

Legislative Journal

WEDNESDAY, AUGUST 10, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 74

HOUSE OF REPRESENTATIVES

The House convened at 1 p.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:

Heavenly Father, Thou art God, but we are sinners in Thy sight and have failed to do what Thou hast expected of us; on account of our procrastinations, sometimes we have become prevaricators; and since we have sought the easy road and have desired the gratification of selfish interests, we have at times become soft in Thy sight. O God, we pray that Thou wilt make us strong in the will to do the right, and firm in standing against the foes who would tend to lead us astray from Thee and Thy way. Help us to be productive stewards of Thine, and guide and direct us that we may show forth Thy truth before all men. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, August 9, 1977, will be postponed until printed.

MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker announces that the Speaker is about to take a master roll call and urges all members within hearing of his voice to report promptly to the floor of the House as the Speaker intends to take up the active calendar today.

The following roll call was recorded:

YEAS—187

Abraham	Gallen	Madigan	Scanlon
Anderson	Gamble	Manderino	Scheaffer
Armstrong	Garzia	Manmiller	Schmitt
Arthurs	Gatski	McCall	Schweder
Barber	Geesey	McClatchy	Scirica
Bellomini	Geisler	McGinnis	Seltzer
Bennett	George, C.	McIntyre	Shuman
Berlin	George, M.	McLane	Shupnik
Bittinger	Giammarco	Mebus	Sirianni
Bittle	Gillette	Meluskey	Smith, E.
Borski	Goebel	Milanovich	Spencer
Brandt	Goodman	Miller	Spitz
Brown	Gray	Milliron	Stairs
Brunner	Greenfield	Miscevich	Stapleton
Burd	Greenleaf	Moehlmann	Stewart

Burns	Grieco	Morris	Stuban
Butera	Halverson	Mowery	Sweet
Caltagirone	Hamilton	Mrkonic	Taddonio
Caputo	Harper	Mullen, M. P.	Taylor, E.
Cassidy	Hasay	Mullen, M. M.	Taylor, F.
Cessar	Haskell	Musto	Tenaglio
Cianciulli	Hayes, D. S.	Noye	Trello
Cimini	Hayes, S. E.	O'Brien, B.	Valentici
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.	Petrarca	Weidner
DeWeese	Itkin	Piccola	Wenger
DiCarlo	Johnson	Pievsky	White
Dietz	Jones	Pitts	Wiggins
Dininni	Katz	Polite	Wilson
Dombrowski	Kelly	Pott	Wilt
Donatucci	Kernick	Pratt	Wise
Dorr	Klingaman	Prendergast	Wright, D.
Doyle	Kolter	Pyles	Wright, J. L.
Duffy	Kowalshyn	Ravenstahl	Yahner
Dumas	Laughlin	Reed	Yohn
Englehart	Lehr	Renwick	Zearfoss
Fee	Letterman	Rhodes	Zeller
Fischer, R. R.	Levi	Richardson	Zitterman
Flaherty	Lincoln	Rieger	Zord
Foster, A.	Livengood	Ritter	Zwikl
Foster, W.	Logue	Ruggiero	
Freind	Lynch	Ryan	Irvis,
Fryer	Mackowski	Salvatore	Speaker
Gallagher			

NAYS—0

NOT VOTING—13

Beloff	Knepper	Parker	Smith, L.
Berson	Novak	Rappaport	Thomas
Fisher, D. M.	O'Donnell	Shelton	Williams
Gleeson			

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

HOUSE BILL INTRODUCED AND REFERRED TO COMMITTEE

No. 1587 By Mr. POTT (By Request)

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for the recontribution by former members.

Referred to Committee on State Government.

VIDEOTAPING PERMISSION GRANTED

The SPEAKER. The Chair wishes to announce that the Chair

has given permission for Ellen McKeefe and Bob Hager of NBC TV News in New York for 10 minutes of videotaping. The taping will proceed in another minute and will be done from the balcony of this House and will also be done in part from the floor of this House. Miss O'Keefe and Mr. Hager may tape beginning now.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I request leaves of absence for Messrs. SHELTON and RAPPAPORT for today's session.

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

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

The SPEAKER. Without objection, leaves are granted.

CALENDAR

MINES AND ENERGY MANAGEMENT BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of House bill No. 1196, printer's No. 1585, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

Mr. DeWEESE offered the following amendment:

Amend Sec. 1 (Sec. 313), page 2, line 33, by striking out "three" and inserting four

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. The amendment originally indicated 3 years and the current amendment indicates 4 years.

Does anybody need an explanation of the bill itself?

The SPEAKER. The Chair would advise the gentleman that we are not presently discussing the bill, only the amendment. That is the only question before the House at the present time.

Mr. DeWEESE. Mr. Speaker, some gentlemen have indicated that they need an amplification for the amendment. Mr. Zeller is befuddled, sir.

The SPEAKER. The gentleman, Mr. DeWeese, will explain the amendment sufficiently for the House to be made intelligent as to the meaning and importance of his amendment so that the House may place the question to a vote.

Mr. DeWEESE. Mr. Speaker, the amendment allows the Public Utility Commission to study rates overcharge violations in cases for a period of 4 years rather than 3 years.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—180

Table listing names of members who voted 'YEAS' (180 total). Includes names like Abraham, Anderson, Armstrong, Barber, Bellomini, Bennett, Berlin, Bittle, Borski, Brandt, Brown, Brunner, Burd, Burns, Butera, Caltagirone, Caputo, Cassidy, Cessar, Cianciulli, Cimini, Cohen, Cole, Cowell, Davies, DeMedio, DeVerter, DeWeese, DiCarlo, Dietz, Dininni, Dombrowski, Donatucci, Doyle, Duffy, Dumas, Englehart, Fischer, R. R., Fisher, D. M., Flaherty, Foster, A., Foster, W., Freind, Fryer, Gallagher, Gamble, Garzia, Gatski, Geesey, Geisler, George, C., George, M., Giammarco, Gillette, Goebel, Goodman, Gray, Greenfield, Greenleaf, Grieco, Halverson, Hamilton, Harper, Hasay, Haskell, Hayes, D. S., Hayes, S. E., Helfrick, Hoeffel, Honaman, Hopkins, Hutchinson, A., Hutchinson, W., Itkin, Johnson, Jones, Katz, Kelly, Kernick, Klingaman, Kolter, Kowalyshyn, Laughlin, Lehr, Letterman, Levi, Lincoln, Livengood, Logue, Lynch, Mackowski, Madigan, Manmiller, McCall, McClatchy, McGinnis, McIntyre, McLane, Mebus, Meluskey, Milanovich, Miller, Milliron, Misceovich, Moehlmann, Morris, Mowery, Mrkonic, Mullen, M. P., Mullen, M. M., Musto, Noye, O'Brien, B., O'Brien, D., O'Connell, O'Keefe, Oliver, Pancoast, Petrarca, Piccola, Pievsky, Pitts, Polite, Pott, Pratt, Prendergast, Pyles, Ravenstahl, Reed, Renwick, Rhodes, Rieger, Ritter, Ruggiero, Ryan, Salvatore, Scanlon, Scheaffer, Schmitt, Schweder, Scirica, Seltzer, Shuman, Shupnik, Sirianni, Smith, E., Spencer, Spitz, Stairs, Stapleton, Stewart, Stuban, Sweet, Taddonio, Taylor, E., Taylor, F., Tenaglio, Trello, Valicenti, Vroon, Wansacz, Wargo, Wass, Weidner, Wenger, White, Wiggins, Wilson, Wilt, Wise, Wright, D., Wright, J. L., Yahner, Yohn, Zearfoss, Zeller, Zitterman, Zord, Zwinkl, and Irvis, Speaker.

NAYS—1

Dorr

NOT VOTING--19

Table listing names of members who did not vote (19 total). Includes names like Arthurs, Beloff, Berson, Bittinger, Fee, Gallen, Gleeson, Knepper, Manderino, Novak, O'Donnell, Parker, Rappaport, Richardson, Shelton, Smith, L., Thomas, Wagner, and Williams.

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

On the question,

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

Bill as amended was agreed to.

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

Ordered, to be transcribed for third consideration.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. DORR. Mr. Speaker, I apparently am recorded in the negative on the amendments to HB 1196, PN 1585. I intended to be recorded in the positive and would like the record to reflect that.

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

APPROPRIATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1571, printer's No. 1892**, entitled:

A Supplement to the act of October 18, 1975 (P. L. 408, No. 112), entitled "An act providing for the capital budget for the fiscal year 1975-1976" enumerating a public improvement project to be acquired or constructed by the Department of General Services with its estimated financial cost; ***

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—180

Abraham	Gamble	Manderino	Scanlon
Anderson	Garzia	Manmiller	Scheaffer
Armstrong	Gatski	McCall	Schweder
Barber	Geesey	McClatchy	Scirica
Bellomini	Geisler	McGinnis	Seltzer
Bennett	George, C.	McIntyre	Shuman
Berlin	George, M.	McLane	Shupnik
Bittinger	Giammarco	Mebus	Sirianni
Bittle	Gillette	Meluskey	Smith, E.
Borski	Goebel	Milanovich	Spencer
Brandt	Goodman	Miller	Spitz
Brown	Gray	Milliron	Stairs
Brunner	Greenfield	Miscevich	Stapleton
Burd	Greenleaf	Moehlmann	Stewart
Burns	Grieco	Morris	Stuban
Butera	Halverson	Mowery	Sweet
Caltagirone	Hamilton	Mrkonic	Taddonio
Caputo	Harper	Mullen, M. P.	Taylor, E.
Cassidy	Hasay	Mullen, M. M.	Taylor, F.
Cessar	Haskell	Musto	Tenaglio
Cianciulli	Hayes, D. S.	Noye	Trello
Cimini	Hayes, S. E.	O'Brien, B.	Valicenti
Cohen	Helfrick	O'Brien, D.	Vroon
Cowell	Hoeffel	O'Connell	Wansacz
Davies	Honaman	O'Keefe	Wargo
DeMedio	Hopkins	Oliver	Wass
DeVerter	Hutchinson, A.	Pancoast	Weidner
DeWeese	Hutchinson, W.	Petrarca	Wenger
DiCarlo	Itkin	Piccola	White
Dietz	Jones	Pievsky	Wiggins
Dininni	Katz	Pitts	Wilson
Dombrowski	Kelly	Polite	Wilt
Donatucci	Kernick	Pott	Wise

Dorr	Klingaman	Pratt	Wright, D.
Doyle	Kolter	Prendergast	Wright, J. L.
Duffy	Kowalyszyn	Pyles	Yahner
Dumas	Laughlin	Ravenstahl	Yohn
Englehart	Lehr	Reed	Zearfoss
Fischer, R. R.	Letterman	Renwick	Zeller
Flaherty	Levi	Rhodes	Zitterman
Foster, A.	Lincoln	Rieger	Zord
Foster, W.	Livengood	Ritter	Zwikl
Freind	Logue	Ruggiero	
Fryer	Lynch	Ryan	Irvis,
Gallagher	Mackowski	Salvatore	Speaker
Gallen	Madigan		

NAYS—0

NOT VOTING—20

Arthurs	Fisher, D. M.	O'Donnell	Shelton
Beloff	Gleeson	Parker	Smith, L.
Berson	Johnson	Rappaport	Thomas
Cole	Knepper	Richardson	Wagner
Fee	Novak	Schmitt	Williams

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

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

HB 175 PASSED OVER TEMPORARILY

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

Mr. CAPUTO. Mr. Speaker, I ask the Chair to pass HB 175 over temporarily, about 15 or 20 minutes.

The SPEAKER. The Chair retracts its statement that the House has agreed to HB 175 on third consideration. HB 175, PN 188, will be marked over temporarily.

QUESTION OF INFORMATION

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

Mr. S. E. HAYES. I rise to a question of information.

The SPEAKER. The gentleman will state it.

Mr. S. E. HAYES. Mr. Speaker, have we satisfied rule 19-A with respect to HB 175, PN 188?

The SPEAKER. The Chair had that inquiry checked in caucus, and the answer which was given in our caucus was that there was no need for a fiscal note. But if the gentleman wishes to address himself to the gentleman who is chairman of the Appropriations Committee—He is not here presently.

Mr. S. E. HAYES. I was going to do that, sir, and I did not see him present.

The SPEAKER. Well, let us pass the bill over temporarily. When we return to the floor, by that time we will see if we can have him present and get a definitive answer to the gentleman's inquiry. I assume that was the point of the gentleman, Mr. Itkin, rising.

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

Mr. ITKIN. Mr. Speaker, it was not the question as to whether a fiscal note was required. I just wanted to discuss the fiscal impact of the measure.

The SPEAKER. HB 353, PN 1794. The gentleman from Erie, Mr. Dombrowski, calls up HB 353, PN 1794, on page 5 of the calendar for concurrence in Senate amendments.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned **HOUSE BILL NO. 353**, with the information that the Senate has passed the same with the following amendments in which concurrence of the House of Representatives is requested:

Amend title, page 1, line 1, by striking out at the beginning of the line "Repealing" and inserting in lieu thereof "Amending"; line 4, by inserting after "County," the following: "further providing for the use of boats with motors.

Amend Section 1, page 1, line 11, by striking out after "is" the word "repealed" and inserting immediately thereafter the following:

Amended by adding a section to read:

Section 1.1. Any boat equipped with a motor in excess of ten horsepower rating may be operated on Canadohta Lake in Crawford County if the motor is rendered inoperable by removal of the propeller, and such propeller is left ashore. After removal of the propeller, a motor of not more than ten horsepower rating may be attached to the boat and used for propelling the boat on Canadohta Lake.

Amend Section 2, page 2, line 1, by striking out after "effect" all the remainder of said line and inserting immediately thereafter "immediately."

On the question,

Will the House concur in the Senate amendments?

Mr. DOMBROWSKI. Mr. Speaker, I ask that the House do concur in the Senate amendments.

On the question recurring,

Will the House concur in the Senate amendments?

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

Mr. HASKELL. Mr. Speaker, since HB 353 concerns two lakes that are located in my district and since I was not consulted at all on the authorization of this legislation, I would like to ask if Mr. Dombrowski would stand for interrogation and explain what the Senate has done to his bill?

The SPEAKER. The gentleman, Mr. Dombrowski, indicates that he will stand for interrogation, and the gentleman, Mr. Haskell, may proceed.

Mr. DOMBROWSKI. Yes, Mr. Speaker, I think I heard Mr. Haskell's question.

The Senate had reverted to the prior printer's number. The bill is in its original form as it was drafted by the Reference Bureau. What it does is it allows the use of a sidebar motor instead of a motor in excessive horsepower. But the motor of excessive horsepower can be kept on the boat; it does not have to be taken off and left on shore. It must be just raised out of the water and the propeller left on shore.

Mr. HASKELL. Mr. Speaker, would the gentleman explain to

us if the Fish Commission is in favor of this legislation?

Mr. DOMBROWSKI. The Fish Commission attended the meeting in the Senate when they reverted back to the prior printer's number and they had no objection with the bill.

Mr. HASKELL. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, could I ask the original sponsor just one question on the bill?

The SPEAKER. The gentleman, Mr. Dombrowski, indicates that he will stand for interrogation, and the gentleman, Mr. Davies, may proceed.

Mr. DAVIES. In those amendments, Mr. Speaker, was the Fish Commission satisfied and are you satisfied that there cannot be a change in the propeller on the other motor put on so that there can be an adjustment in speed which would in any way create a problem in safety or the operating speeds that you would like to see on these particular lakes? In other words, there is no way in which what you are trying to achieve can be circumvented by such a change?

Mr. DOMBROWSKI. No; they had tried that, Mr. Speaker, in the original amendment here in the House, but the people that live in the surrounding lakes were dissatisfied because they do not have enough waterway patrolmen to go in that area and really watch for the speeders. They figured that it was safer this way for the boaters if they would make them keep that larger horsepower motor out of the water and they just do not want to make them keep it on shore. If they were allowed to use larger horsepower motors, there would be no way to control the speed.

Mr. DAVIES. One other question: Did the local people that live adjacent to the body of the water and those who use it have any input into this so that you are assured that they are satisfied with the provisions as they exist?

Mr. DOMBROWSKI. Yes, they are, Mr. Speaker. That is why they reverted back to the prior printer's number in the Senate. It was at the request of Senator Dwyer.

Mr. DAVIES. All right. Thank you, very much, Mr. Speaker.

On the question recurring,

Will the House concur in the Senate amendments?

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

YEAS—183

Abraham	Gamble	Madigan	Scanlon
Anderson	Garzia	Manderino	Scheaffer
Armstrong	Gatski	Manmiller	Schweder
Barber	Geesey	McCall	Scirica
Bellomini	Geisler	McClatchy	Seltzer
Bennett	George, C.	McGinnis	Shuman
Berlin	George, M.	McIntyre	Shupnik
Bittinger	Giammarco	McLane	Sirianni
Bittle	Gillette	Mebus	Smith, E.
Borski	Goebel	Meluskey	Smith, L.
Brandt	Goodman	Milanovich	Spencer
Brown	Gray	Miller	Spitz
Brunner	Greenfield	Milliron	Stairs
Burd	Greenleaf	Miscevich	Stapleton
Burns	Grieco	Moehlmann	Stewart

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

NAYS—0

NOT VOTING—17

Arthurs	Gleeson	Parker	Shelton
Beloff	Knepper	Rappaport	Thomas
Berson	Novak	Richardson	Wagner
Fee	O'Donnell	Schmitt	Williams
Fisher, D. M.			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned **HOUSE BILL NO. 354**, with the information that the Senate has passed the same with the following amendments in which concurrence of the House of Representatives is requested:

Amend Title, page 1, line 1, by striking out at the beginning of the line "Repealing" and inserting in lieu thereof "Amending"; line 4, by inserting after "County," the following: "further providing for the use of boats with motors."

Amend Section 1, page 1, line 11, by striking out after "is" the word "repealed." and inserting immediately thereafter the following:

Amended by adding a section to read:

Section 1.1. Any boat equipped with a motor in excess of six horsepower rating may be operated on Sugar Lake in Crawford County if the motor is rendered inoperable by removal of the propeller, and such propeller is left ashore. After removal of the propeller, a motor of not more than six horsepower rating

may be attached to the boat and used for propelling the boat on Sugar Lake.

Amend Section 2, page 2, line 1, by striking out after "effect" all the remainder of said line and inserting immediately thereafter "immediately."

On the question,

Will the House concur in the Senate amendments?

Mr. DOMBROWSKI. Mr. Speaker, I ask that the House do concur in the Senate amendments.

On the question recurring,

Will the House concur in the Senate amendments?

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

Mr. HASKELL. Mr. Speaker, I should just like to ask Mr. Dombrowski to stand again for interrogation?

The SPEAKER. The gentleman, Mr. Dombrowski, indicates that he will so stand, and the gentleman, Mr. Haskell may proceed.

Mr. HASKELL. Mr. Speaker, does this bill do the same thing as the previous bill that we just voted on but for a different lake in Crawford County?

Mr. DOMBROWSKI. Yes, it does, Mr. Speaker. It was reverted back to the prior printer's number.

Mr. HASKELL. Again, Mr. Speaker, did the Fish Commission agree to the reverting back to the prior printer's number? They are satisfied with this piece of legislation as it is now?

Mr. DOMBROWSKI. Yes, Mr. Speaker, after the meeting in the Senate when they reverted to the prior printer's number at Senator Dwyer's request. After the meeting, Mr. Speaker, I spoke with Mr. Hardy of the Fish Commission, and he was satisfied with the amendment.

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

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

Mr. DAVIES. Mr. Speaker, I would just like to ask the sponsor again the same two questions on interrogation just for insurances: On the matter of safety and the question about any change of propeller, that the same insurances are in that, and also that by the public input into it that he is satisfied that those conditions have been met as well?

Mr. DOMBROWSKI. Yes, Mr. Speaker, the same answer applies that I gave before. It was at the insistence of the people in the area of the lake that we would only be allowed to use a sidebar motor and it was at their insistence that we reverted to the prior printer's number, and they feel this is the safest way to operate.

Mr. DAVIES. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. PANCOAST. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PANCOAST. Is HB 353, which we have just approved,

and HB 354, under consideration at the present time, special or local legislation?

The SPEAKER. The Chair is unable to answer that question immediately because the Chair does not have these bills immediately before him.

The question rises to a point of constitutionality, of course. The state Constitution forbids the passage of special legislation, and the gentleman is asking a question on constitutionality.

The House will be at ease.

The Chair has now read the report from the Senate and is unable on a quick reading of the report to distinguish whether or not this would be special legislation or general. It does look, on the face of it, as if it may well be special legislation, because it refers to a single particular lake.

HB 354 PASSED OVER TEMPORARILY

The SPEAKER. In the case of HB 354, because the Chair has some doubts and because this question certainly ought to be decided before the House moves on it, the Chair retracts its announcements that the question recurs, will the House concur in the amendments inserted by the Senate?, and HB 354, on page 5, up for concurrence, will go over temporarily.

The Chair also announces at this time that the Speaker will not relinquish control of HB 353, PN 1794, and instructs the clerk at this time not to inform the Senate that the House has concurred until the clerk has been given further instructions by the Chair.

During the period of time between the declaration of the recess and the time when we return to the floor, the Speaker will have achieved, hopefully, an answer to the gentleman's parliamentary inquiry.

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

Mr. DOMBROWSKI. Mr. Speaker, I would just like to inform Mr. Pancoast that—if I may?

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

Mr. DOMBROWSKI. There are only three lakes in Pennsylvania that are governed by law, so you may as well say that it is general legislation because it affects those three lakes.

The other vast amount of lakes that we have in the State of Pennsylvania are regulated by the Fish Commission, and these three lakes, by special legislation, I think in the late 1940's, they went into these three lakes to be governed by law. Now all we are asking is that the people who travel around the State of Pennsylvania that travel with these boats, that they not be forced to leave their big motors on the docks as they are now. This was put in at the request of the boaters in Erie County. I would think it was general legislation because they are the only three lakes that are governed by law.

SPEAKER TO HOLD HB 353

The SPEAKER. The Chair repeats that we will hold HB 353 in our custody, and HB 354 will not move until we have had an opportunity to research the question to see whether or not the constitutional requirements have been met.

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

Mr. PANCOAST. Mr. Speaker, I was not trying to hold back the legislation; I was just concerned that if these were special or local bills, the constitutional requirement for 30 days' publicity in the neighborhood of a special local legislation should have been adopted and I think it would have erased some of the questions that have been raised here with respect to the legislation.

The SPEAKER. The Chair recognizes the motivations of the gentleman. The Chair simply wants to be certain that it does not set an unwise precedent and wishes to rule carefully on the matter. We will be prepared to so rule when we return from the recess.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned **HOUSE BILL NO. 450**, with the information that the Senate has passed the same with the following amendments in which concurrence of the House of Representatives is requested:

Amend Title, page 1, line 6, by striking out after "appropriation," the following: "adding reasons for and"

Amend Bill, page 3, lines 8 through 26, by striking out all of said lines and inserting immediately thereafter the following:

Section 4. (A) Whenever the Governor shall have proclaimed that conditions of extreme emergency exist throughout the state or in one or more political subdivisions thereof due to a natural disaster including but not limited to floods, heavy snows, or prolonged periods of subfreezing weather, officials of any political subdivision affected by such conditions of extreme emergency shall have the authority to clear such roadways as are necessary for the health, safety and welfare of residents, even though such roadways are not officially the responsibility of such political subdivision. The political subdivision may be reimbursed for the cost of such clearing as provided in subsection (C).

(B) Whenever the Governor shall have proclaimed that conditions of extreme emergency exist throughout the state or in one or more political subdivisions thereof due to a natural disaster including but not limited to floods, heavy snows, or prolonged periods of subfreezing weather and in the event that a water system owned or operated by a political subdivision or a direct result of such conditions of extreme emergency, the political subdivision or municipal authority shall have the authority to lease or hire such personnel and equipment as may be needed to effect restoration of such water system. The political subdivision or municipal authority may be reimbursed for the cost of such restoration as provided in subsection (C).

(C) Whenever the Governor shall have proclaimed that conditions of extreme emergency exist throughout the state or in one or more political subdivisions thereof, he shall have power to transfer any unused funds which may have been appropriated for the ordinary expenses of government in the general fund to such state agencies as he may direct to be ex-

pending for reimbursements as provided in subsections (A) and (B). Such reimbursements shall be made in accordance with and to the extent permitted by regulations issued by such agency or agencies as the Governor may designate to administer the reimbursement programs established by subsections (A) and (B). The total of such transfers shall never exceed one million dollars (\$1,000,000) in any one year except by action of the General Assembly.

(D) Reimbursements pursuant to subsection (C) shall not be made to the extent that the Commonwealth, a political subdivision or a municipal authority may be eligible for assistance from the federal government.

Section 5. The provisions of this act shall be in addition to and not a limitation on authority otherwise vested in the Governor, the executive department, political subdivisions or municipal authorities.

Amend Bill, page 5, line 14, by striking out after "Section" the numbers "6" "4" and inserting in lieu thereof "6" line 16, by striking out after "to" the remainder of said line; line 17, by striking out at the beginning of the line "the purposes of this act." and inserting "provide assistance during a natural disaster, condition of extreme emergency or civil disorder."

Amend Bill, page 5, line 19, by striking out after "Section" the numbers "7" "5" and inserting "7"

Amend Section 2, page 5, line 24 by removing the period after "immediately" and inserting "and shall be retroactive to July 1, 1977."

On the question,

Will the House concur in the Senate amendments?

Mr. GEORGE. Mr. Speaker, I ask that the House do concur in the Senate amendments.

On the question recurring,

Will the House concur in the Senate amendments?

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

YEAS—182

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

DeVerter	Hutchinson, W.	Oliver	Weidner
DeWeese	Itkin	Pancoast	Wenger
DiCarlo	Johnson	Petrarca	White
Dietz	Jones	Piccola	Wiggins
Dininni	Katz	Pievsky	Wilson
Dombrowski	Kelly	Pitts	Wilt
Donatucci	Kernick	Polite	Wise
Dorr	Klingaman	Pott	Wright, D.
Doyle	Kolter	Pratt	Wright, J. L.
Duffy	Kowalyshyn	Prendergast	Yabner
Dumas	Laughlin	Pyles	Yohn
Fischer, R. R.	Lehr	Ravenstahl	Zearfoss
Flaherty	Letterman	Reed	Zeller
Foster, A.	Levi	Renwick	Zitterman
Foster, W.	Lincoln	Rhodes	Zord
Freind	Livengood	Rieger	Zwinkl
Fryer	Logue	Ritter	
Gallagher	Lynch	Ruggiero	Irvis,
Gallen	Mackowski	Ryan	Speaker

NAYS—0

NOT VOTING—18

Arthurs	Fisher, D. M.	Rappaport	Thomas
Beloff	Gleeson	Richardson	Valicenti
Berson	Knepper	Shelton	Wagner
Englehart	O'Donnell	Sirianni	Williams
Fee	Parker		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni. For what purpose does the lady rise?

Miss SIRIANNI. I rise to a question of personal privilege.

The SPEAKER. The lady will state it.

Miss SIRIANNI. Mr. Speaker, I was out of my seat when HB 450 was voted on and I would like to be recorded as voting "yes."

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

ANNOUNCEMENTS

RECESS

The SPEAKER. The Chair is about to declare a recess of this House until 3 p.m. Prior to the recess, the gentleman, Mr. Rhodes, desires to make an announcement of a meeting.

JUDICIARY SUBCOMMITTEE MEETING

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

Mr. RHODES. Mr. Speaker, I would like to announce that there will be a meeting of the Subcommittee of the Judiciary on Crime and Corrections, tomorrow at 4 o'clock, pursuant to the House rules and the "Sunshine" law.

Thank you.

STATEMENT

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

Mr. ZELLER. Mr. Speaker, if I may, in regard to our Resolution 139, dealing with the sales and use tax, I would like to inform the members that thanks to the many letters and the involvement in HR 139, that the Department of Revenue has withdrawn their action. Maybe many of you already know about it, but, officially, this morning I did talk to Mr. Sonnenschein, and they had met yesterday with Secretary Lopus. For the tremendous amount of mail on the resolution and all the action taken here, I really want to thank the members. Representative Sam Morris, a fine attorney, and I met with Mr. Sonnenschein on Monday and went over the whole program. We would like to sit down with them and see if we cannot work something out for the benefit of other problems that are involved. So, again, I want to thank the members, and we have been successful.

Thank you.

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

Mr. RHODES. I rise to expand on my announcement, Mr. Speaker.

The SPEAKER. The gentleman is in order if his expansion is not too lengthy.

Mr. RHODES. One sentence, Mr. Speaker.

When I made my announcement about the meeting of the Subcommittee on Crime and Corrections tomorrow, I failed to announce that the meeting will be held at 4 o'clock, in room 115-A.

Thank you, Mr. Speaker.

ANNOUNCEMENTS

The SPEAKER. The members of the House will pay attention. The Chair is about to declare a recess until 3 p.m. We are hopeful, at that point in time, to give the members information as to the activities of the Senate on the budget, at 3 p.m.

RECESS

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

EXTENDED RECESS

The CHIEF CLERK. To all members, attention all members, the Speaker announces the continuation of the recess until 5 p.m.

AFTER RECESS

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

BILLS PASSED OVER

The SPEAKER. The Chair returns to today's calendar. Those bills which were passed over on a temporary basis, on page 3, SB 874, PN 1243, will be passed over for today. HB 1062, PN 1238, which was passed over on a temporary basis, will be

passed over for today. On page 4, HB 175, PN 188—

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

Mr. S. E. HAYES. Mr. Speaker, it is my interpretation of House rule 19-A that HB 175, PN 188, would need both a fiscal note and an actuarial study with respect to this legislation. Is that the opinion of the Chair, sir?

The SPEAKER. It is. The Speaker has personally reviewed the rules of the House, and rule 19-A, it appears to the Speaker, applies both as to a fiscal note and to an actuarial note. The Chair so rules the HB 175, PN 188, requires the addition of a fiscal note and requires an actuarial note. The Chair will not proceed further with that bill until those notes are attached.

For the information of those members who are interested in this particular piece of legislation, the Chair will refer this bill informally, but not formally recommit it, to the Appropriations Committee technicians and request that the fiscal and actuarial note be prepared immediately.

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

Mr. GEISLER. Are you speaking of HB 175, Mr. Speaker?

The SPEAKER. Yes, HB 175.

Mr. GEISLER. Mr. Caputo is on his way in. Would you hold any action until he gets on the floor, please?

The SPEAKER. There will be no action taken by the House about the bill except to pass it over.

Mr. GEISLER. I see. Okay, thank you.

The SPEAKER. What the Chair will do rather than go through the formality of recommitting, the Chair will simply request of the technicians of the Appropriations Committee that they prepare immediately the fiscal note and the actuarial note, which should be, by rule, attached to this bill. The bill, from a parliamentary point of view, is simply passed over for the day.

PARLIAMENTARY INQUIRY

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

Mr. LINCOLN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINCOLN. In the case where we have a bill as HB 175, when there is a question on rule 19-A, is that not something that the membership should decide, whether it should or should not have a fiscal note?

The SPEAKER. No. The interpretation of the rules of the House is the right of the Chair, not the right of the members. The rules of the House state specifically under rule 19-A that "No bill, except a General Appropriation bill or any amendments thereto, which may require an expenditure of Commonwealth funds or funds of any political subdivision or which may entail a loss of revenues shall be reported from committee until the Committee Chairman . . ." et cetera, et cetera. The operative words there are "which may require an expenditure of Commonwealth funds . . . of any political subdivision . . ." HB 175 mandates, instead of being in the permissive, by a mandatory "shall," that the city of Pittsburgh shall grant an annual

cost-of-living allowance. Now that "shall" means that there will be an expenditure of funds from a local political subdivision.

Under the same rule, 19(a)(5). "Any bill proposing any change relative to the Retirement System of the Commonwealth or any political sub-division thereof,"—that is one of the tests that this bill does—"funded in whole or in part out of public funds of the Commonwealth or any political sub-division,"—that is the second test that it does—"shall have attached to it an actuarial note." That is the reason the Chair has so ruled.

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.

The SPEAKER. The gentleman will state it.

Mr. CAPUTO. Before making my point, I want to apologize for being late for this session. I had intended, before consideration of HB 175, to move that the rules of the House be suspended so that we could consider it because of the particular circumstances surrounding this bill. When we get some more members in the House, I intend to ask the Chair to come back to it and I am going to move that the rules be suspended so that we can take up the bill.

The SPEAKER. The Chair would suggest to the gentleman, Mr. Caputo, that because time is not of the essence, that he delay his motion until tomorrow morning when the House will be back in full session.

Mr. CAPUTO. I have no objection to that, Mr. Speaker.

The SPEAKER. The Chair explained to Mr. Geisler, who was likewise concerned, and Mr. Ravenstahl, whose frown could be seen all the way up from the back there to the front, and Mr. Logue, too, was looking in anticipation as to what had happened; I saw the expressions—the Chair explained to the gentleman—that he was not sending the bill back to committee; he was only going to make an informal request of the technicians of the Appropriations Committee to get the actuarial note and the fiscal note ready. If in fact they cannot do so overnight, then the gentleman, Mr. Caputo, would be well within his rights to move for the suspension of the rules, and the House, if it agrees, would then be prepared to act upon this bill.

Is that satisfactorily explained to the gentleman? Is the gentleman satisfied with that?

HB 354 PASSED OVER

The SPEAKER. For the information of the members of the House, the gentleman, Mr. Pancoast, raised a question of parliamentary inquiry. Actually, it was a question on the interpretation of the constitutionality of the action on the part of the House in passing and concurring in amendments to HB 353 and the action which was about to be taken by the House in concurring in amendments to HB 354. There is a provision in the state constitution which forbids the General Assembly to pass special or local legislation, except under certain provisions. Mr. Pancoast raised the question as to whether or not these two bills may not be in violation of the state constitution, because they related to specific lakes rather than using general lan-

guage. Research has been done now by the Parliamentarian and the Parliamentarian advises the Speaker that these bills do not conflict with the state constitution. They are an exercise of the police power of the state and, therefore, they do not come under the prohibition of that particular provision of the constitution. However, because of the fact that there are only a few members present and Mr. Pancoast is not among us at this time, we will pass over HB 354 and we will retain possession of HB 353 at least until tomorrow. HB 354 is passed over for today.

STATEMENT

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Thank you, Mr. Speaker.

Mr. Speaker, the events which we have witnessed in this Capitol today are, I think, very disturbing to all of us. The fact that several hundred welfare recipients and, I presume, welfare organization workers protested today at the Capitol should be disturbing. It is disturbing to me, I guess, primarily because I have seen it happen before. Also, because I know enough about Pennsylvania's budget and the budget process to know that the trips that were taken today to the Capitol by welfare recipients and the anxieties which have been created in the minds of people who really cannot defend themselves are totally unnecessary.

I want to quote from the Journal of this House on June 27, 1977, when I said, "It appears as though we are closing in on a July 1st without a budget and should that be the case we should prepare for it, particularly in one area. I introduced a bill which would fully fund welfare recipients for the entire fiscal year 1977-78. The reason I did that is so that a large group of people who depend upon us the most will not be denied anything from their state government, should that date come, July 1st, and there be no budget.

"The significance of our fully funding public assistance in case the Governor vetoes stopgaps and/or in case we do not have a budget in time is so that a large group of people totally dependent upon us will not be used in any way as a hostage for a budget in which they are not involved and a battle on principle and philosophy in which they are not involved. I have seen it happen year after year and I wish we would end that practice. We can do it by passing that bill quickly to the Senate and have the Senate do likewise and having the Governor sign it. Only then will we keep the faith with the people who need us the most."

Now, that is the end of a quote. That was on June 27. Of course, that bill remains in the possession of the Appropriations Committee. Nothing has happened. Nor has anyone, who has more power than I in resolving this present condition, done anything about it; that is, the Governor on down.

Those people who were here protesting today were right. Some of you may not like that, but they were right. They had every right in the world to criticize this government which is letting them down unnecessarily. If they were asking for something which this House overwhelmingly would not agree that they were entitled to, that is a different question. But there is no controversy significant in this budget battle which would

deny the funding level somewhere near that which has been requested by the Governor, which the Democrats in the Senate have requested, which the Republicans in the Senate have requested, which the House Democrats have requested or which the House Republicans have requested.

This group of people should not be used in this manner which I say is cruel and, carried to an extreme, inhumane. We should fund this segment of the budget which is not controversial immediately and stop this kind of action once and for all.

For those of you who have not been involved in a budget controversy before, I would hope that you will remember what you saw today and take action that will prevent its recurrence. It does nothing more, I think, than help to perpetuate the welfare system which is not anywhere near perfect in this state or anywhere else in the country.

I think—and I am not a psychiatrist, although I like to pretend I am one—it further demoralizes people who do not like their plight but find themselves having to be dependent upon taxpayers for some length of time.

We should be operating our welfare system in such a way whereby we will give incentive and hope to people who find themselves at one time or another in their lives in this condition. To force them to perform as they had to perform today, I think is counterproductive. I would hope that we as a body can agree to that and can stop this kind of practice from ever recurring in Pennsylvania.

Now, I do not know what significance the recent Federal Court action has on this particular subject, but regardless of what significance it has, we should not, as decent politicians, ever tolerate this kind of thing happening in Pennsylvania. It does not belong; it is not our way; it is not American; it is not Democratic; it is not Republican; it is dead wrong. We have the power to stop it, and I suggest that we do stop it.

I do not like discharge resolutions. I think they fly in the face of a legislative process. But I am going to offer one. I am going to call it up, if nothing happens tomorrow or the next day. I would hope that I do not have to because it is the wrong way to legislate. But I am going to offer it anyway and if anybody wants to cosponsor it, I will have it on my desk.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Very briefly, nobody likes the situation that exists when this Commonwealth cannot fund programs such as the cash grant program in Welfare and the medical assistance program for those who are unfortunate enough to be eligible and in need of those kinds of programs by a state government. But the crisis we are in today is a crisis that perennially is before this legislature because the parties, instead of facing up to their responsibilities as legislators and honestly looking at the funding of state government, play politics with the funding of state government.

I do not want to reiterate and give a history or litany of what occurred in this House when we worked on the school subsidy formula or when we worked on amendments to the budget. Suffice it to say, the Republican Party, who has maintained a position of "no new taxes in this Commonwealth" to fund the Commonwealth's programs, voted overwhelmingly for amendments that would have added some \$24 million to a budget that al-

ready required about \$240 million in new taxes for general fund programs.

On the other side of the aisle, as long as you keep your posture of being in favor of all the programs that spend money but not in favor of the programs to raise the money, we will have crises such as we are in today.

So long as we, this party, maintain a position, when we are in the minority, of doing the same thing to the majority party at that time, we will have these kinds of crises. We have had them in the past, and each time it is the same unfortunate people who depend on the state programs who suffer.

I do have a very deep concern for the persons on welfare, but I also have a deep concern for those people who otherwise depend upon state services. I have a deep concern for those people who work for state government and who have worked 40 hours a week, and some longer, and who find no pay on payday. Many state workers and their families live from pay to pay. Some of my Representatives tell me they live from pay to pay. I have concern for them, too. I have concern, Mr. Speaker, for those people across state government who depend on the prison guards doing their job in this Commonwealth's prisons. I have concern for the people in the mental health-mental retardation institutions who depend upon our timely funding of the state budget so that those services can be delivered.

You can go down every item in the budget and I have concerns that we have not fulfilled our obligation to fund those programs on time. And I will point the finger at those members who have been irresponsible in the process; at those members who have not offered viable alternatives to the programs being put forth. I say it is one ball of wax.

We should have legitimate concern not only for those persons on welfare—we should have that concern—but we should have concern for the state workers and all persons who receive state services because they will slowly come to a halt, deteriorate, be given to people in a manner that does not befit the Commonwealth or the great citizens of this Commonwealth.

I think the sooner calmer heads—and it will happen—can sit down on both sides of this aisle and decide that this Commonwealth needs a budget and needs a budget that we all participate in the formulation of, the sooner not only the welfare workers but the state workers and all persons across this Commonwealth who depend upon the state's budget for services, vital services, will be properly served again.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. BUTERA. Mr. Speaker, the point I was raising is quite different from the comments of Mr. Manderino.

The point I am raising is that here we have one area in which there is no controversy or little controversy which can easily be rectified. I do not even know the parameters of it.

I do recall on the floor of this House there being a debate regarding the public assistance cash grant level that was in SB 770. I recall Mr. Bittle attempting to reduce it by \$6 million because the departmental figures appeared to be excessive in transferring that money to state colleges. And I recall Mr. Manderino opposing that. Then I further recall about 2 weeks later, during the Conference Committee meetings, when Mr. Man-

derino and others reduced that same appropriation by \$15 million. I remember that. I remember on the floor of the House the comments that we could not reduce the amount and then I remembered the Conference Committee reducing the amount.

Now that means there is a difference of opinion and a contradiction, but I think it can be rectified because I do not think there is anyone in this House who would consciously deny poor people from receiving help during the term that they need it.

Now, there is controversy over general government allocations which are used to pay state employes of all types. I do not know whether those differences are as easily reconciled, but in this one instance it is clear, I think, to all of us that we can accomplish what we should accomplish with virtually no controversy and no holding people hostage. That is what we are doing or that is what those of you who would adhere to that kind of a policy are doing. I wanted to call it to the attention of the members of the House and to label it as wrong.

On the overall question of a state budget, there are some very real controversies, true. Some would term them philosophical. Some would base them upon strong principles. The question there is somewhat different from that which applies to the welfare recipients. The question is whether the Governor of this state and the majority—I do not say majority party; I say majority in both Houses—which will eventually be formed are willing to live within the means of the taxpayers. That is the central question. I do not think it relates to a level of funding that we ultimately agree upon for welfare recipients, and we ought to remove that large group of people who are defenseless from the problem. That is what I say is cruel and that we should not do.

Terming anybody irresponsible is very risky because the definition of the term can be applied in so many different ways. Each of us has a definition of that word when applied to a set of circumstances. The fact of the matter is that we have never voted on a budget in this House. We have never voted this year on a budget.

Now it is pretty difficult to label us as irresponsible or for me to label you as irresponsible. I will not do it because I do not have the parameters of a budget to base my conclusion upon. I think it is wrong for anyone to do that.

When the Senate passes us a budget, we will decide on who is responsible and who is irresponsible; who has viable alternatives and who has no alternative. So far we have seen none emerge from the majority or from the minority because we have not discussed the problem on this floor. It has been in the Senate, and we all know that. We are ready to discuss something rationally, and I think you are, too. I suggest we get down to that business.

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

Mr. ITKIN. Mr. Speaker, I will be rather brief. I am at the point now where I feel that this legislature must do something. We have been for 6 weeks or beyond into a new budget year without a budget. It seems to me that the differences that exist among us are at this time irreconcilable. I do not like to see that. I do not appreciate this happening. I am concerned that if we do continue to discuss and debate this budget at length,

weeks could elapse before anything might be resolved. Consequently, in order to ensure that our basic responsibility is adhered to, and that is, providing for the operations of state government, I, today, and 25 other members of this House have introduced a discharge resolution which will be a vehicle to bring SB 250 to the floor of this House for the purpose of amendments.

The amendments that I have and that have been circulated on the floor of this House are to provide 2 months of stopgaps. These amendments are similar to the ones that were passed in July but will now extend the period from August 1 to September 30.

I regret that I feel compelled to take this action at this time. I have been very patiently waiting for some resolution of the problem. But I cannot in good conscience any longer allow state government to be stifled to allow those in need not to receive their subsistence that the Commonwealth provides. I cannot support any continued debate on this issue without at least providing for a continuity of funding for this Commonwealth. Consequently, it is my intention to call up the discharge resolution tomorrow in order that we may have SB 250 before us and we can consider stopgaps.

If something should change tonight or tomorrow morning that would lead me to believe that there is some resolution to the problem by the time this House would adjourn this week, I would reconsider my position on calling up the resolution. However, at this point, I see that there is no way out and I will call up the discharge resolution.

I would like to say this in closing: This was a very difficult decision for me to do principally because I support my majority leader in his position that the budget documents, the proposals, that were before the Senate and the Conference Report I believe, are reasonable ones and something that I could support and something that I feel are necessary for the continued well-being of this Commonwealth. On the other hand, I have a deep respect for my colleagues who feel very strongly contrary to my position. I feel that they ought to be in a position to express themselves as they feel free to do so.

Finally, before this budget can be resolved, there has to be a compromise arrived at between all parties, and that includes those on the other side of the aisle and those on my side of the aisle who have divided themselves into various factions supporting different positions and postures. I hope that we can do this soon. I hope that the Commonwealth will continue to function in a way and manner that I think it should function and a way I think we would all like to see it function.

Thank you very much.

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

Mr. GIAMMARCO. Mr. Speaker, I was in accord with the demonstration that went on today, but something upset me in my complex very much. We have a dedicated Representative in Ruth Harper. As a woman, I feel she does a good job. As a legislator, she is a dedicated one. I feel that the way she was abused, cursed and everything else, and chastised as an "Uncle Tom" because she was not in accord with three other black legislators from Philadelphia was all wrong. We had to resort to calling

the emergency number 911 to put the people out of the office.

I thought this was not right in chastising this woman, cursing her with words I have never heard or seen in the dictionary. I feel an apology from these people should be forthcoming for our legislator, Ruth Harper.

Thank you.

The SPEAKER. The Chair thanks the gentleman for bringing the situation to the attention of the Speaker. The Speaker had not heard of that particular incident but will make inquiries to see if anything can be done to rectify the situation.

The Speaker has endeavored and will continue to endeavor to maintain order as far as this legislative body is concerned regardless of the justification of the cause of the people who are so vociferous. The Speaker does not intend to have the members of the staff harassed in any degree whatsoever and the Speaker will make an inquiry as to that particular situation.

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

Mr. BITTINGER. Thank you, Mr. Speaker.

I would just like to pass some information on to the members of the House to keep in mind for whatever value it has for you. I had been advised last night and again this morning that state employes dealing with the flood disaster situation in the greater Johnstown area, the eight-county area, were being cut back.

I talked with Colonel Oran Henderson, the State Civil Defense Director, this afternoon. He confirmed that in response to a question from the media, he had announced that the state employe complement was being cut back and that he had indicated that the budget situation was involved.

Now what has happened is this: When the stopgap funding ran out, the state employes who were working in Johnstown stayed on at their own expense. Their own money is now running out. The motels and the restaurants in the greater Johnstown area, for the most part, are not accepting state vouchers because they cannot afford to operate without money either.

Colonel Henderson has confirmed that these people are now running out of their own money and the state complement is being cut back to an even greater degree than would have been the normal gearing down because of the fact that these people have not been paid, do not know when they will be paid, and cannot afford to stay there anymore using money out of their own pockets because those pockets are empty.

I am not going to make any plea at this time for a budget. I think you know where I stand on that, but I wanted you to know exactly what the situation is. Those of you who were familiar with Wilkes Barre in 1972, those of you who have been through Eloise, those of you who have been to the Johnstown area and are familiar with that situation, I hope will understand and keep it in mind. Thank you.

STATEMENT ON LEGISLATION TO BE INTRODUCED

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

Mr. REED. Mr. Speaker, would I be in order to announce a

particular piece of legislation? It is related to the budget, and I am about to introduce it and to call for additional sponsors.

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

Mr. REED. Mr. Speaker, I have here a constitutional amendment which contains provisions that are very similar to those which appear in the constitutions of several New England States, which require that the General Assembly shall adopt a budget by the end of the fiscal year, whatever that particular date may be in those respective states. Failure to do so by the members of the General Assembly will result in several things: One, the forfeiture on a permanent basis of the salary and expenses and benefits that the members would have received from the end of the fiscal year to whatever date they finally pass the operating budget. It further stipulates that the General Assembly shall remain in session continuously until the operating budget is adopted. It further provides that all meetings of conference committees and other discussions related to the budget must be open to the public. And, lastly, it provides that no other business of the General Assembly can be conducted from the end of the fiscal year until the date the operating budget is adopted, other than the budget discussion itself.

There are already a number of cosponsors on the same. It is bipartisan, and I will place it up here on the desk. Anybody else interested may certainly sign it.

Thank you.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. HASKELL. Is the Chair still considering today's calendar?

The SPEAKER. Today's calendar has been completed.

Mr. HASKELL. Thank you, Mr. Speaker.

The SPEAKER. What is there on today's calendar?

Mr. HASKELL. Mr. Speaker, I respectfully suggest that the Chair reverse its decision on HB 353 and HB 354, and that the Speaker release possession of HB 353 and reconsider his decision on HB 354, to get them off the calendar today.

The SPEAKER. The Chair will do so.

The Chair now notes the presence in the hall of the House of Dr. Pancoast who has indicated that he has heard the explanation of the Speaker and accepts that explanation.

URBAN AFFAIRS COMMITTEE MEETING

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

Mr. CAPUTO. When we recess, I do not know what time we are going to be called in, but I do want to comply with the rules.

I have called for a House Urban Affairs Committee meeting for tomorrow morning at 11:30 in room 401.

DECISION RECONSIDERED

The SPEAKER. On page 5, the Chair reconsiders its decision

to pass over HB 354, PN 1795, under bills on concurrence in Senate amendments.

CONSIDERATION OF HB 354 RESUMED

The SPEAKER. The gentleman from Erie, Mr. Dombrowski, calls up HB 354, PN 1795, on page 5 of the calendar, for concurrence in Senate amendments.

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

YEAS—181

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

NAYS—0

NOT VOTING—19

Barber	Novak	Richardson	Wiggins
Beloff	O'Brien, B.	Shelton	Williams
Berson	O'Donnell	Thomas	Zeller
Dumas	Rappaport	Valicenti	Zwilk
Fisher, D. M.	Rhodes	White	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, I would like to be recorded in the affirmative on concurrence in Senate amendments to HB 354.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair now instructs the clerk to release both HB 353 and HB 354 on concurrence in Senate amendments and to notify the Senate that the House has concurred in the amendments of both bills.

BILLS SIGNED BY SPEAKER

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

HOUSE BILL No. 353

An Act amending the act of June 19, 1953 (P. L. 279, No. 54), entitled "An act to prohibit operation of boats having a developed horsepower rating in excess of ten on Canadohta Lake in Crawford County" further providing for the use of boats with motors.

HOUSE BILL No. 354

An Act amending the act of July 3, 1963 (P. L. 185, No. 111), entitled "An act to prohibit operation of boats having a developed horsepower rating in excess of six on Sugar Lake in Crawford County" further providing for the use of boats with motors.

HOUSE BILL No. 450

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; . . ." changing the amount that may be transferred for disaster and emergency purposes and providing for disposition of federal funds for disaster assistance or relief.

Whereupon,

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

ADJOURNMENT

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

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 5:47 p.m., e.d.t.) the House adjourned.