

# Legislative Journal

WEDNESDAY, JULY 27, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 69

## HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

### PRAYER

THE HONORABLE CARMEL SIRIANNI, member of the House of Representatives and guest chaplain, offered the following prayer:

From the angry sidewalks of life, O God, we turn aside to spend a few quiet moments with Thee. We are conscious of the busy affairs of life which continue to move on those pounding pavements just beyond our hearing. We are aware that we cannot shut out the mesh of life which involves us, and the barbs and taunts which echo so loudly in the minds of each of us. Heavenly Father, we bow before Thee with the prayer that Thou wilt grant us the patience to be Thy peacemakers, the power to calm the turbulent storms about us, and the love to instill Thy peace among all men. Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, July 26, 1977, will be postponed until printed.

### MASTER ROLL CALL RECORDED

The SPEAKER. The Chair announces to all those members within hearing of his voice, the Chair is about to take up the master roll. All members are urged to report immediately to the floor. Only those members physically present are to be voted on the master roll. The clerk will open the board for the master roll.

The following roll call was recorded:

YEAS—193

Abraham	Gamble	Manmiller	Scheaffer
Anderson	Garzia	McCall	Schmitt
Armstrong	Gatski	McClatchy	Schweder
Arthurs	Geesey	McGinnis	Scirica
Barber	George, C.	McIntyre	Seltzer
Bellomini	George, M.	McLane	Shuman
Bennett	Giammarco	Mebus	Shupnik
Berlin	Gillette	Meluskey	Sirianni
Bittle	Gleeson	Milanovich	Smith, E.
Borski	Goebel	Miller	Smith, L.
Brandt	Goodman	Milliron	Spencer
Brown	Gray	Miscevich	Spitz
Brunner	Greenfield	Moehlmann	Stairs
Burd	Greenleaf	Morris	Stapleton
Burns	Grieco	Mowery	Stuban
Butera	Halverson	Mrkonic	Sweet

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

NAYS—0

NOT VOTING—7

Beloff	Bittinger	O'Donnell	Stewart
Berson	Geisler	Shelton	

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

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

**No. 1535** By Messrs. D. S. HAYES, HOPKINS, DOMBROWSKI and BELLOMINI

An Act making an appropriation to the Erie International Airport for the purpose of expanding its facilities.

Referred to Committee on Appropriations.

**No. 1536** By Messrs. FREIND, ZEARFOSS, SPITZ, BURD, LIVENGOOD, DAVIES, W. D. HUTCHINSON, GEESEY, RYAN, LYNCH, McCLATCHY, MCGINNIS and SCIRICA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for restitu-

tion and for fines.

Referred to Committee on Judiciary.

**No. 1537** By Messrs. BROWN, D. S. HAYES, DAVIES, ZWIKL, Mrs. WISE, Mrs. HARPER, Messrs. HOPKINS, SHUMAN, D. M. FISHER and FLAHERTY

An Act amending the act of July 19, 1974 (P. L. 486, No. 175), referred to as the Public Agency Open Meeting Law, further providing for conference committee meetings to be open to the public.

Referred to Committee on State Government.

**No. 1538** By Messrs. WILSON, DININNI and BELLOMINI

An Act amending "The Aeronautical Code," approved May 25, 1933 (P. L. 1001, No. 224), changing a definition.

Referred to Committee on Transportation.

**No. 1539** By Messrs. ANDERSON, A. K. HUTCHINSON, Mrs. KERNICK, Messrs. A. C. FOSTER, DORR, LEHR, GEESEY, COLE and L. E. SMITH

An Act amending the "Industrial Homework Law," approved May 18, 1937 (P. L. 665, No. 176), changing definitions of certain words.

Referred to Committee on Business and Commerce.

**No. 1540** By Messrs. RICHARDSON, WHITE, WILLIAMS, GIAMMARCO, Mrs. KELLY, Messrs. OLIVER, KATZ, SALVATORE, Mrs. HARPER, Messrs. GREENFIELD, GALLAGHER and JONES

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for mandated services, programs, administration and materials for school districts of the first class.

Referred to Committee on Education.

**No. 1541** By Messrs. ENGLEHART, A. K. HUTCHINSON, PETRARCA, LETTERMAN, STEWART, BITTINGER, YAHNER, WASS, DIETZ, HALVERSON, L. E. SMITH, GARZIA and GEORGE

An Act authorizing abatement of real estate taxes because of destruction or damage of property by flood, or the refund or credit of the amount of such taxes against future taxes by certain political subdivisions and authorizing assessment of properties retroactive to January 1, 1977.

Referred to Committee on Local Government.

**No. 1542** By Mr. MEBUS

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), providing for license fees for aliens.

Referred to Committee on Game and Fisheries.

**No. 1543** By Messrs. BURNS, J. L. WRIGHT, GALLAGHER, WEIDNER, BERLIN and WILSON

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for exemptions from taxation.

Referred to Committee on Local Government.

**No. 1544** By Messrs. ZITTERMAN, ANDERSON, LEHR, MOWERY, LAUGHLIN, BROWN and CAPUTO

An Act amending the "Mechanics' Lien Law of 1963," approved August 24, 1963 (P. L. 1175, No. 497), further defining certain terms.

Referred to Committee on Judiciary.

**No. 1545** By Mr. MEBUS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for four-year terms for Representatives and limiting the number of terms for Senators and Representatives.

Referred to Committee on State Government.

**No. 1546** By Messrs. MILLIRON, CASSIDY, BUTERA, DAVIES, CALTAGIRONE, BROWN, Mrs. WISE, Messrs. STUBAN, TENAGLIO, RUGGIERO, TAYLOR, RITTER, ZWIKL, DiCARLO, LINCOLN, RENWICK, SWEET, DeWEESE, HOFFFEL, MORRIS, SHUMAN, COLE, ARMSTRONG, SCHMITT, SCHWEDER, D. M. FISHER, PRATT, D. R. WRIGHT, FREIND, BURD, ZEARFOSS, SPITZ, STAIRS, REED, FEE, R. R. FISCHER, ABRAHAM, ZITTERMAN, GIAMMARCO, COWELL, DIETZ, WASS and ZELLER

An Act requiring the Secretary of Transportation to follow a certain procedure in contracting for consultant services.

Referred to Committee on Transportation.

**No. 1547** By Messrs. BELLOMINI, A. K. HUTCHINSON, PETRARCA, LAUGHLIN and NOYE

An Act to license and regulate automotive dismantlers and recyclers providing for funds to finance the disposition of salvaged vehicles and prescribing penalties.

Referred to Committee on Transportation.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

By Messrs. DORR, HOFFFEL, DOMBROWSKI, STAPLETON and S. E. HAYES

#### HOUSE RESOLUTION No. 135

The Rules of the House of Representatives be amended.

Referred to Committee on Rules.

### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. The Chair recognizes the minority whip.

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

The SPEAKER. The Chair thanks the gentlemen.

CALENDAR

APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 450, printer's No. 1838**, entitled:

An Act reenacting and amending the act of July 6, 1961 (P. L. 515, No. 265), entitled as amended "An act authorizing the Governor to provide for disaster and emergency relief under certain circumstances; \*\*\*" adding reasons for and changing the amount that may be transferred for disaster and emergency purposes and providing for disposition of Federal funds for disaster assistance or relief.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

The SPEAKER. For the information of the members, HB 450, PN 1838, is one of the flood relief bills required to be passed in this emergency. It is important that we send it as quickly as possible to the Senate.

The Chair recognizes the sponsor of the bill, from Clearfield, Mr. George.

The Chair would suggest that since this bill has not been caused on and it is a very important piece of legislation, it would be wise to pay attention to the explanation of the bill as it is currently before us given by Representative George.

The Chair recognizes the gentleman, and the gentleman may proceed.

Mr. Speaker, HB 450, which we are considering today, was originally introduced on March 1 of this year as a means of providing some sort of financial assistance to municipalities and authorities which had just come through the worst winter in 100 years.

We had cases, both in my home county of Clearfield and in many areas throughout the state, where people were marooned by heavy snows for days because the townships where they lived were not obliged to plow the roads into their homes.

We also had cases where water supplies and water sources were frozen solid; where water mains burst and people were without water for weeks and weeks.

HB 450 was designed to alleviate the financial burden experienced by the authorities and the municipalities. It originally provided that up to \$2 million could be expended for those purposes. Fortunately, the bill was written to include all natural disasters whenever the Governor declares a state of emergency. The bill is just as applicable to the state of emergency that currently exists in the Johnstown area, where water sup-

plies have been contaminated and where many roadways remain closed.

The bill has been amended in the Appropriations Committee to raise the amount to \$5 million. The bill also gives the executive department the authority to appropriate all moneys received from the Federal Government for the purpose of disaster assistance or relief. I do not believe I have to dwell on the importance of this measure and I do not believe I have to stress that it should be passed quickly by the House so that the Senate can act on it this week. I ask for an affirmative vote on this measure. Thank you.

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

Mr. S. E. HAYES. Mr. Speaker, I urge all members of the House to support this particular piece of legislation.

Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—189

Abraham	Gallen	Manmiller	Schmitt
Anderson	Gamble	McCall	Schweder
Armstrong	Garzia	McClatchy	Scirica
Arthurs	Gatski	McGinnis	Seltzer
Barber	Gecsey	McIntyre	Shuman
Bellomini	George, C.	McLane	Shupnik
Bennett	George, M.	Mebus	Sirianni
Berlin	Giammarco	Meluskey	Smith, E.
Bittle	Gillette	Milanovich	Smith, L.
Borski	Gleeson	Miller	Spencer
Brandt	Goebel	Mjlliron	Spitz
Brown	Goodman	Miscevich	Stairs
Brunner	Gray	Moehlmann	Stapleton
Burd	Greenleaf	Morris	Stuban
Burns	Grieco	Mowery	Sweet
Butera	Halverson	Mrkonjc	Taddonio
Caltagirone	Hamilton	Mullen, M. P.	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	Hoeffel	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	White
Dietz	Jones	Pitts	Wiggins
Dininni	Katz	Polite	Williams
Dombrowski	Kelly	Pott	Wilson
Donatucci	Kernick	Pratt	Wilt
Dorr	Klingaman	Prendergast	Wise
Doyle	Knepper	Pyles	Wright, D.
Duffy	Kolter	Rappaport	Wright, J. L.
Dumas	Kowalyszyn	Ravenstahl	Yahner
Englehart	Laughlin	Reed	Yohn
Fee	Lehr	Renwick	Zearfoss
Fischer, R. R.	Letterman	Richardson	Zeller
Fisher, D. M.	Levi	Rieger	Zitterman
Flaherty	Lincoln	Ritter	Zord
Foster, A.	Livengood	Ruggiero	Zwikl
Foster, W.	Logue	Ryan	

Freind	Lynch	Salvatore	Irvis,
Fryer	Mackowski	Scanlon	Speaker
Gallagher	Madigan	Scheaffer	

NAYS—0

NOT VOTING—11

Beloff	Geisler	O'Donnell	Shelton
Berson	Greenfield	Peivsky	Stewart
Bittinger	Manderino	Rhodes	

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

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

**MR. FRYER REQUESTED TO PRESIDE**

The SPEAKER. The Chair at this time turns over the gavel to the Speaker pro tempore, Mr. Fryer, so that the Speaker may attend a scheduled meeting of the General State Authority.

The Chair thanks the gentleman, Mr. Fryer, for presiding.

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

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows was prepared for presentation to the Governor:

**HOUSE BILL No. 144**

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

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

**EDUCATION BILLS ON THIRD CONSIDERATION**

Agreeable to order.

The House resumed consideration of **Senate bill No. 405, printer's No. 826**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" further providing for the election of executive directors and assistant executive directors in intermediate units.

On the question recurring,

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

Mr. D. M. O'BRIEN offered the following amendments:

Amend Title, page 1, line 5, by inserting after "thereto," providing for the reorganization of the administration of school districts of the first class and

Amend Bill, page 1, by inserting between lines 9 and 10 Section 1. The act of March 10, 1949 (P. L. 30, No. 14), known as the Public School Code of 1949," is amended by adding a section to read:

Section 328. Administration of School Districts of the First Class.—(a) Notwithstanding the provisions of the act of August

9, 1963 (P. L. 643, No. 341), known as the "First Class City Public Education Home Rule Act," all responsibility, duties, and authority relating to public education or the administration thereof granted heretofore to the board of education by the "First Class City Public Education Home Rule Act," and any other provision of this act or any and all other statutes, shall be granted to and vested in the city council of such city of the first class.

(b) The board of education shall be an advisory board which shall review and report to the mayor, the superintendent of schools, and the city council on such subjects as the board is directed by the mayor, the superintendent of schools, and the city council, and it shall perform such nonlegislative advisory function as it is assigned by city council.

(c) Members of the board of education serving on the effective date of this act shall serve until the expiration of their terms. Successors shall be selected by the same method as the present members were selected.

(d) The mayor shall appoint the superintendent of schools who shall be a member of the mayor's cabinet. The mayor shall select the superintendent nominee from a list of three (3) persons provided to him by the board of education. Such list of names shall be ranked in order of preference, and, if the mayor shall not have acted within a period of fifteen (15) days after the submission of such list, the person most preferred shall receive such nomination. Under no circumstances can the mayor request an additional list from the board of education: Provided, however, That if any person recommended by the board declines to be considered, the mayor may request the board to recommend an additional person. The mayor shall make public the list of names recommended by the board within five (5) days after he makes the appointment. The superintendent of schools presently serving shall serve for the balance of the term to which he was appointed. Thereafter, the term of the superintendent of schools shall be four (4) years and shall coincide with the term for which the mayor is elected. Any superintendent of schools who is appointed to fill a vacancy occurring in term shall be appointed for the balance of the unexpired term.

(e) The city controller shall have the power and his duty shall be to perform the following functions:

(1) The city controller shall examine and approve or disapprove all requisitions for expenditure of funds by the school district submitted to him through the superintendent of schools. The city controller shall approve a requisition which he finds to be for a purpose comprehended by the appropriation against which it is drawn and in a proper amount. Otherwise the requisition shall be disapproved and returned to the superintendent of schools.

(2) The city controller shall audit at least annually the affairs of the school district, including all collections made on behalf of the school district. An audit report shall be made on every audit. Special audits of the affairs of the school district may be made whenever in the judgment of the city controller they appear necessary, and shall be made whenever the mayor or the superintendent of schools shall call upon the city control-

ler to make them. Copies of all audit reports made by the city controller shall be promptly submitted to the mayor and to the city council and shall be available in reasonable quantity for use by the public.

(3) The city controller shall from time to time make recommendations to the school district for the improved efficiency and economy of their operations involving the expenditure of school district funds.

(4) The city council shall have the power to retain a competent and responsible firm of certified public accountants to conduct independent audits of the school district and to review the audit reports of the city controller and to report the results of such audits to the city council and the mayor.

(f) The total amount of proposed expenditures for education shall not exceed the amount of funds available for education purposes.

(g) Notwithstanding subsection (f) for the fiscal year beginning in 1977, the school district may expend no more than thirty million dollars (\$30,000,000) for education than is available for education purposes and such deficit shall carry over to the next fiscal year and for the fiscal year beginning in 1978, the school district may expend no more than fifteen million dollars (\$15,000,000) for education than is available for education purposes and such deficit shall carry over to the next fiscal year.

Amend Sec. 1, page 1, line 10, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, line 10, by removing the comma after "913-A" and inserting of the

Amend Sec. 1, page 1, lines 10 through 12, by striking out "of" where it appears the last time on line 10, all of line 11 and "of 1949," in line 12

Amend Bill, page 4, by inserting between lines 9 and 10

Section 3. Nothing in this act shall be construed to authorize an elected school board in school districts of the first class.

Amend Sec. 2, page 4, line 10, by striking out "2." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mr. D. M. O'BRIEN. Thank you, Mr. Speaker.

Mr. Speaker, I believe that this amendment is a very, very important amendment and I hope that everyone would give it very, very careful consideration.

I am a strong advocate of controls in the school district of Philadelphia. I do not, however, believe that an elected school board is the answer. The elected school board will not be in effect for at least 2 years and that will mean 2 more years of what we have been going through now.

I am not opposed to the city of Philadelphia establishing education as a priority item in their budget and thus contributing to this by increasing their local effort.

I have an amendment that I believe will establish better controls. The school board will be selected on the same basis as it is now selected. The superintendent of schools shall be a cabinet-level position in the mayor's cabinet, and thus will be able to

compete on an equal basis with other departments of the city for its fair share of the budget. Thus, the city will have to come to grips with the school problem that has plagued this Assembly as well as the students who are educated in this system.

This will do nothing more than what we have done on the state level by giving the Department of Education a share in the general fund. The school board will prepare a list of three names to be submitted to the mayor in order of preference. The mayor shall make his selection from these names within 15 days. If he fails to do so, the first name on the list will become the superintendent.

Another provision of this amendment would be to give the city controller, who is supposedly the school auditor, free audit authority of the school district. At the present time the city controller has only postaudit authority.

The superintendent of schools as a cabinet member shall submit all requisitions for expenditure of funds to the city controller, who shall approve or disapprove such requisitions. The city controller shall approve only requisitions which he finds to be for a purpose comprehended by the appropriation against which it is drawn and in a proper amount. Otherwise, the requisition shall be disapproved and returned to the superintendent of schools.

The city controller shall make recommendations to the school district for the improved efficiency and economy of their operations involving the expenditure of school district funds.

I feel that this will establish at least a beginning to the end of the current fiscal problems. I urge support of this amendment.

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

Mr. COHEN. Mr. Speaker, yesterday the House voted 163 to 22, I believe, in favor of an elected school board. This amendment basically expresses the opinion that what is wrong with the city schools in Philadelphia is that the mayor of Philadelphia does not have enough power. I do not agree that the problem in Philadelphia is that the mayor does not have enough power. I think the problem is that the people of Philadelphia do not have enough power. I would urge the defeat of this amendment.

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

Mr. SALVATORE. Mr. Speaker, this amendment, the Cohen amendment, was debated extensively yesterday and I am not going to bore the House today, but I think that the O'Brien amendment would serve the purpose that everyone in this House wants, that city council act responsibly in the city of Philadelphia. If the O'Brien amendment goes in, it will force the city of Philadelphia to enact its own taxes. Instead of having two taxing authorities in Philadelphia, we will continue to have one taxing authority.

First of all, as everyone knows, the city council of Philadelphia is assured of the minority party roll; two members of city council have to be from the minority party. If the Cohen amendment stays in, there will not be one member from the minority party sitting on that school board; not one member. The

way that is structured there will not be any representation from the minority party according to that amendment.

Another point that I would like to make is that the Department of Education of the State of Pennsylvania is funded through the General Fund. What we are asking is to do the same thing in Philadelphia, have the school district of Philadelphia be funded by the general fund of Philadelphia. So, therefore, city council, who has not given any moneys to the school district and has not paid their local share of taxes will then have to enact taxes to meet the requirements and the needs of Philadelphia. I urge people to support this amendment.

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

Mr. BURNS. Mr. Speaker, it is not very often that I would get up to support a Philadelphia amendment, being from Bucks County. However, I urge the people of this House to look at this amendment very carefully because it does what I think the people in this House want it to do. It charges the city of Philadelphia with raising their own tax revenues for education. It does it, however, through the city council rather than through an elected board for the city.

I think that is the key in that the city council at this time under this amendment would be charged with raising the taxes necessary to support an educational program. I really think, politically, if you examine what might or might not happen in the other body, this has a much better chance of succeeding because it is more acceptable to many of the parties concerned than is the elected school board for a lot of various reasons.

I voted yesterday for an elected school board in Philadelphia. I support that concept because I feel that somewhere, sometime, Philadelphia has to begin raising the tax revenues needed to support their own school system. I suggest that you look at this amendment very carefully and give it some consideration because I think maybe it might be the better way to go.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Will the gentleman from Philadelphia, Mr. O'Brien, consent to an interrogation on this?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman is in order and may proceed.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Mr. Speaker, I refer the gentleman to paragraph (g) on page 3, which I believe sets spending limitations on the school district of Philadelphia, which perhaps are needed. But I was wondering what rationale the gentleman has for setting a figure of \$30 million? I am wondering what research he has done to determine the needs of the district in the next couple of years and what alternative sources of funding he has investigated?

Mr. D. M. O'BRIEN. Mr. Speaker, for weeks up here in this General Assembly, we have talked about the waste in the school system of Philadelphia and I believe that spending limits are necessary.

Mr. RAPPAPORT. Mr. Speaker, I was not speaking to the fact that limits may be necessary. I was wondering how the gentleman arrived at this particular limit. Why did he not

make it \$20 million? Why did he not make it \$40 million? What is the rationale for \$30 million?

Mr. D. M. O'BRIEN. Mr. Speaker, what figures would you deem appropriate or necessary to fund that school system? What limits would you put on and how would you go about raising these funds?

Mr. RAPPAPORT. Would the Chair please remind the gentleman that I am doing the interrogating? It is his amendment and not my amendment.

The SPEAKER pro tempore. The gentleman is proper and I am certain the gentleman will confine himself to the interrogation which is being placed by the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Now, Mr. Speaker, I repeat my question: What is the basis for the gentleman's rationale for \$30 million? Why is it not \$40 million, why is it not \$20 million, in light of the school budget which exceeds \$500 million; it exceeds \$600 million, for that matter?

Mr. D. M. O'BRIEN. Mr. Speaker, I believe that these limits are satisfactory.

Mr. RAPPAPORT. What basis does the gentleman have for believing that these limits are satisfactory? What facts can the gentleman bring forward to this House to show that this is a reasonable figure and not something taken out of the air?

Mr. D. M. O'BRIEN. Mr. Speaker, I believe that these limits are satisfactory.

Mr. RAPPAPORT. Mr. Speaker, may I be recognized for a short statement?

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

Mr. RAPPAPORT. Mr. Speaker, I thank the gentleman for his enlightening information to this House.

I think that the answers to the questions that were propounded show the reasoning behind this amendment, to wit, there is none. One could adopt any arbitrary limit and perhaps support it.

I am not here to defend the management of the Philadelphia school system. My voice has not been heard on the floor of this House defending it at any time, at least not within the last couple of years.

Yesterday we put an amendment into this bill providing for an elected school board. This amendment is an entirely different approach. This makes the school board and the school system an agency of the city government, like a department of streets or the police department. That has never been the approach of local education in this Commonwealth. The traditional approach in Pennsylvania has been for an elected school board with taxing powers and apparently that is what the amendment proposed by the gentleman from Philadelphia, Mr. Cohen, did.

I would suggest to the House that that is the way to go. Education is an entirely separate issue from all the issues that are usually brought up during a municipal election campaign.

Just think if your supervisors and commissioners and mayors and such in all the cities and municipalities of this Commonwealth also had to campaign on school issues. They are really not part of a regular municipal campaign and they should be on

their own. For that reason, Mr. Speaker, I ask that this amendment be defeated.

I might say, Mr. Speaker, to the impassioned plea of the gentleman from Philadelphia, Mr. Salvatore, that the minority party in Philadelphia is not the Republican Party. During the last municipal election they came in third. The minority party in Philadelphia is the Philadelphia Party and they would be entitled to the minority representation, not the Republican Party. I might say that I think that is a poor excuse for supporting one amendment instead of another.

Thank you, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, I would like to interrogate Mr. O'Brien, please.

The SPEAKER pro tempore. The gentleman will consent to a period of interrogation. The gentleman, Mr. Richardson, is in order and may proceed.

Mr. RICHARDSON. Mr. Speaker, in section 328 of your amendment you talk about the existing administration of school districts of the first class and the discussion of the Philadelphia home rule charter. My question is, Mr. Speaker, under section (b) of section 328, where you have "The board of education shall be an advisory board which shall review and report to the mayor . . ." Can you give us your feelings and understanding why you have decided that the powers should rest within the hands of the mayor? Why do you feel that?

Mr. D. M. O'BRIEN. Mr. Speaker, it is not my intention to give the mayor more control over the school district of Philadelphia. My purpose in this amendment is to centralize some type of control over that school district. With an elected school board, which in my estimation cannot happen for another 2 years, you do not achieve the goal of the necessary controls and centralization of power that you need.

Now in this amendment the superintendent of schools is on the same level as the police department, the fire department and the water department. Therefore, they are entitled to the same type of funding and a slice of the budget from the city of Philadelphia for the proper education of our children.

Mr. RICHARDSON. That does not answer my question, Mr. Speaker, but I will move on to my next question.

It also purports in this amendment, Mr. Speaker, that the mayor shall appoint the superintendent, as you have indicated, from a cabinet position. That cabinet person shall be appointed by the mayor creating another cabinet post.

I am just not clear in your understanding of why this House overwhelmingly yesterday voted to try to take away that same power that has been the problem all along. Why do you want to continue to leave it in the hands of those individuals who have been making it very clear that in the city of Philadelphia they do not really have an understanding about the problems as they relate to Philadelphia's schools, particularly with the funding problem, which is going to be my next question. Can you explain to me why you feel the mayor should appoint the superintendent?

Mr. D. M. O'BRIEN. Mr. Speaker, if you read my amendment the method of selection is that the school board shall prepare a

list of three names in order of preference. This list shall be submitted to the mayor and he shall select from that list. There will be no other list submitted. If he fails to do so within a period of 15 days, the first name on that list will be the superintendent of schools.

Mr. RICHARDSON. Well, Mr. Speaker, if the mayor has 15 days in which to appoint someone, I do not think those 15 days will lapse without him appointing someone. So, therefore, I really do not think that holds any water. But I do think, Mr. Speaker, if you are trying to really do what you are claiming to do by changing the structures to get something done within the next 2 years before the Cohen amendment goes into effect by the referendum placed before the citizens of Philadelphia, that is not the answer.

On part (e) I would just like to understand, Mr. Speaker, on the city controller level, what the function of the city controller is. Does he have the power to preaudit or does he just have the power to postaudit?

Mr. D. M. O'BRIEN. Mr. Speaker, at the present time the city controller is supposedly the school auditor. At the present time the city controller has only postaudit authority.

Mr. RICHARDSON. So really, Mr. Speaker—

Mr. D. M. O'BRIEN. Under this amendment it will give the city controller preaudit authority.

Mr. RICHARDSON. Where does it say that, Mr. Speaker?

Mr. D. M. O'BRIEN. In section (2). "The city controller shall audit at least annually the affairs of the school district, including all collections made on behalf of the school districts. An audit report shall be made on every audit. Special audits of the affairs of the school district may be made whenever in the judgment of the city controller they appear necessary". He can audit that school district whenever he sees fit.

Mr. RICHARDSON. Mr. Speaker, to specifically talk about a preaudit and to audit at any time he sees fit does not answer the question of it being done before the fact instead of after the fact.

Mr. D. M. O'BRIEN. Mr. Speaker, in my estimation, if he can do it in January, February, March, April, May, June, July, August, September, October, November or December, then I think this gives him preaudit authority.

Mr. RICHARDSON. Well, see, specifically saying preaudit makes it happen. To say he may do it, makes it if he wants to; it would be only at the discretion if he sees fit to do so.

I am saying specifically, Mr. Speaker, that the problems facing the financial crisis here in the city of Philadelphia and based around our whole educational question has been a question raised by this House.

It would seem to me that if we are to get at the crux of our problems, then it would be our responsibility to make sure that is written in specifically; not maybe, because that leaves a loophole in terms of what is really trying to be done.

Mr. D. M. O'BRIEN. Mr. Speaker, your question that was just raised is a question that the city controller will have to answer. It is his duty to audit the departments in the city of Philadelphia. We are giving him that authority to go in and preaudit the school district. Now if he does not do so, then he is negligent in his duty.

Mr. RICHARDSON. But there is no authority to make him do that. I am saying to make him specifically do it is not written in this amendment, Mr. Speaker.

Mr. Speaker, I have no further questions for the gentleman. I would like to make a brief statement.

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

Mr. RICHARDSON. Mr. Speaker, I rise to oppose the O'Brien amendment and do so for several reasons.

One is, and I think it is quite clear, that there is a move being made to try and usurp the move that was made yesterday by members of this House by a vote of 181 to 22, the move for an elected school board in the city of Philadelphia.

Number two, I think that the reasoning and logic that is used to try and put this particular amendment in is just to give powers back again to the mayor of the city of Philadelphia and not the people.

I think also it is quite clear that the proposal that is amended in section (e) of section 2, dealing with the controls of the city controller, is not very clear when it speaks to the problem as it relates to a preaudit versus just a plain audit.

The amendment that we placed in HB 1075 asked specifically for a preaudit to be done by the state treasurer so that we could make sure of their fiscal accountability. Not putting it in this particular amendment leaves it very vague. It leaves a loophole and an opportunity for the city council to do it if he or she chooses to do so.

I think that makes it very clear, Mr. Speaker, that it is not really putting the real rope around the problem. It would seem to me that we would be trying to do whatever is necessary to make sure that fiscal accountability and fiscal mismanagement no longer continue to exist. There have been too many members on the floor of this House who say that people from Philadelphia are not concerned about the problems in Philadelphia and are not ready to deal with the fiscal mismanagement that presently exists there.

I do not think that we can as members of this House adopt such an amendment that is just going to be, what I feel is, an escape to deal with the problems, particularly when we already have an amendment which covers the entire scope of our situation.

I, therefore, Mr. Speaker, would ask the members to defeat this amendment.

#### FILMING PERMISSION GRANTED

The SPEAKER pro tempore. The Speaker has given permission to have a picture of two House members and the student ambassador from Spain to be taken at 11 o'clock in the member's lounge.

The SPEAKER pro tempore. The Chair next recognizes for debate on SB 405, the gentleman from Philadelphia, Mr. Katz.

Mr. KATZ. Mr. Speaker, thank you.

I would like to address my remarks to yesterday's amendment, the Cohen amendment, because unfortunately I was absent. I was in the city of Philadelphia with the problem concerning my wife in the hospital. Had I been here, I would not have voted for the Cohen amendment. Let me tell you why and

then I will lead up to the O'Brien amendment.

When you pick 17 members to serve on a school board in the city of Philadelphia and you expect those 17 members to serve without pay and you are going to elect them from legislative districts, what do you really think you are going to accomplish in the city of Philadelphia? You are going to accomplish zero.

The Cohen amendment yesterday should not have passed overwhelmingly. The reason why the Cohen amendment passed is because there is a rush in this House to elect a school board in the city of Philadelphia.

Well, if you do not pay members of that school board the way you pay city councilmen or the way you pay the mayor, you will get 17 political hacks to run that school board just like, in my opinion, you have nine appointed by the mayor now who run the school board in the city of Philadelphia. You will have accomplished nothing by yesterday's amendment. You will have 17 people running from legislative districts. Those 17 people overwhelmingly will be elected from one party. And, Mr. Speaker, if that is what you want, that is what you got yesterday by passing the Cohen amendment.

Until you pay a school board in the city of Philadelphia like you pay a city council to run a budget of \$600 million, you will never, never be able to solve the problem in the city of Philadelphia. You must have a paid school board. I am a firm believer of that. If you pay members, you will get the right members to serve on that school board. And you will get a budget. You will get taxing authority and you will get people who care.

Now getting to the O'Brien amendment. In the O'Brien amendment there is a point where the controller will be able to preaudit. For the first time in the city of Philadelphia, you will not only have a postaudit with the city controller but you will have a preaudit. You will have someone who will watch the money before the money is spent.

What happens in the city of Philadelphia is that all the money is spent and then you have a postaudit from the controller who is looking to run for reelection and he finds 20 million problems in the Philadelphia School Board. He comes out with all of these problems 2 months before the election and says, here is where we can cut the funds.

Let us have a preaudit. That is the first positive step in order to spend the money correctly. I would suggest to you that you support the O'Brien amendment mainly because the Cohen amendment does not do a thing for the city of Philadelphia. It does not do anything.

You elect 17 people from Legislative districts who will serve at the pleasure and be picked in a back room, or wherever the caucus meets, to put up certain members to win. They will be controlled by the mayor's office no matter who the mayor will be in 1979. You will not have accomplished any reform whatsoever by electing the school board by those particular districts. Therefore, I would suggest to you that you support the O'Brien amendment today.

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

Mr. GARZIA. Thank you, Mr. Speaker.

May I interrogate Representative O'Brien, please?

The SPEAKER pro tempore. The gentleman indicates he will



stand for a period of interrogation.

The gentleman, Mr. Garzia, is in order and may proceed.

Mr. GARZIA. By your amendment now, I think the only difference from what you have now is that it will become a cabinet position in the Department of Education in Philadelphia or just superintendent?

Mr. D. M. O'BRIEN. That is correct, Mr. Speaker.

Mr. GARZIA. The superintendent or just the whole education system?

Mr. D. M. O'BRIEN. The superintendent of schools.

Mr. GARZIA. He will become a cabinet member?

Mr. D. M. O'BRIEN. It will be a cabinet-level position. He will have the same status as the other departments in the city.

The purpose for this is that the city council will not be able to pass their budget without taking into account the needs of the school district of Philadelphia.

Mr. GARZIA. Now, the Education Department of Philadelphia has 29 mills for taxing purposes for its schools. That is what they have now; that is a fact.

If this becomes a cabinet position, that eliminates that 29 mills because it will be under the city tax. So that means that nonresidents will be paying a lot more than they are paying now to make up for that 29 mills. Am I correct in saying that?

Mr. D. M. O'BRIEN. I do not believe so, Mr. Speaker.

Mr. GARZIA. Well, Mr. Speaker, that is the way I read this amendment because you are making a cabinet position out of it.

Mr. D. M. O'BRIEN. Mr. Speaker, I do not believe that by passage of this amendment the school district of Philadelphia is going to get less funds from the city than they are now. I believe that they are going to get more.

If you think that by electing a school board in the city of Philadelphia and giving that school board taxing authority that you are in any way, shape or form—I believe that your question is directed towards the Sterling Act. I believe that this will not accomplish what, in effect, you are trying to do.

In my estimation, if you elect a school board, and the city deems it necessary, they will transfer existing revenues, more revenues, over to the school board. The way they will increase the moneys that they need for their municipal overburden will be under the Sterling Act, if you consider that.

Mr. GARZIA. Mr. Speaker, right now the education district in Philadelphia is a separate thing from the Governor's office. They do have 29 mills to support the school districts.

If this becomes a cabinet position, it will be absorbed into the city budget the same as the highway department, the street department, the police department and whatever else you have. It will be under one budget whenever branches come into the city and say, look I need money for this and for that. It will automatically eliminate that 29 mills for school purposes only.

So right now the nonresidents are not paying too much in school taxes to Philadelphia, but under your amendment they will be paying school taxes to the city of Philadelphia because it becomes a cabinet position, and a cabinet position has to be funded by city funds. I think I am correct in saying that and, if I am wrong, I wish somebody would tell me.

Mr. D. M. O'BRIEN. Mr. Speaker, taxes collected under the Sterling Act are not used for financing of the school district.

My purpose and my only purpose in this amendment is to try to establish some controls over the school district in Philadelphia, and also to try to get city council to come to grips with the situation that exists in that city and in that school district. At the present time, city council has passed the budget. I think one of the main reasons we are in this House right now is because of the school problem, not only in Philadelphia but in the rest of the state.

I think this would change that situation by giving the city controller preaudit authority. We can find places in that school system where moneys are being wasted. By putting the superintendent of schools on a cabinet-level position in the city, you can experience great savings by eliminating duplications of services, procurement, et cetera. The school district can benefit from services that are already provided by the city, and thus experience savings in their own budget.

Mr. GARZIA. Mr. Speaker, you are, in my opinion, creating a new department in Philadelphia by having a cabinet position. In my opinion, that creates a new department.

Now under your city charter—I do not know if you are allowed to do that or not with this kind of amendment; I am not sure—what you are doing, in my opinion, now is creating another department, and the department will come underneath the general fund of the city of Philadelphia. So that still means, in my opinion, that nonresidents will be paying more taxes to pick up this 29 mills that are going to be eliminated from the school taxes that the residents of Philadelphia are paying now.

In my opinion again, you are giving more power to the mayor. He also appoints the school board members. All they are doing is saying, mayor, please have this man become superintendent. He has that right now. It does not change in anyway. So you are not changing anything.

I think, the way I read this amendment, you want the city controller to come in and audit the books more often, fine. Put a bill or an amendment in just to do that, but not to create a whole new cabinet post. Because you are, in my opinion again, making nonresidents pay more tax money to the city of Philadelphia.

If this would become a reality, does that mean that the city of Philadelphia will cease coming to Harrisburg to get more revenue for their schools, or does this burden fall on the city of Philadelphia alone now in your amendment?

Mr. O'BRIEN. Mr. Speaker, I do not know whether this will totally alleviate the school problem in the city of Philadelphia. I think if anyone in this House had the perfect solution to this problem, we would not be here right now.

I think that, for the first time, through this amendment we are taking steps to try to put some accountability in that school system by giving preaudit authority, which is something we have never had in any way, shape or form in that school system, and also giving city council the ball. And they have to carry it. They have to come to grips with that situation down there.

Mr. GARZIA. Thank you, Mr. Speaker.

I am finished with Mr. O'Brien. May I make a statement now, please?

The SPEAKER pro tempore. The gentleman is in order and

may proceed.

Mr. GARZIA. To Representative Katz, I would like to say that our school directors back home, even though it is a small district with only about 6,000 students, are nonpaid.

I would suggest to Mr. Katz that right after this bill there will be HB 804 to follow and I would suggest to Mr. Katz that he put an amendment in that if Philadelphia ever has an elected school board, they should be paid, and I would support the amendment, if he so desires.

Mr. Speaker, I oppose this amendment. I think the elected school board, in my opinion, would be the greatest thing that ever happened to the city of Philadelphia.

I grant you, there may be more Democrats than Republicans on the school board, but that could change every 4 years because the people will make the decision when they go to the voting place.

Thank you very much.

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

Mr. MELUSKEY. Thank you, Mr. Speaker.

Would Mr. Katz consent to a brief interrogation?

The SPEAKER pro tempore. The gentleman will consent to a period of interrogation.

The gentleman, Mr. Meluskey, may proceed.

Mr. MELUSKEY. Thank you, Mr. Speaker.

For the sake of the record, Mr. Speaker, I would just like to ask if you truly meant to imply, whether you realize it or not in your statement, that the hundreds of public officials serving on elected school boards in this state without pay are in any way, shape or form best characterized as political hacks or rather as dedicated, untiring public servants? I think the record ought to indicate the actual intent of your statement. I truly cannot believe that you meant to imply that the school directors who serve without pay in 505 school districts in this state are political hacks. Is that what you meant to imply, Mr. Speaker.

Mr. KATZ. No, I did not mean to imply that and, if I did imply that, I apologize. But let me just ad lib a little: I just believe that when you run a budget of \$600 million in the city of Philadelphia or near that, you had better pay the help to run that budget or otherwise you will never get the right people to do the right thing.

Now when you talk about the smaller school districts throughout this Commonwealth—and I cannot tell you about school districts in Lehigh County because I really do not know them—and when you talk about a school district of 270,000 children and you are talking about the magnitude of money they spend, I just think it should be a salaried board.

I did not mean to imply that the people who are in school districts throughout this Commonwealth are political hacks and, if I did imply that, I apologize to the gentleman.

Mr. MELUSKEY. Thank you, Mr. Speaker.

May I make a brief statement, Mr. Speaker?

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

Mr. MELUSKEY. Thank you.

As a former school director who was elected in a school district much larger than any legislative district in this state and

who had a responsibility for adopting an annual school district budget of some \$30 million, I take exception to the claim that only a paid school director can properly fulfill the duties and responsibilities of that role and would take issue with the statements of Mr. Katz and Mr. Garzia in that regard. But I am grateful that Mr. Katz did not mean to imply that such non-salaried school directors are only political hacks.

Thank you.

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

Mr. SALVATORE. Thank you, Mr. Speaker.

Again, I just want to follow up. I think Mr. Garzia was trying to make the point that nonresidents would have to pay greater taxes to the city of Philadelphia. That is not true because the only tax the nonresidents pay the city of Philadelphia is under the Sterling Act, and this has nothing to do with this piece of legislation.

Now what Mr. O'Brien is trying to do, and I think he touched on it, is that we have many duplications of services currently by the school board which could be incorporated into the city services.

Now Dr. Thomas said 2 weeks ago that \$30 million could be saved by just transferring the procurement department to the city of Philadelphia and the maintenance of vehicles.

Now, it took Dr. Thomas a little while to find out that they could save \$30 million. But that is just one area where the school district could save money. So, therefore, the 29 mills that they are collecting would be enough to run the school district.

What we are saying here in the O'Brien amendment is that city council, whose members are paid \$25,000 a year, currently are not reacting to their fiscal responsibilities. Under the O'Brien amendment, they would have to then face up and be counted like we many times are expected to do here in this House.

Also, Mr. Cohen said that his amendment passed 181 to 22, or whoever said it. I would like to know who were the two ghosts who voted because we only have 201 members.

Also, referring to Mr. Cohen's remarks concerning the O'Brien amendment, he knows Philly well, and I know that the 17 elected school board members who will be elected will be from one party and they will be dictated to by the party that is in power, and that the minority party, whether it be the Philadelphia party, the Republican Party—because I did not mention any party—they will have nothing to say. Right now the minority party enjoys two seats on city council. I think we should have a voice on the school board whatever it may be.

Thank you, Mr. Speaker.

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

Mr. CIANCIULLI. Yes, Mr. Speaker. Thank you.

I rise to oppose the O'Brien amendment. I am doing so based on the Cohen amendment which I also opposed. But I am satisfied to allow the citizens of Philadelphia to decide whether or not they want an elected school board and not members of this House. I, therefore, would oppose his amendment and allow the

Cohen amendment to stand and let the people of Philadelphia decide what they want.

Thank you.

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

Mr. COHEN. Mr. Speaker, because this debate may be used in the Senate's deliberations on this matter, I would like to make a few comments even though I know it is really not necessary for the House.

First of all, while I cannot predict the election results in any district in the city, these districts were drawn so the Republicans would have a chance of getting a few seats on the school board, though I think it will be a very small number of seats because the Republican Party is a very small minority party within the city of Philadelphia. I believe they have only a quarter, if that, of the total registrants. There is not a single ward in the city with a Republican registration majority. There are probably only about a handful of election divisions out of 1,750 with a Republican registration majority. So the Republicans start out in Philadelphia in a very weak position.

But I would think that, for instance, district 1, which has elected Mr. Salvatore and Mr. O'Brien, who are Republicans, would have a reasonable chance of electing a Republican school board member. I also believe that a district which has Mr. Katz's seat in it and Mr. Borski's seat—Mr. Borski's predecessor was a Republican. I think that district—has a reasonable chance of electing a Republican. I would also think that there are some other districts in northeast Philadelphia where the Democrats have won legislative victories only narrowly where the Republicans would have a chance of winning if they ran good candidates. I really do not know why the Republicans say they have no chance of winning. I think if they search harder for candidates, they might have some sort of chance of winning.

At the request of one member of the Republican side of the aisle, I would like to point out that this amendment totally repeals my amendment. A vote for this amendment is a vote against an elected school board.

I would also like to point out that there is a great deal of confusion in Mr. O'Brien's amendment. On one hand, Mr. O'Brien wants to make the superintendent of schools a part of the mayor's cabinet. On the other hand, he states that it is his intention—and the courts would judge what the intention is by the statement of the prime sponsor—that as a superintendent of education he be treated equally with the streets department or the Police Department.

Now, in the internal organization of the city of Philadelphia, the streets department and the police department are not members of the mayor's cabinet. The mayor's cabinet consists of the mayor, the city solicitor, the managing director and the finance director. So it is very unclear now. Now if they are members of the mayor's cabinet, then they are not treated equally with the others. If they are to be treated equally with the others, they are not members of the mayor's cabinet.

Furthermore, if they are under the mayor, then they are bound by the opinions of the city solicitor as in the city controller. Mr. Richardson has accurately pointed out to the mem-

bers of this House that although Mr. O'Brien claims this language gives the preaudit function, nowhere in it does it specifically say that. It is written in an extremely devious manner.

The person who is in charge in the city of Philadelphia of interpreting this kind of thing is the city solicitor. I am sure the city solicitor would very clearly interpret wording of this language to mean that the city controller does not have preaudit function. The city controller does have his own lawyer who is capable of interpreting the law. The city controller is bound by the opinions of the city solicitor who is appointed by the mayor.

So I think the statement that this is going to give the city controller preaudit function is just total sham.

Now one other comment that was made was that this would be more acceptable to some people in the Senate. Well, I could imagine that for some strong Rizzo supporters from Philadelphia in the Senate, this would be more acceptable since it increases the power of the mayor instead of decreasing it.

I totally disagree that everybody elected from Philadelphia is controlled by the mayor, which was one of the statements, and that therefore it makes no difference. I do not think I am controlled by the mayor particularly. I do not think a high percentage of the Philadelphia delegation is.

I, therefore, urge once again, the defeat of this amendment.

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

Mr. D. M. O'BRIEN. Mr. Speaker, I think there has been a great deal of debate on this subject. My intent for offering this amendment was to offer immediate, as well as long-term, controls over the school system in the city of Philadelphia.

I believe that by this method we are establishing such controls. We are establishing the authority for the city controller to investigate the expenditure of funds, which is the key issue that we have been debating for weeks upon weeks in this House. For that reason, I urge support of this amendment.

Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—12

Fisher, D. M.	McGinnis	Polite	Salvatore
Goebel	Moehlmann	Pott	Scheaffer
Katz	O'Brien, D.	Ryan	Seltzer

NAYS—176

Abraham	Fryer	Mackowski	Scirica
Anderson	Gallagher	Madigan	Shuman
Armstrong	Gallen	Manmiller	Shupnik
Arthurs	Gamble	McCall	Sirianni
Barber	Garzia	McClatchy	Smith, E.
Bellomini	Gatski	McIntyre	Smith, L.
Bennett	Geesey	McLane	Spencer
Berlin	George, C.	Mebus	Spitz
Bittle	George, M.	Meluskey	Stairs
Borski	Giammarco	Milanovich	Stapleton
Brandt	Gillette	Miller	Stuban

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

NOT VOTING—12

Beloff	Geisler	Manderino	Scanlon
Berson	Greenfield	O'Donnell	Shelton
Bittinger	Hamilton	Pievsy	Stewart

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—188

Abraham	Gallen	Manmiller	Scheaffer
Anderson	Gamble	McCall	Schmitt
Armstrong	Garzia	McClatchy	Schweder
Arthurs	Gatski	McGinnis	Scirica
Barber	Geesey	McLane	Seltzer
Bellomini	George, C.	Mebus	Shuman
Bennett	George, M.	Meluskey	Shupnik
Berlin	Giammarco	Milanovich	Sirianni
Bittle	Gillette	Miller	Smith, E.
Borski	Gleeson	Milliron	Smith, I.
Brandt	Goebel	Miscevich	Spencer
Brown	Goodman	Moehlmann	Spitz
Brunner	Gray	Morris	Stairs
Burd	Greenleaf	Mowery	Stapleton
Burns	Grieco	Mrkonic	Stuban

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

NAYS—0

NOT VOTING—12

Beloff	Geisler	McIntyre	Shelton
Berson	Greenfield	O'Donnell	Stewart
Bittinger	Manderino	Pievsy	Williams

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

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

GAVEL RETURNED TO SPEAKER

The SPEAKER pro tempore. The Chair at this time returns the gavel to the Speaker.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman for acting as pro tempore Speaker.

Agreeable to order.

The House proceeded to third consideration of Senate bill No. 804, printer's No. 863, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949" changing dates or organizational meetings levying the school taxes and the taxing powers of boards of education of school districts of the first class A.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three dif-

ferent days and agreed to and is now on final passage.

The question is, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia. The gentleman may proceed.

Mr. GARZIA. Mr. Speaker, I am not going to offer my amendment to SB 804 with an elected school board in the city of Philadelphia. I supported Mark Cohen's amendment and I think his amendment should get the first crack at the Senate as to whether the Senate will go along with our thoughts of having an elected school board in Philadelphia.

But I shall keep that amendment on my desk. If that one fails, with the next bill that comes along, I will try again. Thank you.

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

Mr. CAPUTO. Mr. Speaker, this bill is necessary for the newly elected school board members of the city of Pittsburgh. It is enabling legislation, and I ask every member of the House to vote in the affirmative.

Thank you.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—188

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

Fischer, R. R.	Letterman	Richardson	Zeller
Fisher, D. M.	Levi	Rieger	Zitterman
Flaherty	Lincoln	Ritter	Zord
Foster, A.	Livengood	Ruggiero	Zwikl
Foster, W.	Logue	Ryan	
Freind	Lynch	Salvatore	Irvis,
Fryer	Mackowski	Scanlon	Speaker
Gallagher	Madigan		

NAYS—0

NOT VOTING—12

Beloff	Geisler	O'Donnell	Shelton
Berson	Greenfield	Pievsky	Stewart
Bittinger	Manderino	Rhodes	Williams

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

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

**RECONSIDERATION OF VOTE ON GALLAGHER  
MOTION TO TAKE HB 593 FROM TABLE**

Mr. GALLAGHER moved that the vote by which his motion to remove HB 593 from the table was defeated on July 26, 1977, be reconsidered.

Mr. BERLIN seconded the motion.

On the question,

Will the House agree to the motion?

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

Mr. GALLAGHER. Mr. Speaker, so that everybody understands, yesterday I made a motion to bring the bill from the table so it would be on the calendar in a position that members who have amendments would have an opportunity to offer amendments at a later date.

The majority leader had indicated that I failed to bring it to his attention. I had sent him a letter yesterday explaining the matter. He is fully aware of it. So I ask that we reconsider the vote by which the motion failed, so that the motion to put the bill from the table to the calendar for consideration for amendments can be before the House.

I understand that Mr. Pancoast and Mr. Ryan have amendments, Mr. Doyle has amendments, and I think Mr. Manderino has amendments, and there might be others.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. ZELLER. I asked the question yesterday. Since our majority leader took the action he did the other day in regard to this move and he is not here, and yesterday Mr. Gallagher agreed that he would like to have Mr. Manderino here, I would hope that this would be held off until the leadership is here, be-

cause I note that Mr. Greenfield is not here and our other leaders I do not see. And outside of the Speaker, whom I respect, I just do not know what the feelings would be in regard to our side of the aisle, and that is why I felt that we should have the leaders here; not that the members are not capable of deciding for themselves; that is not it. But I feel there is a serious problem with removing this bill from the table, due to the fact of the budget. And that is why I ask the question as to whether or not the Speaker feels that the leadership should be here to lead us in this decision.

The SPEAKER. In reply to the gentleman, the majority leader is again engaged in the meetings of the Committee of Conference. I think those meetings are informal but, nevertheless, that is what he is working on. He has already alerted the gentleman, Mr. Englehart, to this situation, and the majority leader has agreed that, in his absence, the House should not be delayed in any activity. Therefore, the majority leader is aware of the move to reconsider the vote.

The gentleman, Mr. Englehart, is here and prepared to state the position of the majority leader.

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

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

Mr. LETTERMAN. Mr. Speaker, I think the previous speaker has really taken hair off the dog enough and now he is trying to take the skin off, and I would like to help. So vote "no."

Thank you.

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

Mr. RICHARDSON. I rise in support of the reconsideration motion, Mr. Speaker, and ask that the members do likewise.

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

Mr. ENGLEHART. Mr. Speaker, in behalf of the majority leader and in behalf of myself, I request a "no" vote. As everybody is aware, we still do not have a budget. The Conference Committee has not come out with a report yet, and there is no use spinning wheels on something that we do not even know that we can finance. We would like the bill left on the table where it belongs until the budget comes back from a Conference Committee.

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

Mr. GALLAGHER. Mr. Speaker, in reference to Mr. Englehart's statement, yes, we have been spinning wheels doing nothing. Our Conference Committee has been for two and a half or three weeks trying to put a conference committee report together, and every time they have dealt with subsidy money, money for school districts, money for one school district or money for some school districts. But the best way that the Conference Committee could address its attention to the immediate problem of the whole budget is if this House decides to do something about HB 593. If they decide to call it up after it is taken off the table, offer amendments, vote the bill and send it to the Senate, then the Conference Committee has an opportunity to

listen to what the House wants considered.

If the House decides to defeat the bill, then the Conference Committee has a clear right and a clear direction from the House as to what they should be considering, instead of the Conference Committee trying to put something together without any direction from this House.

I think it is important that the bill just be taken from the table and placed on the calendar so that other members can call it up for amendments that they think are proper and should be considered by the Conference Committee. I think that it is important that we do this, so that the Conference Committee has a clear direction from this House as to what they should be presenting to us as the conference committee report on this budget.

Thank you, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, I would point out that this is only a motion to reconsider the vote by which the motion to table was defeated yesterday. I think it has been the custom of this House, except in very unusual circumstances, to routinely grant such motions for reconsideration. And I would, therefore, urge the members to vote in the affirmative.

If this motion passes, there then will be another vote as to whether or not the bill should be removed from the table.

Thank you.

The SPEAKER. The gentleman's information as to the mechanics is correct. This is a motion to reconsider. If the House adopts the motion, then the gentleman, Mr. Gallagher, would be in the position of again moving to take from the table HB 593. There would be two different votes.

This is the vote on whether or not the House wishes to reconsider its actions, and that is the only thing which is before the House at this time.

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

Mr. LAUGHLIN. Mr. Speaker, I do not wish to correct the Speaker, but last week there was a reconsideration request made by myself with regard to a \$10 million reduction in the Department of Transportation, and there was a vote taken and it was soundly defeated. So I do not consider it just a motion that is given lightly.

The SPEAKER. No. I do not think the gentleman, Mr. Yohn, meant that it was given lightly, and certainly the Speaker did not mean that. The gentleman, Mr. Yohn, was talking about tradition and precedent, and that had been the tradition and the precedent. But under the current House rules, a vote is required. Under prior practice, it had been a tradition to automatically grant the reconsideration motion. That is not, however, true today. The motion to reconsider must be placed to a vote and the House must decide.

The gentleman, Mr. Richardson, rises for the second time to this question.

Mr. RICHARDSON. Mr. Speaker, I just only ask that those members who are seated and in their seats be voted and no one else.

The SPEAKER. The Chair would be absolutely delighted if that could be enforced.

The Chair repeats, the gentleman, Mr. Richardson, has asked that only those members present and in their seats be recorded on the vote.

If the gentleman or any other gentleman or any other lady present will rise to his or her feet in indication to the Chair of who is being voted while that person is not present, the Chair will order that vote stricken.

PARLIAMENTARY INQUIRY

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

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

Mr. SPEAKER. The gentleman will state it.

Mr. CAPUTO. My understanding is we defeated the motion to reconsider this vote yesterday, and my parliamentary question is, if it is defeated again today, will it be possible under the rules of the House to again consider reconsideration?

The SPEAKER. For the information of the gentleman, the Parliamentarian advises me that it was not defeated yesterday, Mr. Caputo; it was withdrawn. And to further amplify, if it were to be defeated today, it could not for the second time, be reconsidered under the rules.

PARLIAMENTARY INQUIRY

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

Mr. ITKIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ITKIN. What specifically is the motion that we are being asked to reconsider?

The SPEAKER. The motion having been placed before this body is as follows: The gentleman, Mr. Gallagher, has moved that the vote by which he failed to remove from the table HB 593 be reconsidered. If the House reconsiders by an affirmative vote, then the Chair would turn to Mr. Gallagher and ask him if he is willing then to move to take from the table HB 593.

This vote does not take from the table anything. All this vote does is say that the House is willing to reconsider the motion to take from the table.

Mr. ITKIN. But he is not reconsidering the tabling motion?

The SPEAKER. That is correct.

Mr. ITKIN. Okay. I understand, Mr. Speaker.

The SPEAKER. The Chair will keep the board open. The Chair would suggest that those members who are concerned with the accuracy of the vote check now while the board is open to indicate whether or not there are members being voted who are not physically present. The Chair would not like to take it upon itself to do that.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote)

The SPEAKER. For the information of the members, only 1

minute and 28 seconds has elapsed. To those people who think that 5 minutes have gone by, you are not accurate.

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

Mr. ZELLER. Mr. Speaker, I have made note of the ones that are not on the board now.

The SPEAKER. I cannot hear the gentleman.

Mr. ZELLER. I have made note of the ones that are not on the board now.

The SPEAKER. Would the gentleman state those names so that we may inquire?

Mr. ZELLER. Well, they are not on the board now. I do not think there is any reason to question them, unless they come back on at the last second. That is why I wanted to check, just so that we would have a chance to question that.

The SPEAKER. The Chair will lock the vote.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—84

Anderson	Geesey	McClatchy	Salvatore
Armstrong	Goebel	Meluskey	Scheaffer
Berlin	Greenleaf	Milanovich	Scirica
Brandt	Grieco	Miller	Seltzer
Burns	Halverson	Milliron	Sirianni
Cassidy	Harper	Moehlmann	Smith, E.
Cimini	Hasay	Mowery	Spitz
Cohen	Haskell	Mullen, M. P.	Stairs
Davies	Hayes, D. S.	Noye	Stapleton
DeVerter	Hayes, S. E.	O'Brien, D.	Thomas
Dietz	Helfrick	O'Keefe	Wagner
Dorr	Hoeffel	Pancoast	Wass
Doyle	Honaman	Piccola	Weidner
Fischer, R. R.	Hopkins	Polite	Wenger
Fisher, D. M.	Katz	Pott	White
Foster, A.	Klingaman	Pyles	Wilson
Foster, W.	Lehr	Rappaport	Wilt
Gallagher	Levi	Reed	Wise
Gallen	Mackowski	Rhodes	Wright, J. L.
Gamble	Madigan	Richardson	Yohn
Garzia	Manmiller	Ryan	Zearfoss

NAYS—86

Abraham	Fryer	McGinnis	Shuman
Arthurs	Gatski	McIntyre	Shupnik
Bellomini	George, C.	McLane	Stuban
Bennett	George, M.	Miscevich	Sweet
Borski	Giammarco	Morris	Taddonio
Brown	Gillette	Mrkonic	Taylor, F.
Brunner	Goodman	Mullen, M. M.	Tenaglio
Caltagirone	Gray	Musto	Trello
Caputo	Hutchinson, A.	Novak	Valicenti
Cianciulli	Itkin	O'Brien, B.	Vroon
Cole	Johnson	O'Connell	Wansacz
Cowell	Kelly	Oliver	Wargo
DeMedio	Kernick	Parker	Wiggins
DeWeese	Knepper	Petrarca	Wright, D.
DiCarlo	Kowalshyn	Pievsky	Yahner
Dombrowski	Laughlin	Pratt	Zeller
Duffy	Letterman	Prendergast	Zitterman
Dumas	Livengood	Ravenstahl	Zord
Englehart	Logue	Renwick	Zwilk
Fee	Lynch	Rieger	
Flaherty	Manderino	Schmitt	Irvis,
Freind	McCall	Schweder	Speaker

## NOT VOTING—30

Barber	Dininni	Kolter	Scanlon
Beloff	Donatucci	Lincoln	Shelton
Berson	Geisler	Mebus	Smith, L.
Bittinger	Gleeson	O'Donnell	Spencer
Bittle	Greenfield	Pitts	Stewart
Burd	Hamilton	Ritter	Taylor, E.
Butera	Hutchinson, W.	Ruggiero	Williams
Cessar	Jones		

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

## ANNOUNCEMENTS

## RECESS

The SPEAKER. The Chair now declares that this House shall be in recess until 1:30. The Chair would advise the members that at 1:30 it will not be necessary for them to return to the floor of the House unless they hear an announcement requesting them to return to the floor. The purpose of the delay, of course, is to give ample opportunity for us to see if we are going to get a report from the Committee of Conference.

## INSURANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyshyn.

Mr. KOWALYSHYN. Mr. Speaker, I asked the Speaker earlier today about the meeting that was scheduled this morning of the Insurance Committee. Pending the possible receipt of the conference report, I would like to announce that the Insurance Committee will meet at 1:30.

The SPEAKER. The Chair sees nothing wrong with that announcement and anticipates that there will be time for the gentleman to hold his meeting.

The chairman of the Insurance Committee has announced a meeting at 1:30 this afternoon.

Mr. KOWALYSHYN. Thank you, Mr. Speaker.

## RECESS

The SPEAKER. This House now stands in recess until 1:30 p.m.

## AFTER RECESS

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

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows were prepared for presentation to the Governor:

## SENATE BILL No. 69

An Act reenacting and amending the act of July 9, 1971 (P. L. 206, No. 34), entitled "An act authorizing local taxing authorities to provide for tax exemption for certain improvements to deteriorated dwellings; . . . ." extending the act to authorize certain exemptions for improvements to deteriorating areas by the construction of new dwelling units.

## SENATE BILL No. 746

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

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## ANNOUNCEMENTS

The SPEAKER. The Chair announces to all those members within the hearing of his voice that there will be no need—the Speaker repeats, there will be no need—for the members to report to the floor for the rest of this day. The Chair will remain open for the taking, hopefully, of the report of the Committee of Conference at 8 o'clock this evening. Following that report, if such a report be submitted, this House will adjourn until 11 o'clock a.m. tomorrow. The Chair repeats: There is no need for a member to report to the floor of the House for the rest of this day. The Chair will be open at 8 o'clock tonight for the taking of reports of committees; hopefully, a report from the Committee of Conference. If such a report is made in fact, the House will then adjourn until 11 a.m. tomorrow. All members are urged to return to the floor at 11 a.m. tomorrow.

## ANNOUNCEMENT

The SPEAKER. The Chair would like to remind the Democratic members that they have been requested to remain at the Capitol today, remain in or near their offices, as it may be necessary for a Democratic caucus to be called.

The Chair repeats: The Chair reminds the Democratic members to remain in the Capitol today, in or in the vicinity of their offices, as it may be necessary for a Democratic caucus to be called for today.

The Chair announces to those members within hearing of his voice the fact of the matter that the Insurance Committee is now currently meeting in room 401.

The members of the Insurance Committee are to meet in room 401 at the request of the Insurance Committee chairman. They are to meet there immediately.

## RECESS

The SPEAKER. This House now stands in recess until 8 p.m. this day.

## AFTER RECESS

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

The SPEAKER. The Chair announces that the House will be declared in recess, subject to the call of the Speaker, and the Speaker anticipates that that call will be made within the hour. The sole purpose of that call will be to call the House to order so the Speaker may take the report of the Committee of Conference.



**RECESS CONTINUED**

The SPEAKER. This House now stands in recess until 8:45 p.m., unless sooner recalled by the Speaker.

**AFTER RECESS**

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

**RECESS CONTINUED**

The SPEAKER. The Chair announces that the recess will be continued and the House will be subject to the recall of the Speaker. The Speaker will be prepared to call the House to order at that time when the Speaker is advised that the committee of conference report is ready to be reported to the floor of the House.

This House now stands in recess, subject to the recall by the Speaker.

**AFTER RECESS**

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

**REPORT OF COMMITTEE OF CONFERENCE**

Mr. PIEVSKY presented the Report of the Committee of

Conference on SENATE BILL No. 770.

The SPEAKER. The report will be laid over for printing under the rules.

**WELCOMES**

The SPEAKER. The Chair is delighted at this time to present to the hall of the House Mrs. Edna Marrow and her daughter Sheryl Marrow. They are the guests of the gentleman, Mr. Joel Johnson.

The Chair wishes to welcome at this time Mr. and Mrs. Joseph Morgovich and daughter Julie, who are the guests of Representative David Sweet and the other members of the Washington County delegation.

The Chair would like to greet the following guests: Miss Loli Eguiluz from Spain, accompanied by Mrs. William Alexander and son Ray. They are the guests of Representative June Honaman of Lancaster County.

**ADJOURNMENT**

Mr. PIEVSKY moved that this House do now adjourn until Thursday, July 28, 1977, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 11:11 p.m., e.d.t.) the House adjourned.