement for the following year. There will be a limit placed upon the expenditures in the following year, not for next year, but for the year which the bill is enacted.

Mr. MANDERINO. Mr. Speaker, the fiscal note that I am reading indicates that the cost of this bill for 1977-78 is \$262 million. Do you understand that to be the cost of the bill in its present form?

Mr. PANCOAST. Yes, sir.

Mr. MANDERINO. The fiscal note that I am reading from indicates that the law is expected, in 1978-79, to increase beyond the present law from \$400 million to \$420 millions. Do you understand that to be the case?

Mr. PANCOAST. Yes, sir.

Mr. MANDERINO. And in 1979-80 it is expected to range from \$522 million to \$562 millions.

Mr. PANCOAST. That is correct.

Mr. MANDERINO. And in 1980-81 it is expected to range from \$639 million to \$699 million.

Mr. PANCOAST. That is correct.

Mr. MANDERINO. So in that short period of time the moneys expended under this bill would triple or thereabout; is that correct?

Mr. PANCOAST. From the estimated fiscal note you are correct in pointing out that there would be an increase each year in the operation of this formula because the basic formula of HB 593 is designed to adjust itself to the increasing cost of instruction in the public school system. It assumes, substantially, that the increased cost through inflation and other factors would be approximately \$100 per student per year.

This would be a reflection in that cost increase but we must remember that there will be a reflected increase in revenues in the Commonwealth of Pennsylvania because of the increased income in the Commonwealth of Pennsylvania.

Mr. MANDERINO. I would hope that the increase in Commonwealth revenues triples in that short period of time as the cost, under this bill, triples.

The point of my question—

Mr. PANCOAST. No, you are misconstruing the fiscal note. The fiscal note is only concerned with the changes that we made in the present subsidy formula not in the total cost of subsidy.

Mr. MANDERINO. Mr. Speaker, the costs of HB 593 are estimated by the Appropriations Committee to be \$262 million the first year. By 1980-81 that same bill is going to cost somewhere around \$700 million. That is the way I read this fiscal note.

Mr. Speaker, you are amending the bill that is going to spend \$700 million by the 1980-81 fiscal year. Can you tell me what the projections are for your amendment?

Mr. PANCOAST. I can tell you the projections for my amendment are less than those that you have before you.

Mr. MANDERINO. How much less is my question.

Mr. PANCOAST. I cannot answer that question because the information is not available.

Mr. MANDERINO. I think the information would have been available had the gentleman followed my suggestion made a few days ago that people who were preparing amendments to HB 593 were requested, at that time, to ask for fiscal notes from the Appropriations Committee. I have no further questions for the gentleman. I have this comment.

I have been given information that the so-called cap amendment, and my information comes from the Appropriations Committee, that just next year, and they have not made the calculations thereafter, we will be spending anywhere from \$45 million to \$75 million more under this bill for school subsidies with the Pancoast cap. I think it is no cap.

I do have a cap amendment that will be an absolute cap in the number of dollars which I propose to attach to this bill that will be an absolute cap in the number of dollars spent by this bill, not only this year but next year and every year hereafter. I think that is the kind of cap amendment that we ought to adopt. We ought to take a fresh look at this thing in light of our revenues next year and the year after and in light of the problems that the school districts are having or lack of problems in the event that they tighten belts back home. I am suggesting—

The SPEAKER. Will the gentleman yield?

POINTS OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. I question the propriety of the debate that is going on by the majority leader at this point. He is debating his amendment which is not offered and I thought we were discussing the requirement or the necessity for a fiscal note on this amendment.

The SPEAKER. The Chair does not agree. The Chair heard the debate, which is a rare thing up here, and the Chair believes that the gentleman, Mr. Manderino, was giving a reason why he was opposing the Pancoast-Gallagher amendment and the Chair believes that he gave us a reason that he has, what he considers to be, a superior amendment to offer. That, in the opinion of the Chair, is a legitimate point of debate and a legitimate statement on the part of the majority leader. The Chair rules that the point of order is not well taken.

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

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

The SPEAKER. The gentleman will state it.

Mr. DOYLE. Because the amendment that is offered now clearly requires a fiscal note and since it has none then I suggest that the Chair pass over this amendment and go on to other amendments.

I certainly do not want to vote for an amendment where there is a conflict as to the cost of it. The gentleman who is offering it says it would decrease the cost of the appropriation next year and the majority leader says it would increase the appropriation next year.

Therefore, I think the only fair thing to do for the members is to get a fiscal note, the same as everyone else who has an amendment has done.

I therefore move that we pass over the amendment until he gets a fiscal note. We have now—

The SPEAKER. The Chair would suggest to the gentleman that the proper procedure is to interrogate the chairman of the Appropriations Committee and to ascertain whether, in fact, the amendment requires a fiscal note. If the chairman of the Appropriations Committee states that it does require such a note and such a note has not been made available, then the Chair would be in a position to rule that the amendment is not well taken at this moment and would be passed over.

Mr. DOYLE. Would Mr. Pievsky stand for interrogation?

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

Mr. PIEVSKY. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DOYLE. Mr. Speaker, you heard the question as put by the Speaker. Could you answer that question, please?

Mr. PIEVSKY. Mr. Speaker, I think the amendment will need a fiscal note.

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

Mr. PANCOAST. Mr. Speaker, I think it should be pointed out that the fiscal note and the fiscal information that we have been able to obtain to HB 593 has indicated that over the last several years the median instructional expense in the Commonwealth of Pennsylvania for educating one child has been between 9 percent and 10 percent. I think it should also be pointed out that the growth in personal income in the Commonwealth of Pennsylvania during that same period of time has been between 6 percent and 7 percent.

Therefore, if the amendment that I have offered attempts to place a cap on school expenditures and the growth in personal income becomes the maximum of that increase at 6 percent or 7 percent while the cost of educating a child has been 9 percent or 10 percent, I do not believe a fiscal note is needed because there is no provision in rule 19(a) that says that a fiscal note must be provided when there is a decrease in the cost to the Commonwealth of Pennsylvania.

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

Mr. GALLAGHER. Mr. Speaker, on this question of a fiscal note.

The reason that this amendment was put together and introduced by myself and Representative Pancoast, is basically because our caucus had requested that we put a cap on this bill. A cap that would cost no more than basically what the original fiscal note calls for.

This is what we are attempting to do. We are not trying to circumvent the rules of this House on a fiscal note by bypassing it and not asking for a fiscal note. We believe that it is not needed.

It is unfortunate that we have our majority leader who has an amendment—and you help him by saying it is superior than this cap—which has not been circulated in this House. All I have on his amendment, which has not been presented to the members of this House on their desks, is a fiscal note that is not just a cap, it is a cut in the total cost of that bill.

The SPEAKER. Will the gentleman yield?

The gentleman well knows that his remarks, as they are addressed to the person of the majority leader, are ill taken. The gentleman will conduct himself as the Chair knows he is capable of doing and he will keep his temper under firm control. Have you counted up to 49 yet? Over 50; good.

The gentleman may now proceed.

Mr. GALLAGHER. Mr. Speaker, I think that this amendment was offered in good faith by Representative Pancoast and myself and other members of this House in trying to meet the requests of my caucus and I believe of the other caucus. It was offered in good faith and honesty. We are not trying to circumvent anything. We are trying to do what the membership wants.

I think it is not needed with a fiscal note. If the Speaker decides that it is, if that is what your decision is, then I would ask you to direct the Appropriations Committee to come out with a fiscal note right now, instead of postponing the inevitable that we are going to have a cap on this bill. This, we believe, Sieber Pancoast and I, is the best type of cap to put on this bill to do it properly.

GALLAGHER AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER. The Chair rules that the point raised by the gentleman from Delaware is well taken. It is the opinion of the Chair that the amendment as offered by Mr. Gallagher and spoken in favor of by Doctor Pancoast, requires a fiscal note.

On the recommendation of the chairman of the Appropriations Committee, the Chair suggests to Mr. Gallagher that he immediately refer the amendment to the chairman of the Appropriations Committee for the request for a fiscal note.

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

Mr. GALLAGHER. Mr. Speaker, I now withdraw my amendment temporarily for the purpose of submitting it to the Appropriations Committee for a fiscal note.

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

Mr. BURNS. Could I ask the Chair's indulgence for about 30 seconds to talk to Mr. Gallagher?

The SPEAKER. Without objection, the House will stand in recess for 33 seconds.

The SPEAKER. For what purpose does the gentleman from Bucks, Mr. Gallagher, rise?

Mr. GALLAGHER. Mr. Speaker, after my conversation with Representative Burns, he wishes to have the opportunity to do something else. So, at this point, I do not withdraw the amendment and at this time give Mr. Burns the opportunity to do something with the amendment that I have offered. So the amendment will be before the House.

AMENDMENT WITHDRAWN RESCINDED

The SPEAKER. Very well.

The Chair rescinds its opinion that the amendment was withdrawn. The amendment is currently before the House.

But the Chair has ruled that the amendment requires a fiscal note.

MOTION TO SUSPEND RULES FOR FISCAL NOTE

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

Mr. BURNS. Mr. Speaker, I would like to make a motion to suspend the rules for a fiscal note on this particular amendment.

The SPEAKER. The gentleman's motion is in order.

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

Mr. M. P. MULLEN. Mr. Speaker, they should not be suspended. This is an awfully important matter and we should know what we are voting on when we are talking about money. We should wait until we get the fiscal note. It is not going to take that long. I say we should not suspend the rules in this instance, because it is a very important matter.

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

Mr. SELTZER. Mr. Speaker, I was going to suggest to the gentleman from Bucks that he amend his motion to suspend rule 19(a) requiring fiscal notes on all amendments to this bill, but that before the bill passes finally, a fiscal note must be attached.

I assume, Mr. Speaker, and I think with good reason, we are going to have this constant battle of fiscal notes on practically every amendment that is going to be offered. Rather than haggle over procedure, let us eliminate this potential haggling once and for all until the bill is in final form. But before we pass it finally, a fiscal note must be attached so that all members will know the cost before voting on the bill finally.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, it might be convenient for us, and perhaps a little expedient today, to suspend the rules and not have to worry about fiscal notes. But that would be the height of irresponsibility for us to take that approach today and really just worry about a fiscal note for whatever kind of package we finally hack out at the end of this long process.

We are talking about a most important matter. We are talking about many varied and very expensive alternatives to this question of how we are going to fund schools in the Commonwealth and to what extent we should provide additional state moneys. Now we darn well better know what it is going to cost us and what those various alternatives are going to cost us, not just for this year, but for the next several years. We are talking about this year a quarter of a billion dollars and over the next 5 years we are spending well over \$1 billion potentially. We had better know exactly what it is going to cost us.

So, I would hope that we would not suspend the rules.

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

Mr. BURNS. Mr. Speaker, if you would just allow me one second here?

The SPEAKER. You mean down from 30 seconds to one second?

Well, we are cutting him down gradually anyway.

Mr. BURNS. I hate to waste time, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman. The gentleman may proceed.

Mr. BURNS. Mr. Speaker, I would amend the motion to go along with Representative Seltzer's suggestion that we suspend the rules on the amendments that may come along that do not have fiscal notes, but at the very end, before passing the bill, require a fiscal note on the entire bill.

The SPEAKER. The Chair places the motion before the House as amended. The amended motion is that for the remainder of the debate on HB 593, the required rule for fiscal notes shall be suspended for all amendments to that bill. That is the question before the House.

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

Mr. RICHARDSON. Mr. Speaker, can you give us the motion as it was placed before the House once again, for clarity's sake, please?

The SPEAKER. Certainly.

The question before the House is, shall the rules of the House requiring fiscal notes for amendments be suspended for each and every and all amendments offered to HB 593. That is the question before the House.

The Chair recognizes the gentleman, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I rise because I am concerned about the motion. I would think that we should not suspend the rules at this present time dealing with the question that is before us which allows, seemingly, the teachers and those involved in other agencies here in the State of Pennsylvania to try and put their amendments in to what really does not concern the children of the Commonwealth. I think our interest should be concerned with the school district as it relates to the financing and the subsidy as it relates to how the school districts should operate.

Therefore, I would be opposed to the motion to suspend the rules at this time, so that we could get on with the debate, and then put the bill before the House. If there is a fiscal note re-

quired, let it come at the end when all of the amendments and all of the other discussions have been put before the House. When this bill is prepared for final passage that will be the proper time for those individuals to place their concern. It just seems to me that we are wasting a lot of time going through this protocol and the fact remains that we have not gotten to the real dynamics of HB 593 with about 20 more amendments to go.

So let us deal with what has to be dealt with. I think that the amendments are clear in terms of what they are trying to do. Let the members vote them up or down and then let us proceed. But I would ask the members to vote against the suspension of the rules at this time, so that we can get on with the business of HB 593.

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

Mr. M. P. MULLEN. Mr. Speaker, the proposal of Mr. Burns now is 10 times worse than when he originally introduced it.

First of all, anybody who looks at the amendments that are on their desks, I think, would run about \$400 million more. I think it is the height of fiscal irresponsibility. What it will lead to is the total defeat of the bill if these amendments go in and many of them will, because they are very attractive amendments.

So I think we ought to insist upon the fiscal note.

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

Mr. PIEVSKY. Mr. Speaker, I rise to oppose the motion made by Representative Seltzer to suspend fiscal notes for the balance of the afternoon for HB 593.

There is approximately 24 amendments awaiting action on the floor of the House, every one with a fiscal impact. I do not think that the members would want to put all those amendments into a bill and not know what they are voting on and end up with a bill that could cost them \$700 million or \$800 million and then start stripping the bill in order to make it salable to the House members.

For this reason, Mr. Speaker, I oppose Mr. Seltzer's motion.

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

Mr. FRYER. Mr. Speaker, I would strongly urge a "no" vote on this motion.

The very intent of a fiscal note is so that members of the House are in a position to hopefully pass an intelligent vote. I cannot see how a member can vote in the affirmative or negative on a proposal unless he considers a very important aspect of that proposal. That is precisely this, how much will it cost the taxpayers of the Commonwealth? This is a horrendous proposal.

I would urge its defeat.

PARLIAMENTARY INQUIRY

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

Mr. DOMBROWSKI. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.
 Mr. DOMBROWSKI. Mr. Speaker, would I be in order now to move that this House be in recess until a fiscal note is prepared for every amendment to HB 593 and SB 770, so that we do not go through this hassle on every amendment?

The SPEAKER. No.

Mr. DOMBROWSKI. Thank you.

The SPEAKER. The Chair advises the gentleman—the Chair is not going to be quite that abrupt with the gentleman, not yet—that that motion may well be well taken at a later point in the debate. But right now the only question before the House is the question placed by the motion of Mr. Burns, that no amendment offered to HB 593, presently offered or hereafter offered, shall require a fiscal note, that the rules of the House so requiring be suspended. That is the only question before the House at this time.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—36

Anderson	Fischer, R. R.	Levi	Salvatore
Berlin	Gallagher	Mackowski	Seltzer
Bittle	Greenleaf	Madigan	Shupnik
Brandt	Haskell	Mebus	Sirianni
Burns	Hayes, S. E.	Miller	Thomas
Butera	Helfrick	Moehlmann	Weidner
Cimini	Hopkins	O'Connell	Wilt
Davies	Hutchinson, W.	Pancoast	Wise
Dininni	Klingaman	Polite	Wright, J. L.

NAYS—157

Abraham	Garzia	McCall	Scheaffer
Armstrong	Gatski	McGinnis	Schmitt
Arthurs	Geesey	McIntyre	Schweder
Barber	Geisler	McLane	Scirica
Bellomini	George, C.	Meluskey	Shuman
Beloff	George, M.	Milanovich	Smith, E.
Berson	Giammarco	Milliron	Smith, L.
Bittinger	Gillette	Miscevich	Spitz
Borski	Gleeson	Morris	Stairs
Brown	Goebel	Mowery	Stapleton
Brunner	Goodman	Mrkonic	Stewart
Burd	Gray	Mullen, M. P.	Stuban
Caltagirone	Greenfield	Mullen, M. M.	Sweet
Caputo	Grieco	Musto	Taddonio
Cassidy	Halverson	Novak	Taylor, E.
Cessar	Hamilton	Noye	Taylor, F.
Cianciulli	Harper	O'Brien, B.	Tenaglio
Cohen	Hasay	O'Brien, D.	Trello
Cole	Hayes, D. S.	O'Donnell	Valicenti
Cowell	Hoefel	O'Keefe	Vroon
DeMedio	Honaman	Oliver	Wagner
DeVerter	Hutchinson, A.	Parker	Wansacz
DeWeese	Itkin	Petrarca	Wargo
DiCarlo	Johnson	Piccola	Wass
Dietz	Jones	Pievsky	White
Dombrowski	Katz	Pitts	Wiggins
Donatucci	Kelly	Pott	Williams
Dorr	Kernick	Pratt	Wilson
Doyle	Knepper	Prendergast	Wright, D.
Duffy	Kolter	Rappaport	Yahner
Dumas	Kowalyshyn	Ravenstahl	Yohn
Englehart	Laughlin	Reed	Zearfoss
Fee	Lehr	Renwick	Zeller
Fisher, D. M.	Letterman	Rhodes	Zitterman
Flaherty	Lincoln	Richardson	Zord

Foster, A.	Livengood	Rieger	Zwinkl
Foster, W.	Logue	Ritter	
Freind	Lynch	Ruggiero	Irvis,
Fryer	Manderino	Ryan	Speaker
Gamble	Manmiller	Scanlon	

NOT VOTING—7

Bennett	McClatchy	Shelton	Wenger
Gallen	Pyles	Spencer	

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

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

Mr. LAUGHLIN. Mr. Speaker, I would like to ask a question of the Appropriations chairman on the validity of some of our fiscal notes that we are discussing on this last amendment.

The SPEAKER. Would the gentleman, Mr. Laughlin, yield the general question he wishes to ask to permit Mr. Dombrowski to place a motion before this House on the specific issue?

Mr. LAUGHLIN. Yes, Mr. Speaker.

MOTION TO RECESS

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

Mr. DOMBROWSKI. To make a motion, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman and the gentleman will place the motion before the House.

Mr. DOMBROWSKI. I move that this House now recess until such time that a fiscal note for each amendment to HB 593 and SB 770, be prepared.

The SPEAKER. Did the Chair hear correctly? Did the gentleman move to recess the House until fiscal notes on HB 593 and SB 770 are prepared?

Mr. DOMBROWSKI. Yes, sir.

I have many more amendments on my desk than I do have fiscal notes. As both are Appropriation bills, I think that each amendment is going to require a fiscal note.

The SPEAKER. For the edification of the gentleman and the members of the House, no fiscal note is required on a general appropriation bill, because the general appropriation bill does carry its appropriation with it and is changed from year to year.

So the gentleman's correct motion is to recess the House until such time as fiscal notes are obtained for HB 593 and all amendments offered thereto. Is that correct, Mr. Dombrowski?

Mr. DOMBROWSKI. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, it is my understanding that of the list of amendments to be offered to this bill this afternoon, a goodly number of those amendments, the sponsors did request fiscal notes, have received fiscal notes and it is my understanding that they have been distributed. I think a better procedure is to continue to work on those amendments that have fiscal notes and those members who did not request fiscal

notes, as we admonished that you should last week, please make the requests.

The staff in the Appropriations Committee is working today and they can get fiscal notes, perhaps, before your amendments will be called up.

I would suggest that the better procedure is to continue to work, take the amendments that have fiscal notes already.

MOTION TO RECESS WITHDRAWN

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

Mr. DOMBROWSKI. Mr. Speaker, if we follow the order of business that the majority leader has suggested, I will withdraw my motion.

The SPEAKER. The Chair thanks the gentleman for withdrawing his emotion, his motion—that was a fraudulent slip, was it not?

The Chair also thanks the gentleman, Mr. Gallagher, for withdrawing his amendment.

The Chair now recognizes the gentleman from Centre, Mr. Letterman. For what purpose does the gentleman rise?

Mr. LETTERMAN. Just a suggestion. If you are looking for an amendment, I suggest Mr. Amos Hutchinson. His is first.

The SPEAKER. I am sorry, the Chair could not hear the gentleman.

Mr. LETTERMAN. I said. I would suggest that you take up the Amos Hutchinson amendment.

The SPEAKER. Would the gentleman yield?

Would the gentleman state his suggestion again? I apologize to the gentleman.

Mr. LETTERMAN. Amos Hutchinson has an amendment, it is all ready, it has a fiscal note and I would suggest that we take that up first.

Thank you.

The SPEAKER. Uh-huh. The Speaker is very flattered, because the Speaker knows that that indicates that his face points out that he must have been born the day before yesterday.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, not only are there several majority leaders here, there are a few Speakers.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, who was kind enough to yield the floor. Will the gentleman state the reason for taking the floor?

Mr. LAUGHLIN. Yes, Mr. Speaker.

I am very concerned about the accuracy of the fiscal notes that we are receiving here in the House. These fiscal notes are based on the figures of the Department of Education for 1976. The inaccuracy of these figures cannot be questioned, because I have taken the opportunity to check the districts that I represent and every one of the fiscal notes that they have sent over, indicating a reimbursement figure, is off anywhere between \$57,000 and \$6000 as a reimbursement factor.

Now the fiscal notes are based upon 1976 figures and they should be based on the latest possible data that the Department of Education has. They have the data for 1977 and we should be

using those figures, because we must take back the figures to our home districts. We are telling them that they are receiving far in excess of what they are going to receive in my district at this present time.

The four schools that I am talking about represent a difference of over \$100,000, less than what they will be receiving based on the 1977 figures.

I am saying to you that the fiscal notes we are receiving, based on this bill, are inaccurate and that we should hold this bill until we receive the fiscal notes that are accurate, based on 1977 figures.

PARLIAMENTARY INQUIRY

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

Mr. W. D. HUTCHINSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. W. D. HUTCHINSON. Mr. Speaker, has the Chair stated that the Gallagher amendment has been withdrawn?

The SPEAKER. The Chair has so stated.

Mr. W. D. HUTCHINSON. Has the gentleman withdrawn his amendment at this time?

The SPEAKER. The Chair stated that as a reflection of the indication on the part of the gentleman, Mr. Gallagher, that he has withdrawn the amendment.

Mr. W. D. HUTCHINSON. 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. GALLAGHER offered the following amendments:

Amend Bill, page 11, by inserting between lines 5 and 6

Section 7. Notwithstanding any other provisions of the "Public School Code of 1949" to which this is an amendment, the board of school directors of each school district is hereby authorized, for the school year 1977-1978 to reopen its 1977-1978 budget during the month of July, 1977 only, and to make any revisions in the budget and tax levies heretofore adopted to reflect anticipated increases in State subsidies payable during 1977-1978 to the school district under the provisions of this amendatory act.

It is the intent and purpose of the General Assembly that the funds which accrue to the school districts of the Commonwealth on account of the provisions of this act be expended according to the following priorities:

- (1) Restoration of programs and extracurricular activities.
- (2) School tax relief.
- (3) Creation of new programs.

Amend Sec. 7, page 11, line 6, by striking out "7" and inserting 8

On the question,

Will the House agree to the amendments?

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

Mr. GALLAGHER. Mr. Speaker, this amendment does not need a fiscal note. This is an amendment that would permit the school districts that receive the additional funds should this bill pass to open up their budget, make any revisions in the budget and tax levies adopted heretofore to reflect the anticipated in-

creases in state subsidies payable during 1977 and 1978 to the school district under the provisions of this amendatory act. The amendment goes further and sets the priorities for what the school district should do with the additional subsidy money if this bill becomes law: (1) to provide for the restoration of programs and extracurricular activities; (2) to provide for a school tax relief; (3) to provide for the creation of new programs.

What this amendment does is to say to them, you may open up your budget; you may receive these additional subsidy moneys, if it becomes law; you may revise your tax levies; and you shall follow the following priorities of receiving these funds and providing the relief for the taxes that you had enacted, should you enact them before this becomes law.

PARLIAMENTARY INQUIRY

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

Mr. WILSON. I, like the majority leader, think that I have a better amendment to solve this problem. I do not believe that the Gallagher amendment really does what it purports to do.

I rise to a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILSON. Would the Gallagher amendment be divisible as to the priorities?

The SPEAKER. Would the gentleman inform the Chair as to where the gentleman proposes to divide the Gallagher amendment?

Mr. WILSON. The Gallagher amendment suggests that the following priorities: (1), (2) and (3). I would ask the Chair if the priorities (1), (2) and (3) could be divisible as parts of the whole beginning with section 7?

The SPEAKER. It is the opinion of the Chair that the amendment is not there divisible. To divide the amendment at that point would be to make a nullity of the words, "to the following priorities:" There would be no priorities to follow if the House did not adopt the second part of the amendment.

The Chair rules that the amendment is not in that manner divisible.

Mr. WILSON. If one of the priorities were adopted, however, there then would be a priority. Is that correct, Mr. Speaker?

The SPEAKER. The Chair is of the opinion that the only way you could divide this amendment to achieve the apparent purpose of the gentleman, Mr. Wilson, is to include more than one priority—

Mr. WILSON. Plural.

The SPEAKER. —so that your word "priorities" which is a plural word would be correct in its reference.

Mr. WILSON. Okay. I thank the Chair.

The SPEAKER. The Chair thanks the gentleman.

Mr. WILSON. If I may speak on the amendment?

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

Mr. WILSON. As I said in my opening remarks, I believe that this is simply a cloud. This amendment is not doing what the gentleman would purport that it does. I will be offering a very definite rollback-in-taxes amendment at some point whenever the Speaker gets to calling on me, down the line, that I think will solve this problem totally.

Now, if you read this amendment and read it carefully, it

says, the "school district is hereby authorized,". It is permitted. It may. It does not have to. It does not have to. It does not have to reopen its budget for the 1977-1978 year to reflect the additional moneys it may get. It says here that only "during the month of July,".

If we do not get around or the Senate does not get around to enacting HB 593, if in fact we finally pass it, that could be the middle of July. I suggest that they would never get around to doing it.

Read carefully the priorities that this measure suggests: First of all, that the school district, after adopting its budget, decides that they can eliminate, do away with, get rid of some programs, some of their extracurricular activities without the educational process suffering. This amendment suggests that is the first thing they are going to put back in to spend that extra money that you are going to send to them.

Secondly, school tax relief; that is, they might get back and take care of school tax relief. I think that is what this is all about. I understood that HB 593's sole purpose was to get more state money back to the school district so that they could reduce their real estate taxes, their head taxes, their occupation taxes, whatever they are collecting back home, and provide school tax relief.

Thirdly, the priority says that we are going to create new programs, new programs for which next year they are going to come back and ask you for more money to fund those new programs they started this year with the surplus money they get.

I would urge the defeat of this amendment. I will offer a very strong amendment in the future.

Thank you.

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

Mr. LAUGHLIN. No, Mr. Speaker, I did not want to speak on this. I am waiting for Mr. Gallagher's amendment to be passed or voted down.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GARZIA. Mr. Speaker, Mr. Wilson asked the question that I was going to ask and that was, could this amendment be divided? But, you have ruled that it cannot.

Well, I would just like to say that I oppose this amendment. I think one of the problems that we have today is all these new programs that are being created by some of the school districts, some with the help of the state legislators and some with the help of the school boards themselves.

This amendment does not do what I think it ought to do, and that is, open up the budget with the intent of letting them lower their taxes. I also have an amendment to force them to lower taxes if they get "X" amount of dollars from the subsidy bill.

So, I would urge that this amendment be defeated.

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

Mr. ARTHURS. Mr. Speaker, I rise in opposition to this amendment, because within the last 2 or 3 years in my school

district and in requiring and offering a balanced budget, my school board, through their negotiations, cut some fringe programs from their school. They assumed the responsibility that was necessary for a budget to be balanced. Now if we give them back money and allow them to put back programs and give them extra money, this is exactly where the money will go, into programs that are probably not necessary for good education, but at least it is someplace to spend the money.

I remember that two sessions ago, when we had the last school subsidy, we gave money to school districts which did not need the money. But to satisfy us in the rural areas, we got money to send back to our people when they really did not need it.

The intent of this money was to give tax relief. This money was to be passed on for that reason. I know in my district, and I would presume in many other districts, it never happened. I would imagine that the same thing is going to happen here. When we give money back to people when it is not allocated for a certain thing, it is abused and it is not given back to the people. For this reason, I would suggest we vote this amendment down.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Doctor Pancoast.

Mr. PANCOAST. Mr. Speaker, I rise to support this amendment.

I think the options that are afforded by the amendment make it possible for the local board of school directors to determine the best use for the moneys that they are receiving.

Obviously, the first choice should be to reduce taxes that may have been enacted under a program this late in June of 1977 for next year's operation of the schools.

Three districts out of four in my particular legislative district, however, are trying to adopt budgets in anticipation of the receipt of moneys under a subsidy system. Now, it may be illegal for them to do this, but, nevertheless, they do not want to try to face the voters. And in my particular district where they live, our anticipated increase in taxes presently is 14 mills.

If we do not adopt the subsidy, there will be an additional 13-mill tax or an increase from the present amount of taxation up to 135 mills. In addition, we have an occupation tax, we have a real estate transfer tax, we have per capita taxes and we have an occupation tax.

I happen to live in a district that ranks, at the present time, ninth with respect to the heaviest local tax burden. I think I am familiar with this question.

I think the option should rest with the local school board of directors as to whether they are going to pay off their deficits of this year—there are 111 school districts operating at a deficit—whether they are going to reduce taxes, which we hope, of course, they will do or at least help to keep them down; and, thirdly, to try to meet their commitments with respect to programs.

We have been told recently that the programs for the kindergarten, which had been eliminated in Philadelphia, have recently been reinstated, and I am sure that they are hoping to be able to receive money for the support of such a program.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would rise to oppose the Gallagher amendment. It is more window dressing to make HB 593 palatable to us rather than hard substance.

The biggest problem with the amendment that Representative Gallagher proposes is that it is very, very, very optional, and the last time this legislature passed similar language, something like 14 out of 505 districts took advantage of that opportunity to reduce taxes, so I do not think this kind of language is going to take us in that direction.

The second biggest deficiency with the amendment as it is proposed by Representative Gallagher is that in addition to saying that it is going to be a priority to perhaps restore programs that have been cut and to reduce taxes is also a third priority that is stated in there, and it would seem to be that through this amendment this legislature would state our intentions for school districts to go out and start new programs as a priority item with these extra dollars they will be getting.

Representative Wilson has indicated that he will have an alternative amendment to offer, and I have had one drafted also. We are waiting for it. Both of those tend to move in the same direction, that is, to require school districts to reopen their budget, to take a look at how they are going to spend these extra dollars, and, secondly, to remove this big loophole called new programs that would be provided through the Gallagher amendment. I would hope that we would defeat this in lieu of a better alternative to follow in a few minutes.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, to speak upon the amendment.

Mr. RITTER. Mr. Speaker, I am sorry but I had not planned to speak on the amendment. If you want me to, I will. Do you want me to be for or against it?

The SPEAKER. The Chair is delighted that the gentleman is so gracious and would not insist that the gentleman address the amendment.

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

Mr. GALLAGHER. Mr. Speaker, I yield the floor temporarily to the gentleman from Bucks, Mr. Burns.

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

Mr. BURNS. Mr. Speaker, could I interrogate Representative Gallagher for just a moment?

The SPEAKER. That is what you get for yielding the floor. Will the gentleman, Mr. Gallagher, stand for interrogation?

Mr. GALLAGHER. Yes, Mr. Speaker.

The SPEAKER. The Chair receives the indication from Mr. Gallagher that he will stand for interrogation. The gentleman from Bucks, Mr. Burns, may place the interrogation.

Mr. BURNS. Mr. Speaker, it is my understanding that if this amendment were defeated and another type of amendment would go in, that would require, as some people have said, the school districts to return the money in the form of reduced property taxes. The \$55 million that is presently in the bill for

the city of Philadelphia would then be required to be returned to the taxpayers of Philadelphia in the form of reduced property taxes rather than in aid to schools. Is that correct, Mr. Speaker?

Mr. GALLAGHER. Mr. Speaker, that basically is correct. It is not just to deal with real estate taxes. The amendment deals with any revisions in the budget and tax levies, so that means any tax levy that a school district enacts.

If this bill is not adopted and somebody else's amendment is adopted which mandates that the money they receive under this subsidy shall be used for the reductions of any tax levy, it would affect the Philadelphia School District's giving back to the taxpayers the money that they have levied to maintain their school district; yes, that is correct.

Mr. BURNS. So what you are telling me then is, if your amendment is defeated and some other type of amendment requiring a reduction in real estate taxes goes in, then if the school district of Philadelphia really cannot open up the kindergartens again, put back the vocational education schools again, put in the different programs that are so vital to any school system, they would then be required to give that money back in the form of a tax rebate.

Mr. GALLAGHER. That is correct.

Mr. BURNS. Thank you. That is what I thought it meant, and I appreciate the comment from Mr. Gallagher.

I would like to remind the members of this House that under our form of government in Pennsylvania, the school board directors are elected and they are elected to run the school district as they see fit, and at any point that the voters do not see them doing it to the way they have mandated in their last election, then it is up to the voters to tell them to change their ways or they will be voted out. I do not think we have the right, at this point, to tell the school directors how they should spend money that they are legally elected to spend, and I would just urge the passage of the Gallagher amendment and get on with the bill.

Thank you, Mr. Speaker.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise in support of the Gallagher amendment. I think that before voting on this amendment the members should have some understanding of the situation as it would exist without this amendment if we passed HB 593.

Under the current provisions of the Public School Code of 1949, in the absence of an amendment authorizing reopening of the budget, there is only one thing that school districts can do with this money: They can reallocate it to income. They cannot reduce taxes; they cannot do anything with it but simply add it to their income. They can simply transfer it into a budgetary reserve account. Obviously, if that is all that can be done, we do not accomplish any of the things that we desire to do by HB 593, and those things really are twofold: First, there is a great desire in many districts to reduce the burden of real estate taxes. Under the Gallagher amendment, that could be accomplished. Without the Gallagher amendment, that cannot be accomplished. Secondly, there are many school districts in this

Commonwealth of Pennsylvania that are faced with very, very serious budgetary problems because of simply not having sufficient revenues available to them to be able to run the educational program that those boards and, apparently, the citizens who elected them, feel are required.

Thirdly, I would draw the attention of the members of the House to a situation that has existed in this Commonwealth because of the problems of school budgets over the last several years. That situation relates to the reduction in force. Philadelphia, of course, under the current budget, is a prime example of that but it is a situation that has prevailed throughout the Commonwealth.

Section 1124 of the Public School Code of 1949 sets forth and specifies the factors and the reasons which school districts can use in curtailing or reducing an educational program and suspending teachers. That section is not a masterpiece of draftsmanship, and I am extremely familiar with it. If you do what some of the other amenders would ask you to do and absolutely earmark this only for tax reduction, you may very well be faced with situations under recent decisions of the Pennsylvania Supreme Court in interpreting that section where school districts will be ordered to restore certain cuts that they had made because they cannot meet those criteria and will not be able to use this money to do it. That, it seems to me, is a ridiculous situation.

Finally, it seems to me that if we believe in the principle of local control with respect to school districts and believe in permitting the various school systems of this Commonwealth to set by their own elected representatives the level at which they wish to spend for education, then I think we should pass this amendment and continue that policy in the Commonwealth which has been longstanding.

Mr. Speaker, finally, I as much as anyone favor the tax-reduction route. However, I would like to remind some of the gentlemen who spoke on the question of tax reduction what happened when we passed the last increase in the public school subsidy, which my recollection leads me to believe was in 1973. At that time we increased the maximum per pupil subsidy to \$750. There was an amendment proposed, and I believe it carried in that bill, that did what these gentlemen wanted to do, and that is, it said that, if practicable, the moneys gained by the school districts should be used for the reduction of taxes. The gentlemen whose school boards did not follow that did not violate the law. They did it and, under the rulings and regulations of the department, they got away with it.

Many school districts, however, under that amendment, did, in fact, reduce taxes, although the department ruled that they were not required to do so. I do not see how, in the current situation, if we are to accomplish with this bill all of the purposes that we wish to accomplish, we can go any further with the reopening than saying, if practicable, it should be used to reduce taxes or our first priority should be used to reduce taxes.

Mr. Speaker, I say to you that if that is all we do, we are really engaging again in a pious declaration that we can take back to our people and say, we told them to do it but they did not do it. Let us put the responsibility for running the local school system where it belongs. Let us put it on the local school

district and let us pass this amendment so that they do have the possibility of using this money for the reduction of taxes where that, under all the varying circumstances we have in this Commonwealth, seems to be the appropriate thing to do. Thank you.

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

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

I rise in opposition to the Gallagher amendment. It is somewhat difficult here, just as with the previous set of amendments of which the majority leader was involved, to be arguing what are really competing amendments that are before the membership. At the present time we have before us, unfortunately, only the Gallagher amendment. There are at least 2 other amendments that will be before the House later; one by Mr. Wilson and one by, I believe, Representative Cowell, which I submit are far superior to the approach which has been taken within the Gallagher amendment.

I suggest that at this time we vote down the Gallagher amendment and we proceed to consideration of the other amendments, all of which I believe would require, first of all, a reduction of taxes but only where new taxes have been levied. I want to point this out and I submit to the membership that the Gallagher amendment is not the best amendment on this roll-back issue. So let us vote it down and let us give consideration to the others. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. MORRIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORRIS. Mr. Speaker, I have a question for the Chair and then a question for Mr. Gallagher. Then I would like to say a word.

Is my understanding correct, Mr. Speaker, that if we were to pass the Gallagher amendment and then later on pass another amendment contrary to it in some degree, that the other amendment would control, being the last one put in?

The SPEAKER. The Chair believes that the gentleman's interpretation is correct. If the House were to pass amendment A and then at a later time to pass amendment B, and amendment B were to contradict amendment A, the House would have, in effect, rescinded amendment A. The gentleman is correct, in the opinion of the Chair.

Mr. MORRIS. Mr. Speaker, would Mr. Gallagher stand for one question of interrogation?

The SPEAKER. The gentleman from Bucks, Mr. Gallagher, indicates that he will stand for interrogation.

The gentleman from Chester may place the interrogation.

Mr. MORRIS. Mr. Speaker, this question is mainly to place the intent of the House on the record if your amendment is passed.

You have a set of priorities, 1, 2 and 3, for which the money is supposed to be used. Now, is it your intent that these priorities are absolute in the sense that if the money is all used up for 1

and 2, there will not be anything for 3, and that the school districts will have to follow these priorities in the order in which you have listed them?

Mr. GALLAGHER. Mr. Speaker, that is correct and that is the reason for the priorities, 1, 2 and 3.

Firstly, number 1 is to restore programs. There are many school districts in the state that have done away with curriculum programs. Some have done away with kindergartens; some have done away with some of their vo-tech work. So that first priority should be that they reinstate them for education curriculum.

The second priority is, whatever money is left over from restoring their curriculum if they had a cut because they did not have additional money, now would be for tax relief. When tax relief is done, there basically will not be any money left over to install additional programs.

Mr. MORRIS. Thank you, Mr. Speaker.

Now I would like to say a word on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Morris, and the gentleman is in order and may proceed to speak on the amendment.

Mr. MORRIS. I am going to vote for this amendment. I do not think it is my favorite one; I like Mr. Cowell's better. We do not have Mr. Cowell's before us. However, in answer to what Mr. Fisher stated, if, after voting this amendment in, we vote Mr. Cowell's in, Mr. Cowell's will replace this amendment. So I think at the moment I am not going to take a chance on seeing the whole thing go down. I would urge support of this amendment. The members may hope at a later time that they can perhaps vote in an amendment that is more to their choosing.

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

The following roll call was recorded:

YEAS—172

Abraham	Garzia	McCall	Scheaffer
Anderson	Gatski	McGinnis	Schmitt
Armstrong	Geesey	McIntyre	Schweder
Arthurs	Geisler	McLane	Scirica
Barber	George, C.	Mebus	Seltzer
Bellomini	Giammarco	Meluskey	Shuman
Bennett	Gillette	Milanovich	Shupnik
Berlin	Gleeson	Miller	Sirianni
Berson	Goodman	Milliron	Smith, E.
Bittinger	Gray	Miscevich	Smith, L.
Bittle	Greenfield	Moehlmann	Spitz
Borski	Greenleaf	Morris	Stairs
Brandt	Halverson	Mowery	Stapleton
Brown	Harper	Mullen, M. P.	Stewart
Brunner	Hasay	Mullen, M. M.	Stuban
Burd	Haskell	Musto	Sweet
Burns	Hayes, D. S.	Novak	Taddonio
Butera	Hayes, S. E.	Noye	Taylor, E.
Caltagirone	Helfrick	O'Brien, B.	Taylor, F.
Caputo	Hoeffel	O'Connell	Thomas
Cassidy	Honaman	O'Keefe	Trello
Cessar	Hopkins	Oliver	Valicenti
Cianciulli	Hutchinson, A.	Pancoast	Wansacz
Cimini	Hutchinson, W.	Parker	Wargo
Cohen	Johnson	Petrarca	Wass
Cole	Jones	Piccola	Weidner
Cowell	Kelly	Pievsky	Wenger

Davies	Kernick	Pitts	White
DeMedio	Klingaman	Polite	Wiggins
DeVerter	Knepper	Pratt	Williams
DeWeese	Kolter	Prendergast	Wilt
DiCarlo	Kowalyszyn	Pyles	Wise
Dietz	Laughlin	Rappaport	Wright, D.
Dininni	Lehr	Ravenstahl	Wright, J. L.
Dombrowski	Letterman	Reed	Yahner
Donatucci	Levi	Renwick	Yohn
Dumas	Lincoln	Richardson	Zearfoss
Englehart	Livengood	Rieger	Zeller
Fee	Logue	Ritter	Zitterman
Fischer, R. R.	Lynch	Ruggiero	Zwinkl
Foster, W.	Mackowski	Ryan	
Freind	Madigan	Salvatore	Irvis,
Gallagher	Manderino	Scanlon	Speaker
Gallen	Manmiller		

NAYS—23

Dorr	Fryer	Katz	Tenaglio
Doyle	Gamble	McClatchy	Vroon
Duffy	George, M.	Mrkonic	Wagner
Fisher, D. M.	Goebel	O'Brien, D.	Wilson
Flaherty	Hamilton	Pott	Zord
Foster, A.	Itkin	Rhodes	

NOT VOTING—5

Beloff	O'Donnell	Shelton	Spencer
Grieco			

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

ANNOUNCEMENT

The SPEAKER. The Chair would like to announce at this time that the Chair is going to leave the podium for a period of about 20 to 25 minutes because the Chair has had a visitor here waiting to see the Speaker. The visitor is from Washington, D. C. It is not Jimmy Carter. The Chair does not wish to delay the gentleman any longer.

MR. PARKER REQUESTED TO PRESIDE

The SPEAKER. The Chair is turning the gavel now over to the Chair's personal friend from Allegheny County, Sheldon Parker.

THE SPEAKER PRO TEMPORE (H. SHELDON PARKER, JR.) IN THE CHAIR

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

Mr. LAUGHLIN. Mr. Speaker, could I have a brief interrogation of Mr. Pievsky?

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

Mr. PIEVSKY. Yes.

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

Mr. LAUGHLIN. Mr. Speaker, HB 593 requires a fiscal note, does it not?

Mr. PIEVSKY. That is correct.

Mr. LAUGHLIN. And the fiscal note Mr. Speaker, should be accurate, should it not?

Mr. PIEVSKY. That is right.

Mr. LAUGHLIN. When the bill comes to the floor of this House, we should have accurate figures involved in each and

every portion of that bill?

Mr. PIEVSKY. That is correct.

Mr. LAUGHLIN. Mr. Speaker, can you tell me factually if the figures that we have in HB 593 are accurate in your opinion?

Mr. PIEVSKY. Well, Mr. Speaker, the information that we get from the computer bank in the Department of Education is up to date as of estimated figures that are sent in by all of the superintendents in the fall. The actual figures that you are looking for do not arrive to that bank until July. Between fall and July enrollments increase and enrollments decrease. So as far as the Appropriation Committee is concerned, those figures that the fiscal note is on are accurate to the information that we have as of now.

Mr. LAUGHLIN. Mr. Speaker, are the figures that you are using the latest possible information as to the impact of HB 593?

Mr. PIEVSKY. That is correct.

Mr. LAUGHLIN. Mr. Speaker, I have called the Department of Education and the gentleman who provides you with those figures tells me that he has available the figures for 1977 on which to give accurate projections of cost on HB 593. I believe that you also have that information. Is that correct?

Mr. PIEVSKY. The information was just brought to my attention that those printouts are available or will be available, but I do not think it would be much of a change as far as the fiscal notes are now, because it is mostly no change at all in some cases and minimal in others.

Mr. LAUGHLIN. Mr. Speaker, as I indicated earlier, I had called the gentleman in the Department of Education and I have a difference in four school districts, just the four that I checked, of over \$100,000. I do not believe that that is a minimal figure. I believe that is a substantial alteration of the fiscal note in HB 593. Would you assume that to be correct then, if that information is accurate?

Mr. PIEVSKY. Well, I have not seen those figures as yet as far as your district is concerned. But you may be right, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, I have the figures right here. I will read them to you.

The district of Aliquippa under HB 593 is quoted as receiving \$463,000. The 1977 figure is \$431,000, or \$31,870 below projection. The figures for Ambridge, \$449,000; actual figures, \$430,000; an over-projection of \$18,000. Freedom Area School District, \$296,000; actual figure, \$238,000; an over-projection of \$57,000, Mr. Speaker.

Those figures have to be considered as substantially inaccurate. We are being called on and I am being called on, in particular, to vote for HB 593, and I have no objection to voting for HB 593, but, Mr. Speaker, I think that I deserve accurate figures that my districts back home are going to be able to look at and recognize as to what their reimbursement is.

MOTION TO PASS OVER HB 593

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

Mr. LAUGHLIN. I would ask you, Mr. Speaker, since any amendment and, as a matter of fact, even the bill is inaccurate

with what we have, I am going to make a motion to hold this bill until such time, Mr. Speaker, as you get those up-to-date figures for our districts, so that we know that each and every district receives the actual figures indicated rather than to vote for a bill and find out we end up with a \$100,000 or \$200,000 less in our district and it ends up somewhere else. I am going to make that in a form of a motion, Mr. Speaker.

The SPEAKER pro tempore. It is moved by the gentleman from Beaver that the action on this bill be postponed.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, let me suggest to the gentleman from Beaver an alternative. I understand that the Department of Education began giving fiscal information for HB 593 and when they began giving that information, they were giving the latest estimates that they had. Some 130 printouts were made on various provisions for various groups that were trying to look at HB 593 and what effect different amendments would have on HB 593. It is my understanding that the Department of Education does have updated estimates. They do not have actual figures.

My suggestion would be that we would run the amendments to HB 593 and then ask the Department of Education to use their latest information and give us a printout, so that everyone will know what they will get in their individual districts, not actually, but according to their latest estimates. I think we could do that once. They want us all playing from the same sheet of music at this time and there are so many printouts out that using new figures would not relate to all of the printouts that have already been made.

I would suggest as an alternative, of course, that we amend HB 593, and I understand that we are amending it with estimates, and that before a final vote, a printout be distributed to the members of the House showing what the districts will receive according to the latest estimates in the computer bank of the Department of Education. Is that viable?

Mr. LAUGHLIN. Mr. Speaker, I am in accord on most occasions with what the majority leader wishes. However, in this case, Mr. Speaker, we are dealing with a situation where every amendment offered that has fiscal impact on what we are going to be voting on, we are voting on an inaccurate figure on how it will affect the ultimate outcome of this legislation. I do not think that is the correct way for us to be conducting ourselves in voting for amendments that are going to have fiscal impact, with a fiscal note that is totally inaccurate as to what the outcome will be. You may tell me that it is totally right, but I am telling you, sir, that with the four school districts checked, with only four, not one of them is correct.

Mr. MANDERINO. Mr. Speaker, that is entirely true. But the Department of Education is running with estimates and the estimates that they are running with are the estimates provided by those four school districts at one time. That is what they estimated and that is what they sent into the Department of Education.

Now as the school year progressed, those figures have changed. The department does not get actual figures until July of 1977. Unless we postpone action on HB 593 to that point in time, we certainly would only have estimates. They may be

better estimates than have been used in the fiscal notes, but all of the fiscal notes have been provided from estimates given by school districts, all of the school districts across this Commonwealth, and they are playing from the same sheet of music. They took the same estimates, the estimates that came in at one point in time, and at that time that was the latest estimate that they had from the school districts. I think the only logical thing to do would be to base the fiscal notes on that. Sure there is going to be variations. My suggestion is to you that we use the latest information once all the bills are in. For instance, the fiscal note on any one of these amendments that we are considering does not show the effect on your individual school district in many of the cases anyway.

Mr. LAUGHLIN. It does show in overall impact, Mr. Speaker.

Mr. MANDERINO. It does show in overall impact, and I will admit to you that that may not be an accurate impact, but it is the impact that can be determined from the estimates sent in by the school district, and I think that is the best we can work with.

If the gentleman is not amenable to my suggestion, then I would ask the members of the House to oppose his motion to pass over this bill, because I think we must get on with the work of the House, we must get on with the work of the amending process on HB 593 and we are using the best information available.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Laughlin. The question is on the motion to postpone.

Mr. LAUGHLIN. Mr. Speaker, I would ask that the membership vote on the motion because each and every one of us is called on to make a responsible answer to our school districts back home on each and every vote that we cast on this bill.

I am asking to hold this bill until we get the accurate estimates from the Department of Education, so there are no great surprises, which I am sure are going to come when this bill is totaled up under the new figures that the Department of Education has available today; not July 15 or July 30, but they have them available today, based on the information the Department of Education supplied. I would ask that we hold this bill until such time as the Department submits that information to Mr. Pievsky and he can make it available to the House.

Thank you.

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

The following roll call was recorded:

YEAS—21

Abraham	Halverson	Mrkonic	Reed
Brown	Kernick	Mullen, M. M.	Schweder
Burd	Laughlin	Piccola	Trello
Dorr	McGinnis	Polite	Wilson
Freind	Miscevich	Pyles	Zord
Gillette			

NAYS—173

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

NOT VOTING—6

Bittinger	O'Donnell	Spencer	Irvis,
Hutchinson, A.	Shelton		Speaker

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 as amended on third consideration?

Mr. GARZIA offered the following amendments:

Amend Title, page 1, line 5, by inserting after "thereto," providing for an elected school board in school districts of the first class, and

Amend Bill, page 1, by inserting between lines 8 and 9

Section 1. Section 302.1, act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," added December 19, 1975 (P. L. 511, No. 150), is amended to read:

Section 302.1. School Board in First Class and First Class A School Districts: Apportionment of Seats, and Numbers, Terms, and Methods for Election of School Directors in First Class and First Class A School Districts.—(a) Composition of School Board.

(1) In each school district of the first class and first class A, the school board shall be known as the Board of Public Education and shall consist of an odd number of members not less than seven nor more than fifteen school directors, to be elected

by the qualified voters of the school district by specified districts.

(2) There shall be a corresponding odd number, not less than seven nor more than fifteen separate districts for each of which only one candidate shall be elected. Each candidate shall be nominated only for the specified district in which he resides and each elected member shall represent only a specified district in which he resides, such districts to be constituted as hereinafter set forth.

(b) Term of Office. All elected members shall serve for a term of four years except the three, four, five, six or seven members elected at the initial election in even-numbered school director districts, who shall serve for two years. In the event the first election occurs in an even-numbered year, the terms of the initial members shall be increased by one year, so that future elections can be held in odd-numbered years. In the case of death or resignation of elected members, the mayor of the most populous municipality contained in such school district shall fill the vacancy from the same school director district in which the vacancy occurred until the first Monday in December following the next municipal primary occurring one hundred twenty days after the vacancy occurred.

(c) Apportionment.

(1) In each school district of the first class and first class A, a school director district apportionment commission shall be constituted for the purpose of establishing an odd number not less than seven nor more than fifteen school director districts within the first class and first class A school district by assigning each election district within such school district into one of such school director districts. The commission shall select that odd number of districts from seven to fifteen which will best provide for racial balance and proportional representation of all segments of the population at the time of the apportionment. Such school director districts shall be compact, contiguous, and as nearly equal in population as practicable.

(2) The commission shall consist of six members, two to be appointed by the mayor of the most populous municipality in such school district, three by the city council of such municipality and one by the mayor of any other municipality in such school district with the approval of the legislative body thereof. The commission shall elect one of its members chairman, and shall act by a majority of its entire membership. If any of the appointing authorities shall fail to make any or all of such appointments within fifteen days after enactment of this act, such appointment or appointments shall be made by the court of common pleas.

(3) No later than forty-five days after the commission has been duly certified, the commission shall file an apportionment plan with the county board of elections to be submitted to the voters of the district at the next primary election occurring not less than ninety-one days after the plan is filed with the county board and at which primary election the candidates for members of the school board shall be nominated.

(4) Each year following the year in which such Federal census data is officially reported, a school director district reapportionment commission shall be constituted in like manner and with like composition as the initial school director district apportionment commission herein set forth. Such reapportionment commission shall file its plan no later than forty-five days after either the commission has been duly certified or the population data for the first class and first class A school district as determined by the Federal decennial census are available, whichever is later in time.

(5) The school district shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by such apportionment and reapportionment commissions, and other necessary expenses. The members of such commissions shall be entitled to such compensation for their services as the school district from time to time shall determine, but no part thereof shall be paid until a plan is filed.

(6) If an apportionment or reapportionment plan is not filed by the commission within the time prescribed by this section, the court of common pleas of the county in which the district is located shall immediately proceed on its own motion to apportion or reapportion the school director districts.

(7) Any apportionment or reapportionment plan, filed by any such commission or prepared by the court of common pleas of the county in which the district is located upon the failure of the commission to act shall be published by the county board of elections once in at least one newspaper of general circulation in the most populous municipality of the school district, which publication shall contain a map of the school district showing the complete apportionment or reapportionment of the school director districts. The publication shall also state the population of the school director districts having the smallest and largest population and the percentage variation of such districts from the average population for such districts.

(8) The county board of elections shall place upon the ballot to be submitted to the voters of each first class and first class A school district under the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," the following question:

Shall the apportionment plan submitted by the Yes
school director district apportionment commission
for the election of members of the Board of Public No
Education of the school district of . . . be approved?

In the event the voters shall reject the apportionment plan, the nomination of school directors under this section shall be void and the present board shall continue, but a second referendum, upon the petition of fifteen per cent of the registered voters of the school district, may be held after two years from the date of the first election.

(d) Nomination and Elections of School Directors. School directors shall be nominated and elected in accordance with the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code."

(e) Applicable Law upon Adoption. After the election of school directors from specified districts in accordance therewith, the Board of Public Education of such first class and first class A school district shall be governed by the provisions of this section and by all other provisions of the act to which this is an amendment and other provisions of general law relating to first class and first class A school districts which are not inconsistent with the provisions of this section. The provisions of this section shall supersede all other parts of the act to which this is an amendment and all other acts affecting the organization of school districts of the first class and first class A to the extent that they are inconsistent or in conflict herewith. All existing acts or parts of acts and resolutions affecting the organization of first class and first class A school districts not inconsistent or in conflict with the provisions of this section shall remain in full force until modified or repealed as provided by law.

(f) Certain Prohibitions of Service. No superintendent, assistant superintendent, supervising principal, teacher or other employe shall serve either temporarily or permanently as a member of the school board by which employed.

(g) Transition Provisions and Expiration of Existing Terms. The terms of existing appointed board members shall terminate on the first Monday of December in 1979 in school districts of the first class and on the first Monday of December in 1976 in school districts of the first class A or in any subsequent year in which the initial elected members are elected, at which time the terms of all members to be elected as herein provided shall be deemed to begin. Thereafter the terms of all elected members shall expire on the first Monday of December in the year in which the length of term to which such members shall have been elected has been served.

(h) Taxes in First Class Districts. School districts of the first class may levy and collect taxes on the same subjects and in the same manner as cities of the first class.

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

Amend Sec. 1, page 1, line 9, by removing the comma after "917-A" and inserting of the

Amend Sec. 1, page 1, lines 9 to 11, by striking out "OF MARCH 10, 1949 (P. L. 30," in line 9, all of line 10, and "1970

(P. L. 311, NO. 102)."

Amend Sec. 2, page 1, line 12, by striking out "2." and inserting 3.

Amend Sec. 3, page 2, line 19, by striking out "3." and inserting 4.

Amend Sec. 4, page 2, line 21, by striking out "4." and inserting 5.

Amend Sec. 5, page 3, line 14, by striking out "5." and inserting 6.

Amend Sec. 6, page 8, line 10, by striking out "6." and inserting 7.

Amend Sec. 7, page 11, line 6, by striking out "7." and inserting 8.

On the question,

Will the House agree to the amendments?

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

Mr. GARZIA. Mr. Speaker, my amendment provides a mechanism for the city of Philadelphia to elect their school directors with powers to raise or lower taxes.

I met with the Philadelphia school board about 3 weeks ago and I informed them at that time that they should be asking us to give them the power to elect their school directors. Of course, I did not get an answer one way or the other, so today I am proposing this amendment to HB 593. I would hope that this General Assembly votes in favor of it.

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

Mr. M. P. MULLEN. Mr. Speaker, on Mr. Garzia's amendment: I personally always favored an elected school board. However, what I think he is doing, I do not think he can do, because those members who were around here, I think in the 1963 session, we passed a home rule charter amendment for the school district of Philadelphia. We have a home rule charter amendment for the city government, which was adopted because of a constitutional amendment and we have a home rule charter amendment for the school board.

Now under the home rule charter amendment for the school board—and this is why I feel we cannot do what Mr. Garzia would like to do this way because under that particular provision in the school charter—it is necessary for the city council of Philadelphia to submit the question in the form of a referendum to the residents of the school district of Philadelphia, meaning all of the people in Philadelphia. Then they vote it up or they vote it down. I do not think it can be done this way. I do not think it is a proper way of doing it, because you did give us the home rule charter, and the school board as presently constituted resulted from a commission appointed to select a method of having the directors of the school board. They selected a method and it was submitted by city council to the people of Philadelphia, and the people of Philadelphia adopted it. I think this is the only way that it can be done again, through city council. So I suggest to Mr. Garzia that what he is doing is not permissible nor is it possible and I do not think it will accomplish the purpose that he is trying to do.

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

Mr. GARZIA. Mr. Speaker, I am glad Mr. Mullen liked the idea of having an elected school board in Philadelphia, but if

they have had the authority or the power to do this since 1963, here it is almost 14 years later and nothing has been done. I do not know if this is the right approach or not, but it is still the people of Philadelphia who are going to decide whether or not they want to have an elected school board; it is not Harrisburg and it is not city council; it is a referendum vote. I think the people of the city deserve this chance to decide whether they want an elected school board or not.

At the rate you are going now in Philadelphia, you are not making headway; you are going behind. This is a change that, in my opinion, you ought to take and try.

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

Mr. WILLIAMS. Mr. Speaker, I agree with Mr. Mullen and I feel that any reading of the problem would tell this House that legally this cannot be done by amendment. It is my understanding, knowing something about the birth of the supplement to the Philadelphia Home Rule Charter, that it stands this way, that once the state constitutionally permitted the Philadelphia home rule on education to be run the way that it is run, there is no way through state statute that could be changed. It probably would take some kind of fundamental constitutional amendment to either permit or detract or direct the powers in that particular legislation.

I want the gentleman to know that when we had the first opportunity for home rule on the educational side, I favored an elected school board under the conditions that would permit overall representation throughout the geography of the city. That was submitted to a panel set-up, and they chose the nomination panel the way they have now.

I have no opposition right now in my view to an elected school board. It is just that legally the way the gentleman wants to do it, it cannot legally be done and, if indeed we would pass such an amendment, it would be a futile act.

QUESTION OF CONSTITUTIONALITY OF AMENDMENTS

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

Mr. WILLIAMS. Having stated, Mr. Speaker, that that is my clear and unequivocal understanding of the matter, I would ask the Chair to entertain the question of the constitutionality of the particular amendment to do what it seeks to do.

The SPEAKER pro tempore. The gentleman from Philadelphia raises a question of the unconstitutionality of this amendment. The question is, is this amendment constitutional.

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

Mr. GARZIA. Mr. Speaker, may I speak on that motion or whatever it is?

The SPEAKER pro tempore. Yes, you may.

Mr. GARZIA. Okay. Everyone stands up here and says, well, I am not a lawyer, so I do not know if it is constitutional or not. So, I am not a lawyer so I can say it: By my own personal opinion, I think this is constitutional. You can do it. You can do a lot of things on the floor of this House if you set your mind to do it.

You, the people from the city of Philadelphia, are asking me to help you. Well, I am helping you. I am giving you a chance to elect your own school board; to get it out of the hands of city hall. I hope my colleagues vote to make this constitutional.

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

Mr. COHEN. Mr. Speaker, on the matter of constitutionality, that is a very, very difficult question. Legal scholars argued for many, many years as to what power the state has by passing laws to override various provisions in the Philadelphia City Charter, though we recently had a recall case in which the Supreme Court ruled that because nowhere in state law do we have recall provision was it allowed for the city to have the recall provisions in its city charter.

I think this is an extremely complicated question. I think clearly that if this passes, the first thing that is going to happen is the constitutionality of it is going to be challenged. But when Washington legislation came up, the argument was made that merely because there was doubt, there was no reason for people to vote against it. That is what I think we ought to take here. Of course there is doubt as to whether this is constitutional, but I think we ought to let the court decide, and vote for its constitutionality.

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

Mr. WILLIAMS. Mr. Speaker, the question of constitutionality in my view, is not in doubt. I favor elected school boards. The effect of this provision, it seems to me, would tend to just confuse an already serious situation. If we had the power to vote for it now and could do that, I would be in favor of it. That is clear.

Mr. Cohen's remarks about the recall movement is totally inapplicable to this situation. The question there was whether or not an existing provision already in the home rule charter in fact was constitutional. I do not think that any member of this House consciously and intentionally would vote for something that it knows to be unconstitutional and unworkable; at least in this situation I do not believe we would do that.

Mr. Speaker, before I finish my remarks, I would like to ask the Chair if the Chair has avail of a lawyer who can describe for the benefit of this House what he or she sees to be the issue in this instance. Having made that request of the Chair, does the Chair have such a lawyer?

The SPEAKER pro tempore. The Chair has no such lawyer, and it is within the province—

Mr. WILLIAMS. Does the Chair have avail of legal counsel? is my question.

The SPEAKER pro tempore. It is within the province of this House to determine whether it is constitutional or not, Mr. Williams.

Mr. WILLIAMS. That was not my question, Mr. Speaker.

The SPEAKER pro tempore. The Chair does not have counsel on this issue.

POINTS OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentle-

man from Lehigh, Mr. Ritter. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. Is not interrogation of the Speaker improper? If so, Mr. Speaker, I would ask that you rule that the gentleman is out of order.

The SPEAKER pro tempore. The gentleman is correct. It is not proper to interrogate the Speaker.

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. POTT. Mr. Speaker, under rule 4 of the House, on a question of order how many times is a member allowed to speak?

The SPEAKER pro tempore. On a point of order, one time.

Mr. POTT. Thank you, Mr. Speaker.

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

Mr. WILLIAMS. Mr. Speaker, a further comment on constitutionality. As I understand this amendment, it requires an elected school board. Philadelphia's School District now exists the way it exists legally, because it was provided, by a constitutional authority of this state, the authority to have home rule in certain areas in certain subjects. One of those areas is the area of education, which actually was an amendment. Once the city of Philadelphia, through its procedure, acted on that constitutional authority, it is absolutely clear to me that the only way that it could be unworked, constitutionally, is by some act as fundamental as the constitutional change.

It is also absolutely clear to me that in the desire and the haste, maybe, to apparently feel a sense of punishment for Philadelphia, that a concern such as this, misplaced though it may be, with the irresponsible legal views on either side, Republican, Democratic, Philadelphia or nonPhiladelphia if they would—

The SPEAKER pro tempore. Will the gentleman suspend and confine his remarks to the constitutionality of the amendments?

Mr. WILLIAMS. If the folks here would get a view from legal counsel from all around, from either side, and find that it is constitutional, I would be in favor of it. I am suggesting only that this House would be performing a very irresponsible act for whatever reason to attempt to do this this way. I therefore would suggest and urge the House to find the amendment unconstitutional.

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

Mr. CAPUTO. Mr. Speaker, on the question of constitutionality, I have in my hand the Constitution of Pennsylvania, the 1968 printing. In section 13(b) of the constitution, I think it upholds the contention made by Mr. Williams. It indicates, and I will read from the section, section 13(b) for any of those who have the constitution before them: "Local and special laws regulating the affairs of the City of Philadelphia and creating offices or prescribing the powers and duties of the officers of

the City of Philadelphia, shall be valid notwithstanding the provisions of section thirty-two of article three of this Constitution."

Section 32, article 3, indicates that the General Assembly may act in most municipalities but it bars them from enacting any act that would affect the operation or management in the city of Philadelphia without a constitutional change.

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

Mr. ITKIN. Mr. Speaker, I have examined the constitution as best as I could in the brief time that we have been able to debate the measure. Nowhere can I see in the constitution a direct delegation of powers to the city of Philadelphia allowing them to establish the methods and procedures for running the School District of Philadelphia.

Consequently, it is my assumption, therefore, that whatever home rule charter was adopted by the city of Philadelphia and extended to the School District of Philadelphia must have been granted through some statutory procedure of this General Assembly. As a consequence, I would therefore assume that what the Pennsylvania General Assembly grants in statutes it can take away in statute or modify in statute.

There may be some question as to whether, once being granted and therefore then assigned to the residents and citizens of Philadelphia the right to act in their own matters, it would be permissible for the General Assembly to take away those powers without getting the consent of the people of Philadelphia. I should like to point out that the amendment in question does not in fact create an elected school board. What it does is to require that a referendum be held in the city of Philadelphia for the explicit purpose of allowing Philadelphians to decide for themselves whether or not they wish to have an elected board. Therefore, it would be my feeling that the constitutionality of this measure is most probable.

Mr. Speaker, are we still addressing the question of constitutionality or are we on the basic question? Mr. Speaker, I see on the board that we are on the amendatory process. I wonder whether the question before us is a motion to test the constitutionality or a motion to amend?

The SPEAKER pro tempore. The question is on the point of constitutionality.

Mr. ITKIN. Therefore, Mr. Speaker, I would feel that we are probably on reasonably good grounds to assume that the bill is constitutional. I would suggest that we support the constitutionality and then debate further the merits of the amendment.

Thank you.

MOTION WITHDRAWN

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

Mr. WILLIAMS. Mr. Speaker, on a motion, point of order or whatever?

The SPEAKER pro tempore. You have already spoken on the unconstitutional point.

Mr. WILLIAMS. I do not want to speak. I want to speak on a point of order.

The SPEAKER pro tempore. I believe you have already

spoken on a point of order, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, on the motion, I really wanted to withdraw it. I did not understand the amendment and I have just been advised of the contents. I could not find it on my desk. I want to withdraw my motion on the question of constitutionality of the amendment. That will save some time and some debate.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the motion, without objection, is withdrawn.

On the question recurring,

Will the House agree to the amendments?

(Members proceeded to vote)

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

Mr. MANDERINO. Mr. Speaker, just for clarity, some of the members do not understand that Mr. Williams withdrew the question of constitutionality. You are now voting on the amendment of whether or not an elected school board should prevail in Philadelphia.

VOTE STRICKEN

The SPEAKER pro tempore. That is correct. The clerk will strike the vote because of a possible confusion as to the question of what is before the House.

The question now before the House is, Will the House adopt the amendments offered by the gentleman from Delaware, Mr. Garzia?

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

Mr. GREENFIELD. Mr. Speaker, I rise in opposition to the amendment. I think the citizens of Philadelphia, in accordance with the constitution, should be given the privilege and opportunity to handle their matters on a local level, as was the intention of the drafters of the particular section of the constitution. I do not think this should be a time to take out, as Representative Williams said, a matter of punishment on the citizens of Philadelphia. Let us not act in haste. If we are going to do this, I think it should be thought out. I think a proper procedure should be arranged, as Allegheny County had often requested, and I think that the situation at this time again is not the proper time to be engaging in this kind of antilegislation. We should be considering prolegislation.

It is my opinion that more thought, more opportunity for discussion, and more opportunity for debate should be given. This amendment comes to us in one day to change our entire system of operation within the city of Philadelphia. We would like the opportunity, the same as you would in your districts if you were to get such a bill and such an amendment, to consult with our constituency and the citizens of our district. Give us that opportunity.

I do not think you should be here today trying to pull the rug out from under the citizens of Philadelphia. I think it is unfair and unwise. We are here as copartners in the operation of the Commonwealth of Pennsylvania, and I think this is unjust and unfair and a disservice that we do not have the proper opportunities to reflect upon this amendment, and this hooray and

this feeding the city of Philadelphia to the wolves at this particular time, just because that kind of mood prevails, is unwise. I would like for you to search your own conscience. I would like you to feel the way we do. I do not think this is a hilarious mood and situation; I think it is a very serious matter.

We, in the city of Philadelphia, have our own home rule charter which was given to us to determine our fate and our own direction on which the city shall go. That was done after due deliberation and due concentration and debate and concern. You are trying to change that here in one moment. I think that you ought to give us the opportunity, the same thing as we would give any of you. If you are asking for the kind of consideration from us, from the city of Philadelphia, that we are asking from you, wait, and give us an opportunity to consider this at another time and not as an amendment to this bill. I ask your indulgence and help in this matter, please.

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

Mr. ITKIN. Mr. Speaker, as I am looking over the amendment offered by Mr. Garzia, I see that what was done was to take Act 150, which was adopted by this General Assembly a couple of years ago, providing for the School District of Pittsburgh, which had an appointed board, a mechanism for electing its school directors, and I really cannot see any problems with the cursory review of the amendment offered by Mr. Garzia. What it really does is just extend the process of providing such elections for Philadelphia in the same manner that Pittsburgh dealt with the question.

Basically, I am quite familiar with Act 150 since I was the prime sponsor of the legislation. What this does really is to require a question to be placed on the Philadelphia ballot asking whether they would approve an apportionment plan developed by an apportionment commission that is provided in the act which requires the mayor and city council of Philadelphia to appoint apportionment commissioners to then divide the city into between seven and 15 school-director districts providing for a 4-year term. Then once the commission has finished its deliberations and presents a plan, that plan is then presented to the Philadelphia voters for their approval.

I would like to point out to the minority leader that if the voters of Philadelphia feel that this is inappropriate for their city, then all they have to do is vote "no" on the question and the issue is moot and Philadelphia retains its current appointed board.

That being the situation, I really cannot see any reason why we should not give Philadelphians the opportunity to decide for themselves, whether they wish to retain the present appointed board or whether they wish to have an elected board that would be created and planned under this amendment.

Thank you, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, I rise in opposition to the amendment for the following reasons: I think that this session of the General Assembly has frowned on amendments to a general act. They do not deal with the primary objectives of the legislation that has been introduced. While I agree that the Public

School Code of 1949 can be amended, it is clearly the intent of the framers of this bill that this be a subsidy bill whereby a certain amount of money be appropriated and divided among the various school districts of Pennsylvania.

I agree with Mr. Itkin and our whip that perhaps the question of whether or not the Philadelphia people want a school board elected or appointed is a proper question for them, but I disagree that this is the proper vehicle for determining that question. I bring to your mind the possibility that if this bill is amended in the way it is sought to be amended, it seems to me there may be some holdup on distribution because it may be considered a condition precedent in Philadelphia that the question of an elected school board be brought up at some future date at some general or special election.

I think that it is obvious by the green lights that went up on the board that the majority of this House favors an elected school board in Philadelphia. But I ask them to hesitate about putting it into this bill, because we are going to have a bill before us, when all the amendments are through, that is going to be certainly controversial to the nth degree, and I think we ought to be able to stand up and vote on that question when it comes before us for a final vote without being, in any way, influenced by the possibility of an elected school board in Philadelphia. I ask all the members of this House to vote against this amendment at this time.

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

Mr. BITTINGER. Mr. Speaker, I disagree with my colleague who just finished speaking. I think this session of the legislature has taken a broader view on the question of germaneness than before and I think that we do fit in with this amendment. I think Philadelphia has had ample opportunity to prove itself in financially handling its educational system. I think it has failed, otherwise, we would not be debating it as we are now. I urge the support and passage of this amendment. Thank you.

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

Mr. SELTZER. Mr. Speaker, since 1963 when the Public Education Home Rule Act was adopted by this General Assembly, the city of Philadelphia had the power to have an elected school board. The city of Philadelphia has not exercised its right to propose, in their home rule charter, an amendment that would provide for this elected school board. It has been 14 years. I have no problem today in voting to support an amendment for an elected school board since in my opinion, the city council in the city of Philadelphia has not done its job in giving the citizens of the city an opportunity to vote for an elected school board. They have had the power for 14 years. If they have not accepted this responsibility, then I think it is up to us, the members of the General Assembly, to exercise it for them. I ask for an affirmative vote on the amendment.

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

Mr. BURNS. Mr. Speaker, could I ask that I interrogate Mr. Garzia on his amendment?

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

Mr. GARZIA. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BURNS. Mr. Speaker, if you look at page 4 of your amendment, section(h), it states, and I quote, "Taxes in First Class Districts. School districts of the first class may levy and collect taxes on the same subjects and in the same manner as cities of the first class".

What I am asking you, Mr. Speaker, is, what does that mean for the counties in the southeastern region bordering Philadelphia where many of the subjects work in the city of Philadelphia. It is my understanding that it means that a person working in the city of Philadelphia, living in the County of Bucks, would be required to pay not only the municipal wage tax of 4 and 5/16 percent but would also be required to pay any school tax at whatever the school district would set.

Let us suppose, hypothetically, that they put the same type of tax in as the city, 4 and 5/16 percent. Now a resident from Bucks County all of a sudden is paying 8 and 10/16 percent without any agreement whatsoever for any of this school district tax to go back into the school district in Bucks County. Am I correct on that assumption, Mr. Speaker?

Mr. GARZIA. Mr. Speaker, I was just on my way to call the Reference Bureau to get an answer for that. When I first read that, I was under the impression—and I could be wrong—that a school board or any school district in Pennsylvania or even in the city of Philadelphia could go no more than 1 percent on an earned income tax.

Mr. BURNS. That is not what this amendment says.

Mr. GARZIA. That is why I was going to get an interpretation on that.

Mr. BURNS. Mr. Speaker, could I ask then—

Mr. GARZIA. And besides, Mr. Speaker, I am amending the School Code; I am not amending the Philadelphia wage tax.

Mr. BURNS. I realize that, Mr. Speaker. All I am afraid of is that the present language in this amendment as it is presently constituted would allow the school district of Philadelphia, under an elected school board, to enact the same—and it does say same—taxes that the municipal government is presently doing. Until you find out, Mr. Speaker, could I ask that you withdraw your amendment until that issue could be made crystal clear?

Mr. GARZIA. Mr. Speaker, I will look into that matter because I do not want to see this thing pass with his idea in mind. I think it could only go to 1 percent because I am amending the School Code. I certainly do not want to amend the city of Philadelphia's wage tax. I shall hold this up until I come back, if it is OK with the Speaker.

Mr. BURNS. Mr. Speaker, could I ask Mr. Garzia to check one additional item? Even if it is only 1 percent, as it very well might be, would you also check on the possibility that the school district under the new plan, the school district of Philadelphia under an elected board, would have to credit, let us say, the school district of Bensalem Township in Bucks County the 1 percent and give it back to that school district if, in fact, the Bensalem School District did put on the same tax.

AMENDMENTS WITHDRAWN TEMPORARILY

The SPEAKER pro tempore. Without objection, Mr. Garzia's amendments are withdrawn.

Mr. GARZIA. Temporarily, sir.

The SPEAKER pro tempore. All right, withdrawn temporarily.

PARLIAMENTARY INQUIRY

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

Mr. DOYLE. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOYLE. Would the amendment be divisible by eliminating subsection(h)?

The SPEAKER pro tempore. There is no amendment before the House. The amendment has been withdrawn temporarily.

Mr. GARZIA. I withdrew it temporarily, Mr. Doyle, until I could get an answer to the question. I will be right back.

On the question recurring,

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

Mr. MOWERY offered the following amendments:

Amend Bill, page 11, by inserting between lines 5 and 6 Section 7. The Department of Education shall make a one-time payment, in addition to any other payments made under the provisions of the "Public School Code of 1949," to those school districts who do not receive a subsidy increase of at least 6% during the 1977-1978 school year over the payment the district received during the 1976-1977 school year under subsections (d), (e) and (f) of section 2502, and sections 2502.3, 2502.4 and 2592. The payment shall be in the amount necessary, as determined by the secretary, to provide that such school districts receive a 6% increase over payments received by the district during the 1976-1977 school year.

Amend Sec. 7, page 11, line 6, by striking out "7" and inserting 8

DISTRICTS NOT RECEIVING 6.0 PERCENT OVER 1976-77 PAYMENT ON H.B. 593

	76-77 Payment	H.B. 593 77-78 Proposed	Increase	Amount for 6% Increase	Increase Necessary
<i>Cambria</i>					
Conemaugh Valley	1,382,025	1,407,445	79,420	79,682	262
Portage	1,325,030	1,390,858	65,828	79,501	13,673
Westmont Hilltop	887,862	825,100	-62,762	53,272	116,034
<i>Carbon</i>					
Jim Thorpe	470,359	495,270	24,911	28,222	3,311
<i>Centre</i>					
Bald Eagle	2,811,755	2,970,829	159,074	168,705	9,631
<i>Chester</i>					
Great Valley	1,214,279	1,154,114	-60,165	72,857	133,022
Tredyffrin Easttown	1,116,485	1,077,030	-39,455	66,989	106,444
<i>Clarion</i>					
Clarion Limestone	1,106,671	1,153,996	47,325	66,400	19,075
Redbank Valley	1,479,172	1,549,768	70,596	88,750	18,154
<i>Clearfield</i>					
Glendale	1,086,309	1,034,311	-51,998	65,179	117,177
<i>Clinton</i>					
Keystone Central	6,530,428	6,812,034	281,606	391,826	110,220
<i>Columbia</i>					
Berwick	2,646,645	2,744,077	97,432	158,799	61,367
<i>Cumberland</i>					
Camp Hill	237,054	223,979	-13,075	14,223	27,298
<i>Dauphin</i>					
Derry Twp.	883,194	863,608	-19,586	52,993	72,579
Susquehanna T.	678,170	665,362	-12,808	40,690	53,498
<i>Delaware</i>					
Marple Newton	1,618,655	1,595,618	-23,037	97,119	120,156
Rose Tree	1,608,580	1,587,563	-21,017	96,514	117,531
Springfield	784,245	773,097	-11,148	47,055	58,203
<i>Elk</i>					
Ridgway	1,596,832	1,691,522	94,690	95,810	1,120
<i>Fayette</i>					
Brownsville,	3,300,657	3,366,296	65,639	198,039	132,400
<i>Indiana</i>					
Penns Manor	1,086,606	1,151,714	65,108	65,196	88
<i>Montgomery</i>					
Abington	1,890,711	1,880,791	-9,920	113,443	123,363
Bryn Athyn	4,011	4,255	244	2,407	2,163
Springfield	685,623	659,766	-25,857	41,137	66,994
<i>Perry</i>					
Greenwood	807,296	840,541	33,245	48,438	15,193
Susquenita	1,651,055	1,713,212	62,157	99,063	36,906
<i>Schuylkill</i>					
Minersville	1,116,675	1,115,531	-1,144	67,000	68,144
Shenandoah Val.	869,024	907,301	38,277	52,141	13,864
<i>Westmoreland</i>					
Belle Vernon	2,501,718	2,578,853	77,135	150,103	72,968

	76-77 Payment	H.B. 593 77-78 Proposed	Increase	Amount for 6% Increase	Increase Necessary
York					
Northeast York	2,063,475	2,165,142	101,667	123,809	22,142
York Suburban	508,680	537,405	28,725	30,521	1,796
			<u>\$1,041,107</u>	<u>\$2,755,883</u>	<u>\$1,714,776</u>

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

My amendment is a relatively simple amendment. It is a one-time payment on the basis of 6 percent so that every school district in the Commonwealth—

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

Mrs. KERNICK. Mr. Speaker, is there a fiscal note on this bill? I do not have one on my desk.

The SPEAKER pro tempore. On the amendment or on the bill, Mrs. Kernick?

Mrs. KERNICK. On the amendment, on the Mowery amendment.

Mr. MOWERY. It was circulated this morning.

Mrs. KERNICK. Would you care to tell me the cost so that I do not have to root around for it or find somebody with it?

Mr. MOWERY. I will be happy to go over the amendment, just briefly, as far as whether—

Mrs. KERNICK. Not the amendment. I just want an idea of the total cost of this.

Mr. MOWERY. The cost is \$1,700,000, approximately.

Mrs. KERNICK. Thank you.

Mr. MOWERY. That is attached also to the amendment that was distributed this morning.

The SPEAKER pro tempore. The gentleman will continue, please.

Mr. MOWERY. There are approximately 16 school districts that receive nothing as far as increased subsidy under HB 593 as it is currently proposed. In an effort to allow each of the school districts to receive something for the local effort of sending the funds to help offset the districts that are not as fortunate, we are attempting to allow for a minimum of 6 percent to be given to all of the districts as a minimum payment. This is a one-time effort. In addition to that, as you see in the material that was distributed this morning, a minimum of 31 school districts will receive an increased effort.

I would appreciate very much consideration given by the House for the purpose of allowing all the school districts to share in some distribution at this time.

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

The following roll call was recorded:

YEAS—95

Anderson Greenleaf Mebus Sirianni

Armstrong	Grieco	Miller	Smith, E.
Bittle	Halverson	Milliron	Smith, L.
Brandt	Hamilton	Moehlmann	Spitz
Burd	Hasay	Mowery	Stairs
Butera	Haskell	Noye	Stewart
Cassidy	Hayes, D. S.	O'Brien, D.	Stuban
Cessar	Hayes, S. E.	O'Keefe	Taddonio
Cimini	Helfrick	Pancoast	Taylor, E.
Davies	Hoeffel	Parker	Tenaglio
DeVerter	Honaman	Petrarca	Thomas
Dietz	Hopkins	Piccola	Trello
Dininni	Hutchinson, W.	Pitts	Vroon
Dorr	Katz	Polite	Wagner
Doyle	Klingaman	Pott	Wargo
Fischer, R. R.	Knepper	Pratt	Wass
Fisher, D. M.	Lehr	Pyles	Weidner
Foster, A.	Livengood	Reed	Wenger
Foster, W.	Lynch	Ryan	Wilson
Freind	Mackowski	Salvatore	Wilt
Gallen	Madigan	Scheaffer	Wright, J. L.
Gatski	Manmiller	Scirica	Yohn
Geesey	McClatchy	Seltzer	Zitterman
Goebel	McGinnis	Shuman	

NAYS—93

Abraham	Dumas	Kolter	Rappaport
Arthurs	Englehart	Kowalshyn	Ravenstahl
Barber	Fee	Laughlin	Renwick
Bellomini	Flaherty	Letterman	Richardson
Beloff	Fryer	Lincoln	Rieger
Bennett	Gallagher	Logue	Ritter
Berlin	Gamble	Manderino	Ruggiero
Berson	Garzia	McCall	Scanlon
Bittinger	Geisler	McIntyre	Schmitt
Borski	George, C.	McLane	Schweder
Brunner	George, M.	Meluskey	Shupnik
Burns	Giammarco	Milanovich	Sweet
Caltagirone	Gillette	Miscevich	Taylor, F.
Caputo	Gleeson	Morris	Valicenti
Cianciulli	Goodman	Mrkonic	Wansacz
Cohen	Gray	Mullen, M. P.	White
Cole	Greenfield	Mullen, M. M.	Wiggins
Cowell	Harper	Musto	Williams
DeMedio	Hutchinson, A.	Novak	Wise
DeWeese	Itkin	O'Brien, B.	Wright, D.
DiCarlo	Jones	Oliver	Zeller
Dombrowski	Kelly	Pievsky	Zord
Donatucci	Kernick	Prendergast	Zwikl
Duffy			

NOT VOTING—12

Brown	O'Donnell	Stapleton	Irvis,
Johnson	Rhodes	Yahner	Speaker
Levi	Shelton	Zearfoss	
O'Connell	Spencer		

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

QUESTIONS OF PERSONAL PRIVILEGE

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 question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAPLETON. Mr. Speaker, I was locked out on that last vote. I would like to be recorded in the affirmative on the Mowery amendment to HB 593.

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

The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. Mr. Speaker, I was out of my seat when the vote was taken on the Mowery amendment. I would like to be cast in the affirmative, please.

The SPEAKER pro tempore. His remarks will be spread upon the record.

The Chair recognizes the gentleman from Armstrong, Mr. Livengood.

Mr. LIVENGOOD. I voted in the affirmative and wish to be recorded in the negative on the Mowery amendment.

The SPEAKER pro tempore. His remarks will be spread upon the record.

The Chair recognizes the gentleman from Schuylkill, Mr. Goodman.

Mr. GOODMAN. My problem is the opposite. I was recorded in the negative on the Mowery amendment. I would like to be recorded in the affirmative, please.

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

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

Mr. ZEARFOSS. Mr. Speaker, I was not recorded on the Mowery amendment. I would like to be recorded in the affirmative.

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

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

Mr. TRELLO. Mr. Speaker, I wanted to speak in regard to that last amendment, in regard to reconsideration on that. If I might make a statement on that, I would certainly appreciate the time, Mr. Speaker.

The SPEAKER pro tempore. It is too late; the vote has been taken. But if you have a motion—

Mr. TRELLO. Mr. Speaker, the gentleman said that all school districts that got nothing will get something, but I notice on his amendment that the Cornell School District in my legislative district got zero and it still gets zero. According to his explanation, all schools that received nothing before will get something under his amendment, and that is not so. So I am going to request a reconsideration on that.

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

The Chair recognizes the gentleman from Luzerne, Mr. Gatski. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. GATSKI. On the Mowery amendment to HB 593, the amendment before this last one, I was recorded accidentally as voting "yes." I would like to change that for the record to "no."

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?

Mr. HOEFFEL offered the following amendment:

Amend Sec. 5 (Sec. 2501), page 4, line 7, by removing the period after "Education" and inserting reduced by the amount of personal income upon which a tax is paid by a resident of that school district of the first class A, second class, third class or fourth class to a city of the first class under the act of August 5, 1932 (Sp. Sess., P. L. 45, No. 45), referred to as the Sterling Act, which income shall be certified annually by each city of the first class to the Secretary of Education.

On the question,

Will the House agree to the amendment?

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

Mr. HOEFFEL. Mr. Speaker, I rise to offer amendments to HB 593 that are designed to change a situation that will be created that will adversely affect the suburbs of Philadelphia. My amendment would exempt from the personal income valuation enclosed in HB 593 any income earned by a suburban resident within the city of Philadelphia.

The purpose for this amendment is very simple. As you know, the subsidy formula is based on the relative worth of school districts. The wealthier districts receive a smaller subsidy from the state. For the first time, HB 593 proposes to include personal income in the computation of a school district's wealth. In the past that computation was strictly on property values.

For the first time, under HB 593, we will be counting personal income in the computation of school district wealth. This raises a basic problem for the suburbs of Philadelphia, because much of our income—in the case of my school district, about 33 percent—is earned by suburban residents working in Philadelphia. That income is therefore subject to the Sterling Act and is subject to the Philadelphia wage tax, and, as you all know, income that is subject to the Sterling Act is not taxable by the suburban municipalities and school districts of residents. Therefore, we are receiving, under the proposed HB 593 formula, included in our tax base, income earned in Philadelphia that is not subject to taxation in the suburban districts.

This proposal, HB 593, will adversely affect the suburban districts. It will give us an artificially high tax base upon which our subsidy will be based, and it is unfair.

It is bad enough that we have to pay the Philadelphia wage tax and it is bad enough that the Sterling Act effectively precludes suburban municipalities and school districts from levying the 1-percent earned income tax under Act 511, but I ask the House not to compound the inequity, not to make the matter that much worse by unfairly punishing our school districts under the subsidy formula by continuing the inequities under

the Sterling Act. So I ask the House to adopt my amendment that would exclude from personal income valuation of suburban school districts any income that is earned by suburban residents in the city of Philadelphia.

Thank you.

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

Mr. LINCOLN. Mr. Speaker, I rise to support the amendment. I think it is a very logical and fair way of approaching a problem. We have been through the battles of trying to alter that Sterling Act, and I think most of us realize that that might be practically impossible. I think this is an extremely fair approach to an unfair situation, and I would urge support of this amendment.

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

Mr. W. D. HUTCHINSON. Will the gentleman from Montgomery stand for interrogation, please?

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

Mr. HOEFFEL. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates that he will. Proceed, please.

Mr. W. D. HUTCHINSON. Mr. Speaker, can the gentleman tell me what percentage of the income base is excluded from consideration under his amendment?

Mr. HOEFFEL. Mr. Speaker, nobody knows how many residents of the suburbs work in the city of Philadelphia. The best guesstimates that we have are that in the districts bordering Philadelphia, one-third of our wage earners work in Philadelphia, and in the school districts in the suburbs farther away from the city borders, about one-quarter of the wage earners work in Philadelphia. The fiscal note attached to my amendment is based on those assumptions. We feel that those are as accurate as we can come up with, but neither the Philadelphia city administration nor the Department of Education can provide us with accurate information.

Mr. W. D. HUTCHINSON. Mr. Speaker, the gentleman says it is an assumption. Could he tell me what data he used or where he obtained the estimate or assumption with respect to the 33½ percent?

Mr. HOEFFEL. Mr. Speaker, we made these assumptions having talked to the various planning commissions in Montgomery County and the Delaware Valley Regional Planning Commission. We have talked to individuals in the southeastern Pennsylvania area who have been involved in these kinds of debates before, but there is no question that we cannot give you an accurate figure at this time.

Mr. W. D. HUTCHINSON. Mr. Speaker, I have one or two further questions.

Am I correct, Mr. Speaker, in saying that you would therefore exclude the full 33½ percent from the computation of the district's subsidy base?

Mr. HOEFFEL. That is correct.

Mr. W. D. HUTCHINSON. Mr. Speaker, do you know what percentage of the revenues of the school districts in south-

eastern Pennsylvania is derived from the property tax as opposed to the income tax?

Mr. HOEFFEL. All of the taxation that is levied locally in southeastern Pennsylvania school districts is based on the property tax. At least in those districts in my knowledge, we are unable to levy an income tax under Act 511 because so many of our residents work in Philadelphia and would therefore be exempt.

I should say that the districts closest to Philadelphia are unable to levy an earned income tax. I cannot speak for the entire four suburban counties.

Mr. W. D. HUTCHINSON. Is the gentleman saying that in certain of the districts there may be some revenue partially from income tax, but he does not know what that percentage is?

Mr. HOEFFEL. That is correct.

Mr. W. D. HUTCHINSON. Mr. Speaker, does the gentleman know what steps we might take to get accurate information with respect to the percentage of income that is earned by residents of the southeastern area as a result of employment in Philadelphia?

Mr. HOEFFEL. Yes, Mr. Speaker. I have included in the language in my amendment the requirement that the city administration will verify to the Secretary of Revenue each year, based on their wage tax collections, the amount of money earned by suburban residents and paid to the city of Philadelphia and identify that information by the school district of residents.

Mr. W. D. HUTCHINSON. Now, Mr. Speaker, does the gentleman's amendment contain any provision—and I am sorry, Mr. Speaker, but I could not locate my copy of the amendment—for subsequent years that would bring the percentage into line with actuality instead of the assumption?

Mr. HOEFFEL. I am not sure I understand the question.

Mr. W. D. HUTCHINSON. Would your amendment continue in future years to simply exclude the 33½ percent no matter what the data is?

Mr. HOEFFEL. Mr. Speaker, I have been giving you a false impression. My amendment does not include the figure of 33½ percent; that has been our assumption. The language of my amendment simply says that income earned in a city of the first class by a resident of a school district that is not a first class school district—in other words, not a Philadelphia resident—will be excluded from the income valuation of his district.

We do not use the actual figure of 33½ percent in the language of the amendment, but we are basing our fiscal note on that assumption.

Mr. W. D. HUTCHINSON. So it is solely the fiscal note which is based upon that assumption?

Mr. HOEFFEL. That is correct.

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

Mr. PANCOAST. Mr. Speaker, will the gentleman from Montgomery, Mr. Hoeffel, consent to interrogation?

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

Mr. HOEFFEL. Yes, Mr. Speaker.

The SPEAKER pro tempore. Proceed, please.

Mr. PANCOAST. Mr. Speaker, the experience has shown that about 75 percent of all taxes raised locally for school purposes are derived from real property taxes; 25 percent from other Act 511 taxes.

It is possible under Act 511 taxes for any school district to levy an earned income tax or an occupation tax or some other tax which, for practical purposes, the districts immediately surrounding Philadelphia do not levy because of the Sterling Act.

My question is this: You are assuming that one-third of the income of the district is derived from income earned in Philadelphia. Since it is a 3-to-1 ratio, why should it not be only one-fourth of the one-third income in determining taxable ability?

Mr. HOEFFEL. Mr. Speaker, I believe that the entire amount of earned income should be excluded because that is the basis upon which the net worth of a school district is determined. The property values and the personal income of residents are added together in the ratio of 60 percent to 40 percent, and that total figure, the net worth of the school district, is used as the local tax base and used to determine the amount of subsidy that that district is entitled to.

Therefore, whatever income that is not subject to local taxation I do not believe should be included in the income valuation and total net worth of that district. That is why I would include all of the income earned in the city of Philadelphia in my exemption.

Mr. PANCOAST. Thank you, Mr. Speaker.

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

Mr. POTT. Mr. Speaker, I would like to speak to the Hoeffel amendment.

The Hoeffel amendment intends to give relief to certain counties surrounding Philadelphia whose residents are taxed 4½ percent on their earned income by the city of Philadelphia. It then excludes from the subsidy formula that income.

The Sterling Act is an act which does require reform. It is a very complex act and has led to the imposition of some other taxes in the southeastern counties, such as the occupational assessment tax, which is probably the most totally unfair tax on any citizen in this Commonwealth.

I believe that the Hoeffel amendment, Mr. Speaker, is well conceived. However, to further complicate the Sterling Act with something like the Hoeffel amendment only makes true tax reform, reform of the Sterling Act, reform of Act 511, much more complex.

Therefore, I urge the members of the House to look very closely at the Hoeffel amendment, because this \$10 million which the Appropriations Committee estimates as the cost of the Hoeffel amendment must be borne somewhere. If it is not going to be borne by the city of Philadelphia or the surrounding communities, Mr. Speaker, it is going to spread the effect of that Sterling Act further and further across this Commonwealth to more and more citizens. It is going to make tax reform much more difficult. Therefore, Mr. Speaker, I strongly urge all the members of this House to consider the full ramifications of the Hoeffel amendment to tax reform and vote down this amendment.

Thank you, Mr. Speaker.

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

Mr. MORRIS. Thank you, Mr. Speaker.

I think there is some misunderstanding about Mr. Hoeffel's amendment. It does nothing about tax reform whatsoever, nor is it intended to. All it does is right and help to right an injustice.

Now a school district which has wealth is charged with that in the formula. We all know that. But if the school district cannot effectively use that wealth for its own purposes, it should not be so charged for it. It is just as simple as that. It has nothing to do with reforming taxation. It is an entirely different subject. I urge the members to vote for this.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, would the gentleman from Montgomery, Mr. Hoeffel, stand for further interrogation?

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

Mr. HOEFFEL. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. W. D. HUTCHINSON. Mr. Speaker, does the gentleman's amendment contain any enforcement or implementing provisions by which the city of Philadelphia or other public body would obtain the information necessary to make this correction?

Mr. HOEFFEL. No, it does not, Mr. Speaker. We simply require the city to certify to the Secretary of Education—I was mistaken when I said the Secretary of Revenue before—each year the income that is earned within its borders by suburban commuters. We leave it to the city to program their own computers in the proper way.

Mr. W. D. HUTCHINSON. Mr. Speaker, how would the gentleman envision the city's doing that?

Mr. HOEFFEL. Well, Mr. Speaker, I am sure that the city uses computers to collect and keep track of their wage tax collections each year, and I have faith in the computing science enough to believe that they can program their computers in such a way as to readily and easily identify those suburban commuters who are paying wage tax to the city, and that information could be transmitted to the Secretary of Education.

Mr. W. D. HUTCHINSON. Mr. Speaker, granting that the basic information could be obtained by reprogramming the computers in the city of Philadelphia, does the gentleman believe that there would be a cost involved in reprogramming those computers?

Mr. HOEFFEL. I do not know, Mr. Speaker.

Mr. W. D. HUTCHINSON. Does the gentleman, Mr. Speaker, have an opinion as to whether or not the collation of the data after the computer spews it out by its printout would or would not require any additional personnel to be employed by the city?

Mr. HOEFFEL. I do not know, Mr. Speaker; I doubt it.

Mr. W. D. HUTCHINSON. Mr. Speaker, does the gentleman

have an opinion as to whether or not the city would have to revise its tax returns or reporting forms to secure this information?

Mr. HOEFFEL. No; I do not believe so, Mr. Speaker.

Mr. W. D. HUTCHINSON. Mr. Speaker, is that information already given on the returns by address?

Mr. HOEFFEL. By address, as far as I know. I do not believe that the suburban commuters identify their school district on that information, but I do believe that the home address is readily available.

Mr. W. D. HUTCHINSON. Mr. Speaker, since we are speaking to a question with respect to school subsidies and the income base for each school district, how can the information necessary to permit a calculation of that district's wealth be made if there is not a change in the form to provide that information by district?

Mr. HOEFFEL. If such a change is necessary, I assume it will be made, Mr. Speaker.

Mr. W. D. HUTCHINSON. Mr. Speaker, does the gentleman have an opinion as to whether or not such a change would involve any cost to the city?

Mr. HOEFFEL. I do not know, Mr. Speaker.

Mr. W. D. HUTCHINSON. Mr. Speaker, has the gentleman made any effort to obtain a fiscal note with respect to the cost to the city in connection with this, with the administration of this?

Mr. HOEFFEL. No; I have not, because I am not convinced that there will be additional cost to the city of Philadelphia.

Mr. W. D. HUTCHINSON. I am sorry, I did not hear the gentleman's answer to the last question, Mr. Speaker. Would he repeat it, please?

Mr. HOEFFEL. I would be glad to. I have not secured such a fiscal note because I am not convinced, Mr. Speaker, that there would be any additional cost to the city of Philadelphia. So I have not asked for a fiscal note on that matter.

Mr. W. D. HUTCHINSON. Mr. Speaker, does the gentleman believe that the computers can be reprogrammed without cost?

Mr. HOEFFEL. I am sure they can be reprogrammed with minimal cost, Mr. Speaker.

Mr. W. D. HUTCHINSON. Does the gentleman, Mr. Speaker, have any experience with respect to the cost of computer reprogramming?

Mr. HOEFFEL. No, Mr. Speaker.

Mr. W. D. HUTCHINSON. Would the Speaker bear with me for 30 seconds?

The SPEAKER pro tempore. Yes, he will.

Mr. W. D. HUTCHINSON. Mr. Speaker, I have a few remarks, but then I would like to yield to Mr. Miller, who has information on a line of interrogation with respect to the complicated operating of the school formula that I think is finer than mine and who then may have further interrogation.

Mr. Speaker, I am troubled by this amendment. I am troubled by the Sterling Act. I believe, as the gentleman from Allegheny said, that there should be reform. However, I am greatly concerned, and I want to reserve judgment until I hear Mr. Miller's interrogation, as to whether or not, A, this is the vehicle to do it, and, B, whether or not in fact the amendment offered by the gentleman, Mr. Hoeffel, actually accomplishes that purpose.

Mr. Miller's interrogation, as I understand it, will be along the lines of whether or not the gentleman has adequately considered the fact that the base with respect to subsidy is not the arithmetic mean—that is, the simple average with respect to income in a district—but the median. I would yield to Mr. Miller, who I think will interrogate along those lines.

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

Mr. MILLER. Thank you, Mr. Speaker.

My purpose in rising is not to offer comments that may initially appear to be somewhat dilatory in nature, but they are important in that while I agree in principle, as do many members on our side of the aisle, with the intent of the gentleman, I might suggest that his amendment language may not accomplish it because of the mathematical formula that we are dealing with.

The section that the gentleman from Montgomery County seeks to amend is a section of the bill which authorizes one of our branches of state government to develop a mean family income within each school district. That mean per student in the district is then compared to the statewide median income per student, and it is the difference in those two figures, divided one against the other, that determines that four-tenths-of-a-percent factor in the formula that relates to income.

In the drafting of the gentleman's amendment, he has not specifically stated whether or not that income is to be eliminated entirely from the computation of that median, whether in eliminating that secondarily the households are to be counted in that computation, and let me give you one quick example that may clarify it.

For the sake of argument, let us say there are two residents in the county of Montgomery. One works in Montgomery County; one works in Philadelphia. Both have identical incomes. If you eliminate the income of the gentleman who works in Philadelphia, you still have one income left, and that would then be the median income for that school district in that particular county; i.e., no net change in computation under the formula.

I might recommend that the gentleman withdraw his amendment temporarily and offer some additional language to it to make certain his intent, that he wants to lower the median in a commensurate amount with the income that is actually being taxed outside the county of Montgomery or those individual school districts involved.

Thank you, Mr. Speaker.

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

Mr. HOEFFEL. Thank you.

I disagree with the gentleman's remarks and his interpretation of the effect of my amendment on HB 593. My amendment speaks to the section of the bill that computes the personal income valuation of the school district, and my amendment would simply exclude from that total dollar figure the amount of money that is earned by school district residents in the city of Philadelphia. I think that the gentleman is clouding the waters a little bit, making a very simple basic amendment sound more complicated than it is.

Mr. Speaker, I would merely like to point out that my amend-

ment does not address the Sterling Act. It does not try to amend the Sterling Act. I would like very much to amend the Sterling Act, but I do not believe I can be successful at that. My amendment is simply intended to avoid what will be a terribly inequitable situation for the counties surrounding Philadelphia if HB 593 is adopted as written.

We are already laboring under the Sterling Act. Our residents are already laboring under the effects of the Philadelphia wage tax. And our school districts, those closest to Philadelphia, are already precluded in most cases from basing any substantial local taxation on personal income. They must base it all on property values. But that is not the issue with my amendment. My amendment would simply change a very unfair provision in the proposed subsidy bill, HB 593, and grant us a simple measure of equity, and I ask the members of the House to vote "yes."

Thank you.

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

Mr. DOYLE. Very briefly, Mr. Speaker, lest there be confusion on the effect of this on Philadelphia, this amendment would not cost the city of Philadelphia 1 cent in lost revenue under their school subsidy formula under HB 593. It is not to take away from the city what they are seeking to get.

Whereas in the rest of the Commonwealth, if a school district levies a wage tax, earned income tax, on its residents and the local municipality does likewise, they share it; but not so in only one place in the Commonwealth, and that is suburban Philadelphia, where once that tentacle comes out and sucks that earned income, they have had it. We cannot even tax it; we cannot even enjoy some of the fruits of the labor of our own residents, and this is what the Hoeffel amendment would seek to correct.

Thank you.

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

The following roll call was recorded:

YEAS—67

Bellomini	Foster, A.	McGinnis	Spitz
Berlin	Freind	Mebus	Stapleton
Burd	Gallagher	Milliron	Taylor, E.
Burns	Gallen	Morris	Taylor, F.
Butera	Garzia	Mowery	Tenaglio
Caltagirone	Geesey	O'Keefe	Vroon
Cassidy	Gillette	Pancoast	Wass
Cessar	Greenleaf	Pitts	Weidner
Cohen	Hayes, D. S.	Polite	Wilson
Cole	Hoeffel	Pratt	Wise
Cowell	Kolter	Pyles	Wright, D.
DeVerter	Laughlin	Ritter	Wright, J. L.
DeWeese	Lincoln	Ryan	Yohn
DiCarlo	Livengood	Scirica	Zearfoss
Dietz	Lynch	Shuman	Zeller
Dombrowski	Madigan	Smith, E.	Zwinkl
Doyle	McClatchy	Smith, L.	

NAYS—129

Abraham	Geisler	Mackowski	Rieger
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Anderson	George, C.	Manderino	Ruggiero
Armstrong	George, M.	Manmiller	Salvatore
Arthurs	Giammarco	McCall	Scanlon
Barber	Gleeson	McIntyre	Scheaffer
Beloff	Goebel	McLane	Schmitt
Bennett	Goodman	Meluskey	Schweder
Berson	Gray	Milanovich	Seltzer
Bittinger	Greenfield	Miller	Shupnik
Bittle	Grieco	Miscevich	Sirianni
Borski	Hamilton	Moehlmann	Stairs
Brandt	Harper	Mrkonic	Stewart
Brown	Hasay	Mullen, M. P.	Stuban
Brunner	Haskell	Mullen, M. M.	Sweet
Caputo	Hayes, S. E.	Musto	Taddonio
Cianciulli	Helfrick	Novak	Thomas
Cimini	Honaman	Noye	Trello
Davies	Hopkins	O'Brien, B.	Valicenti
DeMedio	Hutchinson, A.	O'Brien, D.	Wagner
Dininni	Hutchinson, W.	O'Connell	Wansacz
Donatucci	Itkin	Oliver	Wargo
Dorr	Johnson	Parker	Wenger
Duffy	Jones	Petrarca	White
Dumas	Katz	Piccola	Wiggins
Englehart	Kelly	Pievsky	Williams
Fee	Kernick	Pott	Wilt
Fischer, R. R.	Klingaman	Prendergast	Yahner
Fisher, D. M.	Knepper	Rappaport	Zitterman
Flaherty	Kowalshyn	Ravenstahl	Zord
Foster, W.	Lehr	Reed	
Fryer	Letterman	Renwick	Irvis,
Gamble	Levi	Rhodes	Speaker
Gatski	Logue	Richardson	

NOT VOTING—4

Halverson	O'Donnell	Shelton	Spencer
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The question was determined in the negative and the amendment was not agreed to.

GAVEL RETURNED TO THE SPEAKER

The SPEAKER pro tempore. The Chair is happy to turn the gavel back to the permanent Speaker.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

SPEAKER THANKS MR. PARKER

The SPEAKER. The Chair believes that the Speaker pro tem is indeed happy to turn the gavel over. The Chair wishes to thank the eminent gentleman from Allegheny County, Mr. Shel Parker, and thank him sincerely for presiding.

On the question recurring,

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

Mr. FREIND offered the following amendments:

Amend Sec. 5, page 3, line 14, by inserting after "(9)," (10.1), (10.2),

Amend Sec. 5, page 3, line 17, by inserting after "No. 96)," clauses (10.1) and (10.2) added February 1, 1966 (1965 P. L. 1642, No. 580),

Amend Sec. 5 (Sec. 2501), page 3, by inserting between lines 22 and 23

(1.1) "Aggregate Pupils," of a school district shall designate all pupils enrolled in both the public and nonpublic schools of the Commonwealth, and of adjacent states, who are residents of a given school district, except those pupils who are enrolled in the public schools maintained by the vocational school dis-

trict, the territorial limits of which include the school district.

Amend Sec. 5 (Sec. 2501), page 4, by inserting between lines 19 and 20

(10.1) "Weighted Pupil," shall mean a value placed upon district pupils, or aggregate pupils for the purposes of determining the weighted average aggregate pupil count, in average daily membership at various levels of instruction. Such values shall be as follows:

Kindergarten	0.50,	if attending one session per day;
	1.00,	if attending two sessions per day.
Elementary	1.00	
Secondary	1.36	

(10.2) "Weighted Average Daily Membership" (WADM). The average daily membership for all resident pupils in the various levels of instruction shall be multiplied by the weight for that level as indicated to obtain the weighted average daily membership. The sum of the products so obtained shall be the weighted average daily membership for the district. [The weighted average daily membership used in computing the aid ratio shall include kindergarten, elementary and secondary pupils.]

(10.3) "Weighted Average Aggregate Pupil Count" (WAPC). The average daily membership of all aggregate pupils in the various levels of instruction shall be multiplied by the weight for that level as indicated to obtain the weighted average aggregate pupil count. The sum of the products so obtained shall be weighted average aggregate pupil count for the district. The weighted average aggregate pupil count used to compute the aid ratio shall include kindergarten, elementary and secondary pupils.

Amend Sec. 5 (Sec. 2501), page 5, lines 21 and 22 by striking out "daily membership" and inserting aggregate pupil count

Amend Sec. 5 (Sec. 2501), page 5, line 23, by striking out "daily membership" and inserting aggregate pupil count.

Amend Sec. 5 (Sec. 2501), page 6, lines 4 and 5, by striking out "daily membership" and inserting aggregate pupil count

Amend Sec. 5 (Sec. 2501), page 6, line 6, by striking out "daily membership" and inserting aggregate pupil count

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker.

All this amendment does is change the entire aid ratio formula. At present, under the present subsidy formula and under HB 593, in the formula are counted only those students who attend public school. My amendment would, in the aid ratio, change the formula to calculate all students who reside within the school district, kindergarten through 12th grade. In other words, in computing the aid ratio, you would count all students in the district.

The rationale for this, Mr. Speaker, is very simple. The way it is supposed to work in an ideal situation is in a school district that has a high number of nonpublic school students, the tax should be less because there are that fewer students attending the public schools and, therefore, you need that much less taxes. It does not work that way because of the subsidy formula.

What my amendment does, in my opinion, is more accurately assess the wealth of a district. I am not about to kid you. I am

not really going to talk philosophy because we may talk philosophy, but when it comes down to it, the major issue is what any amendment does for your school district. I have sent to each member of this assembly a computer printout which will show exactly what this amendment does for each school district. I ask your support.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen, to speak upon the amendment.

Mr. M. P. MULLEN. Mr. Speaker, this particular amendment I support, because if I understand what the amendment does, when children are attending nonpublic schools, it recognizes that a contribution is being made to the particular school district, and what it permits the school district to do is to count those children in the aid ratio.

This certainly is a beneficial amendment, because those people who send their children to nonpublic schools make two sacrifices: They pay for their children in nonpublic schools, and they also have to pay taxes for the other children who go to public schools. What this amendment does is recognize the contributions that are made by those people, and theoretically it should result in reduced taxes for that particular school district where the parents reside who send their children to nonpublic schools.

I know that the amendment is a very costly amendment. I am not going to deny that. But even though it may be costly, it still recognizes a very important principle, and I think we should support it.

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Wise.

Mrs. WISE. Mr. Speaker, may I interrogate the author of this amendment, please?

The SPEAKER. Will Representative Freind consent to interrogation?

Mr. FREIND. Yes, I will.

The SPEAKER. Mr. Freind indicates that he does consent to interrogation. The lady may place the interrogation.

Mrs. WISE. Thank you, Mr. Speaker, I just have two questions, and then probably a comment.

Mr. Speaker, on what data are you projecting the cost and the distribution according to your amendment?

Mr. FREIND. The data is based on the school census information which each school district sends to the Department of Education every year with respect to the nonpublic school students within that district.

Mrs. WISE. Do you feel that this information is accurate and up to date?

Mr. FREIND. It is the best they have, which, as we have discussed before today, seems to be par for the course.

Mrs. WISE. The second question is partially rhetorical, Mr. Speaker, and yet I would really like to hear the answer from the sponsor of the amendment.

I have been told by some that this is a very attractive amendment. I happen to feel it is very dangerous. My own school district would lose close to \$600,000 by your amendment. How would you go home to that district and explain to them they

lost \$600,000 because it went to school districts for students they did not have?

Mr. FREIND. Mr. Speaker, I can certainly have empathy with your situation. I am having a heck of a time telling my one school district that they are going to get a 1-cent return on the dollar and my other school district, a 4-cent return on the dollar.

What it boils down to, very simply, which is why I got the computer printout and why I sent it to every member, is really you have to look and see what it does for your district and make a decision on it. Some districts will receive less if this amendment passes than they would under HB 593 without the amendment. There is no doubt about it.

Mrs. WISE. Mr. Speaker, I thank the gentleman and I would like to make a comment, if I may.

The SPEAKER. The Chair recognizes the lady. The lady may proceed.

Mrs. WISE. I would like to speak against the amendment and urge that it not be approved. Our own fiscal note attached to the bill indicates that there is no accurate data relating to nonpublic school enrollment and that "... it will probably be two years before a subsidy can be calculated with reasonably accurate nonpublic student counts." I am quoting from our fiscal note. I think it is not a logical way to solve the school subsidy problem and I urge its defeat.

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

Mr. COWELL. Mr. Speaker, the temptation will be great for all of us to again run to the computer printout to see what the impact would be on our respective school districts. Perhaps some of us would be sorely tempted to favor this amendment because it would mean a few extra bucks for the districts we represent.

I think that would be a mistake for us to fall into. I think that we have to take a look at the very premise upon which this amendment is offered, and if we do that, it just does not make any sense because what we would effectively be doing is rewarding or compensating school districts for costs that do not exist in that particular school district, and it just makes no sense for us to do that at all.

The extreme example that I might cite—and it is probably not very likely to occur but it still illustrates the basic problem—we might have school district X that would have 100 students in its public schools and might have 10,000 students enrolled in nonpublic schools within that district, and we would be reimbursing that district for all of those students rather than just on the basis of the costs related to those 100 public school students. It makes no sense at all that we do that.

Secondly, what we would effectively do if we decide to reimburse school districts on the basis of nonpublic school students, we would be creating an incentive for school districts to drive students out of their public schools, drive them into nonpublic schools, because we would reduce their costs but still the reimbursements from the state would be the same.

So it would be irresponsible for us to do this. This amendment in no way relates to the very basic purpose for which we

have a school subsidy program in this state. We should defeat it.

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

Mr. LINCOLN. Mr. Speaker, I also rise to oppose this amendment. I think the seriousness of this amendment could be pointed out that there will be absolutely none of these additional dollars going to the nonpublic schools, and I think the seriousness could be that in the future this could be a very good argument against ever increasing aid to nonpublic schools.

I come from a district which is very heavily populated with Catholics and other individuals who might choose to send their children to nonpublic schools, but yet my districts lose considerable dollars because of this amendment. I think that the Catholic parents in my district are not going to be too pleased with their students being counted in the appropriation which will be going to the local school district, yet that school district is getting less money and their property taxes are going to have to be increased proportionately to make up for that loss.

I think it is a dangerous approach to a very serious problem, and I think that if we do adopt this, we are going to have chaos throughout our public school system throughout Pennsylvania. I urge its defeat.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Pancoast, to speak upon the amendment.

Mr. PANCOAST. Mr. Speaker, will the gentleman from Delaware consent to interrogation?

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

Mr. FREIND. Yes, I will, Mr. Speaker.

The SPEAKER. The gentleman indicates that he will stand for interrogation. The gentleman, Mr. Pancoast, will place the interrogation.

Mr. PANCOAST. Mr. Speaker, the fiscal note points out that this amendment, according to the Department of Education, reduces the cost of HB 593 by about \$2 million. However, the amendment will result in very significant changes in subsidy levels between school districts. Does this mean, therefore, Mr. Speaker, that where a school district has a very high proportion of nonpublic school students, its subsidy will increase substantially, while in all other school districts that do not have any or a very small nonpublic school enrollment, their subsidies will go down?

Mr. FREIND. Mr. Speaker, I do not know if that is what it means in every instance, but it is fair to say that this amendment will benefit those districts that have high nonpublic school populations, and in a number of districts that do not, the subsidy increase under HB 593 will be decreased, yes.

Mr. PANCOAST. Thank you, Mr. Speaker.

It just appears to me, therefore, that where you do have a reshuffling of the subsidy, most of the school districts in the Commonwealth would receive less subsidy with this amendment.

The SPEAKER. Does the gentleman, Mr. Freind, want to use his second chance at the microphone now or would he rather wait to hear the other criticisms?

Mr. FREIND. I think that is a good suggestion. I will wait, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, will the gentleman from Delaware agree to brief interrogation?

The SPEAKER. Will Mr. Freind consent to interrogation?

Mr. FREIND. Yes, I will.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Trello, may place that interrogation.

Mr. TRELLO. Mr. Speaker, I do not have a copy of the amendment. I have so many I cannot find it, but from the debate I understand that the enrollment in our parochial and private schools will mean increased subsidies to our public schools. Is that correct?

Mr. FREIND. In the formula you compute also your nonpublic school students. The overall effect will be that in those school districts which have high nonpublic school populations, those districts will get an increase in subsidy, therefore hopefully reducing the tax for all residents within that school district.

Mr. TRELLO. What I am trying to get at, since I have 15 Catholic schools and a number of private schools in my district, will this benefit the parochial and private schools in any way, shape or form at all?

Mr. FREIND. Yes, to this extent: This is not direct aid to nonpublic schools, but what it does do by reducing the local tax in those school districts with high nonpublic school populations, it enables the parents of those students who are attending nonpublic schools to more adequately afford to pay the tuition.

Mr. TRELLO. Okay. Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman. The gentleman may proceed.

Mr. TRELLO. Mr. Speaker, at the appropriate time I would like to have the privilege of making a personal statement and I would indulge on your good judgment when that time would be.

The SPEAKER. Does the gentleman's statement relate to the Freind amendment?

Mr. TRELLO. No, sir. It just relates to school subsidies, period, but I would like to have the privilege of making a personal statement in regard to the debate we had today, and at the appropriate time I would like to have you call and give me that courtesy.

The SPEAKER. The Chair would advise the gentleman from Allegheny County that, in the Chair's opinion, probably the most apt time for the gentleman to make his statement would be on the debate of the bill on final passage and where a general statement on school subsidies would be pertinent. Is that satisfactory to the gentleman, or does the gentleman wish to make the statement today?

Mr. TRELLO. Yes, I would.

The SPEAKER. All right. The Chair will then find an opportunity to recognize the gentleman from Allegheny County to permit him to make a statement.

Mr. TRELLO. Thank you very much, and I also thank the gentleman from Delaware.

In regard to the school subsidies, Mr. Speaker, we have approximately 500,000 private and parochial school students throughout this Commonwealth, and in my investigation I find that under the current formula of the subsidies, to house and to subsidize these children in private and parochial schools will probably cost us about \$5 billion, what our total budget is right now. So, in effect, the private and parochial schools are saving us a heck of a lot of money, a lot of tax dollars, throughout this Commonwealth, and because of a Supreme Court that sits down there in Washington that does not know our problems up here or our tax structure, they made a decision that they are not entitled to anything.

I would also like to speak to another area. We are talking about more money and our needs. I think we should start looking toward areas where we can save money. I know for a fact from a personal investigation that one of our colleges here in this Commonwealth—and I am not going to name it because I am sure there are others—has 27 professors who teach one class a day. I imagine one class a day is probably about 2 hours a day. They teach 10 hours a week. They make between \$30,000 and \$40,000 a year, and I think something like that should be stopped.

In our public schools when I went to school, we never had a public relations director. We never had a lot of things. I think we had better start looking to some of these programs like Title I and the GATE program and a lot of other programs that are costing us an awful lot of money. Everybody wants money, but the more we give them, the more they are going to spend and the more programs they are going to create.

I think everybody in this House should start looking toward cutting spending in our local schools and in our colleges and we will not have a problem like they have in Philadelphia and some of our other school districts throughout this state.

Mr. Speaker, thank you very much.

The SPEAKER. The Chair thanks the gentleman for his expression of opinion.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, would the gentleman from Delaware, Mr. Freind, stand for interrogation?

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

Mr. FREIND. Yes, I will.

The SPEAKER. The gentleman, Mr. Freind, indicates that he will stand for interrogation. The gentleman, Mr. Hutchinson, may interrogate.

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

Mr. Speaker, this question may have been answered, but in the confusion I may have missed the answer. Mr. Speaker, will the gentleman advise the House what the total additional cost is of his amendment as per the fiscal note?

Mr. FREIND. As a matter of fact, it is a decrease of approximately \$2 million dollars. I believe the price tag, with my amendment, is an additional \$258 million. HB 593 without the amendment is an additional \$260 million, a decrease of \$2 million.

Mr. W. D. HUTCHINSON. So that the cost of the revenues

available to the public schools, under your amendment, would be decreased by \$2 million from that which is provided by HB 593 in its current printer's number?

Mr. FREIND. That is what the printout says, yes.

Mr. W. D. HUTCHINSON. Mr. Speaker, would the gentleman advise me what the increase is for the school district of the city of Philadelphia under his amendment?

Mr. FREIND. Yes. Under 593, without my amendment, Philadelphia gets an increase of \$55 million. With my amendment, they get an increase of \$83 million. In other words, the net increase with my amendment is \$28 million.

Mr. W. D. HUTCHINSON. So that it would provide an additional \$28 million for Philadelphia and an overall decrease throughout the state of \$2 million, which adds up to \$30 million? Is that correct, Mr. Speaker?

Mr. FREIND. According to the computation which I received from the Department of Education, that is correct.

Mr. W. D. HUTCHINSON. That \$30 million is taken away from other areas. Is that correct?

Mr. FREIND. Well, it is not just that \$30 million. There are increases for other districts also; it is not just Philadelphia.

Mr. W. D. HUTCHINSON. I understand that. Mr. Speaker, would it be a fair statement to say that by adopting your amendment we basically make \$30 million less available to the school districts of this Commonwealth outside of the city of Philadelphia?

Mr. FREIND. Yes. I think it is fair to say that it is the same pie. It is just being sliced up differently. That is correct.

Mr. W. D. HUTCHINSON. Thank you, Mr. Speaker. Mr. Speaker, I have a comment on the amendment.

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

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

Mr. Speaker, when I came to this House approximately 4½ years ago, I thought that I had some sense. Perhaps that sense has become attenuated over those 4½ years but I still retain, I think, enough of it to wonder how in anything but an Alice in Wonderland world we could possibly say that we are helping someone by paying the public school system for children who are educated by the nonpublic school system. Only in an Alice in Wonderland world can that statement make sense.

We have heard the gentleman say that this will help the Catholic parents. I suggest to you that it will not. Let me tell you why I suggest that it will not. That conclusion is based on some assumptions. The assumptions have been prefaced by the gentleman himself by the term "hopefully." Hopefully, if we give the public schools in the areas where there are fairly large Catholic populations this additional money, then hopefully the public schools will reduce their tax rates so that the Catholic parents will benefit.

Mr. Speaker, does anybody really believe that that is likely to happen? Does anybody really believe that any bureaucracy will not fail to spend all of the money that it has been given? Does anybody believe that, then, the Catholic parents will be better off under this bill? I submit to you, Mr. Speaker, their end at the last will be worse. Their fate at the last will be worse than it was at the beginning, because they will be paying increased taxes to the Commonwealth of Pennsylvania, they will be paying the same tax rates as they would have been to their school

districts and they will be having to pay anyway for their own children.

This amendment really could not make any sense except in an Alice in Wonderland type of situation. You simply do not pay people for things that they are not doing and expect to come up with a rational conclusion. I urge you to vote against this amendment because it simply does not make sense. Thank you very much.

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

Mr. GARZIA. Yes. Mr. Speaker, may I interrogate Mr. Freind please?

The SPEAKER. Will the gentleman from Delaware, Mr. Freind, stand for interrogation?

Mr. FREIND. Yes, I will.

The SPEAKER. The gentleman from Delaware, Mr. Freind, indicates that he will. The gentleman from Delaware, Mr. Garzia, may place the interrogation.

Mr. GARZIA. Mr. Speaker, under Mr. Friend's amendment, Philadelphia gets \$28 million more? I am correct in saying that, right?

Mr. FREIND. That is correct, Mr. Speaker.

Mr. GARZIA. Okay. Delaware County picks up \$10 million more?

Mr. FREIND. That is correct, Mr. Speaker.

Mr. GARZIA. A part of that money that is leaving the county or, I should say, going into Philadelphia is coming out of my district? Three of my school districts went down, under this amendment?

Mr. FREIND. Which three are they, Mr. Speaker?

Mr. GARZIA. Chichester, Garnet Valley and Penn Delco Union. With the figures I have in front of me, they went down.

Mr. FREIND. Let me just check that for you, Mr. Speaker.

That is correct, Mr. Speaker. Those three go down somewhat. Your other school district is up enormously.

Mr. GARZIA. Yes. Mr. Speaker, I just want to let him know, for the record, that I shall vote against this amendment because I represent four school districts and three of them are getting penalized. Three from four leaves one that will gain, and I know my political opponent next year will kind of mention this, so I want to note for the record why I am voting against this amendment.

Thank you.

Mr. FREIND. I would never use that against you, Ralph.

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

Mr. CAPUTO. Mr. Speaker, I thought this day would never come. I have been in Harrisburg for 15 years representing the city of Pittsburgh and I am in my 11th year representing one of the legislative districts in the city of Pittsburgh, and during those 25 years-plus, I have always attempted to get as much of the pie as possible for the city. This amendment, if adopted, would add \$8 million to the subsidy that the city of Pittsburgh will get. It will add \$28 million to the city of Philadelphia that needs it very badly, and, if I am not mistaken, it will add at least \$10 million to Delaware County. That comes to \$44 million, and the sponsor of the amendment indicates that the total

cost of the bill will be \$2 million less in HB 593 in its present status, which means that somewhere along the line there will be \$48 million taken from other school districts in this Commonwealth.

I would love to vote for this amendment because I live right across the street from a Catholic church. I would like to vote for all the Catholic parents. I would like to see them relieved of taxes as I would for all the people in the city of Pittsburgh, but I agree that this savings will not necessarily be passed on to the citizens. It seems to me, as I have become accustomed to driving a Cadillac because I made enough money to afford one, I do not know what to do now when I have to get a smaller car; I am not going to be comfortable in it; and I am afraid that we are going to make the school districts in the city of Pittsburgh too comfortable with an extra \$8 million that they cannot spend on their children in the nonpublic schools. For that reason and that reason only, I am going to vote against the amendment and urge everyone else to do likewise.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind, to conclude the debate on his amendment.

Mr. FREIND. I will be very brief, Mr. Speaker. Everyone has to look and see what this amendment does for their own districts. I do think it is somewhat extreme, however, to characterize this as an Alice in Wonderland situation. I also think that the statement that this amendment will drive students out of the public schools into nonpublic schools is also incorrect. This is not sending money to students who do not attend nonpublic schools. It is merely computing the aid ratio, taking into consideration all of the students who reside in that district. It is more adequately and equitably assessing the wealth of a district. This is not aid to nonpublic schools and I do not believe that the passage of this amendment will hurt any future attempt to provide direct aid to nonpublic schools, which I also favor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I do not want to speak on the bill. I just want to urge a negative vote.

The SPEAKER. Does the gentleman from Allegheny, Mr. Itkin, desire to be recognized on the amendment?

Mr. ITKIN. Yes.

The SPEAKER. The Chair recognizes the gentleman. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, I hope that the House will not act very crass in this measure on this issue. I notice people are pulling out their books, checking dollar figures on both sides of the issue and making determinations on the basis of how much more dollars that my district will acquire.

I think the basic concern that we all have to look at in representing the people of all of Pennsylvania is to determine what are the appropriate elements in terms of providing subsidies for our school districts.

It seems to me that when a student does not attend a public school but attends a nonpublic school, that provides a distinct advantage to that school district since the parents of that

school child also pay taxes to the school district, which means that the school district receives an advantage just on the basis that that child is attending nonpublic schools. Now Mr. Freind would like to increase that imbalance by adding those children in terms of the subsidy formulas as if they were attending the public school for which the public school makes no expenditure.

I know that in my district of Pittsburgh that this would be a windfall for Pittsburgh. It would be very easy for me and it would be very easy for Representative Caputo to vote for an additional \$8 million for Pittsburgh and say to heck with the rest of the State; let us not do it properly; let us run with the ball and grab whatever we can. I think that is going on too far.

I also object to the position of Representative Mullen on this bill. He should know better. What our responsibility is is to insure that we provide the appropriate education for all those attending public schools. California, for example, has been criticized in terms of its taking care of its public school children, and I seriously question that whether we pass this amendment we will not jeopardize our whole arrangements and how we support public education in Pennsylvania and perhaps jeopardize Federal funding. I would suggest that each one of you search your conscience and do the right thing. Provide for those students in the public schools according to need, not according to the numbers of young children in the district whether or not they are attending the public schools or not. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—59

Abraham	Giammarco	McGinnis	Ryan
Bellomini	Gillette	McIntyre	Salvatore
Beloff	Gray	McLane	Scanlon
Berson	Greenleaf	Mrkonic	Scirica
Borski	Hamilton	Mullen, M. P.	Spitz
Brandt	Helfrick	O'Brien, D.	Stapleton
Cessar	Hoeffel	O'Keefe	Tenaglio
Cianciulli	Johnson	Pitts	Trello
Cohen	Jones	Polite	Valicenti
Dombrowski	Katz	Pyles	White
Donatucci	Kelly	Rappaport	Wiggins
Doyle	Laughlin	Ravenstahl	Williams
Freind	Lehr	Renwick	Wright, J. L.
Gatski	Lynch	Richardson	Zearfoss
George, C.	McClatchy	Rieger	

NAYS—137

Anderson	Foster, W.	Mackowski	Schweder
Armstrong	Fryer	Madigan	Shuman
Arthurs	Gallagher	Manderino	Shupnik
Barber	Gallen	Manmiller	Sirianni
Bennett	Gamble	McCall	Smith, E.
Berlin	Garzia	Mebus	Smith, L.
Bittinger	Geesey	Meluskey	Stairs
Bittle	Geisler	Milanovich	Stewart
Brown	George, M.	Miller	Stuban
Brunner	Gleeson	Milliron	Sweet
Burd	Goebel	Miscevich	Taddonio
Burns	Goodman	Moehlmann	Taylor, E.
Butera	Greenfield	Morris	Taylor, F.
Caltagirone	Grieco	Mowery	Thomas
Caputo	Halverson	Mullen, M. M.	Vroon
Cassidy	Harper	Musto	Wagner
Cimini	Hasay	Novak	Wansacz

Cole	Haskell	Noye	Wargo
Cowell	Hayes, D. S.	O'Brien, B.	Wass
Davies	Hayes, S. E.	O'Connell	Weidner
DeMedio	Honaman	Oliver	Wenger
DeVerter	Hopkins	Pancoast	Wilson
DeWeese	Hutchinson, A.	Parker	Wilt
DiCarlo	Hutchinson, W.	Petrarca	Wise
Dietz	Itkin	Piccola	Wright, D.
Dininni	Kernick	Pievsky	Yahner
Dorr	Klingaman	Pott	Yohn
Duffy	Knepper	Pratt	Zeller
Dumas	Kolter	Prendergast	Zitterman
Englehart	Kowalyshyn	Reed	Zord
Fee	Letterman	Rhodes	Zwikl
Fischer, R. R.	Levi	Ritter	
Fisher, D. M.	Lincoln	Ruggiero	Irvis,
Flaherty	Livengood	Scheaffer	Speaker
Foster, A.	Logue	Schmitt	

NOT VOTING—4

O'Donnell	Seltzer	Shelton	Spencer
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The question was determined in the negative and the amendments were not agreed to.

HOUSE SCHEDULE

The SPEAKER. For the information of the members of the House, it has been determined by the floor leaders that we shall run until approximately 7 p.m. Then the House will adjourn. We will come as close to that as we possibly can, but of course we shall not cut through the debate at that time.

On the question recurring,

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

Mr. FREIND offered the following amendments:

Amend Sec. 5, page 3, line 14 by inserting after "Clauses" (1), Amend Sec. 5 (Sec. 2501), page 3, by inserting between lines 21 and 22 (1) "District Pupils" of a school district shall designate all pupils enrolled in the public schools of the Commonwealth, and of adjacent states, who are residents of a given school district, except those pupils who are enrolled in the public schools maintained by the vocational school district, the territorial limits of which include the school district. "District Pupils" of a vocational school district shall designate all pupils enrolled in the public schools, maintained by the vocational school district who are residents of the district. For the sole purpose of computing the market value/income aid ratio, "district pupils" shall also designate all the pupils enrolled in nonpublic schools who are residents of a given school district; however, each such district pupil who is enrolled in a nonpublic school shall only be counted as one-half a pupil for the purposes of computing the market value/income aid ratio.

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker.

Flushed from that last victory, I offer this amendment. This amendment is based on the same rationale and could be considered a life preserver.

Since politics is the art of compromise, this is what this is.

Rather than count all of the nonpublic school students who reside within each school district, what this amendment will do is count any student K through 12, who resides within a school district and does not attend a public school as one-half of a WADM — Weighted Average Daily Membership.

In other words, kindergarten public school students is .5 WADM; it would be half. The same thing with grade schools 1 through 6, and grades 7 through 12. It would be one-half of a WADM in the aid ratio.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—39

Abraham	Jones	O'Brien, D.	Scanlon
Bellomini	Katz	O'Keefe	Scirica
Cohen	Lynch	Pitts	Spitz
Dombrowski	McClatchy	Polite	Stapleton
Doyle	McGinnis	Pyles	Tenaglio
Freind	McLane	Rappaport	Trello
Garzia	Mrkonic	Renwick	Valicenti
Gillette	Mullen, M. P.	Rieger	Wright, J. L.
Greenleaf	Novak	Ryan	Zearfoss
Hamilton	Noye	Salvatore	

NAYS—147

Anderson	Foster, W.	Letterman	Schweder
Armstrong	Fryer	Levi	Seltzer
Arthurs	Gallagher	Lincoln	Shuman
Barber	Gallen	Livengood	Shupnik
Bennett	Gamble	Logue	Sirianni
Berlin	Gatski	Mackowski	Smith, E.
Berson	Geesey	Madigan	Smith, L.
Bittinger	Geisler	Manderino	Stairs
Bittle	George, C.	Manmiller	Stewart
Brandt	George, M.	McCall	Stuban
Brown	Giammarco	Mebus	Sweet
Brunner	Gleeson	Meluskey	Taddonio
Burd	Goebel	Milanovich	Taylor, E.
Burns	Goodman	Miller	Taylor, F.
Butera	Greenfield	Milliron	Thomas
Caltagirone	Grieco	Miscevich	Vroon
Caputo	Halverson	Moehlmann	Wagner
Cassidy	Hasay	Morris	Wansacz
Cessar	Haskell	Mowery	Wargo
Cimini	Hayes, D. S.	Musto	Wass
Cole	Hayes, S. E.	O'Brien, B.	Weidner
Cowell	Helfrick	O'Connell	Wenger
Davies	Hoeffel	Pancoast	White
DeMedio	Honaman	Parker	Williams
DeVerter	Hopkins	Petrarca	Wilson
DeWeese	Hutchinson, A.	Piccola	Wilt
DiCarlo	Hutchinson, W.	Pievsky	Wise
Dietz	Itkin	Pott	Wright, D.
Dininni	Johnson	Pratt	Yahner
Dorr	Kelly	Ravenstahl	Yohn
Duffy	Kernick	Reed	Zeller
Dumas	Klingaman	Rhodes	Zitterman
Englehart	Knepper	Richardson	Zord
Fee	Kolter	Ritter	Zwikl
Fischer, R. R.	Kowalyshyn	Ruggiero	
Fisher, D. M.	Laughlin	Scheaffer	Irvis,
Flaherty	Lehr	Schmitt	Speaker
Foster, A.			

NOT VOTING—14

Beloff	Gray	O'Donnell	Shelton
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Borski Harper Oliver Spencer
Cianciulli McIntyre Prendergast Wiggins
Donatucci Mullen, M. M.

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

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

Mr. FREIND offered the following amendment:

Amend Sec. 5 (Sec. 2501), page 4, lines 4 through 7, by striking out all of said lines and inserting personal income for each school district for each year from all sources, including, but not limited to, wages, salaries, bonuses, commissions, income from self-employment, alimony, support payments, pensions, annuities, interest, dividends, cash public assistance, Federal Social Security Act disability or old age benefits, unemployment compensation, workmen's compensation, occupational disease benefits, supplemental unemployment compensation paid by an employer, strike benefits, railroad retirement benefits, royalties, veteran's benefits, rental income, and realized capital gains as determined by the Secretary of Revenue and certified to the Secretary of Education.

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

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

Mr. FREIND. Thank you, Mr. Speaker.

We are now off the canonization issue. This amendment is totally different from the other two.

What 593 proposes to do for the first time is also an addition to market value of real estate within a school district. It also computes the income. Forty percent of the employment will be based on personal income.

The way the bill is written right now, however, the only income that will be counted will be that income which is taxable on the Pennsylvania State Income Tax form. What this amendment does is count all income, including but not limited to intergovernmental transfer, such as welfare payments, such as unemployment compensation, workmen's compensation. Even though this income is not taxable, it should be computed if you are going to fairly assess the wealth of a district. If an individual is receiving unemployment compensation of \$100 a week, that is not taxable. In buying power it is worth about \$130. All this amendment does is fairly compute all income in the formula, and I will ask for your consideration.

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

The following roll call was recorded:

YEAS—34

Burns Greenleaf McClatchy Salvatore
Butera Hamilton McGinnis Smith, L.
Davies Hasay O'Brien, D. Spitz

DeVerter Helfrick Pancoast Taddonio
Dietz Hutchinson, W. Pitts Vroon
Foster, A. Katz Polite Wilson
Freind Lehr Pyles Wright, J. L.
Gallen Lynch Ryan Zearfoss
Geesey Mackowski

NAYS—162

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

NOT VOTING—4

Harper O'Donnell Shelton Spencer

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

AMENDMENT WITHDRAWN

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

Mr. FREIND. Mr. Speaker, since I have just done the impossible, since I, by myself, have totally unified the Democratic Party today, I will withdraw my fourth amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman for his courtesy.

On the question recurring,

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

Mr. STEWART offered the following amendment:

Amend (Sec. 6 (Sec. 2502), page 9, line 9, by inserting after "2592." In addition, if any school district receives payments on account of instruction for the 1976-1977 school year as a result of this amendatory act that total not more than one hundred ten percent (110%) of the payment that would have been received by such school district for the 1976-1977 school year, then such school district's market value/income aid ratio for 1976-1977 and subsequent school years shall not be reduced more than ten percent (10%) below the aid ratio that would have been in effect for the 1976-1977 school year.

On the question,

Will the House agree to the amendment?

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

Mr. STEWART. Thank you, Mr. Speaker.

In lieu of the last three votes, I would like to first remind the House members that I am a Democrat and that we are unified.

My amendment is the result of the effects of HB 593 on one of my school districts. I have the distinction as a first term of ending up with a school district that takes the most disastrous cut of all the 505, on a percentage basis, from the State.

What I have done in the amendment is limited the reduction in the aid ratio to a 10-percent drop unless the school district receives a 10-percent or more increase in subsidy dollars. It affects 11 school districts in the state and there is a fiscal note attached. I think by limiting this aid ratio drop it will keep other districts, when the median changes and your income changes and your property value changes, from being in the same situation in the future. I urge your support.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise in opposition to this amendment. This amendment basically is designed to meet the same problem that Mr. Mowery's amendment attempted to meet in dealing with those school districts which, under the current situation as HB 593 is, would not receive any increase in subsidies for this current year. We passed the Mowery amendment which gave every school district in the Commonwealth at least a 6-percent increase in its subsidy. That amendment costs \$1.7 million. Mr. Speaker, could I ask the sponsor of the amendment just to stand for interrogation for a moment?

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

Mr. STEWART. Yes, Mr. Speaker.

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Hutchinson, may proceed with the interrogation.

Mr. W. D. HUTCHINSON. Mr. Speaker, will the gentleman tell me what the cost of his amendment is?

Mr. STEWART. Mr. Speaker, the fiscal note attached to my

amendment currently is \$1,154,191.

Mr. W. D. HUTCHINSON. Mr. Speaker, how would this work in connection with the Mowery amendment, if we pass your amendment, which costs \$1.7 million?

Mr. STEWART. The cost of my amendment with the passage of the Mowery amendment will go down.

Mr. W. D. HUTCHINSON. It will not be added onto the Mowery amendment?

Mr. STEWART. No, sir, not as I read it.

Mr. W. D. HUTCHINSON. All right, Mr. Speaker, I still reiterate my opposition to this amendment. It seemed to me that the Mowery amendment was a simple way of doing it. It was a one-year situation. It has a cost of \$1.7 million. This amendment does cost slightly less. I think, however, that the passage of this amendment, even though I am cognizant of the Speaker's opinion, that if we pass two conflicting amendments, the later amendment would control. I think it creates confusion in the bill and in the law and I think therefore that we should vote this down and stick with Mr. Mowery's amendment.

Thank you, Mr. Speaker.

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

Mr. PARKER. Mr. Speaker, this amendment restores a bit of fairness to the treatment accorded a few school districts in HB 593. By using a 10-percent aid ratio reduction limit, a variety of diverse districts are treated more equitably and will be able to obtain a few more dollars. Mr. Speaker, I urge the support of the House.

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

Mr. PYLES. Mr. Speaker, would the sponsor be prepared for interrogation?

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

Mr. STEWART. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Stewart, indicates that he will stand for interrogation. The gentleman, Mr. Pyles, may proceed.

Mr. PYLES. In response to the gentleman, Mr. Hutchinson, the sponsor indicated that the Mowery amendment would fall in case his was approved. I notice, Mr. Speaker, in your analysis, there are still five districts that will get no increase: Camp Hill, Susquehanna Township, Rose Tree Media, Springfield and Springfield Township. Do I read your analysis correctly?

Mr. STEWART. Yes, Mr. Speaker, they are noted with a subnote as to some are "hold-harmless" and some are "100-percent cutoff or guaranteed districts."

Mr. PYLES. But your amendment, Mr. Speaker, purports to insure that each one at least gets 10 percent and yet we have five school districts that get nothing. Is that true?

Mr. STEWART. That is true with my amendment. Yes, Mr. Speaker.

Mr. PYLES. And Mr. Mowery's amendment which we passed before insured that each school district at least in this state got at least a minimum of 6 percent; is that your understanding?

Mr. STEWART. Yes, Mr. Speaker.

Mr. PYLES. Mr. Speaker, I do not understand your response to Mr. Hutchinson's question then that if your amendment passes, the Mowery amendment falls. Was your analysis correct in that statement?

Mr. STEWART. No, Mr. Speaker. I was addressing the cost of my amendment, not Mr. Mowery's amendment.

Mr. PYLES. Mr. Speaker, on the basis of that, do I understand that if we pass your amendment, those five school districts that show zero in your analysis will get at least 6 percent, assuming that Mr. Mowery's amendment still stands?

Mr. STEWART. Mr. Speaker, my amendment gives those six school districts no more money. The only increase that they would get would be under Mr. Mowery's amendment. Those particular districts are not connected as far as dollars between his amendment and my amendment. My amendment will cost less than \$1.1 million. I do not know how much because we have not computed it yet if the Mowery amendment remains, because some of the districts will now be thrown over the 10-percent ceiling I have on the dollar figure.

The aid ratio drop is held at no more than 10 percent, unless the district already has 10 percent more in dollars. Now because of his 6 percent added on to what they did get, it throws a few districts out of my amendment.

Mr. PYLES. Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Pyles. The gentleman may proceed.

Mr. PYLES. Mr. Speaker, because of the difficulty in the analysis of Mr. Stewart's amendment and the fact that Mr. Mowery's amendment has already been accepted by this House, I would recommend to my colleagues that we let stand the Mowery amendment and defeat the Stewart amendment.

Thank you.

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

Mr. W. D. HUTCHINSON. It seems to me that there is one other reason why we should prefer the Mowery amendment to the Stewart amendment, Mr. Speaker. As I understand the Mowery amendment, the Mowery amendment provides this increase for 1 school year only, 1977-1978 school year. The Stewart amendment provides a kind of grandfather clause that says that at no time in the future shall they receive less than 110 percent of the amount that they received in 1976-77 school year.

I think that the Mowery amendment can stand with this bill in connection with the problem that we are trying to address to get at the whole constitutional and equitable issue with respect to school subsidies, and it can serve as a transition period for 1 year, but I think this House should be very wary of locking these grandfather clauses in and writing them in stone for the future.

For these 2 reasons, one, this amendment does not correct the situation in all of the school districts in the current year, and, secondly, it permanently writes this kind of a situation into the laws as opposed to the 1-year shot of the Mowery amendment. I believe that we should oppose it and I urge the members to vote "no."

Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, will Mr. Stewart agree to a brief interrogation?

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

Mr. STEWART. Yes, Mr. Speaker.

The SPEAKER. Mr. Stewart has indicated that he will stand for interrogation. The gentleman from Allegheny County may proceed.

Mr. TRELLO. Mr. Speaker, according to your bill, there are five school districts that would get absolutely nothing, is that correct, or is it six?

Mr. STEWART. It is five districts that receive nothing, not because of my amendment but because they are either hold-harmless, guaranteed or 100-percent cutoff districts.

Mr. TRELLO. Okay. Can I add? Is the Cornell School District one of the schools that is held harmless that get nothing under your amendment?

Mr. STEWART. No, sir, it is not.

Mr. TRELLO. You may have this on your desk.

Mr. STEWART. We had these distributed.

Mr. TRELLO. I was looking for it and I cannot find it.

Mr. STEWART. Okay. It is not on their.

Mr. TRELLO. Well, I do not quite understand because on the one item, Cornell is held harmless, and according to your interpretation Cornell is not held harmless and we do get money. Is that correct, under your amendments?

Mr. STEWART. No, that is not correct.

If your school district is not on here, you either did not have an aid ratio drop of more than 10 percent or, if you did, you received more than 10 percent in subsidy dollars.

Mr. TRELLO. So if I am not on here, then we do not get anything, is what I am trying to get at?

Mr. STEWART. You will have to check HB 593 and if you do not get anything amended—

Mr. TRELLO. Well, I am talking about your amendment, not HB 593.

Mr. STEWART. If your school district is not in my amendment, my amendment does not affect your school district.

Mr. TRELLO. Well, okay. Thank you very much.

Mr. STEWART. But mine is.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—67

Abraham	Gallagher	Manderino	Ritter
Arthurs	Garzia	McCall	Schweder
Bellomini	Geesey	McLane	Smith, L.
Berlin	Geisler	Meluskey	Spitz
Bittinger	George, C.	Milliron	Stapleton
Brown	Goodman	Miscevich	Stewart
Caputo	Gray	Morris	Tenaglio
Cassidy	Halverson	Mowery	Trello
Cohen	Haskell	Mullen, M. P.	Valicenti
Cole	Hayes, D. S.	Mullen, M. M.	Wansacz
DeMedio	Helfrick	Novak	Wilson
DeWeese	Hoeffel	O'Brien, B.	Wright, D.
DiCarlo	Hutchinson, A.	O'Keefe	Zearfoss

Dombrowski	Knepper	Parker	Zeller
Duffy	Kolter	Petrarca	Zitterman
Englehart	Lincoln	Prendergast	Zwikl
Flaherty	Logue	Ravenstahl	

NAYS—129

Anderson	Gallen	Madigan	Scheaffer
Armstrong	Gamble	Manmiller	Schmitt
Barber	Gatski	McClatchy	Scirica
Beloff	George, M.	McGinnis	Seltzer
Bennett	Giammarco	McIntyre	Shuman
Berson	Gillette	Mebus	Shupnik
Bittle	Gleeson	Milanovich	Sirianni
Borski	Goebel	Miller	Smith, E.
Brandt	Greenfield	Moehlmann	Stairs
Brunner	Greenleaf	Mrkonic	Stuban
Burd	Grieco	Musto	Sweet
Burns	Hamilton	Noye	Taddonio
Butera	Harper	O'Brien, D.	Taylor, E.
Caltagirone	Hasay	O'Connell	Taylor, F.
Cessar	Hayes, S. E.	Oliver	Thomas
Cianciulli	Honaman	Pancoast	Vroon
Cimini	Hopkins	Piccola	Wagner
Cowell	Hutchinson, W.	Pievsky	Wargo
Davies	Itkin	Pitts	Wass
DeVerter	Johnson	Polite	Weidner
Dietz	Jones	Pott	Wenger
Dininni	Katz	Pratt	White
Donatucci	Kelly	Pyles	Wiggins
Dorr	Kernick	Rappaport	Williams
Doyle	Klingaman	Reed	Wilt
Dumas	Kowalyshyn	Renwick	Wright, J. L.
Fee	Laughlin	Rhodes	Yahner
Fischer, R. R.	Lehr	Richardson	Yohn
Fisher, D. M.	Letterman	Rieger	Zord
Foster, A.	Levi	Ruggiero	
Foster, W.	Livengood	Ryan	Irvis,
Freind	Lynch	Salvatore	Speaker
Fryer	Mackowski	Scanlon	

NOT VOTING—4

O'Donnell	Shelton	Spencer	Wise
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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 as amended on third consideration?

Mr. PANCOST offered the following amendments:

Amend Title, page 1, line 5 and 6 by striking out "changing and adding definitions and" in line 5, all of line 6 and inserting further providing for Commonwealth reimbursements to school districts on account of instruction and poverty.

Amend Bill, page 1, lines 9 through 19, pages 2 through 10, lines 1 to 30, page 11, lines 1 through 6 by striking out all of said lines on said pages and inserting

Section 1. Subsection (d) of section 2502 and section 2502.4, act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," amended June 26, 1974 (P. L. 370, No. 125), are amended to read:

Section 2502. Payments on Account of Instruction.—* * *

(d) For the school year commencing the first day of July within the year of the effective date of this amendment and each school year thereafter, each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual instruction expense per weighted average daily membership or by five hundred fifty dollars (\$550), whichever is less, and by the weighted average daily membership for the district. For the school year 1973-1974 and each school year

thereafter each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual instruction expense per weighted average daily membership or by seven hundred fifty dollars (\$750), whichever is less. For the school year 1976-1977, each school district shall be paid by the Commonwealth on account of instruction an additional sum of seventy-five dollars (\$75) per weighted average daily membership.

* * *

Section 2502.4. Additional Special Assistance Grants on Account of Low Income Families.—In addition to any other payments made to school districts, the Commonwealth for the school year 1973-1974 and for each school year thereafter, except for the school year 1976-1977, shall pay as a special assistance grant to each school district on account of children of low income families an amount equal to the sum of the number of children of low income families in the district multiplied by the grant per poverty pupil fixed for the percentage category of poverty pupils in average daily membership in the district according to the following table:

Percentage Category of Poverty Pupils in Average Daily Membership	Grant per Poverty Pupil
15	— 19.9 percent \$ 30
20	— 24.9 percent 60
25	— 29.9 percent 85
30	— 34.9 percent 135
over	— 35 percent 150

For the school year 1976-1977, the school district on account of children of low income families shall be an amount equal to the sum of the number of children of low income families in the district multiplied by the grant per poverty pupils fixed for the percentage category of poverty pupils in average daily membership in the district according to the following table:

Percentage Category of Poverty Pupils in Average Daily Membership	Grant per Poverty Pupil
15	— 19.9 percent \$ 30
20	— 24.9 percent 60
25	— 29.9 percent 85
30	— 34.9 percent 135
35	— 49.9 percent 150
50 percent and higher	225

The Secretary of Education shall determine the number of children of low income families from the most recent satisfactory data available in the same maner and according to the same standards and definitions as provided in the Elementary and Secondary Education Act of 1965 (Public Law 89-10), for assistance to local educational agencies for the education of children of low income families.

For the school year 1973-1974, and each school year thereafter, for the purpose of this section, in each school district, not less than the number of children shall be counted in each category as were counted therefor under this section for the school year 1972-1973.

Section 2. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

ANNOUNCEMENT

The SPEAKER. The Chair would take this opportunity to re-

mind the members that beginning tomorrow morning on the taking of the master roll, the Chair has asked that the Speaker's page take note of those members who are recorded on the master roll but who are not physically present. The Chair requests that only those members who are physically present be recorded on the master roll. The Chair reiterates that this is the rule of this House.

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

Mr. RITTER. At the rate we are going on amendments, maybe we ought to just defeat Mr. Pancoast's amendment and we would not need his remarks for the record.

The SPEAKER. The Chair thanks the gentleman for his observation.

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

Mr. PANCOAST. Mr. Speaker, I will speak off the cuff with respect to this particular amendment, because what this amendment does is to eliminate HB 593 completely and provides a substitute. I think the way we have been going on these particular amendments today, maybe this is a very good step to take at this particular time. When HB 593 was prepared, there were several areas in which concern was exercised, one of which was the open endedness for which an amendment was offered today and has not as yet been acted on.

The second matter of concern, Mr. Speaker, is the definition of "income." We have had two amendments offered today, one of which would have narrowed the definition of income as it is used in the subsidy formula in HB 593 and one of which would have increased the definition of income as it is found in HB 593. I think this, therefore, is a second very serious problem that ought to be resolved.

Now what does my amendment do? My amendment eliminates completely HB 593 and substitutes HB 1067. There are two essential provisions of HB 1067. It does not change the current subsidy formula one bit. It delays the current subsidy formula for 1 year, because the amendment is applicable only for 1 year.

You will notice that the fiscal note attached to the amendment provides for \$205 million, which would be a reduction from the current \$260 million that HB 593 provides for.

The amendment merely adds to the subsidy to be received by a local school district an additional \$75 for each WADM, for each weighted average daily member within that particular school district. So all that one needs to do to find out how much money—and in my fiscal note I have a printout that shows how much additional money would be received by each school district at \$75 each WADM. This is based on the information, of course, that was available when the estimate was prepared by the Department of Education.

In addition to the \$75 WADM, there is a change in the poverty formula. There are 12 school districts throughout the Commonwealth of Pennsylvania that would receive additional funds under the revised poverty formula.

The total cost of the bill would be \$205 million. I think that maybe we are in a situation at the present time that we should delay for 1 year any complete reconsideration of a subsidy pro-

posal and support this type of amendment that would provide additional funds that certainly are needed by our local school districts. It treats all of those school districts equally on the basis of their current enrollment, \$75 for each student under the weighted average daily membership formula. I urge the passage of this amendment.

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

Mr. CAPUTO. Mr. Speaker, I rise to oppose the amendment. Under the amendment, as I calculate, the city of Pittsburgh School District will get \$7½ million. This is only about \$500,000 off what we would get under HB 593. However, I point out to the members of this House that this amendment is for 1 year only, and to give such grants, or the grants that are included in this of \$75 per pupil for 1 year, may do the same thing that I objected to in Mr. Freind's amendment.

You know, if a school district gets a windfall such as this and it lasts for only 1 year, their methods of housekeeping, their methods of employment, and the contracts between the unions are all affected by that amount of money. And next year we will have to face the same problem again, and we will be forced, I am sure, at that time to increase or to reenact this present formula submitted by Mr. Pancoast. I think we have to resolve this problem today or this week or whenever we get to the resolution one way or the other so that the school districts can make plans not only for the upcoming fiscal year but for the following years.

I might also point out that in many school districts—and I have heard this from many of the members—the school districts have already adopted this appropriations for the present year, and I do not know what they are going to do with the \$75 per pupil that they will get in this bill.

I am not opposed generally to the idea if we were going to be carrying it on from year to year. But to put us in the position to vote for a subsidy at this time and ask us to vote for another subsidy next year I think is wrong, and I object to the amendment and urge its defeat.

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

Mr. VROON. Mr. Speaker, I rise to support the Pancoast amendment, because I feel that it is very urgent to provide some relief right now for all school districts across the state.

I am in the unenviable position of having two out of three of my school districts getting absolutely nothing out of HB 593 as it is now constituted. I have been asked by my constituents all over my district, Why do we not get something out of HB 593? And what can I say?

I also support this amendment because I think it is premature to introduce a change of formula basing 60 percent of the subsidy on market values and 40 percent on income values. This has created distortions which I fear have not been considered very carefully by the Education Committee and those who are responsible for the calculation of this formula. Let me give you a case in point.

Whereas in my particular area two out of three get absolutely no subsidy, not far from me is a school district that is very heavily populated with industry and commerce. This particular

school district gets an increase of 105 percent in its subsidy because of this new formula. This new formula puts less emphasis on market value, which is the area where they are rich, and it puts some emphasis on income value where they are poor. So they are getting it both ways, and their subsidy goes up by 105 percent. This is just one instance where it occurs. In every situation where there is an industrial conglomeration of any consequence, you will find that the school district gets a real windfall, not just 1 year but year after year after year under this HB 593 formula.

I object very much to it. I think it is unfair, and for this reason I think the Pancoast amendment would give us the shot in the arm for 1 year which is needed, which I want to see handed out to every school district across the state.

I also want to point out the fact that our present formula under which we distribute subsidies already takes into account the areas that need more and those that need less. And some of our areas are getting practically nothing now. The inverse ratio of distribution is preserved in principle by the Pancoast amendment. In addition, the Pancoast amendment also recognizes poverty and it recognizes it very substantially.

When it is all said and done, I think it is a good idea to do this for 1 year and then go over very carefully any restructuring of the subsidy formula. I think we have to think twice about that formula. I think it is full of errors. We already had many other amendments offered to try to correct the inequities of that formula: the income distortions; the inclusion of income that is not included in income tax returns; the inclusion of income, as Representative Freind related, which is related to nonpublic schools; and then, of course, the income that cannot be taxed in the suburban areas. All these factors come into play and distort the effect of HB 593.

For this reason I strongly urge the adoption of this amendment so that next year we can do an intelligent job of restructuring the formula for aiding our schools. I strongly urge a positive vote for this amendment.

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

Mr. GALLEN. Mr. Speaker, I, too, have an amendment which is similar to the Pancoast amendment.

Mr. Speaker, we have been here since 9:30 this morning debating assiduously how we are going to spend many millions of dollars that we have not raised. Mr. Speaker, I think we are putting the cart before the horse and I do not think there is any way that the Senate will touch these bills without our sending over a tax vehicle. I think that if we are going to spend this money, we had better get our votes up for the taxes before we even approach it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, that was an interesting statement by a member of the minority side. I am going to count the votes for this amendment from that side of the aisle and then I am going to count to see whether we have that many votes from the other side of the aisle to raise the taxes neces-

sary even to spend the \$205 million that this amendment spends.

Mr. Speaker, the school subsidy formula at best is a conglomeration of factors that have been ground into the formula from time to time to try to take care of the needs of the various school districts across this state. There are some school districts that get as low as 20 percent in aid from the Commonwealth toward the total instructional costs in that school district. There are some school districts that receive every penny, every penny, of the moneys they spend in that local school district from the Commonwealth of Pennsylvania.

Now that disparity in the formula was put there for valid reasons. Those districts that are getting only 20 percent aid can usually well afford to pay 80 percent of those costs themselves. Those districts that we are handily helping by 90 percent and more than 90 percent of the total costs cannot afford to pay it. They do not have the tax base; they have poor districts. And we have recognized that in the school formula.

No one will contend that the school formula is fair, and I am sure that if the Pancoast amendment were adopted, there would still be districts receiving in that ratio. But the Pancoast formula to jack up HB 593 and place in it an across-the-board raise per student at \$75 per WADM is totally ignoring all of the factors that we ground into the formula before and giving an across-the-board raise to everybody, which means that those districts that are now receiving 100-percent aid would probably go above 100-percent aid and get more money than they are spending, and those districts that are getting only 20-percent aid from the Commonwealth would likewise be getting the same help.

I do not think we can adopt that kind of formula. I do not think that we should spend \$205 million of money that has not yet been raised, money that will entail a tax increase, which will simply give an across-the-board raise without taking into consideration all of the special features that are ground into our school subsidy formula and I think validly belong there. I strongly urge a negative vote on the Pancoast amendment.

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

Mr. PANCOAST. Mr. Speaker, I would like to respond to the remarks of the majority leader, particularly with respect to the proposition with respect to taxation.

Over 100 school districts in the Commonwealth are in serious financial trouble in trying to meet next year's budget. This is the situation in spite of earnest efforts to reduce operating costs.

Staffs have been reduced sharply in many districts. One of my districts down home has just reduced its staff by 66 persons. Programs have been cut, extra curricular activities where you have had limited participation have been eliminated, and in many districts concerns have been expressed that it will be impossible to offer a good education program let alone a quality program.

State subsidies have been decreasing steadily for a number of reasons. The so-called average instructional cost of \$750 has remained the same for the last 4 years in the subsidy formula in spite of the fact that the average instructional cost for 1976-77

was \$1,050. Market values of properties in the local school districts have steadily increased. Therefore, the local districts support of building and supporting schools have increased; thus the state decreases its reimbursement under the subsidy formula.

Decline in enrollment has also reduced state reimbursement because the present formula used weighted average daily membership as a factor in determining financial help for local school districts. Fewer students, less financial assistance from the state.

During this decade of the 70's, instructional costs have increased from \$601 in 1970-1971 to \$1,045 in 1976-1977. The amount of dollars of variance of state aid from actual expenditures as compared with reimbursable amounts was some \$51 to \$300. Therefore our help has been reduced by six times in these few years. These figures represent, therefore, a variance of minus-9 percent in the early year of 1970-1971, to a minus-39 percent discrepancy in the school year just concluded.

During this past year the state funded the basic instructional subsidy to the extent of 46.4 percent rather than the 50 percent called for in the law. Appropriations for the support of public schools have decreased from 41 6/10 percent of the general fund budget in 1970-1971 to 36 7/10 percent of the general fund budget for the current year.

Mr. Speaker, local school districts are in a financial dilemma. When we talk about raising taxes, these taxes should have been raised a long time ago to support our legal statements of a 50-50 share in supporting the cost of local education.

Primarily, Mr. Speaker, the state has not kept pace with this legal commitment and that is why we need this type of amendment.

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

The following roll call was recorded:

YEAS—50

Anderson	Gallen	Mebus	Ryan
Bittle	George, C.	Milliron	Salvatore
Brandt	Goebel	Moehlmann	Scirica
Burd	Halverson	Mowery	Seltzer
Butera	Hasay	Noye	Smith, E.
Cassidy	Hayes, S. E.	O'Connell	Smith, L.
Cessar	Honaman	O'Keefe	Stapleton
Cowell	Knepper	Pancoast	Taylor, E.
DeVerter	Levi	Parker	Vroon
Dietz	Lynch	Pitts	Weidner
Dorr	Madigan	Polite	Wenger
Fischer, R. R.	McClatchy	Pyles	Zearfoss
Freind	McGinnis		

NAYS—147

Abraham	Gamble	Logue	Schmitt
Armstrong	Garzia	Mackowski	Schweder
Arthurs	Gatski	Manderino	Shuman
Barber	Geesey	Manmiller	Shupnik
Bellomini	Geisler	McCall	Sirianni
Beloff	George, M.	McIntyre	Spitz
Bennett	Giammarco	McLane	Stairs
Berlin	Gillette	Meluskey	Stewart
Berson	Gleeson	Milanovich	Stuban
Bittinger	Goodman	Miller	Sweet
Borski	Gray	Miscevich	Taddonio

Brown	Greenfield	Morris	Taylor, F.
Brunner	Greenleaf	Mrkonic	Tenaglio
Burns	Grieco	Mullen, M. P.	Thomas
Caltagirone	Hamilton	Mullen, M. M.	Trello
Caputo	Harper	Musto	Vaicenti
Cianciulli	Haskell	Novak	Wagner
Cimini	Hayes, D. S.	O'Brien, B.	Wansacz
Cohen	Helfrick	O'Brien, D.	Wargo
Cole	Hoeffel	Oliver	Wass
Davies	Hopkins	Petrarca	White
DeMedio	Hutchinson, A.	Piccola	Wiggins
DeWeese	Hutchinson, W.	Pievsky	Williams
DiCarlo	Itkin	Pott	Wilson
Dininni	Johnson	Pratt	Wilt
Dombrowski	Jones	Prendergast	Wise
Donatucci	Katz	Rappaport	Wright, D.
Doyle	Kelly	Ravenstahl	Wright, J. L.
Duffy	Kernick	Reed	Yahner
Dumas	Klingaman	Renwick	Yohn
Englehart	Kolter	Rhodes	Zeller
Fee	Kowalyszyn	Richardson	Zitterman
Fisher, D. M.	Laughlin	Rieger	Zord
Flaherty	Lehr	Ritter	Zwikl
Foster, A.	Letterman	Ruggiero	
Foster, W.	Lincoln	Scanlon	Irvis,
Fryer	Livengood	Scheaffer	Speaker
Gallagher			

NOT VOTING—3

O'Donnell	Shelton	Spencer
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The question was determined in the negative and the amendments were not agreed to.

**ANNOUNCEMENTS
BUSINESS AND COMMERCE
COMMITTEE MEETING**

The SPEAKER. The Chair wishes to announce a continuation of the meeting of the Business and Commerce Committee in room 401 immediately following adjournment.

The Chair also wishes to announce that the meeting which the Speaker called on the problems of space allocation, in the Speaker's office, has been canceled for today and will be scheduled tomorrow.

**CONSUMER PROTECTION COMMITTEE
MEETING CANCELED**

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

Mr. SCHMITT. Mr. Speaker, the Consumer Protection Committee meeting which was scheduled for 9 o'clock tomorrow morning is now canceled.

**FEDERAL-STATE RELATIONS
COMMITTEE MEETING**

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

Mr. RITTER. Mr. Speaker, the meeting of the Federal-State Relations Committee that was scheduled for tonight is still on in the same place right after the adjournment.

The SPEAKER. Remaining bills on today's calendar are not called up.

WELCOMES

The SPEAKER. The Chair would like to welcome to the House of Representatives, 110 Beaver Area Junior High School students who are from Beaver County, Pennsylvania. The students are here today with their teacher, Mr. William Huber, and six chaperones, Miss Byers, Miss Hirt, Miss Rose, Mrs. Rose and Mr. Dinello.

The chaperones, the teacher and the students are the guests of the gentleman from Beaver, Mr. Milanovich.

We thank you very much for coming to observe the procedures of the House of Representatives. We trust it has been interesting. We think it will be informative. We welcome you when you return.

The Chair has the privilege of welcoming to the House of Representatives the Marconi Senior Citizens group and the Action Alliance of South Philadelphia. These ladies and gentlemen are the guests of Representative Ron Donatucci. The Chair welcomes them warmly to the House and asks them to rise.

The Chair is delighted to have you here. We hope that you stay long enough to enjoy your visit, and we are sure you will find it informative.

The Chair would like to welcome to the hall of the House the Hilltown Girl Scout Troop #441 from Hilltown, Bucks County, Pennsylvania. The Scouts are here today with their leader, JoAnn Munnsell, and her assistant, Jean McDowell.

The girls and their leaders are the guests of the gentleman from Bucks, Mr. Weidner.

The House of Representatives is delighted to have you here to observe the operations of this branch of your government. We trust your trip was enjoyable. We are certain it will be informative.

The Chair wishes to welcome to the hall of the House Pat Cloonan, who is the news director of WNCC of Barnesboro in Cambria County. He is the guest of the gentleman from Allegheny, Mr. Abraham.

The Chair, on behalf of the House of Representatives, welcomes you to the hall of the House and trusts that your visit will be interesting and informative.

The Chair is pleased to welcome to the House of Representatives, Mr. and Mrs. Louis Wolfel of Whitehall Township.

They are here today as the guests of the Lehigh County Delegation and the particular gentleman from Lehigh, Mr. Meluskey.

The House welcomes you here and trusts that your visit will be interesting and informative.

The Chair would like to welcome at this time a troop of Buckhorn Boy Scouts, Troop #50 and Cub Pack #50, from Buckhorn, Columbia County, Pennsylvania. The Scouts are here today with their Scoutmaster, Mr. Al Hunsinger.

The Scouts and the Scoutmaster are the guests of the gentleman from Columbia, Mr. Stuban.

The Chair is delighted to have you present. The Chair would advise you that the Speaker was a Boy Scout and Lifescout with 27 badges and, if you are not careful, this same punishment may someday be visited upon you.

The Chair is delighted to welcome to the House of Representatives, Mrs. Clara Weiler, who is the president of the Allegheny County Federation of Republican Women; and Mrs. Nancy Cummings, who is a Republican Committeewoman from Richland Township in Allegheny County.

These ladies are the guests of Representative Pott of Allegheny County.

The Chair is delighted to have some fellow Allegheny Countians visit. We trust that your visit will be interesting and informative. You are certainly welcome here and we hope you will return.

The Chair takes this opportunity to warmly welcome Walter Palmer, Horace Smalls and Esther Edwards who are here in Harrisburg today and attending this session of the House as the guests of the Black Caucus.

The Chair welcomes you to Harrisburg and trusts that you have enjoyed your visit and that it has been informative. We hope that you will return.

ADJOURNMENT

Mr. WHITE moved that this House do now adjourn until Wednesday, June 22, 1977, at 9:30 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 7:07 p.m., e.d.t.) the House adjourned.