

Legislative Journal

TUESDAY, OCTOBER 4, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 86

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Heavenly Father, Thou dost call workmen to labor in Thy vineyard from early morn until the twilight hour, and Thou dost share with them the blessing of Thy presence and protective care. We humbly pray that Thou wilt set before these stewards of Thine the tasks which Thou wouldst have them perform, and help them to know the richness of their reward as they labor in Thy kingdom. This we ask that Thy name may be glorified, Thy kingdom may come in the hearts and minds of all mankind, and Thy will may be done throughout the world. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, October 3, 1977, will be postponed until printed.

MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker announces to all members within sound of his voice to please report promptly to the floor of the House for the master roll call.

Members will proceed to vote on the master roll.

The following roll call was recorded:

YEAS—195

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

Burd	Grieco	Mrkonic	Stuban
Burns	Halverson	Mullen, M. P.	Sweet
Butera	Hamilton	Mullen, M. M.	Taddonio
Caltagirone	Harper	Musto	Taylor, E.
Caputo	Hasay	Novak	Taylor, F.
Cassidy	Haskell	Noye	Tenaglio
Cessar	Hayes, D. S.	O'Brien, B.	Thomas
Cianciulli	Hayes, S. E.	O'Brien, D.	Trello
Cimini	Helfrick	O'Connell	Valicenti
Cohen	Hoeffel	O'Donnell	Vroon
Cole	Honaman	O'Keefe	Wagner
Cowell	Hopkins	Oliver	Wansacz
Davies	Hutchinson, A.	Pancoast	Wargo
DeMedio	Hutchinson, W.	Parker	Wass
DeVerter	Itkin	Petrarca	Weidner
DeWeese	Johnson	Piccola	Wenger
DiCarlo	Jones	Pievsky	White
Dietz	Katz	Pitts	Wiggins
Dininni	Kelly	Polite	Wilson
Dombrowski	Kernick	Pott	Wilt
Donatucci	Klingaman	Pratt	Wise
Dorr	Knepper	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
Fisher, D. M.	Lincoln	Rieger	Zord
Flaherty	Livengood	Ritter	Zwikl
Foster, A.	Logue	Ruggiero	
Foster, W.	Lynch	Ryan	Irvis,
Freind	Mackowski	Salvatore	Speaker
Fryer			

NAYS—0

NOT VOTING—5

Gleeson	Rappaport	Shelton	Williams
Milanovich			

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

HOUSE BILL INTRODUCED AND REFERRED TO COMMITTEE

No. 1715 By Messrs. POTT and DiCARLO

An Act amending "The Institutional Assistance Grants Act," approved July 18, 1974 (P. L. 483, No. 174), further defining "eligible institution."

Referred to Committee on Education.

NO FURTHER LEAVES OF ABSENCE REQUESTED

The SPEAKER. The Chair recognizes the majority whip.

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

The SPEAKER. The Chair recognizes the minority ship.
Mr. RYAN. Mr. Speaker, I have no further requests for leaves of absence.

The SPEAKER. The Chair thanks the gentlemen.

BILL REPORTED FROM COMMITTEE AND TABLED

HB 1655, PN 2076 (Amended) By Mr. GALLAGHER

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, as amended, "An act creating the Pennsylvania Higher Education Assistance Agency; defining its powers and duties; *** and making appropriations," changing the powers and duties of the board.

Education.

CALENDAR

GAME AND FISHERIES BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 792, printer's No. 1963**, entitled:

An Act amending the act of December 15, 1959 (P. L. 1779, No. 673), entitled as amended "An act relating to fish frogs tadpoles and turtles; and amending revising and consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further providing for resident fishing licenses for persons 65 years of age and older and changing the license fees.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. RENWICK. Mr. Speaker, HB 792 does two things: It provides for a senior citizen's permanent license after the age of 65, and it also increases the fishing license fee from \$7.50 to \$9.00, or \$1.50 increase.

Originally the bill had a junior license also in it, and I would like to remind you that that has been taken out. There had been a number of persons who had objected to a junior license. Of course, for this reason we decided that by an amendment we would take out the junior license.

I want to remind you that the Fish Commission derives better than 80 percent of their funds from licenses, and, at the present time, the Fish Commission is running about nip and tuck with funds. They anticipate next year that, of course, they will be in the red and they are going to have to cut back programs.

Now you and I know that Pennsylvania is blessed with good fishing, good hunting, good environment, and we want to keep it that way, and the only way we are going to do it, of course, is by funds provided to the Fish Commission. I ask each and everyone of you today to support this bill in order that we in Pennsylvania will continue to be number one.

Thank you very much.

On the question recurring,
Shall the bill pass finally?

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

YEAS—160

Abraham	Gallen	Manderino	Ritter
Armstrong	Gamble	Manmiller	Ruggiero
Arthurs	Garzia	McCall	Ryan
Bellomini	Gatski	McClatchy	Scanlon
Beloff	Geesey	McGinnis	Schmitt
Bennett	Geisler	McIntyre	Scirica
Berlin	George, C.	McLane	Shuman
Berson	George, M.	Mebus	Sirianni
Bittinger	Giammarco	Meluskey	Smith, E.
Bittle	Gillette	Milanovich	Spencer
Borski	Gleeson	Miscevich	Spitz
Brandt	Goodman	Moehlmann	Stairs
Brunner	Gray	Morris	Stapleton
Burd	Greenfield	Mowery	Stewart
Burns	Greenleaf	Mrkonic	Stuban
Butera	Grieco	Mullen, M. P.	Sweet
Caltagirone	Halverson	Mullen, M. M.	Taddonio
Caputo	Hamilton	Novak	Taylor, E.
Cassidy	Harper	Noye	Taylor, F.
Cessar	Haskell	O'Brien, B.	Tenaglio
Cianciulli	Hayes, D. S.	O'Brien, D.	Trello
Cimini	Hayes, S. E.	O'Connell	Valicenti
Cohen	Hoeffel	O'Donnell	Vroon
Cowell	Honaman	O'Keefe	Weidner
Davies	Hopkins	Oliver	Wenger
DeMedio	Hutchinson, A.	Pancoast	White
DeWeese	Johnson	Parker	Wiggins
Dietz	Jones	Petrarca	Wilson
Dininni	Katz	Pievsky	Wilt
Donatucci	Kelly	Polite	Wise
Dorr	Knepper	Pott	Wright, D.
Doyle	Kolter	Pratt	Wright, J. L.
Duffy	Kowalyszyn	Prendergast	Yahner
Englehart	Letterman	Pyles	Yohn
Fee	Levi	Ravenstahl	Zearfoss
Fisher, D. M.	Lincoln	Reed	Zeller
Flaherty	Livengood	Renwick	Zwilk
Foster, A.	Logue	Rhodes	
Foster, W.	Lynch	Richardson	Irvis,
Freind	Mackowski	Rieger	Speaker
Gallagher	Madigan		

NAYS—33

Anderson	Helfrick	Musto	Smith, L.
Brown	Itkin	Piccola	Thomas
Cole	Kernick	Pitts	Wagner
DeVerter	Klingaman	Salvatore	Wansacz
DiCarlo	Laughlin	Scheaffer	Wargo
Dombrowski	Lehr	Schweder	Wass
Fischer, R. R.	Miller	Seltzer	Zitterman
Fryer	Milliron	Shupnik	Zord
Hasay			

NOT VOTING—7

Barber	Goebel	Rappaport	Williams
Dumas	Hutchinson, W.	Shelton	

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

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. LEHR. Mr. Speaker, I voted in error on HB 792. I wish to be recorded as voting "yea."

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

The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson. For what purpose does the gentleman rise?

Mr. W. D. HUTCHINSON. Mr. Speaker, I was out of my seat during the vote on HB 792. Had I been in my seat, I would have voted "no." I would like to be recorded in the negative.

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

The Chair recognizes the gentleman from Snyder, Mr. Thomas. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. THOMAS. Mr. Speaker, I voted in error on HB 792, PN 1963. I wish to be recorded in the affirmative.

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

FINANCE BILL ON THIRD CONSIDERATION

Agreeable to order.

The House proceeded to third consideration of **House bill No. 559, printer's No. 608**, entitled:

An Act amending the "Second Class County Code" approved July 28, 1953 (P. L. 723, No. 230), providing for a hotel room rental tax.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. KNEPPER. I wonder if we might temporarily pass over the bill. I just discovered that one of my amendments has not been distributed to the members. It is in the process of being distributed now.

HB 559 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recants on its announcement that the House has agreed to the bill on third consideration. The bill will be passed over temporarily.

CONSUMER AFFAIRS BILL ON THIRD CONSIDERATION

Agreeable to order.

The House proceeded to third consideration of **House bill No. 1125, printer's No. 1331**, entitled:

An Act amending the act of March 31, 1937 (P. L. 160, No. 43), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; *** and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Penn-

sylvania" further providing for the appointment of members to the commission.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I had intended to make a few remarks on this bill. I wonder if I might have the chance to do that.

The SPEAKER. The Clerk will strike the vote.

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, my remarks are brief.

It is the opinion of many of us that it would be a mistake at this time to change the system as we have had it over the years, whereby confirmation of members of the Public Utility Commission should be reduced to a simple majority from the present two-thirds.

The other portion of my remarks are directed to only those members in their seats voting on this particular bill. We consider it extremely important and would want a slow roll call on it.

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

Mr. ZELLER. Mr. Speaker, I agree that only those members in their seats should vote. I think this is great. I think that Mr. Ryan should also check his own side of the aisle, too, in that regard and in regard to the "no" votes which seem to be the reason for his rising to the mike in regard to the votes that we had. He was not alarmed until that happened.

The point that I want to bring out is that he says it will be a mistake to change now.

One of the problems that we have and have had in the past with this two-thirds bit is the wheeling and dealing that goes on behind the scenes in order to buy votes. Since the opposition party is in the minority, this makes for that kind of an operation. It happens on both sides. I am not spanking Republicans or Democrats. It happens on both sides to whomever happens to have a majority.

I think the time is right right now. Let us work on, instead of having these wheeling and dealing deals going on over there in the Senate or in the PUC, let us now say that, the majority rules, the simple majority rules, and, therefore, the party in power, naturally—if we object under leadership, we can object, as I have done and as he has done, but the majority—shall be the ruling party. That is the way it is. I have to agree to that. So I say, now the time is right to stop this wheeling and dealing at the cost of tremendously increasing the budgets of our state with that kind of an operation.

I respect Mr. Ryan's views and I respect the views of both sides. All I say is this: The time is right now to stop the deals going on behind the scenes in order to get the votes. I say, let us have a simple majority. And I was very proud to see the votes that were up there.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I am not sure that I correctly heard the gentleman, Mr. Zeller. I am not going to ask the House to wait for the reporters to read it back. Maybe the Speaker could advise me whether I heard the gentleman make some remarks to the effect of buying votes for confirmation. Did I hear something to that effect?

Mr. Zeller indicates that I did hear him say something about buying votes, and I would like to interrogate him.

The SPEAKER. The gentleman, Mr. Zeller, indicates that he will stand for interrogation. The gentleman, Mr. Ryan, may proceed.

Mr. ZELLER. It is a real pleasure.

Mr. RYAN. Mr. Speaker, would you advise us as to what your remarks were directed to or to whom they were directed when you said that votes were bought. I honestly did not hear exactly what you said other than "buying votes." I do not know whether I am taking that out of context or not.

Mr. ZELLER. No, you heard me right, Mr. Speaker, because of the fact—and let me complete it because you, being a lawyer, try to twist things around, and you are very good at it—

Mr. RYAN. I am not trying to change anything around. You used the words "buying votes." Let us hear what it is all about.

Mr. ZELLER. Please, let me complete my statement, Mr. Lawyer, and then you will have your chance. Let me complete it first.

The thing is, this is a term used in regard to the deals that are made in that body and all bodies in regard to getting a vote. We use that term and it is always used in that sense loosely. As far as the buying is concerned, we will find out who and what and when. That has been published in newspapers; it has been published in publications. You know it and I know it. The only reason why you are bringing it out now is in a cute remark because you happen to be on TV and you want to make political sense out of it. That is all you want to do.

Mr. RYAN. I would respectfully request that the TV cameras stay on Mr. Zeller because he likes it so much. Then I would ask him to give the people of the Commonwealth, while he is on television, evidence of this so-called buying of votes and if in fact it is true, to say it over the public television so that district attorneys of the various counties of this Commonwealth are given the same benefit of the knowledge that you have and they can go out and do their duty and indict people who buy votes. That is the challenge I put to you, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I think the record will show that one week—

Mr. RYAN. I do not want the record to show; I want Mr. Zeller to show what he has said. Put up or shut up, Mr. Zeller, with your "buying of votes."

The SPEAKER. Mr. Ryan, allow the gentleman to answer your question.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, you know as well as I do that one week we see public officials on the front page of Time Magazine and the next week they are doing time. The records show that this is what has been going on. I do not have to draw a picture for you. This has been the record in the past. As a matter of fact, you

have said so yourself right here on the floor of the House, and it has happened on both sides.

So we will meet each one of these crises as we did during a recent investigation where an individual did resign from this House of Representatives. We also have a condition existing right now over in the Senate.

As far as I am concerned, I do not have to answer to you, Mr. Ryan, in regard to your interrogation. I am very capable of answering to the public, and the public knows this. We will meet each one of those crises at that time when that arises. Okay?

Mr. RYAN. That is fine.

Mr. Speaker, may I make a few remarks?

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, I accept Mr. Zeller's explanation of buying votes as simply a statement, I guess, that refers—and I am guessing this—to exchanging favors and the like rather than exchanging money in order to get votes for a particular candidate who is seeking to be confirmed by the Senate.

If, in fact, Mr. Zeller is concerned—and I have no reason to believe that he is not concerned—about goings-on like that, if in fact they are going on, I suggest to Mr. Zeller that if the thing to be condemned is the "buying of votes" in the nonmonetary sense, we should make it more expensive; that is, have more people to convince that a given candidate should or should not be confirmed by the Senate and make it a more dear price that is paid so that two-thirds of the Senate must be convinced that a given person who is up for confirmation as a member of the cabinet or a member of an important board or commission, such as the PUC, should be confirmed. It is more difficult to get two-thirds of the people to accept a candidate. That candidate, that nominee for the PUC, in this case, must be more qualified because his proponent has that many more people to convince that he will be a worthwhile member of the PUC. It is for this very reason that the influence of a few is not as important when it requires two-thirds. It is the influence of many that is required to get a man confirmed by the State Senate when two-thirds is required for that confirmation.

It is for these very reasons that I suggest to this House that it is a mistake to reduce the requirements from two-thirds to a simple majority when we are talking about people who are really going to be representing all of the people of the Commonwealth in the setting of utility rates, for example, and in the setting of all the other rates that are controlled by the public utilities — your telephone bills, your train schedules, I suppose, and on and on and on. These people should be above suspicion, and the best way of doing that is by having them subjected to the examination and cross-examination of the most members of the Senate who are required to confirm them to that job. I suggest that two-thirds is a much greater safeguard than a simple majority, and for that reason I would oppose this bill.

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

Mr. PYLES. Mr. Speaker, I would like to remind my colleagues in the House that just two sessions ago the Senate made a very thorough study of the advice-and-consent procedure provided in our constitution. As a result, their proposal, which we

adopted and the electorate of this state adopted last session, reduced the number of appointees who required a two-thirds vote from over 1,600 to, if my memory serves me correctly, only 194. All the rest of the appointees were changed to a simple majority of the Senate. During that study, that very thorough study, made by the Senate, when they looked at the appointees to the five-member Public Utility Commission, it was their judgment, after giving it deep thought, that a two-thirds majority was still needed.

Now you may wonder why they thought that two-thirds was the proper advice-and-consent majority for the PUC commissioners. We must remember, and I would like to remind my colleagues, that the Public Utility Commission basically is an extension of the arm of the General Assembly. It is not an executive branch. In 1937 when it was established, it was well known that it was an extension and arm of the legislative branch. Keeping that in mind and reminding you that their term is 10 years—not a 2-year term, not a 4-year term, not a 6-year term, but a 10-year term—I believe that the Senate made a wise decision in requiring it the two-thirds vote. I simply say this because I believe that we should keep that same procedure.

Thank you.

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

Mr. ARTHURS. Mr. Speaker, each time that reducing the percentage of votes that it takes for a confirmation has been offered on this floor, I have risen in opposition to that. I am sure that I am going to be labeled as being a utility man now, but the way that I want to look about it is that I want stronger government.

This idea of saying that people can be influenced is absolutely true. But common sense tells me that a few people can be influenced much easier than a greater number of people can be influenced. I think that is just used politically whether it be Democrat or whether it be Republican.

The system for many, many, many years of having two-thirds confirmation has worked very well in Pennsylvania. I feel now just because there are people who are presented before the Senate who have a hard time getting confirmed does not mean that the system is breaking down. I think what it is saying is that the system is working.

I agree with, I believe it was, Mr. Ryan, who said that anyone who is brought up before the Senate for confirmation should be a strong enough individual, their scruples should be high enough and their ability should be great enough so that they would be able to receive a two-thirds vote. I think anytime in a confirmation that we reduce this to a simple majority, we are weakening our form of government in Pennsylvania. I would like to have my colleagues think strongly about this and I would ask for a negative vote on this bill.

Thank you.

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

Mr. A. C. FOSTER. Mr. Speaker, I rise in support of HB 1125 and I do so for one very basic reason. I think that only very rarely does either party in this body enjoy a two-thirds major-

ity in either chamber. Therefore, to provide for a two-thirds vote for a nominee, to me, lends itself to a lot of political game playing and partisanship. I would like to see that eliminated. I think a simple majority is sufficient for such confirmation. I would urge an affirmative vote on the bill.

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

Mr. BROWN. I can understand and sympathize with Mr. Ryan and some others who have questions about a two-thirds versus a simple majority confirmation rule. I would like to say that the first time I came to Harrisburg as a citizen it was to deliver thousands of petitions in support of Herb Denenberg for membership on the PUC. If we would have had a simple majority in the Senate, Mr. Denenberg would be there now fighting for the consumers in Pennsylvania. Whether you think good or bad of Mr. Denenberg, in a case such as that, you must realize that it becomes more efficient for those in the minority to stop such an appointment as Mr. Denenberg's. It becomes cheaper for them, not more expensive.

So what I am saying is, if you can remember the one statement that credibility, I believe, and integrity should equal a two-thirds vote in the Senate and that a person seeking appointment should be able to get two-thirds on his or her integrity, well, no matter what you think of Herb Denenberg, I think his integrity was without question and he could not get the two-thirds vote.

And when Mr. Zeller said, "buy" an appointment, perhaps he means, and in my mind I mean, that you get favors, you are told to behave and if you do not behave, as Mr. Denenberg was told, you do not get the two-thirds. So for those of you who want more input in the way of citizen input, a consumer advocate on any of the boards that still require two-thirds by the Senate, remember Herb Denenberg and remember how the Senate treated his integrity and dignity.

Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would rise to speak in favor of HB 1125, and I would like to comment about a couple of the remarks made in opposition to this legislation.

First of all, somebody has suggested that this is an arm of the legislature, and, in fact, that is correct — it is our arm. And I think that is an argument why this particular piece of legislation ought to pass.

We do not take two-thirds to decide who the Speaker of the House is going to be. We will not take two-thirds today to pass this legislation. A majority does prevail. And I believe that as we establish the men and women who will function in this particular arm of the legislature, a majority should once again be able to prevail, and that would be provided if we adopt this legislation.

Secondly, some people have remarked that it is easier to convince a few people, and that is correct. The situation that has worked in the past is that it has been easy to convince relatively few, that is, one-third of the Senate, to stand in the

way of good nominees, to stand in the way of somebody who might truly have spoken out on behalf of consumers, to stand in the way of somebody who might in the past have been critical of those who were to be regulated.

I think we need to change that situation where that relative few can stand in the way, can act as obstructionists and can create a situation where a body like the PUC goes literally for months and months and months without full staffing. They have experienced that kind of situation. During those months when they did not have full membership, much of their work came to a halt. So I would urge that we adopt this legislation today.

Thank you.

The SPEAKER. The request of the gentleman, Mr. Ryan, is that only those members physically present in their seats be recorded, and that is the rule of the House.

On the question recurring,
Shall the bill pass finally?
(Members proceeded to vote)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority whip.
Mr. RYAN. Mr. Mullen?
The SPEAKER. Is the gentleman, Mr. Mullen, in the hall of the House?

Mr. RYAN. Both Mullens.
The SPEAKER. Strike the gentleman's vote from the board.
Is the gentleman, Mr. Mike Mullen, in the hall of the House?
Strike the gentleman's vote from the board.

Mr. RYAN. Ravenstahl? Mr. Ravenstahl?
The SPEAKER. Mr. Ravenstahl's vote has been challenged.
Is the gentleman in the hall of the House? Take the gentleman's vote off the board.

Any other challenges?
Mr. RYAN. No.

On the question recurring,
Shall the bill pass finally?

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

YEAS—95

Abraham	Fryer	Manderino	Scanlon
Barber	Gallagher	McCall	Schmitt
Beloff	Gamble	McLane	Schweder
Bennett	Garzia	Meluskey	Shupnik
Berlin	Gatski	Milliron	Stapleton
Berson	Geisler	Miscevich	Stewart
Bittinger	George, C.	Morris	Stuban
Borski	George, M.	Mrkonic	Sweet
Brown	Giammarco	Musto	Taylor, F.
Brunner	Goodman	Novak	Trello
Caltagirone	Gray	O'Brien, B.	Valicenti
Caputo	Greenfield	O'Donnell	Wansacz
Cassidy	Harper	O'Keefe	Wargo
Cianciulli	Hoeffel	Oliver	White
Cole	Hutchinson, A.	Petrarca	Wiggins
Cowell	Itkin	Pievsky	Wise
DeMedio	Jones	Pratt	Wright, J. L.
DeWeese	Kelly	Prendergast	Yahner
DiCarlo	Kolter	Renwick	Zeller
Dombrowski	Kowalyszyn	Rhodes	Zitterman

Duffy	Laughlin	Richardson	Zwikl
Englehart	Letterman	Rieger	
Fee	Livengood	Ritter	Irvis,
Flaherty	Logue	Ruggiero	Speaker
Foster, A.			

NAYS—86

Anderson	Greenleaf	McGinnis	Sirianni
Armstrong	Grieco	Mebus	Smith, E.
Arthurs	Halverson	Miller	Smith, L.
Brandt	Hamilton	Moehlmann	Spencer
Burd	Hasay	Mowery	Spitz
Burns	Haskell	Noye	Stairs
Butera	Hayes, D. S.	O'Brien, D.	Taddonio
Cessar	Hayes, S. E.	O'Connell	Taylor, E.
Cimini	Honaman	Pancoast	Tenaglio
Davies	Hopkins	Parker	Thomas
DeVerter	Hutchinson, W.	Piccola	Vroon
Dietz	Kernick	Pitts	Wagner
Dorr	Klingaman	Polite	Wass
Doyle	Knepper	Pott	Weidner
Fischer, R. R.	Lehr	Pyles	Wenger
Fisher, D. M.	Levi	Ryan	Wilson
Foster, W.	Lincoln	Salvatore	Wilt
Freind	Lynch	Scheaffer	Wright, D.
Gallen	Mackowski	Scirica	Yohn
Geesey	Madigan	Seltzer	Zearfoss
Gillette	Manmiller	Shuman	Zord
Goebel	McClatchy		

NOT VOTING—19

Bellomini	Dumas	McIntyre	Ravenstahl
Bittle	Gleeson	Milanovich	Reed
Cohen	Helfrick	Mullen, M. P.	Shelton
Dininni	Johnson	Mullen, M. M.	Williams
Donatucci	Katz	Rappaport	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

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

Mr. ZELLER. Mr. Speaker, I am not challenging the votes, but if I wanted to, I see several I could mention, with all respect, who are not here for the "no" votes. I am saying that Mr. Ryan did not do a very good job of his homemaking.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. REED. Mr. Speaker, I was out of my seat when we were voting on HB 1125. I would like the record to reflect that if I were in my seat at the time we took the vote, I would have voted in the negative.

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

FINANCE BILL ON THIRD CONSIDERATION

Agreeable to order,

The House resumed consideration of **House bill No. 559, printer's No. 608**, entitled:

An Act amending the "Second Class County Code" approved

July 28, 1953 (P. L. 723, No. 230), providing for a hotel room rental tax.

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. TADDONIO offered the following amendment:

Amend Sec. 1 (Sec. 1970.2), page 3, line 30; page 4, line 1, by striking out "or not less than one per centum (1%) nor more than two per centum (2%)" and inserting not to exceed one per centum (1%)

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

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

Mr. CAPUTO. After the explanation of the amendment, Mr. Speaker, I was going to indicate that it is an agreed-to amendment.

The SPEAKER. The amendment has been agreed to.

On the question recurring,
Will the House agree to the amendment?
Amendment was agreed to.

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

Mr. RITTER. Mr. Speaker, I realize that Allegheny County may have very well agreed to the Taddonio amendment, but ultimately what happens is that some of those bills affect other counties. I would like to have at least an explanation of what the Taddonio amendment does to the bill, please.

The SPEAKER. Does the gentleman wish us to strike the vote from the record as to the agreement on the amendment prior to the explanation? Mr. Ritter, do you wish that we strike the announcement of the Chair that the amendment was agreed to and adopted?

Mr. RITTER. Yes, Mr. Speaker, so we can at least have a brief explanation of what the amendment does.

The SPEAKER. But does the gentleman wish us to strike from the record the agreement on the adoption of the amendment?

Mr. RITTER. Yes, Mr. Speaker, I do.

DECISION ON AMENDMENT REVERSED

The SPEAKER. The Chair strikes, then, the statement that the amendment has been agreed to and adopted, and the question recurs, Will the House agree to the amendment?

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

Mr. TADDONIO. Mr. Speaker, this amendment simply changes the maximum rate of tax that might be levied on the motels from 2 percent to 1 percent.

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

The following roll call was recorded:

YEAS—184

Abraham Gallagher Madigan Scheaffer

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

NAYS—2

Miscevich Valicenti

NOT VOTING—14

Bellomini	Harper	O'Donnell	Shelton
Beloff	Lynch	Rappaport	Shuman
Freind	Milanovich	Ravenstahl	Williams
Gleeson	Mullen, M. P.		

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. FREIND. Mr. Speaker, on the Taddonio amendment to HB 559, I was not in my seat. Had I been in my seat, I would have voted in the affirmative.

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

On the question,

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

Mr. KNEPPER offered the following amendment:

Amend Sec. 1 (Sec. 1970.2), page 5, line 9, by inserting after "year" where it appears the second time until December 31, 1983, at which time such provisions shall terminate

On the question,

Will the House agree to the amendment?

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

Mr. KNEPPER. Mr. Speaker, this particular amendment probably could be quite simply referred to as the "sunset" amendment. In its simplest terms what it does is allow a period of 6 years for this law to be in effect, and at the conclusion of December 31, 1983, the right of the county commissioners to impose this tax would expire unless the legislature so granted an extension.

My purpose on this is twofold. There has been some concern in Allegheny County between the suburban and the urban motel and hotel operators about the need for such a tax. The purpose of the tax, according to a study by the Pennsylvania Economy League and promoters of the convention center, is to allow the initial start-up period of the convention center, which we all recognize will be a period of deficit, to have some additional funds to promote the center and to provide furnishings which are not included in the original appropriation for the center.

Hopefully, when the center is in operation—this is projected to be approximately 1980—we will have a period of 3 years in which the tax will still be in effect and which will allow the management of the center to, hopefully get a grasp on the deficit. At that point the need for new furnishings will not exist any longer, and at that time the initial promotional efforts will not be as severe. Hopefully, through the adoption of this amendment, which I hope you will support me on today, we will inspire a little more efficient and better management of the center, and, hopefully, we will cause the legislature and the people who will be operating the center, the motel and hotel industry of western Pennsylvania to reexamine their position at that time and see if in fact it is necessary to continue the tax.

Quite honestly, inasmuch as the tax is estimated to bring in approximately one-half million dollars at this particular time and, of course, once the convention center is completed, there will probably be additional rooms and, hopefully, additional room rentals which would increase the take, if we are to follow and give credence to the Economy League's study, indicating that the deficit will drop perhaps as low as \$300,000 a year by then, we should see at that point an excess of funds generated by this tax.

I am simply saying that I hope you will support the legislation. I hope you will support it with this provision that will allow all of us the opportunity to reexamine the operation.

At the end of 6 years, if there is a need that can be justified

for additional taxation, then I would be the first to say that it ought to be continued. But let us get a handle on the cost initially. These convention centers have a way of running away with expenses and perhaps this might inspire them to be a little tighter with the buck and make it a successful financial operation.

I respectfully request your support for this amendment.

Thank you, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, I rise in opposition to the amendment. May I say, preliminarily, that I think Mr. Knepper's figures are based on the bill as originally proposed, that is, at a 2-percent tax. The figures at a 1-percent maximum tax will bring in about \$200,000 originally.

In addition to that, Mr. Speaker, I would like to call to the attention of the House that this bill merely authorizes the county commissioners to pass an ordinance levying the tax we are talking about.

Although the bill indicates that this tax will go on from year to year, it also indicates that the revenue derived therefrom shall be used to offset the entire operating deficit.

Now we all recognize that county commissioners, like us, are public servants and political animals. I am certain that the county commissioners who are sitting in the county commissioners' offices at anytime that this particular tax becomes profitable—by that I mean that it more than funds the need of the authority—I am sure that they will pass the legislation terminating the tax.

In addition to that, Mr. Speaker, over a period of years there will be anticipated revenue which will, in effect, permit the authority to borrow money when necessary because they will be able to determine whether or not they can pay back their loans. With the termination date in this legislation, it could affect any financing or borrowing that they might see necessary to secure.

For that reason, Mr. Speaker, and because this is a home rule thing, I ask that the amendment be defeated.

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

Mr. KNEPPER. I would like to interrogate Representative Caputo, please?

The SPEAKER. The gentleman from Allegheny, Mr. Caputo, indicates that he will stand for interrogation. The gentleman, Mr. Knepper, may proceed.

Mr. KNEPPER. Mr. Speaker, I just wanted to clear up one point where there seems to be some conflict, and that is, the amount of funds that would be generated by this 1-percent tax. Did I understand you to say \$200,000?

Mr. CAPUTO. That is correct, Mr. Speaker.

Mr. KNEPPER. What was the source of your projections?

Mr. CAPUTO. A study made by the county commissioners which was relayed to me this morning at breakfast, Mr. Speaker.

Mr. KNEPPER. Thank you, Mr. Speaker.

I would like to point out to my fellow colleagues that the

Urban Affairs Committee held hearings in Pittsburgh on this particular issue earlier this year. At that time we heard testimony from many sources among which was, of course, the Pennsylvania Economy League with which we are all familiar and have a great respect for their figures. They had indicated, and they thought it was modest, that the tax of 1 percent would generate \$500,000 per year. As you can see, by 1983, with those projections rising and the deficit coming down to around \$300,000 a year based on their projections, we would have a surplus of several hundred thousand dollars a year.

Now maybe you have more confidence in other elected officials or some other elected officials than I have, but I have always been under the impression that once taxes were imposed, it was difficult to have them removed or even reconsidered. It would just seem to me that we would be doing the county commissioners, whoever they might be in 1983, a great service by relieving them of the burden of having to make a judgment on these taxes.

If you support this amendment, all of us will have that opportunity and perhaps set a good "sunset" pattern for future legislation in the Commonwealth. I ask for an "aye" vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, for the second time on this question, the gentleman from Allegheny, Mr. Caputo.

Mr. CAPUTO. Mr. Speaker, I can only say that in the event this tax brings in more than is necessary and the county commissioners continue to impose the tax, under the terms of this bill any citizen of Allegheny County could bring a suit to stop it, because the specific reasons for the imposition of the tax are contained in the legislation.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—101

Anderson	Greenleaf	Mebus	Smith, L.
Armstrong	Grieco	Meluskey	Spencer
Arthurs	Halverson	Miller	Spitz
Bittle	Hamilton	Moehlmann	Stairs
Brown	Hasay	Morris	Stapleton
Burd	Haskell	Mowery	Stuban
Burns	Hayes, D. S.	Mrkonic	Taddonio
Butera	Hayes, S. E.	Noye	Taylor, F.
Caltagirone	Helfrick	O'Brien, D.	Taylor, F.
Cessar	Hoeffel	O'Connell	Thomas
Cimini	Honaman	Pancoast	Vroon
Cowell	Hopkins	Parker	Wagner
Davies	Hutchinson, W.	Piccola	Wass
DeVertter	Katz	Pitts	Weidner
Dietz	Klingaman	Polite	Wenger
Dininni	Knepper	Pott	Wilson
Dorr	Kowalyszyn	Pyles	Wilt
Doyle	Laughlin	Ritter	Wise
Fischer, R. R.	Levi	Ryan	Wright, D.
Fisher, D. M.	Lynch	Salvatore	Wright, J. L.
Foster, A.	Mackowski	Scheaffer	Yohn
Foster, W.	Madigan	Scirica	Zearfoss
Freind	Manmiller	Shuman	Zeller
Fryer	McClatchy	Sirianni	Zord
Gallen	McGinnis	Smith, E.	Zwikl
Goebel			

NAYS—89

Abraham	Flaherty	Lincoln	Rhodes
Barber	Gallagher	Livengood	Richardson
Bellomini	Gamble	Logue	Rieger
Bennett	Garzia	Manderino	Ruggiero
Berlin	Gatski	McCall	Scanlon
Berson	Geesey	McIntyre	Schmitt
Bittinger	Geisler	McLane	Schweder
Borski	George, C.	Milliron	Shupnik
Brandt	George, M.	Miscevich	Stewart
Brunner	Giammarco	Mullen, M. M.	Sweet
Caputo	Gillette	Musto	Tenaglio
Cassidy	Goodman	Novak	Trello
Cianciulli	Gray	O'Brien, B.	Valicenti
Cohen	Greenfield	O'Donnell	Wansacz
Cole	Hutchinson, A.	O'Keefe	Wargo
DeWeese	Itkin	Oliver	White
DiCarlo	Johnson	Petrarca	Wiggins
Dombrowski	Jones	Pievsky	Yahner
Donatucci	Kelly	Pratt	Zitterman
Duffy	Kernick	Prendergast	
Dumas	Kolter	Ravenstahl	Irvis,
Engiehart	Lehr	Reed	Speaker
Fee	Letterman	Renwick	

NOT VOTING—10

Beloff	Harper	Rappaport	Shelton
DeMedio	Milanovich	Seltzer	Williams
Gleeson	Mullen, M. P.		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. FRYER. Mr. Speaker, will the prime sponsor, Mr. Caputo, stand for interrogation?

The SPEAKER. The gentleman from Allegheny, Mr. Caputo, indicates that he will so stand. The gentleman, Mr. Fryer, is in order and may proceed.

Mr. FRYER. Mr. Speaker, would the gentleman inform me if this bill includes counties of the second class A?

Mr. CAPUTO. It does not, Mr. Speaker.

Mr. FRYER. Mr. Speaker, I would call the gentleman's attention to the fact that HB 559 amends Public Law 723, which is an act relating to counties of the second class and second class A, as in the heading on HB 559.

Mr. CAPUTO. That is the title of the act that is being amended, but the amendment refers only to second class counties.

Mr. FRYER. Could the gentleman tell me what portion of the bill relates to that?

Mr. CAPUTO. Page 3, line 29, "The county commissioners in each county of the second class are hereby authorized to impose . . ."

Mr. FRYER. I thank the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—163

Abraham	Freind	Logue	Scanlon
Armstrong	Fryer	Lynch	Schmitt
Arthurs	Gallagher	Mackowski	Schweder
Barber	Gallen	Manderino	Scirica
Bellomini	Garzia	Manmiller	Shupnik
Beloff	Gatski	McCall	Smith, E.
Berlin	Geisler	McClatchy	Smith, L.
Berson	George, C.	McGinnis	Spencer
Bittinger	George, M.	McIntyre	Spitz
Bittle	Giammarco	McLane	Stairs
Borski	Gillette	Mebus	Stapleton
Brandt	Goodman	Meluskey	Stewart
Brown	Gray	Miller	Stuban
Brunner	Greenfield	Milliron	Sweet
Burd	Greenleaf	Morris	Taddonio
Burns	Grieco	Mowery	Taylor, F.
Butera	Halverson	Mullen, M. M.	Tenaglio
Caputo	Hamilton	Musto	Thomas
Cassidy	Harper	Novak	Trello
Cessar	Haskell	O'Brien, B.	Vroon
Cianciulli	Hayes, D. S.	O'Brien, D.	Wagner
Cimini	Hayes, S. E.	O'Connell	Wansacz
Cohen	Helfrick	O'Donnell	Wargo
Cole	Hoeffel	O'Keefe	Wass
Cowell	Honaman	Oliver	Wenger
Davies	Hutchinson, A.	Parker	White
DeMedio	Itkin	Petrarca	Wiggins
DeWeese	Johnson	Pievsky	Wilson
DiCarlo	Jones	Pott	Wilt
Dininni	Katz	Pratt	Wise
Dombrowski	Kelly	Prendergast	Wright, D.
Donatucci	Kernick	Pyles	Wright, J. L.
Dorr	Knepper	Ravenstahl	Yahner
Doyle	Kolter	Reed	Yohn
Duffy	Kowalyshyn	Renwick	Zearfoss
Dumas	Laughlin	Richardson	Zitterman
Englehart	Lehr	Rieger	Zord
Fee	Letterman	Ritter	Zwinkl
Fischer, R. R.	Levi	Ruggiero	
Fisher, D. M.	Lincoln	Ryan	Irvis,
Flaherty	Livengood	Salvatore	Speaker
Foster, A.			

NAYS—29

Anderson	Goebel	Moehlmann	Scheaffer
Bennett	Hasay	Mrkonic	Shuman
Caltagirone	Hopkins	Noye	Sirianni
DeVertter	Hutchinson, W.	Pancoast	Taylor, E.
Dietz	Klingaman	Piccola	Valicenti
Foster, W.	Madigan	Pitts	Weidner
Gamble	Miscevich	Polite	Zeller
Geesey			

NOT VOTING—8

Gleeson	Mullen, M. P.	Rhodes	Shelton
Milanovich	Rappaport	Seltzer	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.

ANNOUNCEMENTS

HEALTH AND WELFARE COMMITTEE MEETING CANCELED

The SPEAKER. The Chair announces that the meeting of the Committee on Health and Welfare scheduled for Thursday, October 6, at 9:30 a.m. has been canceled.

LOCAL GOVERNMENT SUBCOMMITTEE ON ASSESSMENTS MEETING

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. Livengood.

Mr. LIVENGOOD. Mr. Speaker, I would like to announce a meeting of the Local Government Subcommittee on Assessments tomorrow morning at 11:30 in room 115A.

LABOR RELATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Valicenti, who wishes to announce a Labor Relations Committee meeting.

Mr. VALICENTI. We will have a Labor Relations Committee meeting following the break here in the Appropriations Committee conference room, room 246, I believe. It will only be for about 15 or 20 minutes.

I would like everybody to come there as soon as possible because we have some people who are going to speak on a couple bills.

We will knock it off in a hurry, as usual. You know the way the Labor Committee is.

Thank you.

FINANCE COMMITTEE AND RULES COMMITTEE MEETINGS

The SPEAKER. The Chair announces that on the declaration of the recess, which will come very shortly now, there will be a Finance Committee meeting in the majority caucus room and there will be a meeting of the Rules Committee in the office of the majority leader.

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

Mr. TENAGLIO. I thought we were going to adjourn.

The SPEAKER. No; we are not ready for the adjournment. Do not rush things quite that fast. We are going to recess for the purpose of lunch and we have several other votes after that.

RECESS

The SPEAKER. This House will stand in recess for purposes of lunch and meetings until 1 p.m.

AFTER RECESS

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

CALENDAR

URBAN AFFAIRS BILLS ON THIRD CONSIDERATION

Agreeable to order,
The House proceeded to third consideration of **House bill No. 1187, printer's No. 1399**, entitled:

An Act amending the "Second Class County Code" approved July 28, 1953 (P. L. 723, No. 230), changing the manner in which certain bids are opened.

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—116

Abraham	Fisher, D. M.	Livengood	Rieger
Arthurs	Flaherty	Logue	Ritter
Barber	Gallagher	Manderino	Ruggiero
Bellomini	Gamble	McCall	Schmitt
Bennett	Garzia	McClatchy	Schweder
Berlin	Gatski	McIntyre	Shupnik
Berson	Geisler	McLane	Stairs
Bittinger	George, C.	Meluskey	Stapleton
Borski	George, M.	Milliron	Stewart
Brandt	Giammarco	Miscevich	Sweet
Brown	Gillette	Morris	Taddonio
Brunner	Gleeson	Mrkonic	Taylor, F.
Burd	Goodman	Mullen, M. P.	Tenaglio
Butera	Gray	Mullen, M. M.	Trello
Caputo	Greenfield	Musto	Valicenti
Cassidy	Greenleaf	Novak	Wansacz
Cessar	Harper	O'Brien, B.	Wargo
Cianciulli	Hayes, D. S.	O'Keefe	White
Cohen	Hoeffel	Oliver	Wiggins
Cole	Hutchinson, A.	Parker	Wilt
Cowell	Itkin	Petrarca	Wise
DeMedio	Johnson	Pievskey	Wright, D.
DeWeese	Jones	Pott	Yahner
DiCarlo	Kernick	Pratt	Zitterman
Donatucci	Knepper	Prendergast	Zord
Doyle	Kolter	Pyles	Zwinkl
Duffy	Kowalshyn	Ravenstahl	
Englehart	Laughlin	Reed	Irvis,
Fee	Letterman	Renwick	Speaker
Fischer, R. R.	Lincoln		

NAYS—68

Anderson	Goebel	Manmiller	Smith, E.
Armstrong	Grieco	Mebus	Smith, L.
Bittle	Halverson	Miller	Spencer
Burns	Hamilton	Moehlmann	Spitz
Caltagirone	Hasay	Mowery	Stuban
Cimini	Haskell	Noye	Taylor, E.
Davies	Hayes, S. E.	O'Brien, D.	Thomas
DeVerter	Helfrick	O'Connell	Vroon
Dietz	Honaman	Piccola	Wagner
Dininni	Hopkins	Pitts	Wass
Dombrowski	Hutchinson, W.	Ryan	Weidner
Dorr	Katz	Salvatore	Wenger
Foster, A.	Klingaman	Scheaffer	Wilson
Foster, W.	Lehr	Scirica	Wright, J. L.
Fryer	Levi	Seltzer	Yohn
Gallen	Mackowski	Shuman	Zearfoss
Geesey	Madigan	Sirianni	Zeller

NOT VOTING--16

Beloff	Lynch	Pancoast	Richardson
Dumas	McGinnis	Polite	Scanlon
Freind	Milanovich	Rappaport	Shelton
Kelly	O'Donnell	Rhodes	Williams

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. FREIND. I was not in my seat for the vote on HB 1187. I would like to be recorded in the affirmative.

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1447, printer's No. 1719**, entitled:

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), clarifying certain provisions relating to exemptions from taxation.

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

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

The question is, Shall the bill pass finally?

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

YEAS—186

Abraham	Gallen	Mackowski	Schmitt
Anderson	Gamble	Madigan	Schweder
Armstrong	Garzia	Manderino	Scirica
Arthurs	Gatski	Manmiller	Seltzer
Bellomini	Geesey	McCall	Shuman
Bennett	Geisler	McClatchy	Shupnik
Berlin	George, C.	McIntyre	Sirianni
Berson	George, M.	McLane	Smith, E.
Bittinger	Giammarco	Mebus	Smith, L.
Bittle	Gillette	Meluskey	Spencer
Borski	Gleeson	Miller	Spitz
Brandt	Goebel	Milliron	Stairs
Brown	Goodman	Miscevich	Stapleton
Brunner	Gray	Moehlmann	Stewart
Burd	Greenfield	Morris	Stuban
Burns	Greenleaf	Mowery	Sweet
Butera	Grieco	Mrkonic	Taddonio
Caltagirone	Halverson	Mullen, M. P.	Taylor, E.
Caputo	Hamilton	Mullen, M. M.	Taylor, F.
Cassidy	Harper	Musto	Tenaglio
Cessar	Hasay	Novak	Thomas
Cianciulli	Haskell	Noye	Trello
Cimini	Hayes, D. S.	O'Brien, B.	Valicenti

Cohen	Hayes, S. E.	O'Brien, D.	Vroon
Cole	Helfrick	O'Connell	Wagner
Cowell	Hoeffel	O'Donnell	Wansacz
Davies	Honaman	O'Keefe	Wargo
DeMedio	Hopkins	Oliver	Wass
DeVerter	Hutchinson, A.	Parker	Weidner
DeWeese	Hutchinson, W.	Petrarca	Wenger
DiCarlo	Itkin	Piccola	White
Dietz	Johnson	Pievsky	Wiggins
Dininni	Jones	Pitts	Wilson
Dombrowski	Katz	Pott	Wilt
Donatucci	Kelly	Pratt	Wise
Dorr	Kernick	Prendergast	Wright, D.
Doyle	Klingaman	Pyles	Wright, J. L.
Duffy	Knepper	Ravenstahl	Yahner
Englehart	Kolter	Reed	Yohn
Fee	Kowalyszyn	Renwick	Zearfoss
Fischer, R. R.	Laughlin	Rieger	Zeller
Fisher, D. M.	Lehr	Ritter	Zitterman
Flaherty	Letterman	Ruggiero	Zord
Foster, A.	Levi	Ryan	Zwikel
Foster, W.	Lincoln	Salvatore	
Fryer	Livengood	Scanlon	Irvis,
Gallagher	Logue	Scheaffer	Speaker

NAYS—0

NOT VOTING—14

Barber	Lynch	Polite	Richardson
Beloff	McGinnis	Rappaport	Shelton
Dumas	Milanovich	Rhodes	Williams
Freind	Pancoast		

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. FREIND. I was not in my seat for the vote on HB 1447. I would like to be recorded in the affirmative.

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

MINES AND ENERGY MANAGEMENT BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 191, printer's No. 1971, entitled:

An Act creating the Pennsylvania Energy Council; prescribing its duties and powers; providing for the payment of its expenses; imposing duties upon Commonwealth departments commissions and other agencies and making an appropriation.

On the question,

Will the House agree to the bill on third consideration?

Mr. TAYLOR offered the following amendments:

Amend Sec. 4, page 6, line 17, by inserting after "areas." In

the event of such an emergency, the Council of Civil Defense, under the direction and control of the council, shall distribute emergency fuel supplies in accordance with said plan.

(e) The council is authorized to receive, expend and distribute all energy related grants and funds.

(f) The council is authorized to administer all Federal and State energy programs.

Amend Sec. 5, page 6, line 25, by inserting after "(Public Law 94-163)," and the Energy Conservation and Production Act (Public Law 94-385),

Amend Sec. 5, page 7, by inserting between lines 2 and 3 (5) Programs for energy conservation.

On the question,

Will the House agree to the amendments?

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

Mr. TAYLOR. Mr. Speaker, these amendments have been agreed to by both sides. They are agreed-to amendments.

The SPEAKER. The Chair would suggest to the gentleman, Mr. Taylor, that because of a prior inquiry as to agreed-to amendments, it would be wise for the gentleman to give a brief statement as to what the amendment incurs.

Mr. TAYLOR. The amendment that we are speaking about here today redefines an implied definition in the bill to direct that the Council of Civil Defense, under the direction and control of the Pennsylvania Energy Council, shall distribute the emergency fuel supplies in accordance with the plan established by the Civil Defense.

Also, it brings it into conformity with the new Federal Energy Conservation and Production Act, Public Law 94-385, which was omitted from the bill. These are technical in nature, mostly.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

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

DeVerter	Hutchinson, A.	Parker	Weidner
DeWeese	Hutchinson, W.	Petrarca	Wenger
DiCarlo	Itkin	Piccola	White
Dietz	Johnson	Pievsky	Wiggins
Dininni	Jones	Pitts	Wilson
Dombrowski	Katz	Pott	Wilt
Donatucci	Kelly	Pratt	Wise
Dorr	Kernick	Prendergast	Wright, D.
Doyle	Klingaman	Pyles	Wright, J. L.
Duffy	Knepper	Ravenstahl	Yahner
Englehart	Kolter	Reed	Yohn
Fee	Kowalyszyn	Renwick	Zearfoss
Fischer, R. R.	Laughlin	Rieger	Zeller
Fisher, D. M.	Lehr	Ritter	Zitterman
Flaherty	Letterman	Ruggiero	Zord
Foster, A.	Levi	Ryan	Zwinkl
Foster, W.	Lincoln	Salvatore	
Freind	Livengood	Scanlon	Irvis,
Fryer	Logue	Scheaffer	Speaker
Gallagher	Lynch		

NAYS—0

NOT VOTING—12

Barber	Milanovich	Polite	Richardson
Beloff	O'Donnell	Rappaport	Shelton
Dumas	Pancoast	Rhodes	Williams

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, HB 191 is a long-overdue piece of legislation for all the citizens of Pennsylvania. The Mines and Energy Management Committee has spent long hours working at this piece of legislation to get it in its proper form.

There is discussion up here on the Hill of other pieces of legislation, but let me say to you that we on the Mines and Energy Management Committee, both the minority and the majority, feel that this bill is the proper vehicle that should be enacted to bring about proper controls and restraints on energy resources in our state.

I would certainly appreciate an affirmative vote here today.

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

Mr. ZELLER. Mr. Speaker, last week the Governor's Energy Council was in the Lehigh Valley setting up the Energy Fair Program. I was very much impressed, as were other members of the legislature in our area who attended these sessions, and they can speak for themselves. But I was very much impressed with what I saw and what I heard.

What bothers me is, under B, item 1, the Energy Council consists of 15 members from the public and private sector. I see

the composition of the Governor's Energy Council as being just that. I do not believe they have 15 members. If I remember, I believe it is 12, but I am not quite sure. I can be corrected on that. But I do know that it is very well represented. And from what I heard, the report they had for about 4 hours, they are well on their way. And with all the work they have done, to bring in another group at this time when we are so close right now to getting something done I believe would hinder their operation of trying to come up with some kind of program to help our people and not become involved in what we had last winter.

Of course, the providing of fuel and insulation is one of the big problems. I spoke before that council and gave them some information in regard to what we had from the construction industry that I was involved in for some 35 years, that the insulation problem is almost an impossibility right now. I do not know whether this new council or that council is not going to be able to correct that at the time. This is a national problem, but I feel we should give the Governor's Energy Council a chance. I do not believe we have given them that chance yet, and now to create another one is going to create chaos and confusion in the State of Pennsylvania.

I admire what Mr. Taylor is trying to do and I have nothing against what he is trying to do, but I feel that right now we are changing boats in the middle of the stream that have not really had a chance to show us what they can do. So for that reason I feel we should leave it as it is and not create another problem at this late time. I feel this probably should have been done early in the year, but now it is very, very bad and very costly and I do not think you are going to do the job.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wright, on final passage of the bill.

Mr. J. L. WRIGHT. Mr. Speaker, as minority chairman of the Mines and Energy Management Committee and representing the minority viewpoint on the subject, I wholeheartedly endorse the proposal that is in front of us and ask for full support on both sides of the aisle.

The proposal that is in front of us is one that has been endorsed by both parties for several years. It is an attempt and will be an accomplishment to, in effect, legitimize what is now being performed by the Governor's office in making this energy council an arm of the legislature. I endorse the proposal and ask for your support.

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	Mackowski	Scanlon
Anderson	Gamble	Madigan	Scheaffer
Armstrong	Garzia	Manderino	Schmitt
Arthurs	Gatski	Manmiller	Schweder
Bellomini	Geesey	McCall	Scirica
Bennett	Geisler	McClatchy	Seltzer
Berlin	George, C.	McGinnis	Shuman
Berson	George, M.	McIntyre	Shupnik
Bittinger	Giammarco	McLane	Sirianni
Bittle	Gillette	Mebus	Smith, E.

Borski	Gleeson	Meluskey	Smith, L.
Brandt	Goebel	Miller	Spencer
Brown	Goodman	Milliron	Spitz
Brunner	Gray	Miscevich	Stairs
Burd	Greenfield	Moehlmann	Stapleton
Burns	Greenleaf	Morris	Stewart
Butera	Grieco	Mowery	Stuban
Caltagirone	Halverson	Mrkonic	Sweet
Caputo	Hamilton	Mullen, M. P.	Taddonio
Cassidy	Harper	Mullen, M. M.	Taylor, F.
Cessar	Hasay	Musto	Tenaglio
Cianciulli	Haskell	Novak	Thomas
Cimini	Hayes, D. S.	Noye	Trello
Cohen	Hayes, S. E.	O'Brien, B.	Valicenti
Cole	Helfrick	O'Brien, D.	Vroon
Cowell	Hoeffel	O'Connell	Wagner
Davies	Honaman	O'Keefe	Wansacz
DeMedio	Hopkins	Oliver	Wargo
DeVerter	Hutchinson, A.	Pancoast	Wass
DeWeese	Hutchinson, W.	Parker	Weidner
DiCarlo	Itkin	Petrarca	Wenger
Dietz	Johnson	Piccola	White
Dininni	Jones	Pievsky	Wiggins
Dombrowski	Katz	Pitts	Wilson
Donatucci	Kelly	Polite	Wilt
Dorr	Kernick	Pott	Wise
Doyle	Klingaman	Pratt	Wright, D.
Duffy	Knepper	Prendergast	Wright, J. L.
Englehart	Kolter	Pyles	Yahner
Fee	Kowalyszyn	Ravenstahl	Yohn
Fischer, R. R.	Laughlin	Reed	Zearfoss
Fisher, D. M.	Lehr	Renwick	Zitterman
Flaherty	Letterman	Rieger	Zord
Foster, A.	Levi	Ritter	Zwilk
Foster, W.	Lincoln	Ruggiero	
Freind	Livengood	Ryan	Irvis,
Fryer	Logue	Salvatore	Speaker
Gallagher	Lynch		

the Chair whether or not Mr. Gatski's amendment has been printed and distributed? This would be the redrawn amendment by Mr. Gatski. The amendment is being sent up. We will see whether or not we have it distributed.

We shall pass over temporarily HB 1190. The Gatski amendment is being duplicated now and will be up on the floor of the House shortly.

RESOLUTION RECOMMITTED

Mr. BERLIN called up **HOUSE RESOLUTION NO. 31**, entitled:

That the Health and Welfare Committee examine the procedures and standards for immunization within the Commonwealth to assure that the residents are protected from diseases.

On the question,

Will the House adopt the resolution?

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

Mr. ZELLER. Mr. Speaker, I would like to ask the author of this bill if he would stand for a brief interrogation.

The SPEAKER. The gentleman, Mr. Berlin, indicates that he will stand for interrogation. The gentleman, Mr. Zeller, is in order and may proceed.

Mr. ZELLER. Mr. Speaker, under present law and even if your bill is passed, what right would it have for those who would not want to have their children immunized? Would they still have a right to withhold, in other words, or would this force them, through the program, that their children have to be immunized?

Mr. BERLIN. Mr. Speaker, this is not a House bill; this is a House resolution—

Mr. ZELLER. I realize that.

Mr. BERLIN.—that calls for an investigation into the whole concept of immunization in Pennsylvania. The concern is just as you have raised. I have problems with the way the existing law is enforced. They are supposed to require that every student who enters school be immunized except for religious reasons. Apparently there is a breakdown in that enforcement.

There are also a variety of assumptions being made as to what certain types of inoculations will do. That concerns me because I think we may be out in left field. As you probably recollect, a short time ago we had two major outbreaks of a disease that was supposed to be almost eradicated. So there is something not working and there is something not kosher in Denmark, and I would like to find out precisely what is going on.

Mr. ZELLER. Well, I am trying to find out what is sauerkraut in Pennsylvania right now. We are trying to find out what the Department of Health is doing with a resolution which we know is in effect a bill as far as the Department of Health is concerned because they will go through the Pennsylvania Bulletin saying that was our intent. There will be nobody to challenge this and they will do what they want over there, and that kind of bothers me. What are they doing now? If I have someone in my district who says that they do not want to, is there going to be court action taken to force them? That is one thing I

NAYS—1

Zeller

NOT VOTING—11

Barber	Milanovich	Rhodes	Taylor, E.
Beloff	O'Donnell	Richardson	Williams
Dumas	Rappaport	Shelton	

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

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The members should note on the calendar that although HB 1239 is not called today, two new amendments have appeared. The gentleman, Mr. O'Connell, has announced his intention to offer an amendment and the gentleman, Mr. Brandt, has announced his intention to offer an amendment to HB 1239. Mark your calendars in that manner.

HB 1190 PASSED OVER TEMPORARILY

The SPEAKER. On page 7, HB 1190, PN 1408, will not be called today. The gentleman, Mr. Gatski, has informed the Chair that his amendment drawn to HB 1190 is incorrectly drawn. Has it been corrected? Will the amendment clerk advise

do not want to happen. Anybody with that belief and that feeling, I just do not want anything forced upon them.

Mr. BERLIN. All this resolution does, Mr. Speaker, is simply ask the Health and Welfare Committee to examine exactly what is going on in Pennsylvania. I just do not want anyone to come back to me and say, hey, I came down with yellow fever yesterday.

PARLIAMENTARY INQUIRY

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

Mr. D. M. FISHER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. D. M. FISHER. Mr. Speaker, I endorse wholeheartedly the concept that someone, preferably the Health and Welfare Committee, should look into this problem of immunization. However, based on a previous statement by the Speaker, I was under the impression that when an investigation or examination was requested by a House committee or subcommittee that it was no longer necessary to introduce a resolution unless the committee or subcommittee would not voluntarily agree to the investigation or examination. Is this correct and, if so, has the policy been changed?

The SPEAKER. The gentleman, Mr. Fisher, has placed the question to the Chair on the parliamentary inquiry: Is it necessary for the House to pass a resolution instructing a committee to do that which the committee is already empowered to do? The answer is, it is not. Members persistently introduce resolutions stating that a committee shall do that which the committee has been empowered by its very existence so to do. The Chair cannot prevent the members from introducing such resolutions, but the gentleman's point of parliamentary inquiry is well taken, and the Chair would hope the members would take the answer to heart.

Has the Chair satisfied the gentleman's parliamentary inquiry? Does the gentleman, Mr. Fisher, have additional questions?

Mr. D. M. FISHER. Mr. Speaker, I am satisfied with the answer, and I was of the opinion that that was the policy to be followed. Therefore, is there any necessity for the House to consider this or any subsequent resolution to do just what the Speaker has said can be done without a resolution?

The SPEAKER. There is no necessity for the House to consider it but the House may consider it if it wishes. The House, over the years, the Speaker has observed, has many times repeated itself, reiterated an action. There is nothing in the parliamentary procedure to prevent the House from so doing.

Does the gentleman have a further parliamentary inquiry?

Mr. D. M. FISHER. Yes, Mr. Speaker.

HR 31 RECOMMITTED

Mr. D. M. FISHER. Based on what the Speaker has said, I would move to recommit HR 31 to the Committee on Rules.

The SPEAKER. The motion before the House is that HR 31, PN 391, be recommitted to the Committee on Rules.

The Chair recognizes the gentleman, Mr. Berlin, on the question of recommitment.

Mr. BERLIN. Mr. Speaker, on reconsideration, I have no objection to the gentleman's motion and I will support the move to recommit to the Rules Committee.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—186

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

NAYS—2

Fischer, R. R. Garzia

NOT VOTING—12

Barber	DiCarlo	Milanovich	Richardson
Bellomini	Dumas	Rappaport	Shelton
Beloff	Gleeson	Rhodes	Williams

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

The SPEAKER. The resolution is so recommitted.

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, my point of order is in regard to the vote on HB 191. I would like to have it changed from a "no" vote to a "yes" vote because Mr. Taylor, as the gentleman he is, came back and explained to me what was going to happen.

I was fearful that this would be an all new council. Since the intent is to keep the council as it is and I did not realize this, I did not want to see an interruption. For that reason I commend him and I would like to have my vote changed from "no" to "yes." Thank you.

RESOLUTION RECOMMITTED

Mr. GALLAGHER called up **HOUSE RESOLUTION NO. 124**, entitled:

General Assembly declares its intent that additional subsidy payments be used by school districts to reduce taxes.

On the question,

Will the House adopt the resolution?

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

Mr. SELTZER. To debate the resolution, Mr. Speaker.

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

Mr. SELTZER. Mr. Speaker, first of all let me say it has been my understanding and the understanding, I think, of the members of this House and the members of the Rules Committee that no resolution with the power of subpoena in it would be considered by this House until there was a specific need shown that a committee be granted the power of subpoena. As of this date, members on our side of the aisle and the members on the other side of the aisle whom I have spoken to have no personal knowledge that the power of subpoena is needed by this committee. Now would the gentleman, Mr. Gallagher, explain to this House the need for the power of subpoena?

The SPEAKER. The gentleman, Mr. Gallagher, indicates he will stand for interrogation.

The gentleman from Lebanon may proceed.

Mr. GALLAGHER. Mr. Speaker, the Education Committee unanimously agreed that we would introduce the resolution with subpoena powers for the same purpose that we did about 4 or 5 years ago when we passed the subsidy bill called Act 88. At that time that subsidy bill required that wherever possible a district would reduce the real estate tax, and only 12 districts out of 505 reduced it.

The committee felt that after the subsidy bill became law and that the school district had ample time to perform as the intent of Act 59, which was HB 67, when they had ample time to do that, the committee would have the subpoena power to go out in the field or be here and subpoena districts into the House to ascertain exactly what they did: Did they, firstly, either reduce the real estate taxes as the act calls for or did they put back the programs that were cut? That was the reasoning and the

purpose for the committee to have the resolution introduced and considered by the House Chamber.

Mr. SELTZER. Mr. Speaker, may I call to the attention of the gentleman from Bucks, Mr. Gallagher, as well as the other members of the House, that this resolution with the power of subpoena in it was introduced sometime prior to the enactment of the school subsidy law.

Mr. GALLAGHER. Mr. Speaker, that is correct. It was done because we had a history of this 4½ or 5 years ago when we had the subpoena power. We did not go around the state willy-nilly or witch hunting. We did subpoena one school district into the Capitol building and we were able to ascertain that they were not doing what they were supposed to be doing under Act 88 at that time. The resolution was introduced at the same time we were in the discussion of subsidies.

Mr. SELTZER. Mr. Speaker, the gentleman from Bucks, as well as myself and members of the Rules Committee of this House knows—and in every instance that I can recall this year that resolutions with the power of subpoena included in them have been brought before the Rules Committee—that we have asked the sponsors to agree to remove that section that granted them subpoena powers, and if they were to show us at any time in the future they needed this, that the Rules Committee would then look in favor upon them and recommend to this House that we do favor it.

The gentleman agrees with that. All the members of the Rules Committee agreed with that because we thought that was the proper procedure.

I would ask the gentleman, what occasion arises now that he would go against what has been the policy of this House all year?

Mr. GALLAGHER. Mr. Speaker, the policy of the Rules Committee was, if a member of this House introduced a resolution asking that a committee be created to investigate some matter and have subpoena power, the Rules Committee said, ask the chairman of that committee, ask that committee first, before you introduce such a resolution. If that committee will not go out and investigate the matter that you wish to be investigated, then the Rules Committee would consider the resolution and consider the subpoena powers.

That is what we told them, Mr. Speaker, not just that they should show us good cause as to why they need subpoena power. We said you have to ask the chairman of that committee, ask that committee if they are going to investigate that matter, and if they do not do that, then the Rules Committee will consider the resolution.

Now this resolution was introduced by members of the Education Committee and it was discussed in the Education Committee, and they are fully aware of what we were doing, preparing for the passage of the subsidy bill, following the same pattern, the same track record that this committee has had over the years. When we passed the subsidy bill, we did set in there what the intent of the General Assembly was, and oftentimes the school districts do not abide by that.

You saw what happened here locally. The Susquehanna School District went to court and asked the court to put aside August 30 as being the effective date of opening up the budget. There was an agreed-to agreement between the Attorney Gen-

eral and the school district that they would agree to September 30. So already they went beyond what the intent of the General Assembly was.

We have questions out in the field already that have been made to my office, and I am sure to Mr. Pancoast's office, asking can they take this money and put it in escrow? Can they hold back on a tax refund until a later time? Can they use it for construction, for maintenance? Can they put back furloughed people? These are the questions that are being raised instead of what the exact intent of the General Assembly's Act 59 says.

When this district is not doing what it says in the act, I think it behooves us whenever a question is raised to this committee, whether it be to me or Mr. Pancoast or any member of this committee, for the committee to be able to ascertain that subpoena power is the best method of enforcing the act. One simple method is to subpoena the minutes of the records of the meetings as to what they did when they reopened their budget and what they decided to do with the additional money.

Mr. SELTZER. Mr. Speaker, can the gentleman tell this House why in the title he refers to the General Assembly declaring its intent and then limits the resolution to a House committee?

Mr. Speaker, let me further explain the question I am asking. If the gentleman is so sincere, I would have hoped that he would have declared this a problem for the General Assembly and this would have been a concurrent resolution. Mr. Speaker, it appears to me today that the gentleman is asking for a personal witch hunt throughout Pennsylvania. I think this is wrong.

MOTION TO RECOMMIT

Mr. SELTZER. Mr. Speaker, with those remarks in mind I move that HR 124 be recommitted to the Committee on Appropriations for further consideration.

MOTION WITHDRAWN

Mr. SELTZER. Mr. Speaker, it has been called to my attention that there are other members who would like to debate this. I will withdraw this motion now so other members will have an opportunity to debate it, if you will recognize me at some later time.

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

Mr. GALLAGHER. Mr. Speaker, Mr. Seltzer, in his last remarks, said that he believed that I was sincere in my intentions but that it would only be a witch hunting operation and that I was looking forward to going around the state. That is far from the truth, Mr. Speaker. That is not my intent nor the committee's intent.

We have had a track record of having this type of resolution introduced by this committee before. We did not go around the state. We subpoenaed one school district into the Capitol and found out what was wrong with it. They were fabricating the facts in their own district. They denied they received 300,000 additional dollars. We established they did receive it. We found out many other things, and if we did not have that subpoena power, we could not have done it. We did not go anywhere else.

We did not go witch hunting.

The same argument was used when we had HR 88 because of Act 88. The same argument was used at that time, that it was a witch hunt. Then it was Gallagher's witch hunt. It was not Gallagher's witch hunt and he did not do any witch hunting. I do not intend to do any witch hunting now.

I am sorry the gentleman uses that phraseology in his fabrication on my sincerity of trying to find out what the districts are doing with the money that we allocated to them.

I think it is important that at least the Education Committee, who fought for the subsidy to be enacted, be the committee that finds out if those districts are abiding by the intent that was placed in on the floor of this House. It was an amendment offered by Representative Cowell and it was adopted by this House.

I think it behooves this committee to be the committee to find out and ascertain if the districts are living up to the intent.

PARLIAMENTARY INQUIRY

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

Mr. PYLES. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PYLES. A moment ago the Speaker ruled on HR 31. My question of parliamentary inquiry is similar to that.

Would the Speaker determine, except for that provision of subpoena power, does not the Education Committee have already within its power and authority for oversight of legislation, which we passed, to do exactly what this resolution proposes?

The SPEAKER. The gentleman is absolutely correct.

The gentleman, Mr. Pyles, has reiterated the inquiry made originally by the gentleman, Mr. Fisher. The same answer obtains. HR 124 contains no language other than the granting of subpoena power, which is not already the power of the committee. The Education Committee could do exactly what the language of HR 124 encompasses, with the sole exception of the granting of subpoena power.

If the House decides in its wisdom that it wishes to grant this additional power to the committee, that is, the power of the subpoena, then the House would vote in favor of the resolution because that gives an additional power to the committee which it currently does not have.

If the House decides it does not wish to grant the power of subpoena, then the House will vote against the resolution, leaving the committee's rights of investigation precisely as they are and precisely as the wording of this resolution states them, with the sole exception of the subpoena power.

The point is well taken. Does the gentleman have further inquiry?

Mr. PYLES. No inquiry, Mr. Speaker. Would Mr. Seltzer stand for a brief interrogation, please?

The SPEAKER. Will the gentleman, Mr. Seltzer, stand for a brief interrogation?

The gentleman, Mr. Seltzer, indicates that he will. The gentleman, Mr. Pyles, is in order and may proceed.

Mr. PYLES. Mr. Speaker, would this resolution, with its

subpoena power, allow the House Education Committee to investigate the Philadelphia School District?

Mr. SELTZER. Mr. Speaker, only to the limited degree of whether or not they used their additional funds for the purpose of lowering taxes.

Mr. PYLES. Thank you, Mr. Speaker.

Mr. SELTZER. I would hope, though, that the gentleman would also ask the prime sponsor, Mr. Gallagher, for his opinion on what this resolution would do as it pertains to Philadelphia because his response might be different.

Mr. PYLES. I prefer not to do that. I will relinquish any further questions to your proposed motion in the future.

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

Mr. DOMBROWSKI. Mr. Speaker, may I interrogate the majority leader, please?

The SPEAKER. The majority leader?

Mr. DOMBROWSKI. Yes.

The SPEAKER. The majority leader indicates he will stand for interrogation. The gentleman from Erie is in order and may proceed.

Mr. DOMBROWSKI. Just a brief question: Mr. Speaker, I feel that you have been following the conversation on the floor about the resolution and I agree that the standing committees probably do have the power to conduct these investigations now without the resolution being submitted.

One thing that bothers me though: When a standing committee does have an investigation of anything under the jurisdiction of their committee, who gets a report on that investigation?

Mr. MANDERINO. I do not know of any requirement that the *standing committees make a report to anyone on their investigations*. They conduct the investigations for their own purposes.

Mr. DOMBROWSKI. I think the opinion has been given today that these resolutions are not necessary. I, as an individual, if I feel that maybe I want something investigated in the House and, in their wisdom, they go along with me and vote my resolution and in that resolution I state that a committee report must be given to the entire House, I think that would be the purpose of the resolution. Therefore, I am not going to vote to recommit this thing. I think that is the purpose of these resolutions, to get a report to all of the people so we will know what is going on.

Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, I have been informed by people close to the educational field as to what the intent could be as to Representative Gallagher's committee's investigation resolution. One of the problems is this: He stated that 11 districts—if I am right—out of 505 acted as initially was stated in the legislation we passed in 1967, and that was to lower the taxes of that district or reinstate programs.

Now I am aware of the Susquehanna case. A lot of work has been done on this in Commonwealth Court—Susquehanna

School District from Dauphin County—where Judge Bowman went a little bit further than Mr. Gallagher stated. He requested the Justice Department to come in with an opinion as to the legislative intent and what we could live with at this late date, since it was almost at the end of August. The opinion came in and many solicitors—as a matter of fact, most of the solicitors—have been in contact with the Justice Department and are living with this. This is what happened: They said that they extended the date through to September 30 and on top of that stated that they could, and I quote, "could place the money in escrow."

What this would do—and thanks to quite a bit of time that I spent, and I say this because of the knowledge the man has, with my good friend Sam, in regard to the subsidy formula—and the subsidy formula is a very tricky one and what it says is that the market value of a district divided into the numerator, which would be the income of that district, will establish what the median ratio is that you are going to have next year to put you in a higher bracket of subsidy next year, because that placed in escrow is going to add to your income.

Now, they have two concerns right now. One concern is that we are in trouble with the budget and we have to look for areas in which to get money. Now, if that money is in escrow, actually on paper, it is not there yet because it is going to take until next April probably to get it there. That money is possibly, under the law, available. Now that is what they do not want to see. They do not want to see that money taken away. There is possibly close to 90-some million dollars available. Okay? That is number one.

Number two is that they would like to, if possible, kill that so-called escrow deal and get it available, because there are many, many districts that are not only on the strike end of it, but intending to, and they would like to have that money available for increases in salary.

So think it over. We have got a two-headed monster here, and I think that the most beautiful thing that could be done right now is to bury it back in committee.

So you see, this is the intent whether they want to come out and tell you or not. Some of you people who I believe are probably indebted to Pennsylvania State Education Association — PSEA — possibly you might want to take another look and *maybe you are not so indebted. Maybe you had better be indebted to the citizens of Pennsylvania on this one because PSEA would like to see this thing go.*

I am sure they will be the little ghosts hanging and hovering over this committee all the way through the investigations. They will tell that committee when to go out and when to grunt and what hand to use.

Thank you.

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

Mr. BITTINGER. Mr. Speaker, I wonder if Mr. Gallagher would consent to a brief interrogation?

The SPEAKER. The gentleman, Mr. Gallagher, indicates he will stand for interrogation. The gentleman from Cambria is in order and may proceed.

Mr. BITTINGER. Thank you, Mr. Speaker.

I have been advised of a situation that makes me ask this question. In glancing over HR 124, I see no reference to checking on how the money is being distributed to the school districts. Now the reason I mentioned that is, I am given to understand that certain school districts in the state, the Greater Johnstown School District included, are only getting a fraction of the additional subsidy that had been listed on the printout that we had. And I understand that a lot of other districts are in the same boat.

I am wondering if Mr. Gallagher's committee would be able to find out and maybe get us a printout of what the school districts will actually get, not the printout that we have been told they will get.

Again, as I say, I understand there is considerable difference.

Mr. GALLAGHER. Mr. Speaker, the resolution provides for the committee's finding out what the school districts are doing with the money under Act 59 — whether they are getting a tax reduction or whether they are reinstating programs that were cut. It would give the committee the opportunity to ascertain right from the school districts how much money they are receiving from the department, what they are actually going to do with it, are they living up to the intent of the act, are they living up to the extended intent of the act by the Dauphin County Court wherein they extended it from August 30 to September 30, are they putting it in escrow, are they just putting it in escrow or are they just putting it in escrow with a resolution attached to it saying that this money is to only be used for tax refunds and that the interest will go with the tax refund.

These are the things that the committee has to find out. If your district does not know or if you do not know yourself that your district is getting the right amount that we voted on, the only way we can find out is by going out to the districts or calling the districts in here to meet with the committee and to bring their records and their books with them. That is the only way we can do it if they decide they are not going to live up to the intent and they are going to try to skirt and get around it and put it in escrow and gain some interest money and next year say, we will not have to raise the taxes; we are going to use that money when they are supposed to be getting it now. We have one district in the state that has on record, legally adopted before August 30, a resolution that they were going to give a 9-mill refund immediately. One district has done that that I know of. Other districts have passed resolutions saying that they are going to put the money in escrow and at the appropriate time they are going to give the tax refund. But we are not sure of that. I am sure of one district, but I am not sure of about 504 other districts. And every member of the House should be interested in, is your district doing what it is supposed to be doing and what you voted for, what this House of Representatives amended to put into the refund and to put back the cut programs?

The only way the committee can do it is like we did it before. We subpoenaed one district in here; we brought them in. Every other district heard about it, found out about it, and did as best they could with it. Of course, that language at that time was too loose; it was, wherever possible they shall reduce the taxes.

This is very clear, you shall reduce the taxes or put the programs back. It does not give them any leeway of playing around with it, except that they put it in escrow and do not establish that that escrow money is to be used only for tax refunds. Now, how do we find that out? Do you want to find out 6 months later that they passed that resolution but it does not hold water and they are going to use it next year to refurbish their treasury? That is what you will find out if we do not do something now.

Mr. BITTINGER. Well, Mr. Speaker, let me point out that I am in support of HR 124. The problem is this, and by the way, I am requesting specific information, but indirectly I understand that some school districts are getting only a fraction, and by a fraction I am talking about up to 5 percent of the money that we were told they would be getting under the printout that was passed out at budget time. I am wondering, do I have to personally request from the Department of Education a printout or are you in the process of getting it?

In other words, a lot of these school districts apparently are receiving a great deal less money than we have been led to believe they would.

Mr. GALLAGHER. Mr. Speaker, every district gets the same amount under the subsidy act, every district. They get it 3 times a year. They are the tertiary payments.

Mr. BITTINGER. We are talking about the additional subsidy that represented them.

Mr. GALLAGHER. Can I get to that? I know what you are talking about.

The SPEAKER. Will the gentleman yield?

POINT OF ORDER

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

Mrs. KERNICK. I rise to a point of order.

The SPEAKER. The lady may state it.

Mrs. KERNICK. Is this debate pertinent to the House Resolution under discussion?

The SPEAKER. It is a debate on whether or not the House shall adopt HR 124.

Mrs. KERNICK. Mr. Bittinger is discussing the proceeds given to the school districts, and I think we are discussing whether or not we are going to investigate, through subpoena powers, whether they are carrying out the mandates of the law. Is his discussion germane to the issue?

The SPEAKER. In my opinion, the gentleman from Cambria is well within the limits of the debate.

Mrs. KERNICK. Thank you.

The SPEAKER. We are not limited only to subpoena power. The general resolution is before the House for adoption or rejection and his questions go to whether or not he should support or not support the resolution. The gentleman may proceed.

Mr. GALLAGHER. Thank you, Mr. Speaker.

Every school district receives the subsidy money 3 times a year, the tertiary payments, in October of this year, February of next year, June of next year. They get 30 percent for the first payment, 30 percent for the second payment, 40 percent for the third payment. The first payments are based upon the

estimates of last year's budget of each school district, calculated into the whole system under the new formula. The bulk of the money that is the additional money they will receive will be the third payment because it is based upon how many students they have. The only way you can ascertain that is by the estimates given by the school districts in July of this year for the payment in October, and they will all catch up in the tertiary payments, the total amount that every district was listed to get under Act 59, in the printouts that were distributed in the House of Representatives. They are not being withheld. It is just the normal method of distribution under the tertiary-payment system. The third tertiary payment is the one that pays up for everything that is owed to that district and so your district will get the money. A good example is that in almost every district a tax collector gives them the bulk of the real estate tax in October, say nine or 10 or eleven million dollars, so they cannot spend that much in one month. Then the amount of additional money that they are calculated for in this district that is giving out the refund immediately is enough in what the local tax collector is collecting to make the refund and they will get it back from the state through the 3 different payments and basically from the third payment so they are not being asked to go out and borrow money. They do not have to; they have enough on hand to handle that kind of a refund. That district is doing it that way.

Other districts are putting it in escrow so that when they finally get that third payment they will have the full amount of additional money and then they make the refund. So what the committee wants to do, and we think that the members of the House want that, at least, is to make sure that they live up to that. We want to make sure that the programs that they allegedly cut were worthwhile being put back in.

Mr. BITTINGER. Mr. Speaker, I understand that, and from your discussion I am gathering that what is concerning me is not covered in this, and that is the information that I have that the Board of Education, Department of Education is handling the additional subsidy disbursement in a manner different from what we were told it would be. And I do not know if we are going to have to have another resolution. I will talk to Mr. Gallagher about it later on and try to get this thing squared away.

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

Mr. MILLIRON. Thank you, Mr. Speaker.

First, I would like to thank Mr. Seltzer for withdrawing his recommittal motion. Mr. Speaker, I favor the resolution but I do feel that is too narrow in its scope. What Mr. Bittinger was basically referring to was, I have a letter from my school superintendent and Johnstown Area School District, for instance, was told in that printout that they would receive \$353,000 of new money. In actuality, they are only going to get \$6,000 of new money.

My school district was supposed to receive \$785,000 in new money. I am back home telling people they will get rebates on that amount, and in actuality my district has been told by the Department of Education they are only going to receive \$252,000 instead of \$785,000. When I call the Department of

Education, the only thing I get is a bunch of bureaucratic garbage, and what I think this resolution ought to say is, have it recommitted not for the purpose of killing it; have it recommitted to the Education Committee so it could include investigating, if the Department of Education is implementing it with the intent of the General Assembly, because I think that is where this is as much of a problem as with the local school district. I think Mr. Gallagher's committee is the committee that should do the work. I have no objection to the subpoena power, but whether you take the resolution back in your committee to leave it on the calendar, I do not care, but amend it to give you the power to investigate also, if the Department of Education is implementing the intent of the General Assembly. Then I would defer back to Mr. Seltzer, if he wants to make that motion again, Mr. Speaker.

The SPEAKER. Did you wish to inquire of the chairman of the Education Committee?

Mr. MILLIRON. Yes. Mr. Speaker, would Mr. Gallagher stand for interrogation?

The SPEAKER. Would the gentleman, Mr. Gallagher, stand for interrogation?

Mr. GALLAGHER. Yes, I will.

The SPEAKER. The gentleman, Mr. Gallagher, indicates he will stand for interrogation.

Mr. MILLIRON. Mr. Speaker, would you have any objection to passing this resolution over until the next legislative session day or even later today, for that matter, to have an amendment offered that would include in its powers the investigation of the Department of Education to also see if they are implementing the intent of the General Assembly?

Mr. GALLAGHER. Mr. Speaker, I have no objection to putting the resolution over until the gentleman has an opportunity to prepare his amendments. I have no objection to that. I think the committee will be able to do that, but to make certain, I would be agreeable to hold the resolution over until he has his amendments ready.

Mr. MILLIRON. Mr. Speaker, does the chairman of the Education Committee have objection to the amendments? Are we going to fight on that later when I get them done?

Mr. GALLAGHER. No. I have no objections to the amendments. I think that we will do that, but putting it in writing, I have no objection to that at all. I would not oppose your amendments.

Mr. MILLIRON. Thank you, Mr. Speaker.

Mr. Speaker, I move that the House resolution be passed over. I withdraw that. There is other debate, Mr. Speaker.

The SPEAKER. Do the other members, Mr. Tenaglio, Mr. Trello, Mrs. Kernick, Mr. O'Connell, Mr. Johnson desire to debate the resolution regardless of its fate for today? The gentleman, Mr. Tenaglio, indicates negative. The gentleman, Mr. Trello, indicates in the negative. The lady, Mrs. Kernick, negative?

Mrs. KERNICK. No.

The SPEAKER. Affirmative?

Mrs. KERNICK. Right.

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

Mrs. KERNICK. I have a very brief question. I would like to ask Mr. Gallagher a question. I do not oppose the resolution nor the subpoena power.

The SPEAKER. Will the lady yield?

Will the gentleman from Bucks, Mr. Gallagher, stand for interrogation?

Mr. GALLAGHER. Yes, I will.

The SPEAKER. The gentleman from Bucks, Mr. Gallagher, indicates that he will stand for interrogation. The lady is in order and may proceed.

Mrs. KERNICK. Mr. Speaker, what will be done with the information obtained from this?

Mr. GALLAGHER. Mr. Speaker, the resolution indicates that the committee would make a report, periodically submit reports, of its findings to the Secretary of Education, State Board of Education, the Governor, the General Assembly, and the findings therein shall be taken into account in the preparation of such subsequent tertiary disbursements of state funds to such school districts to which they may be pertinent.

Mrs. KERNICK. Are you saying then, Mr. Speaker, that subsidies will be withheld if the school districts have not complied with HB 67?

Mr. GALLAGHER. That is correct. That is what we mean.

Mrs. KERNICK. Thank you.

The SPEAKER. The gentleman, Mr. O'Connell, indicates that he does not wish to speak at this time.

The gentleman, Mr. Johnson, indicates that he wishes to speak. The Chair recognizes the gentleman from Philadelphia, Mr. Johnson.

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

The SPEAKER. The gentleman, Mr. Johnson, indicates that he does wish to interrogate. Will the gentleman, Mr. Gallagher, stand for interrogation?

Mr. GALLAGHER. Yes, I will.

The SPEAKER. The gentleman, Mr. Gallagher, indicates that he will stand for interrogation. The gentleman, Mr. Johnson, is in order and may proceed.

Mr. JOHNSON. Mr. Speaker, you are a member of the Rules Committee, are you not?

Mr. GALLAGHER. Yes, I am.

Mr. JOHNSON. Well, some time back in May of this year, I put a resolution in to investigate day care, and at that time you and the committee said that I should not have subpoena power to investigate day care with the subpoena power. So I am right now proceeding to investigate day care without subpoena power.

How do you find that you are entitled to subpoena power to investigate the subsidies, when I tried to get subpoena power to investigate day care and you told me at that time, the committee told me at that time, since I am subchairman of Education and Appropriation Committees, I had the power to investigate but if I needed subpoena power, I would come back to the House and obtain subpoena power.

I want you to understand I am not against your having subpoena power, but I am against the double standards you are using here — if I have a problem that I know exists and I want

subpoena power and I am denied subpoena power and you, being a member of the Rules Committee, are given subpoena power through this House if you are asking for it. Why does this committee deny me subpoena power but you get the same powers that I was denied?

Mr. GALLAGHER. Mr. Speaker, as a member of the Rules Committee, I was very involved in resolutions that were introduced by members of the General Assembly asking that a special committee be created or a subcommittee be authorized to investigate and have subpoena powers. The Rules Committee, of which I had something to do with the input in that, was to make sure that the members of the General Assembly ask either the chairman of the committee or the full committee, that is the standing committee who has the normal procedures and the normal authority to go out and investigate, if they would do what he wanted to be done. If either one of those rejected him, then the member should introduce a resolution and bring it before the Rules Committee with the information that the committee has rejected your request or that the subcommittee did not agree to it. Then you would go to the Rules Committee with the resolution asking for the authorization to investigate a matter and to have subpoena power.

This is a different type of resolution. This is a resolution from the chairman of the Education Committee with signatures of members of the Education Committee who discussed this matter before it was introduced and determined what the intent was, and that was upon the passage of Act 59. So the committee could go out or could subpoena the districts here, could bring them in here, to ascertain that they are living up to the intent of the General Assembly. That is all it is about. I am sorry you did not ask your chairman or your committee did not agree with you.

Mr. JOHNSON. Mr. Speaker, I am going to disagree with you because I am a subchairman of the Education Committee, like you are the chairman of the Education Committee. I have the same privilege in my committee to investigate day care that you have in your committee to investigate education.

I did ask for subpoena power because I have a committee myself. I went to the Rules Committee asking for subpoena power. The Rules Committee told me that when investigating, if I have problems obtaining papers from anyone I seek the papers from, to come back to the Rules Committee and they would give me the power. You are on that committee. These were your standards that you gave me. Now you are asking this House to give you some special privilege when you denied my committee the same privilege. That is what I am questioning.

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. JOHNSON. Mr. Speaker, I am looking for an answer to my question from Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I thought I answered your question. I told you what happened.

Mr. JOHNSON. Mr. Speaker, I have followed all the rules and regulations that Mr. Gallagher recited a few moments ago about the procedure of getting subpoena power. Now he has followed the same rules and regulations that I have followed, and the Rules Committee has denied me subpoena power. He is

investigating education and I am asking investigating day care. All I am asking Mr. Gallagher is why the Rules Committee allowed his bill to come up with subpoena power for education. I wanted to investigate day care with my committee and was denied the same privilege. That is all I am asking.

Mr. GALLAGHER. Mr. Speaker, I cannot speak to that. I did ask the majority leader. I sent a memo to him after the bill became law, to put it on the agenda of the Rules Committee. That is all. It was considered, I think, last week by the Rules Committee and reported out.

Mr. JOHNSON. Mr. Speaker, I am only asking that Mr. Gallagher's committee be given the same privilege that my committee has been given. If my committee has been told to go out there without subpoena power to get evidence, then I am asking that Mr. Gallagher's committee be treated the same identical way. If he has a problem let him live by the rules and regulations of the Rules Committee and come back to this House to ask for subpoena power. That is all I am asking for.

Mr. GALLAGHER. Mr. Speaker, that is what I did.

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

Mr. S. E. HAYES. Mr. Speaker, I do not believe that this House of Representatives should divide itself against one another. There is no doubt, Mr. Speaker, that we who sit on the Rules Committee discussed during several meetings the question of subpoena power. There is no question that those deliberations did not cover just special committees but also standing committees. We very definitely decided that the Rules Committee would not send to the full House, resolutions having, as part of those resolutions, subpoena powers unless it was shown at a later time that the standing committee or the special committee found definite obstructionist activities on the part of those people who have been called before those committees to provide information during fact-finding missions.

I believe that we who sit on the Rules Committee erred the other day. We allowed this resolution to be reported to this House without considering the question of subpoena power. Without casting blame, finding fault, et cetera, I believe it would be altogether fitting and proper that a member of that Rules Committee, such as myself, make a motion to send this resolution back and to do the job that we said we would do throughout this session with respect to subpoena power. At the same time we can consider amendments which have been suggested by members of this House so that we could make this resolution altogether fitting and proper, not just with respect to section 15 but with ancillary questions dealing with the enactment of HB 77.

HR 124 RECOMMENDED

Mr. S. E. HAYES. At this time, Mr. Speaker, I move that HR 124 be recommitted to the Rules Committee.

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

The following roll call was recorded:

YEAS—142

Anderson	Geesey	Mackowski	Scheaffer
Armstrong	Geisler	Madigan	Schmitt
Barber	George, C.	Manderino	Scirica
Bennett	George, M.	Manmiller	Seltzer
Bittinger	Giammarco	McCall	Shupnik
Bittle	Gillette	McClatchy	Sirianni
Brandt	Goebel	McGinnis	Smith, E.
Brown	Goodman	McIntyre	Smith, L.
Brunner	Gray	Mebus	Spencer
Burd	Greenfield	Meluskey	Spitz
Butera	Greenleaf	Milliron	Stairs
Caltagirone	Grieco	Moehlmann	Stewart
Caputo	Halverson	Mowery	Suban
Cassidy	Hamilton	Mrkonic	Taddonio
Cessar	Harper	Mullen, M. M.	Taylor, E.
Cianciulli	Haskell	Musto	Thomas
Cimini	Hayes, D. S.	O'Brien, B.	Trello
Cohen	Hayes, S. E.	O'Brien, D.	Vroon
Davies	Helfrick	O'Connell	Wansacz
DeVerter	Honaman	Oliver	Wargo
DeWeese	Hopkins	Pancoast	Wass
Dietz	Hutchinson, A.	Parker	Weidner
Dininni	Itkin	Petrarca	Wenger
Donatucci	Johnson	Piccola	White
Dorr	Jones	Pievsky	Wiggins
Duffy	Katz	Pitts	Wilt
Dumas	Kelly	Polite	Wise
Fisher, D. M.	Kernick	Pott	Yohn
Flaherty	Klingaman	Prendergast	Zearfoss
Foster, A.	Knepper	Pyles	Zeller
Foster, W.	Kolter	Ravenstahl	Zitterman
Freind	Lehr	Richardson	Zord
Fryer	Letterman	Rieger	Zwick
Gallen	Levi	Ryan	
Gamble	Logue	Salvatore	Irvis,
Gatski	Lynch	Scanlon	Speaker

NAYS—49

Abraham	Englehart	McLane	Ruggiero
Arthurs	Fee	Miller	Schweder
Bellomini	Fischer, R. R.	Miscevich	Shuman
Berlin	Gallagher	Morris	Stapleton
Berson	Garzia	Novak	Sweet
Borski	Hasay	Noye	Taylor, F.
Burns	Hoeffel	O'Donnell	Tenaglio
Cole	Hutchinson, W.	O'Keefe	Wagner
Cowell	Kowalshyn	Pratt	Wilson
DeMedio	Laughlin	Reed	Wright, D.
DiCarlo	Lincoln	Renwick	Wright, J. L.
Dombrowski	Livengood	Ritter	Yahner
Doyle			

NOT VOTING—9

Beloff	Mullen, M. P.	Rhodes	Valicenti
Gleeson	Rappaport	Shelton	Williams
Milanovich			

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

The SPEAKER. The resolution is so recommitted.

MILITARY AND VETERANS AFFAIRS BILL
ON THIRD CONSIDERATION

Agreeable to order,
The House proceeded to third consideration of **House bill No. 1190, printer's No. 1408**, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929, (P. L. 177, No. 175), raising the num-

ber of members appointed to the State Veterans' Commission and changing the quorum requirement.

On the question,

Will the House agree to the bill on third consideration?

Mr. GATSKI offered the following amendments:

Amend Sec. 1 (Sec. 448), page 2, line 4, by striking out "eleven" and inserting thirteen

Amend Sec. 1 (Sec. 448), page 2, line 15, by striking out "eleven" and inserting thirteen

Amend Sec. 1 (Sec. 448), page 2, line 18, by striking out "Six" and inserting Seven

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Gatski.

Mr. GATSKI. Mr. Speaker, the amendment is numbered on the top A2537.

The SPEAKER. We are on amendment A2537.

The gentleman may proceed.

Mr. GATSKI. This amendment raises the number of members on the State Veterans' Committee from 9 to 13. The two organizations my amendment adds are the Military Order of the Purple Heart and the Marine Corp Officer Association. The amendment just makes sure that all organizations are represented on the commission. It also changes the quorum from 6 to 7. I ask your support for this amendment.

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

Mr. NOVAK. Mr. Speaker, on behalf of the chairman, it is an agreed-to amendment.

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

Mr. DOMBROWSKI. Mr. Speaker, I would request a rollcall vote on it. I am not going to speak against the amendment.

The SPEAKER. There will be a rollcall vote on it.

Mr. DOMBROWSKI. He said it was agreed to and I would just like to vote "no." I will not speak against it.

The SPEAKER. There will be a rollcall vote, Mr. Dombrowski.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—185

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

Burd	Grieco	Mrkonic	Stewart
Burns	Halverson	Mullen, M. P.	Stuban
Butera	Hamilton	Mullen, M. M.	Sweet
Caltagirone	Harper	Musto	Taddonio
Caputo	Hasay	Novak	Taylor, E.
Cassidy	Haskell	Noye	Taylor, F.
Cessar	Hayes, D. S.	O'Brien, B.	Tenaglio
Cimini	Hayes, S. E.	O'Brien, D.	Thomas
Cohen	Helfrick	O'Connell	Trello
Cole	Hoeffel	O'Donnell	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
Donatucci	Kelly	Polite	Wilson
Dorr	Klingaman	Pott	Wilt
Doyle	Knepper	Pratt	Wise
Duffy	Kolter	Prendergast	Wright, D.
Dumas	Kowalyshyn	Pyles	Wright, J. L.
Englehart	Laughlin	Ravenstahl	Yahner
Fee	Lehr	Reed	Yohn
Fischer, R. R.	Letterman	Renwick	Zearfoss
Flaherty	Levi	Richardson	Zeller
Foster, A.	Lincoln	Rieger	Zitterman
Foster, W.	Livengood	Ritter	Zord
Freind	Logue	Ruggiero	Zwilk
Fryer	Lynch	Ryan	
Gallagher	Mackowski	Salvatore	Irvis,
Gallen	Madigan	Scanlon	Speaker
Gamble	Manmiller	Scheaffer	

NAYS—4

Cianciulli	Dombrowski	Fisher, D. M.	Kernick
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NOT VOTING—11

Bellomini	Gleeson	Rappaport	Valicenti
Beloff	Manderino	Rhodes	Williams
Brunner	Milanovich	Shelton	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—190

Abraham	Gallagher	Mackowski	Scanlon
Anderson	Gallen	Madigan	Scheaffer
Armstrong	Gamble	Manderino	Schmitt
Arthurs	Garzia	Manmiller	Schweder
Barber	Gatski	McCall	Scirica
Bellomini	Geesey	McClatchy	Seltzer
Bennett	Geisler	McGinnis	Shuman
Berlin	George, C.	McIntyre	Shupnik
Berson	George, M.	McLane	Sirianni

Bittinger	Giammarco	Mebus	Smith, E.
Bittle	Gillette	Meluskey	Smith, L.
Borski	Goebel	Miller	Spencer
Brandt	Goodman	Milliron	Spitz
Brown	Gray	Miscevich	Stairs
Brunner	Greenfield	Moehlmann	Stapleton
Burd	Greenleaf	Morris	Stewart
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.	Vroon
Cole	Hoefel	O'Connell	Wagner
Cowell	Honaman	O'Keefe	Wansacz
Davies	Hopkins	Oliver	Wargo
DeMedio	Hutchinson, A.	Pancoast	Wass
DeVerter	Hutchinson, W.	Parker	Weidner
DeWeese	Itkin	Petrarca	Wenger
DiCarlo	Johnson	Piccola	White
Dietz	Jones	Pievsky	Wiggins
Dininni	Katz	Pitts	Wilson
Donatucci	Kelly	Polite	Wilt
Dorr	Kernick	Pott	Wise
Doyle	Klingaman	Pratt	Wright, D.
Duffy	Knepper	Prendergast	Wright, J. L.
Dumas	Kolter	Pyles	Yahner
Englehart	Kowalshyn	Ravenstahl	Yohn
Fee	Laughlin	Reed	Zearfoss
Fischer, R. R.	Lehr	Renwick	Zeller
Fisher, D. M.	Letterman	Richardson	Zitterman
Flaherty	Levi	Rieger	Zord
Foster, A.	Lincoln	Ritter	Zwikl
Foster, W.	Livengood	Ruggiero	
Freind	Logue	Ryan	Irvis,
Fryer	Lynch	Salvatore	Speaker

NAYS—1

Dombrowski

NOT VOTING—9

Beloff	O'Donnell	Rhodes	Valicenti
Gleeson	Rappaport	Shelton	Williams
Milanovich			

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.

BILLS REPORTED FROM COMMITTEES AND TABLED

HB 953, PN 2080 (Amended) by Mr. BERSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, creating the Pennsylvania Commission on Sentencing, establishing guidelines for criminal sentencing to be used by trial courts, and further providing for sentencing alternatives and appellate review of sentence.

Judiciary.

HB 1106, PN 2081 (Amended) by Mr. BERSON

An Act amending "The Pennsylvania Civil Procedural Support Law," approved July 13, 1953 (P. L. 431, No. 95), requiring support of a child born out of lawful wedlock, requiring the

action to be brought within certain time limits, requiring trial by the court or by jury in a civil action and making repeals.

Judiciary.

STATEMENT ON LEGISLATION TO BE INTRODUCED

Mr. THOMAS. Mr. Speaker, may I speak at this time for just a brief moment on a bill I am going to introduce?

The SPEAKER. Without objection, the gentleman from Snyder, Mr. Thomas, may proceed.

Mr. THOMAS. Mr. Speaker, thank you.

Mr. Speaker, this afternoon I am going to introduce what I call an imitation foods and simulated-food bill. It is a good piece of consumer legislation. And all it does is specify that any imitation foods or simulated-food products sold in this Commonwealth shall be nutritionally equivalent or superior to the foods for which they are imitations or the food products which they simulate.

If anyone cares to cosponsor this bill, they can do so at the desk.

Thank you, Mr. Speaker.

ANNOUNCEMENTS ALLEGHENY COUNTY DEMOCRATIC DELEGATION MEETING CANCELED

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

Mr. CAPUTO. I request permission to make an announcement, Mr. Speaker.

The SPEAKER. Without objection, the gentleman may proceed.

Mr. CAPUTO. Mr. Speaker, for the benefit of the Allegheny County Democratic delegation, the meeting that was scheduled for tomorrow morning at 9:30 will be set for next week and will be canceled for tomorrow.

TRANSPORTATION COMMITTEE MEETING CANCELED

The SPEAKER. The gentleman from Erie, Mr. Bellomini, wishes to be recognized to make an announcement.

Mr. BELLOMINI. Mr. Speaker, the Transportation Committee would like to cancel their committee meeting for this coming Thursday. We will send out further notices.

STATEMENT ON LEGISLATION TO BE INTRODUCED

The SPEAKER. Without objection, the Chair recognizes, for a brief statement on the bill to be introduced, the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I would like at this time to thank all the members of the House who have responded to the letter I sent out several weeks ago concerning the decision by the United States Post Office to attempt to impose postage charges on bonded messengers taking work in and out of PennDOT.

I have received a reply from the postal authorities that they still are considering to do so. I have, therefore, drawn up a resolution which would memorialize Congress to pass appropriate legislation forbidding this practice.

I will lay it on the desk for anyone who would care to cosponsor this resolution.

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

Mr. REED. Mr. Speaker, about a month ago on the House floor, during one of our many and infamous budget discussions, one of our members had made a presentation to us about the firing of an employe from the Department of Revenue, specifically a personal income tax supervisor in Delaware County.

I was concerned about the allegations made, submitted a copy of that speech by that Representative to the Secretary of Revenue, who responded to me, and in the interest of having both sides presented in the Legislative Journal, I submit for the record—I will not read it—this reponse from the Secretary of Revenue so that that is included, too.

REMARKS SUBMITTED FOR THE RECORD

Mr. REED submitted the following correspondence for the Legislative Journal:

September 1, 1977.

Honorable Stephen R. Reed
Member, House of Representatives
602 Main Capitol Building
Harrisburg, Pennsylvania

Dear Steve:

Thank you for your letter and for furnishing a copy of a speech delivered by Representative Francis X. Tenaglio to the House of Representatives on June 24, 1977 relative to the dismissal of a Personal Income Tax supervisor in Delaware County.

Representative Tenaglio said:

"The real reason for the firing of this supervisor was pure and simple politics. State employment is full of politics, and that is no secret to anyone."

"The firing of a government employee for political reasons is illegal. To fire a state employee, the Secretary of Revenue needs a legitimate reason. For this reason, my constituent was investigated and interrogated for several months by the Department of Revenue."

Representative Tenaglio is referring to the dismissal of Patricia Vitelli on March 11, 1977. Mrs. Vitelli had been administrator of the Personal Income Tax office in Media since April 25, 1975.

Representative Tenaglio is in error. The facts are as follows:

1. The disciplinary actions and dismissal were not for political purposes.
2. On March 4, 1977, Raymond Waychunas of the Media office charged that it was common practice for personnel of that office to unlawfully claim reimbursement for mileage that they were not entitled to. This was accomplished by having several people claim to have driven in individual cars when, in fact, they rode together. (Mr. Waychunas was dismissed inasmuch as he was serving in the probationary period.)
3. The Department of Revenue questioned the personnel involved and each denied that this was the practice. Mrs. Vitelli also denied any knowledge and also denied having approved any such travel reimbursement.
4. While subsequent inquiries identified irregularities and

wrongdoing over a period of three years, the following example is illustrative of the problem. In this instance, personnel of the Media office traveled to Norristown for a training session.

On October 21 and 22, 1976, all claimed 70 miles to Norristown:

Raymond Waychunas
John Difuria
Peter Pecoraro
John Fahey
Thomas Linton

On July 22 and 23, 1976, Fahey, Difuria and Linton all claimed 70 miles to Norristown for a seminar.

5. We then asked each employee to attest in writing to the accuracy and validity of the previous claims. Each employee again swore to the accuracy and validity of the claims in question. Mrs. Vitelli signed a similar statement. Please note that Mrs. Vitelli did not apply for mileage. She did attend the sessions.
 6. On March 2, 1977, I met with Mrs. Vitelli who was accompanied by her husband. I asked her whether she had authorized improper reimbursement vouchers. She said, "No." I then asked her how she, as an administrator, could justify authorizing people to travel in cars from the same point of origin to the same destination and return at the same time and on two successive days. Her reply was to the effect that this was always the way it had been done. Our further review indicated the following: From January 1, 1975 to February 28, 1977, Difuria and Pecoraro on 56 separate occasions, Difuria and Fahey on 8 separate occasions, Difuria and Linton on 5 separate occasions, Difuria and Waychunas on 2 separate occasions, Pecoraro and Linton on 3 separate occasions, Fahey and Linton on 29 separate occasions and Linton and Waychunas on 2 separate occasions, were at the same location, at the same times, on the same days with the same mileage taken by both. This it was clear to me that Mrs. Vitelli was either guilty of gross negligence as an administrator or of knowingly approving improper expense vouchers.
 7. Since we had reason to doubt the statements of certain personnel of the Media office, I requested assistance from the Auditor General's office. General Benedict directed Harold S. Imber, Director of the Bureau of Tax and Revenue Audits, and O. Frank DeGarcia, Assistant Director of Investigations, to interrogate the employees of the office under oath. This was done on March 8, 1977. Each employee, including Mrs. Vitelli, stuck by the original story. However, Mr. Linton made the statement that he had "never ridden with Mr. Waychunas." This was in conflict with his written statement that "he swung around to pick up Mr. Waychunas."
 8. On April 22, 1977, I met with Mr. Linton who quickly admitted that he had been lying and had falsified expense records. He further stated that "everyone (in the office) does it" and that "she (Mrs. Vitelli) was aware of it."
 9. On May 18, 1977, I met with John Difuria, Peter Pecoraro and John Fahey individually and confronted them with the situation. Each then admitted his wrongdoing and advised that Mrs. Vitelli was fully aware of the practice. They further stated that they had been advised by Mrs. Vitelli's predecessor, a Chester Reynolds, that they would be permitted to claim and receive improper reimbursement if they cooperated by buying tickets to all "party functions."
 10. The following disciplinary actions were taken: Mrs. Vitelli was dismissed on March 11, 1977. Mr. Fahey, Mr. Pecoraro and Mr. Difuria were suspended for 10 days each. Mr. Linton was suspended for 5 days.
 11. Finally, reports on the matter were made available to the Auditor General and the Attorney General.
- This matter was handled no differently than scores of other similar matters and that is—equitably, uniformly and with no political considerations. Information on all other such actions is

readily available. I might add that the cost of this investigation was minimal.

I am enclosing a copy of an Executive Bulletin which was issued on March 7, 1977. It is regrettable that it has become necessary to issue such a document on what should be generally accepted standards of performance. However, we are committed to ridding the Department of Revenue of people who will not work or who engage in wrongdoing, and we are determined that there be no misunderstandings concerning my position on what is expected of employees of the Department of Revenue.

Steve, thank you again for bringing this to my attention. I hope that we may get together now that the budget problem is behind us.

Respectfully,
MILT LOPUS
Secretary of Revenue

Enclosure

cc: Honorable Al Benedict

Commonwealth of Pennsylvania Department of Revenue
BULLETIN

March 7, 1977 EXECUTIVE BULLETIN Vol. VII, No. 1

TO: ALL EMPLOYEES OF THE DEPARTMENT OF REVENUE

I Work Habits

Since assuming the position of Secretary of this Department, I have gained a new respect and admiration for the attitude and effort put forth by most employees of the Department of Revenue.

I firmly believe that the Commonwealth receives far more than its money's worth for salary, wage or benefit dollars paid to most employees.

Unfortunately, this view does not seem to be shared by a large number of taxpayers.

In my opinion, this regrettable situation is due in large part to the fact that improved pay and fringe benefit programs have increased the visibility of State employees and focused greater attention on those who are not pulling their share of the work load. Taxpayers feeling the pinch from increased tax demands are especially resentful of slackers.

Many of us in the Department are getting a bad name because of the actions or inactions of a relatively small number of our employees. I, for one, do not like it. I want my work to be judged on its own merits and I am sure that most of you feel the same way. It is in fairness to you and the taxpayers that I am spelling out in plain language exactly what is expected of everyone employed by the Department.

Thus, while this memorandum is addressed to all personnel of the Department, it is specifically directed to a relatively small group of people. I reiterate: I am well aware that the vast majority of Revenue personnel give a full-day's work and more than earn their pay and other benefits. I feel that performance and production are far better than we are given credit for by the general public.

Each employe should know what is expected of him or her. Technical memoranda dealing with such subjects as conflict of interest are being distributed. However, to avoid any possible misunderstanding, I am outlining the very basic tenets concerning employment with the Department:

EACH EMPLOYEE IS EXPECTED—IN FACT
REQUIRED—TO WORK ALL DAY, EVERY DAY,
AND EXCLUSIVELY ON COMMONWEALTH
BUSINESS OR PROJECTS. ITINERARIES OF
FIELD PERSONNEL OR THOSE IN TRAVEL
STATUS ARE TO BE SUBMITTED IN ADVANCE

AND ADHERED TO. SUPERVISORY PERSONNEL
WILL BE HELD ACCOUNTABLE. THIS POLICY
APPLIES TO EACH EMPLOYEE REGARDLESS OF
PAST PRACTICES, UNDERSTANDINGS, AR-
RANGEMENTS OR ASSURANCES TO THE CON-
TRARY. NO PERSON IN ANY POSITION OF AU-
THORITY WITH THE COMMONWEALTH IS AU-
THORIZED TO MAKE ANY DEVIATION. SHOULD
THERE BE THE NEED, ANY HARDSHIP OR
SPECIAL REQUESTS MAY BE APPROVED ONLY
BY THIS OFFICE.

Union and political leaders have advised me that they expect no less than this from each employee. In fact, most leaders make their position clear by virtue of the example they themselves set by their own hard work.

II Violations and Abuses

Within the past few months, it has been necessary to take disciplinary action against a significant number of personnel of this Department for offenses, violations and abuses ranging in degree of seriousness from felonies to minor, but repeated, indiscretions.

Examples are:

- ... willful misappropriation or conversion of public funds;
- ... falsifying travel expense records;
- ... abuse of sick leave including forgery of doctors' certificates;
- ... unauthorized use of state cars and permitting other members of a family or friends use of a state vehicle;
- ... collecting unemployment compensation benefits while employed by the Department;
- ... collecting welfare benefits without reporting Commonwealth earnings;
- ... not maintaining proper office hours;
- ... unauthorized sign in and sign out of daily time or attendance records for other employees;
- ... use of state phones for personal toll calls;
- ... violating conflict of interest regulations;
- ... working less than a full day in order to work a second job or for any purpose;
- ... attention to other jobs or a private enterprise while on the job;
- ... assigning subordinate personnel to activities that violate regulations;
- ... working at political activities or assigning subordinates to work at political activities during work periods;
- ... abuse of fringe benefits;
- ... permitting subordinate personnel to be illegally absent from work;
- ... directing subordinate personnel to cover up the unauthorized absence of another; and
- ... repeated abuse of lunch or break periods.

Disciplinary action has come under the following categories:

- ... oral or written reprimand;
- ... suspension;
- ... demotion;
- ... withholding of increments;
- ... withholding of advancement;
- ... dismissal; and
- ... prosecution.

Information concerning these practices has been referred from the following sources:

1. Our own observation and review.
2. The Auditor General.
3. The Attorney General and the Department of Justice.
4. Taxpayers.
5. Anonymous letters.
6. Senators and Representatives.

We recognize our obligations to check out every report, to document our findings and to take appropriate action. In most cases, we are able to advise that there is a logical explanation for what may appear to be an irregularity.

The Department will continue to take prompt and appropriate action against violators. Supervisory personnel not willing or prepared to accept responsibility for accounting for subordinate personnel are directed to make known their position to this office.

An updated Conflict of Interest statement will be issued within the next few days.

Questions may be directed to my office.

MILT LOPUS
Secretary of Revenue

BILLS REMOVED FROM TABLE TO APPROPRIATIONS

The SPEAKER. The Chair recognizes the majority leader, on the question of a motion to remove certain bills from the table calendar to the Appropriations Committee.

Mr. MANDERINO. Thank you, Mr. Speaker.

The Rules Committee, Mr. Speaker, has instructed me to make a motion to remove the following bills from the table for recommitting to the Appropriations Committee, and I so move:

House bill No. 44; House bill No. 715; House bill No. 718; House bill No. 804; House bill No. 855; House bill No. 858; House bill No. 885; House bill No. 941; House bill No. 1124; House bill No. 1285; House bill No. 1326; Senate bill No. 106; and Senate bill No. 846.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the Rules Committee has further instructed me to make a motion to report the following bills, remove them from the table to the active calendar, and I so move:

House bill No. 147; House bill No. 300; House bill No. 338; House bill No. 470; House bill No. 488; House bill No. 636; House bill No. 737; House bill No. 799; House bill No. 800; House bill No. 801; House bill No. 802; House bill No. 1069; House bill No. 1070; House bill No. 1071; House bill No. 1131; House bill No. 1220; House bill No. 1246; House bill No. 1293; House bill No. 1318; House bill No. 1336; House bill No. 1508; House bill No. 1650; Senate bill No. 251; Senate bill No. 334; Senate bill No. 524; Senate bill No. 630; Senate bill No. 631; and Senate bill No. 674.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS PASSED OVER

The SPEAKER. Without objection, all remaining bills on today's calendar will be passed over. The Chair hears no objection.

WELCOMES

The SPEAKER. The Chair at this time is delighted to welcome to the hall of the House a number of distinguished guests. Russell Gramiak, who is president of the board of com-

missioners in Springfield Township, Delaware County, is here as a guest of Representative Thomas J. Stapleton.

Twelve students are here from Oil City. They are sponsored by the Oil City Area Chamber of Commerce. These students are participating actively in a new SPAN — Students Participating Actively Now — project. They are the guests of Representative Joe Levi.

There are 37 Lancaster County Teenage Republicans here as our guests today. The young people are here today with their leaders, Mrs. Louise Huchison, Mrs. Diane Heisterkamp and Mrs. Gloria Goldy. They are the particular guests of the delegation from Lancaster County, Representatives E. H. Smith, Miller, Honaman, Brandt, Wenger, Armstrong and Moehlmann.

The Chair is particularly pleased to welcome to the hall of the House a man for whom the Chair has enormous respect and regard. Reverend Arterberry is here from the city of Pittsburgh as the guest of the Speaker and as a guest of Representative Rhodes.

The Chair welcomes to the hall of the House Mr. Joe O'Block, superintendent of schools in West Middlesex, and Mr. Bill Byers, president of the West Middlesex School Board. They are guests of Representative Bennett and Representative Pratt.

The Chair also is pleased to welcome to the hall of the House Mrs. Judy Klein, who is president of the Allentown School Board. Mrs. Klein is the guest of the Lehigh County Delegation.

The Chair, at this time, is delighted to welcome to the hall of the House, Mrs. Geraldine N. Mosay, Mr. Regis Ruffing, Evelyn Foremsky, Mrs. Beatrice Wilkinson. They are the guests of Representative Bernie Novak.

The SPEAKER. Does the majority leader have any further business?

Does the minority leader have any further business?

ADJOURNMENT

Mr. TENAGLIO. I move, with great reluctance, that this House do now adjourn until Tuesday, October 11, 1977, at 1 p.m., e.d.t.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, this is on the adjournment resolution?

I would like it understood that by voting to have Columbus Day off, we will do the same for St. Patrick's Day.

The SPEAKER. The Chair thanks the gentleman for reminding him.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—117

Arthur's	George M.	McClatchy	Shuman
Bellomini	Gleeson	McGinnis	Shupnik
Bennett	Goebel	McIntyre	Sirianni

Berson	Goodman	McLane	Smith, E.
Bittinger	Gray	Mebus	Smith, L.
Borski	Greenleaf	Milliron	Stairs
Brunner	Grieco	Morris	Stapleton
Burd	Hamilton	Mullen, M. M.	Sweet
Caltagirone	Harper	Musto	Taddonio
Cassidy	Hasay	O'Brien, B.	Taylor, F.
Cessar	Hayes, D. S.	O'Brien, D.	Taylor, F.
Cianciulli	Hayes, S. E.	O'Connell	Tenaglio
Cohen	Helfrick	O'Keefe	Thomas
Cole	Hoeffel	Oliver	Vroon
Cowell	Honaman	Piccola	Wagner
Davies	Hopkins	Pievsky	Wansacz
DeMedio	Hutchinson, A.	Pitts	Weidner
DiCarlo	Hutchinson, W.	Pratt	Wiggins
Dietz	Itkin	Prendergast	Wilt
Dombrowski	Katz	Pyles	Wise
Donatucci	Kelly	Ravenstahl	Wright, D.
Doyle	Kernick	Reed	Yahner
Englehart	Knepper	Renwick	Yohn
Fee	Kowalyszyn	Rieger	Zearfoss
Fisher, D. M.	Letterman	Ritter	Zitterman
Fryer	Levi	Ruggiero	Zord
Garzia	Lincoln	Ryan	
Gatski	Mackowski	Salvatore	Irvis,
Geisler	Madigan	Scanlon	Speaker
George, C.	Manderino	Schmitt	

NAYS—44

Anderson	Fischer, R. R.	Logue	Scheaffer
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Armstrong	Foster, A.	Lynch	Schweder
Bittle	Foster, W.	Manmiller	Seltzer
Brandt	Freind	Meluskey	Stewart
Brown	Gallagher	Miller	Stuban
Burns	Geesey	Moehlmann	Wass
Butera	Haskell	Mowery	Wenger
DeVerter	Klingaman	Noye	Wilson
DeWeese	Laughlin	Pancoast	Wright, J. L.
Dininni	Lehr	Petrarca	Zeller
Dorr	Livengood	Polite	Zwikel

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Abraham	Gamble	Miscevich	Scirica
Barber	Giammarco	Mrkonjic	Shelton
Beloff	Gillette	Mullen, M. P.	Spencer
Berlin	Greenfield	Novak	Spitz
Caputo	Halverson	O'Donnell	Trello
Cimini	Johnson	Parker	Valicenti
Duffy	Jones	Pott	Wargo
Dumas	Kolter	Rappaport	White
Flaherty	McCall	Rhodes	Williams
Gallen	Milanovich	Richardson	

The question was determined in the affirmative and the motion was agreed to, and (at 2:36 p.m., e.d.t.) the House adjourned.